STATE OF MONTANA

WORKFORCE INVESTMENT ACT

POLICY MANUAL

PROGRAM YEAR 2014

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PURPOSE OF THE STATE WORKFORCE INVESTMENT ACT POLICY MANUAL

The purpose of the State Workforce Investment Act (WIA) Policy Manual is to provide policy guidance and interpretation of Federal and State workforce laws. Procedural guidance is also provided to assure consistency. The manual is intended for use in conjunction with Federal and State laws and regulations.

I. Authority

1. The Statewide Workforce Programs and Oversight Bureau, hereinafter referred to as the Bureau, has been designated, to act on behalf of the Governor, as the oversight entity of the Workforce Investment Act of 1998 [WIA] (29 USC §2801 et. seq.) Title IB adult, youth and dislocated worker programs. As the designated oversight entity the Bureau is given the following responsibilities and authority:
   a. to write or modify any policies or procedures, which are necessary to interpret or clarify policies on behalf of the Governor;
   b. to waive, for good cause, any parts of the manual, which are not required by Law or Regulations;
   c. to interpret the manual; and
   d. to monitor for compliance with the Workforce Investment Act.

2. All complaints and requests for waivers or interpretation of any part of this manual must be sent to the Bureau.

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SINGLE STATEWIDE PLANNING AREA WORKFORCE SYSTEM ORGANIZATIONAL CHART

GOVERNOR

STATE WORKFORCE INVESTMENT BOARD

DEPARTMENT OF LABOR AND INDUSTRY
Workforce Services Division
-Mandatory Programs and Oversight
- Administrative functions

CERTIFIED ONE-STOP SYSTEMS

Bitterroot Workforce One-Stop System
Bitterroot Job Service

Capitol Area Workforce System (CAWS)
Helena Job Service

Central Montana Workforce System
Lewistown Job Service

Eastern Plains Workforce System
Glendive Job Service & Sidney Job Service

Flathead One-Stop Workforce System
Flathead Job Service

Havre Area Workforce System
Havre Job Service

Kootenai One-Stop Workforce System
Kootenai Job Service

Mission Valley One-Stop Workforce System
Polson Job Service

Missoula Area One-Stop Workforce System
Missoula Job Service

Missouri River Workforce System (MRWS)
Great Falls Job Service

Northeast Montana Workforce Development System
Glasgow Job Service & Wolf Point Job Service

Rocky Mountain Front Workforce System
Cut Bank Job Service Job Service & Shelby Job Service

Sanders County One-Stop Workforce Center & System
Sanders County Job Service

South Central JobLINC One-Stop Center
Billings Job Service

Southeastern Montana Workforce System
Miles City Job Service

Southwest Montana Workforce System
Butte Job Service

Tri-County Workforce System
Anaconda Job Service

"Working Friends" One-Stop System
Blackfeet Manpower Browning

Yellowstone Area System
Bozeman Job Service & Livingston Job Service
Belgrade Career Transitions

Adult, Youth, Dislocated Worker
Service Providers throughout Montana

CUSTOMERS

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STATE WORKFORCE INVESTMENT BOARD
COMPOSITION AND DUTIES

As required by Section 111(b)(1) of the Workforce Investment Act of 1998 the Governor established a State Workforce Investment Board. The Governor's appointments to the State Workforce Investment Board were made in compliance with the criteria in WIA Section 111(b)(2).

A. State Board Membership Requirements Include:

1. Governor or Governor's designee;
2. Two members of each chamber of the State legislature, appointed by the appropriate presiding officers of each such chamber; and
3. representatives of business in the State, who:
   a. are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority;
   b. represent businesses with employment opportunities that reflect the employment opportunities of the State; and
   c. are appointed from among individuals nominated by State business organizations and business trade associations;
4. Chief elected officials (representing both cities and counties, where appropriate);
5. Representatives of labor organizations, who have been nominated by State labor federations;
6. Representatives of individuals and organizations that have experience with respect to youth activities;
7. Representatives of individuals and organizations that have experience and expertise in the delivery of workforce investment activities, including chief executive officers of community colleges and community-based organizations within the State;
8. Lead State agency officials with responsibility for the programs and activities carried out by one-stop partners or a representative in the State with expertise relating to such programs, service, or activity when there is no lead State agency official; and
9. Any other representatives and State agency officials as the Governor may designate, such as the State agency officials responsible for economic development and juvenile justice programs in the State.

B. Responsibilities

1. As the advisory board to the Governor on workforce development the State Workforce Investment Board's responsibilities include:
   a. Assisting the Governor with the development of the State plan;
   b. Development and continuous improvement of a statewide system of activities that are funded under WIA Title IB or carried out through a one-stop delivery system including:

(1) Development of linkages in order to assure coordination and non-duplication among the programs and activities;
(2) Commenting at least once annually on the measures taken pursuant to section 13(b)(14) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C 2323(b)(14));
(3) Designation of local areas;
(4) Development of allocation formulas for the distribution of funds for adult employment and training activities and youth activities; and
(5) Development and continuous improvement of comprehensive State performance measures, including State adjusted levels of performance, to assess the effectiveness of the workforce investment activities in the State as required under section 136(b).

2. Under the single statewide planning area structure the State Workforce Investment Board assumed the Local Workforce Investment Board's responsibilities including:
   a. Designing service systems and providing services in accordance with the Workforce Investment Act Law and Regulations. Such services will be provided in compliance with all federal and state laws, regulations and rules;
   b. Conducting oversight of youth, adult and dislocated worker programs and the one-stop delivery system in partnership with the chief elected official of the area;
   c. Designation or certification of one-stop operators;
   d. Identification of eligible providers of youth activities;
   e. Identification of eligible providers of intensive and training services;
   f. Oversight of the provision of all services, including a comprehensive monitoring system, a performance accountability monitoring system, and an outcome based evaluation system;
   g. Ensuring that access to a full range of services is available for special populations such as youth, migrant and seasonal farm workers, veterans, persons with disabilities, older workers, and individuals with limited English proficiency.

C. Conflict of Interest

The State Workforce Investment Board has the responsibility to ensure all board members are aware of the WIA Conflict of Interest Policy in WIA Law Section 111(f) that says a member may not vote on a matter under consideration by the board:

1. Regarding the provision of services by such member (or by an entity that such member represents); or
2. That would provide direct financial benefit to such member or the immediate family of such member; or
3. Engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.

D. Memorandum of Understanding

The Workforce Investment Board has the responsibility to:

1. Ensure the development and execution of a Memorandum of Understanding between the Board and other Workforce Investment Act partners concerning delivery of required programs and activities in order to meet the MOU requirements in Section 121(b)(c) of the

Workforce Investment Act. The provisions of the Memorandum of Understanding, at a minimum, must cover:

a. The services to be provided through the one-stop delivery system;
b. How the costs of such services and the operating costs of the system will be funded;
c. Methods for referral of individuals between the one-stop operator and the one-stop partners, for the appropriate services and activities;
d. The duration of the memorandum and the procedures for amending the memorandum during the term of the memorandum; and
e. Such other provisions, consistent with the requirements of this title, as the parties to the agreement determine to be appropriate.

WIA Sec. 121 (b)(c) and Regulations 20 CFR 662.300

2. Provide, upon request by the Bureau, copies of contracts and Memoranda of Understanding (as required by Section 121 (c) of WIA) to document partnerships, relationships, duties and cost sharing with one-stop center partners.

E. Integrated Workforce System

The State Workforce Investment Board has the responsibility to implement an integrated workforce system in compliance with:

1. The State's two-year strategic plan.
2. State policies and procedures applicable to the Board's activities.

F. Accessibility

The State Workforce Investment Board has the responsibility to ensure access to local workforce development services available at times consistent to meet community needs.

G. Sunshine Provision

The State Workforce Investment Board has the responsibility to conduct all activities and meetings under this Agreement in compliance with the provisions of the Montana Open Meeting Laws and the Sunshine Provision requirement in the Workforce Investment Act Section 111(g) and Regulations at 20 CFR 661.207.

H. Labor Market Information

The State Workforce Investment Board has the responsibility to utilize the State's labor market information system to identify, by occupation the labor demand by employers in each workforce investment area.

I. The State Oversight's Role and Responsibilities

To ensure that the State Workforce Investment Board members understand the State's oversight role and responsibilities, staff from the Bureau should participate in all new board member orientation to explain the Bureau's role and responsibilities as they relate to WIA on behalf of the Governor. **WIA Sec. 117(d)(3)(B)(i)(I)**

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WORKFORCE INVESTMENT ACT ADMINISTRATIVE STANDARDS

All recipients and subrecipients including contractors, and service providers receiving Workforce Investment Act funds must operate under WIA law and regulations that prohibit certain activities. Activities in any of these prohibited areas will be cause for disciplinary measures and the possible de-obligation of funds.

A. Conflict of Interest

1. Each recipient and subrecipient shall avoid organizational conflict of interest, and their personnel shall avoid personal conflict of interest and appearance of conflict of interest in awarding financial assistance, and in the conduct of procurement activities involving funds under the Act.
2. Neither the recipient nor subrecipient shall pay funds under the Act to any nongovernmental individual, institution or organization to conduct an evaluation of any program under the Act if such individual, institution or organization is associated with that program as a consultant or technical advisor.
3. Each recipient and subrecipient shall maintain a written code of standards of conduct governing the performance of persons engaged in the award and administration of WIA contracts and provider agreements.
4. Each recipient and subrecipient shall ensure that no individual in a decision making capacity including Workforce Investment Board members (whether compensated or not) shall engage in any activity, including participation in the selection, award, or administration of a provider agreement or contract supported by WIA funds if a conflict of interest, real or apparent, would be involved. Such conflict would arise when the individual; any member of the individual's immediate family; the individual's partner; or an organization that employs, or is about to employ, any of the above has a financial or other interest in the firm or organization selected for award.
5. The officers, employees, or agents of the agency making the award will neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to provider agreements.
6. To the extent permitted by State or local law or regulation, such standards of conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the awarding agency's officers, employees, or agents, or by contractors or their agents.

B. Lobbying Activities

1. No funds provided under the Act may be used in any way to attempt to influence in any manner:
   a. a member of Congress, an officer or employee of Congress, or an employee of a member of Congress to favor or oppose any legislation or appropriation by Congress; or
   b. state or local legislators to favor or oppose any legislation or appropriation by such legislators. Communications and consultation with state and local legislators for purposes of providing information such as on matters necessary to provide compliance with the Act shall not be considered lobbying.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress that may be connected to Federal contracts, grants, loan or cooperative agreement relating to the Act, a Standard Form – LLL, "Disclosure Form to Report Lobbying" shall be completed and submitted in accordance with its instructions.

   Certification regarding lobbying language must be included in all award documents for all sub-awards at all tiers (including subcontracts, provider agreements, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

   Submission of certification regarding lobbying is a pre-requisite for making or entering into this transaction imposed by Section 1352, Title 31, and U.S.C. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

29 CFR Part 93

C. Political Activities or Patronage

1. Political Activities
   a. No recipient, subrecipient or participant may engage in partisan or nonpartisan political activities during hours for which the individual is paid with WIA funds.
   b. No recipient, subrecipient or participant may, at any time, engage in partisan or nonpartisan political activities in which such individual represents himself/ herself as a spokesperson of the WIA program.
   c. No participant may be employed or out-stationed in the office of a member, a State or local legislator or on any staff of a legislative committee.
   d. No participant may be employed or out-stationed in the immediate office of any chief-elected executive official (or officials, if the office of chief executive is shared by more than one person) of a State or unit of general local government, except that:
      (1) Units of local government in rural areas may employ participants in such positions provided that documentation is presented to and approved by the State Administrative Entity prior to employment, which makes clear that such positions are nonpolitical; and
      (2) Where positions are technically in such office, but are actually program activities not in any way involved in political functions, documentation attesting to the nonpolitical nature of the positions is to be provided to the State Administrative Entity for approval prior to enrollment of participants in such positions.
   e. No participant may be employed or out-stationed in positions involving political activities in the offices of other elected executive officials. However, since under the responsibility of such elected officials are non-political activities, placement of participants in such nonpolitical positions is permissible.
   f. Persons governed by Chapter 15 of Title 5, United States Code, the Hatch Act, shall comply with its provisions as interpreted by the United States Office of Personnel Management. These provisions apply:
      (1) To persons (including participants) employed by state and local government in the administration of the WIA program; and

(2) Generally to any participant whose principal employment is in connection with an activity financed by other federal grants or loans.

2. Political Patronage
   a. No recipient or subrecipient may select, retain, or promote staff or participants based on that individual's political affiliation or beliefs. The selection or advancement of employees as a reward for political services or as a form of political patronage whether or not the political service or patronage is partisan in nature, is prohibited.
   b. There shall be no selection of service providers or contractors based on political patronage or affiliation.

WIA Sec. 195(6)

D. Kickbacks/Fees

No officer, employee or agent of any recipient or subrecipient shall solicit or accept gratuities, favors or anything of monetary value from any actual or potential subrecipient or contractor. 41 U.S.C. 53

E. Charging of Fees

Nothing in this section shall be interpreted as prohibiting the recipient or subrecipient from entering into an agreement for the purpose of obtaining outreach, recruitment and/or intake services, and placement of participants into unsubsidized jobs as part of its approved plan, provided the individuals served are not charged a fee. **WIA Sec. 195(5)**

F. Nepotism

Nepotism is an unfair practice that occurs when hiring **or delivery of program services** is based on personal connections, rather than ability or merit. An example of nepotism is when people in power give positions in a government or organization to their relatives or friends, rather than to any individual who is well qualified.

All recipients and subrecipients (e.g., service providers, contractors) shall comply with applicable federal, state, and local nepotism laws.

No individual may receive WIA services directly from any staff that has a personal relationship or is a member of that person's immediate family. For Montana's WIA programs personal relationship means domestic partners and immediate family means: wife, husband, children, daughter-in-law, son-in-law, parents, grandchildren, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparents, step-grandparents, spouse's grandparents, spouse's step-grandparents, step-children, step-parents, brothers and sisters, and step-brothers and step-sisters of the customer. When relationships such as those listed above or others that may be perceived as a relationship exist service providers must use prudent judgment and refer the individual to other staff or another service provider as appropriate.

No individual may be placed in a WIA employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual.
WIA Reg. 667.200(g)

The State of Montana defines nepotism as the bestowal of political patronage by reason of relationship rather than of merit. **MCA 2-2-301 through 2-2-304**

G. Child Labor Laws

All recipients and subrecipients shall comply with applicable federal, state, and local child labor laws. **WIA Sec. 181(b)(c); MCA 41-2-105 thru 110; 29 CFR Part 571**

H. Sectarian Activities

1. WIA funds may be used to train participants in religious activities when the assistance is provided indirectly through an Individual Training Account.
2. WIA funds may not be used for employment in the construction, operation, or maintenance of any part of any facility that is used or will be used for sectarian instruction or as a place for religious worship.
3. WIA funds may be used for the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship if the organization operating the facility is part of a program or activity providing services to WIA participants.
   WIA Sec. 188(a)(3); 20 CFR Part 667.266; and 29 CFR Part 37.6(f)(1) (Reference TEGL 1-05 dated July 6, 2005)

I. Criminal Activities

Criminal activities, including theft or embezzlement of employment and training funds; bribery; improper inducement; and obstruction of investigations in federally funded employment and training programs are prohibited under criminal provisions at 18 U.S.C. 665 and 666. The process for reporting criminal activities is described in WIA Regulations 20 CFR Part 667.630.

J. Funding and Program Restrictions

1. Funds provided under this Act shall only be used for activities, which are in addition to those, which would otherwise be available in the area in the absence of such funds.
2. Programs will not impair existing contracts for services or result in the substitution of federal funds for other funds in connection with work that would otherwise be performed, including services normally provided by temporary, part-time or seasonal workers or through contracting such services out. **WIA Sec. 181(b)(2)(B), 195(2)**
3. WIA Title I funds shall not be used for foreign travel. **20 CFR Part 667.264**

K. Labor Standards

1. No participant shall be hired into or remain working in any position when the same or substantially equivalent position is vacant due to a hiring freeze, unless the recipient can demonstrate that the freeze resulted from a lack of funds to sustain staff and was not established in anticipation of the availability of funds under the Act.
2. Programs will not impair existing:
   a. Contracts for services; or
   b. Collective bargaining agreements unless the employer and labor organization concur in writing with respect to the elements of proposed activities within 30 days of receipt.
3. When termination of participants is due to a hiring freeze the service provider shall make an attempt to place such participants into other non-affected positions or attempt placement into unsubsidized jobs or into another program or activity.
4. Whenever a promotional freeze affects non-WIA funded employees it shall apply to WIA participants similarly employed.
5. No former employees laid off or terminated in anticipation of WIA funding of a position may be rehired under WIA into such a position.
6. Participants employed in subsidized jobs shall receive the same benefits and working conditions to the same extent as other employers working similar length of time and doing similar work.
7. No participant shall be hired into a position resulting in the displacement of a currently employed worker (including partial displacement such as reduction in hours of non-overtime work, wages or employment benefits).
8. No participant shall receive a promotion that would infringe in any way upon the promotional opportunities of currently employed workers. **WIA Sec. 181(b)**

L. Unionization/Anti-unionization Activities and Work Stoppages

1. No individual shall be required to join a union as a condition for enrollment in a program in which only institutional training is provided, unless such institutional training involves individuals employed under a collective bargaining agreement, which contains a union security provision.
2. No participant in work experience or vocational exploration may be placed into, or remain working in, any position which is affected by labor disputes involving a work stoppage. If such a work stoppage occurs during the grant period, participants in affected positions must:
   a. Be relocated to positions not affected by the dispute;
   b. Be suspended through administrative leave; or
   c. Where participants belong to the labor union involved in work stoppage, be treated in the same manner as any other union member except such members must not remain working in the affected position. The service provider shall make every effort to relocate participants who wish to remain working into suitable positions unaffected by the work stoppage.
3. No person shall be referred to or placed in an on-the-job training position affected by a labor dispute involving a work stoppage and no payments may be made to employers for the training and employment of participants in on-the-job training during the periods of work stoppage. **WIA Sec. 181(b)(7)**

M. Business Relocation

1. Funds provided under the Act shall not be used to encourage or induce relocation of an establishment or any part that results in loss of employment for any employee at the original site.
2. Funds provided under the Act shall not be used for customized or skill training, on-the-job training, or company-specific assessments of job applicants or employees for any business or any part of any business, that has relocated, until 120 days after the date on which the establishment commences operations at the new location, if the relocation results in a loss of employment for any employee at the original site and the original site is within the United States. **WIA Sec. 181(d) (1)-(2)**

N. Employment Generating/Economic Development

Funds provided under the Act shall not be used for employment generating activities, economic development activities, investment in revolving loan funds, capitalization of businesses, investment in contract bidding resource centers, and similar activities that are not directly related to training for eligible individuals under this title. **WIA Sec. 181(e)**

O. Nondiscrimination and Equal Opportunity

1. All eligible service and training providers receiving WIA Title IB funds must comply fully with the nondiscrimination and equal opportunity provisions of WIA Section 188 and Equal Opportunity and Nondiscrimination Regulations at 29 CFR Part 37.
2. All programs shall establish procedures to ensure against discrimination, sexual harassment in any form, and foster equal opportunity and shall issue a statement of assurance to be signed by the chief operating official.
3. Service providers are **not** required to designate Equal Opportunity Officers. Service providers should however designate an individual who will serve as liaison with the State Equal Opportunity Officer.
4. Provider agreements will contain assurance language that it will comply with Equal Opportunity requirements of Section 167 of the Act, 29 CFR Part 37, and 1604, the Civil Rights Act of 1964 and all other applicable equal opportunity laws and regulations. The assurance may be incorporated by reference.
5. Discriminatory discharge prohibited. No person, organization or agency may discharge, or in any other manner discriminate or retaliate against any person, or deny to any person a benefit to which that person is entitled under the provisions of the Act because such person has filed any complaint, instituted or caused to be instituted any proceeding under or related to the Act, has testified or is about to testify in any such proceeding or investigation, or has provided information or assisted in an investigation.

   WIA Sec. 181; 29 CFR Part 37; MCA 9-2-303(b)

6. Sexual Harassment/Sex-Based Harassment. Harassment on the basis of sex is a violation of Section 703 of Title VII of the Civil Rights Act of 1964. Assurances regarding nondiscrimination and equal opportunity apply to sexual harassment as well.

   29 CFR 1604(11); 29 CFR Part 34

P. Equal Treatment in Department of Labor Programs for Religious Organizations; Protection of Religious Liberty of Department of Labor Social Service Providers and Beneficiaries.

1. All eligible service and training providers receiving WIA Title 1B funds must comply fully with the provisions of 29 CFR part 2, subpart D (29 CFR 2.30), and ensure that DOL-supported social service programs are open to all qualified organizations, regardless of the organizations' religious character, and to clearly establish the permissible uses to which DOL support for social service programs may be put, and the conditions for receipt of such support.

2. In addition, providers must ensure that the Department's social service programs are implemented in a manner consistent with the requirements of the Constitution, including the Religion Clauses of the First Amendment. **29 CFR Part 2.30**

Q. Testing and Sanctioning for Use of Controlled Substances

Notwithstanding any other provision of law, the Federal Government shall not prohibit a State from:

1. Testing participants in programs under Title IB for the use of controlled substances; and
2. Sanctioning such participants who test positive for the use of such controlled substances.

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COMPLAINTS AND GRIEVANCES

This section is designed to provide the grievance and complaint procedure as required in the Workforce Investment Act.

WIA Sec. 181(c)

Whenever any person, organization or agency believes that a Governor, WIA grant recipient or other subrecipient (e.g., service providers, contractors) has engaged in conduct that violates the Act and that such conduct also violates a Federal statute other than WIA, or a State or local law, that person, organization or agency may, with respect to the non-WIA cause of action, institute a civil action or pursue other remedies authorized under other Federal, State or local law against the Governor, WIA grant recipient or other subrecipient without first exhausting the remedies in this section. Nothing in the Act or WIA regulations:

1. Allows any person or organization to join or sue the Secretary with respect to the Secretary's responsibilities under WIA except after exhausting the remedies in this section;
2. Allows any person or organization to file a suit which alleges a violation of WIA or these regulations without first exhausting the administrative remedies described in this section; or
3. May be construed to create a private right of action with respect to alleged violations of WIA or the regulations.

I. Grievance and Complaints for Non-Criminal Complaints

This section deals with the handling of non-criminal complaints. Criminal complaints are to be handled as specified in 20 CFR 629.55.

A. Introduction to Complaints and Grievances

1. Complaints

   A **complaint** is an allegation of discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, or participation in the program, and is covered by the nondiscrimination and equal opportunity provisions at 29 CFR 37.30.

   An allegation of retaliation, intimidation or reprisal for taking action or participating in any action to secure rights protected under WIA Section 188 will be processed as a complaint.

2. Grievances

   A **grievance** is a complaint about services, working conditions, wages, work assignment, etc., arising in connection with WIA programs operated by WIA recipients including service providers, eligible training providers, and other contractors.

   In order to direct a complaint or grievance properly, it must be determined whether the complaint is a program or discrimination complaint. When a participant or employee alleges unfair treatment, find out what she or he believes to be the reason for the treatment. It is appropriate to ask the complainant if the alleged unfair treatment was due to one of the prohibited factors under the nondiscrimination and equal opportunity regulations at 29 CFR Part 37 or related to working conditions such as work scheduling or assignments.

If the individual alleging unfair treatment cannot or does not cite a reason that it is a prohibited factor, then the complaint must be processed using the separate grievance procedure.

NOTE: A complaint <u>cannot</u> be processed as both a program complaint and as a discrimination complaint.

B. Filing A Grievance

1. <u>Who May File</u>
   Any individual, including WIA program participants, applicants, staff, employers, board members or any other individual who believes they received unfair treatment in a Workforce Investment Act employment and training program may file a grievance.

2. <u>When Should a Grievance Be Filed</u>
   Grievances must be filed within **<u>one (1) year</u>** of the alleged occurrence.

3. <u>Where May a Grievance Be Filed</u>
   Grievances may be filed directly with the service provider or with the State Equal Opportunity Officer.

4. <u>The Grievance Process</u>
   a. The service provider may attempt to resolve the issue informally within fourteen (14) calendar days following the filing of the grievance. If the grievance is filed directly with the State Equal Opportunity Officer, the EO officer will work with the service provider and the grievant to attempt to resolve the issue informally.

      Whether or not conciliation occurs, a written agreement (the WIA Conciliation Form is recommended for use but is not mandatory and an appropriate substitute form may be used) shall be executed, signed by both the grievant and the service provider.

   b. The grievant has the right to a due process hearing if informal resolution cannot be reached. The grievant must be advised of the possibility of a due process hearing within <u>thirty (30)</u> days from the date the grievance was filed; and

   c. The grievant has the right to a receipt of a final decision within <u>sixty (60)</u> days from the date the grievance was filed.

C. <u>Filing a Complaint</u>

1. <u>Who May File</u>
   Any applicant or registrant requesting aid, benefits, or seeking services or training through the WIA JobLINC workforce system; eligible applicants/registrants; participants; employees; applicants for employment; service providers, eligible

training providers (as defined in 29 CFR Part 37.4) and staff; and staff within the Montana Department of Labor and Industry (State Oversight Agency); who believes that he/she or any other specific class of individuals, has been or is being subjected to discrimination prohibited under the Nondiscrimination and Equal Opportunity Provisions at 29 CFR 37 and Section 188 of the Workforce Investment Act of 1998 including: Race, color, sex, age, national origin, religion, disability, political affiliation or belief, citizenship (beneficiaries only), and participation in any programs under WIA Title IB (beneficiaries), must be given the option to file a written complaint by his/herself or through a representative to the State of Montana Workforce Investment Act Equal Opportunity Officer or the Civil Rights Center.

Where possible the identity of any person who has furnished information relating to, or assisted in an investigation of a possible violation of the Act will be held in confidence to the extent possible with a fair determination of the issues.

2. When Must A Complaint Be Filed
Complaints must be filed within **180 days** of the alleged discrimination. When a complaint is untimely filed with the State Workforce Investment Act Equal Opportunity Officer the complaint WILL NOT be processed until a waiver of the filing period is received from the Director of the Civil Rights Center. The State Workforce Investment Act Equal Opportunity Officer will assist the complainant in requesting the waiver from the Civil Rights Center. The Director of the Civil Rights Center may, for good cause shown, extend the filing time.

3. Where May a Complaint Be Filed
All complaints of discrimination **must** be in writing and **must** be filed directly with the State Workforce Investment Act Equal Opportunity Officer in the Montana Department of Labor and Industry ***OR*** directly with the Civil Rights Center (CRC), U.S. Department of Labor. Complaints should not be filed simultaneously with the Civil Rights Center and the State WIA Equal Opportunity Officer.

Complaints filed with the State Equal Opportunity Officer should be addressed to:

Suzanne Ferguson
State Workforce Investment Act Equal Opportunity Officer
Statewide Workforce Programs and Oversight Bureau
P. O. Box 1728, Helena, Montana 59624
e-mail address: sferguson@mt.gov
(406) 444-2883 or 1-800-457-3249 / TTY (406) 444-0532
Fax: (406) 444-3037

OR A COMPLAINT MAY BE FILED WITH:

Civil Rights Center
The Director, Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue NW
Room N-4123
Washington, DC 20210

NOTE: Complaints of discrimination because of creed or marital status pursuant to Title 49 Human Rights of the Montana Codes Annotated (MCA) will be referred to the Montana Human Rights Commission.

4. What Information Must be in the Complaint
Each complaint must be in writing and must include:
(a) Complainant's name and address (or specify another means of contacting him or her.
(b) The identification of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination);
(c) A description of the complainant's allegations in sufficient detail to allow the State Equal Opportunity Officer and/or the Civil Rights Center to determine whether the complaint:
(1) Falls within the Workforce Investment Act Section 188 and Equal Opportunity and Nondiscrimination Regulations at 29 CFR Part 37;
(2) Was filed timely;
(3) Has merit; in other words, if the allegations are true was there a violation of nondiscrimination and equal opportunity provisions; and
(4) The complainant's or the complainant's authorized representative signature on the complaint.

Service providers should assist the aggrieved party in filing a written complaint and/or completing the Complaint Information Form if requested. The State Workforce Investment Act Equal Opportunity Officer will also assist in filing a written complaint if requested.

5. Forms To Use When Filing Complaints
Complaints will be accepted regardless of the format, however complainants are encouraged to use the Complaint Information Form (CIF – DL 1-2014a) for filing complaints of discrimination.

A copy of the Complaint Information Form is in the Forms section of this manual (service providers may reproduce the form as needed) and can also be accessed through the Civil Rights Center website at http://www.dol.gov/oasam/programs/crc/Cife.pdf

6. The Complaint Processing Procedure
Complaints of discrimination on the basis of race, color, national origin, sex, religion, age, disability, political affiliation or belief, and for beneficiaries of Workforce Investment Act Title I financially assisted programs citizenship or participation in a Workforce Investment Act funded program as set forth in Section 188 of the Act will be processed as set forth in 29 CFR Part 37.70.

The complaint procedure applies to all individuals entering the One-Stop center or partner agency who are participating in the Workforce Investment Act including programs and services and employment, those currently receiving Workforce Investment Act services (core, intensive or training), employees of any Workforce Investment Act Title IB-funded entity (Workforce Investment Area staff or service providers) and applicants for WIA Title IB funding.

a. Acknowledgement of the Complaint
The State Workforce Investment Act Equal Opportunity Officer will, within ten (10) days of receipt of the complaint provide acknowledgement to the complainant of receipt of the complaint. The acknowledgement will include, in writing, a statement of the issue(s) to the complainant that provides the following information:
(1) a list of issues raised by the complainant;
(2) for each issue, a statement of whether or not the issue is accepted or rejected and the reasons for any rejections of an issue;
(3) the options available, including Alternative Dispute Resolution or a fact-finding investigation, for processing their complaint and the time period in which the complainant has to request an Alternative Dispute Resolution or fact finding investigation;
(4) a statement advising the complainant that they must request their preference of either Alternative Dispute Resolution or a fact-finding investigation within ten(10) days of receipt of written acknowledgement of their complaint;
(5) the options available for processing their complaint such as an investigation or Alternative Dispute Resolution.

The State Workforce Investment Act Equal Opportunity Officer will also notify complainants, within ten (10) days of receipt of the complaint, in writing, if the complaint does not fall within Workforce Investment Act jurisdiction for processing complaints alleging discrimination under Section 188 or Equal Opportunity and Nondiscrimination provisions at 29 CFR Part 37. That notification shall include the basis of the determination as well as a statement of the complainant's right to file with CRC within thirty (30) days. NOTE: The Director of CRC may extend the 30-day time period for good cause shown.

Following the determination that:
(1) the complaint has merit;
(2) is within the Workforce Investment Act jurisdiction; and
(3) the complainant has chosen the manner in which she or he wants their complaint processed the State Workforce Investment Act Equal Opportunity Officer will provide:
   (a) notice to all parties of the specific charges and responses of those involved;
   (b) an impartial mediator if ADR is chosen;
   (c) notice of the right of both parties to representation;
   (d) notice of the right of each party to present evidence;
   (e) notice to each party of the right to question others who present evidence; and
   (f) the right to a decision made strictly on the recorded evidence.

b. Complaint Processing Time Frame
   (1) If a complainant elects to file a complaint with the State Workforce Investment Act Equal Opportunity Officer, she or he shall allow for ninety (90) days in which to process the complaint and provide a written Notice of Final Action to the complainant.

   (2) If, during the 90-day period, the complainant has:
      (a) Received a decision resulting from an investigation that she or he considers unsatisfactory, the complainant or his/her representative may file a complaint with CRC within thirty (30) days after the complainant is notified of the decision on the complaint.
      (b) Not received a Notice of Final Action (decision) or notification of resolution the complainant or his/her representative may file with the Director of CRC. The complainant must file within thirty (30) days from the date the decision should have been issued.

II. Resolution Process

A. Alternative Dispute Resolution
   1. Complainants must be given a choice as to the manner in which they wish to have their complaint processed, which include; an investigation conducted by the State Workforce Investment Act Equal Opportunity Officer; or; through an Alternative Dispute Resolution (ADR). The choice whether to use ADR or the customary process of conducting an investigation rests entirely with the complainant. Mediation is the recommended Alternative Dispute Resolution and will be conducted by an impartial mediator provided through a contract for services between the Bureau and the Employment Relations Division of the Montana Department of Labor and Industry.

Complainants must notify the State Workforce Investment Act Equal Opportunity Officer within ten 10) days after receiving the letter acknowledging their complaint of their choice of complaint processing through Alternative Dispute Resolution.

The Employment Relations Division of the Montana Department of Labor and Industry will provide an impartial mediator and will provide interested parties information regarding the manner in which the mediation will be conducted; and the date, time and place for mediation.

2. Time Frame
   The period for attempting to resolve the complaint through mediation is twenty (20) days from the date the complainant chooses mediation.
   a. Successful Mediation
      Upon completion of successful mediation the complainant and respondent will both sign a conciliation agreement attesting that the complaint has been resolved.

      A copy of the conciliation agreement will be provided to the State Workforce Investment Act Equal Opportunity Officer within ten (10) days of the date the conciliation agreement was signed.

   b. Unsuccessful Mediation
      In the event that mediation was not successful the complainant has the option of requesting a fact-finding investigation.

      The request for a fact-finding investigation must be submitted, in writing, **within ten (10) days** after the complainant determines that the mediation was unsuccessful to the State Workforce Investment Act Equal Opportunity Officer.

      Complainants may not request mediation after a hearing or fact-finding investigation process has taken place.

B. Fact-Finding Investigation Process
   If the complainant requests an investigation as his or her choice of resolution the State WIA Equal Opportunity Officer will have sixty (60) days from the date the complaint was filed, in which to conduct an investigation. The investigation may include interviewing the complainant and respondent, interviewing witnesses, and reviewing pertinent files and records.

   In order to meet the ninety (90) day time frame for issuing decisions and allow the State WIA Equal Opportunity Officer adequate time to conduct an investigation should the mediation fail, the State will have thirty (30) days in which to investigate the complaint. The mediator will notify the State Workforce Investment Act Equal Opportunity Officer immediately that the mediation process was unsuccessful.

C. Complainant Responsibility

The complainant may amend the complaint at any point **prior to:**

1. the beginning of mediation; or
2. the fact-finding investigation

The complainant may withdraw the complaint at any time.

If at any time during the process the complainant fails to cooperate, she or he shall be given notice that the complaint will be administratively closed within **ten (10) calendar days,** unless good cause is shown.

D. Breach of Agreement

Any party to any agreement reached under ADR may file a complaint with the Director of the Civil Rights Center in the event the agreement is breached. The non-breaching party may file a complaint with the Director within thirty (30) days of the date that party learns of the alleged breach.

If the parties do not reach an agreement under ADR, the complainant may file a complaint with the Director of the Civil Rights Center. The address for filing in the event of a breach in the agreement or lack of agreement follows:

Director, Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue NW, Room N-4123
Washington, DC 20210

E. Waivers

The State Workforce Investment Act Equal Opportunity Officer may grant a waiver, for good cause, if it appears that additional time is needed to make all reasonable efforts to resolve the complaint. An example of a good cause might be one of the following:

1. Mediation may be the availability, or lack of, of a mediator(s) during the time frame for the mediation period, or an acceptable conflict with the time frame by the complainant;
2. Investigations may be issues with schedules for interviews or availability of staff to conduct an investigation.

The waiver may be requested by the complainant, the respondent, service provider, mediator or the State Workforce Investment Act Equal Opportunity Officer. Waivers must be agreed to and signed by both the complainant and respondent.

F. Administrative Decision

The State will have **ninety (90) days** from the date the complaint was received to issue a decision.

The Commissioner of the Department of Labor and Industry will issue the final decision based on recommendations from the Workforce Investment Act Equal Opportunity Officer.

III. Service Provider and Employer Responsibilities

In order to meet the complaint processing requirements in the Workforce Investment Act Equal Opportunity and Nondiscrimination Regulations at 29 CFR Part 37.77 and Montana's Equal Opportunity and Nondiscrimination Methods of Administration all Workforce Investment Act Title IB funding recipients including: WIA Title IB providers of intensive and training services; and employers including private-for-profit employers of Workforce Investment Act participants *must* adopt this complaint procedure for complaints alleging violations of any prohibited factor under the equal opportunity and nondiscrimination provisions of the Workforce Investment Act. Adoption of these elements should be noted in personnel handbooks.

Designated Equal Opportunity Officers

Workforce Investment Act Title I adult, youth and dislocated worker service providers as defined in Equal Opportunity and Nondiscrimination Regulations at 29 CFR Part 37.4 are not required to designate an Equal Opportunity Officer with the same responsibilities as the State designated Equal Opportunity Officers. However, they must assign an individual the responsibility of;

1. ensuring equal opportunity and nondiscrimination is applied to everyone;
2. assisting the individual in completing the Complaint Information Form (DL 1-2014a) and advising them of their right to file a complaint with the State Workforce Investment Act Equal Opportunity Officer OR the Civil Rights Center; and
3. serving as liaison for Equal Opportunity and Nondiscrimination matters between the agency and the State Designated Equal Opportunity Officer. As liaison that individual will be the contact person during due process activities.

IV. Complaints Alleging Retaliation, Intimidation or Reprisal

Complaints alleging retaliation for taking actions or participating in any action to secure rights protected under the equal opportunity and nondiscrimination provisions found in Section 188 and 29 CFR Part 37 of the Workforce Investment Act may be filed using the procedures described above.

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MONITORING, EVALUATION AND TECHNICAL ASSISTANCE

Monitoring, evaluation and technical assistance is an integral part of the oversight responsibilities required by law. Monitoring and evaluation identify areas of strength and weakness in program operation with the intent of improving program performance. Technical assistance increases program operation and management capabilities.

Monitoring is an essential part of program management to ensure compliance with appropriate laws, regulations, plans, provider agreements, policies and procedures. Monitoring provides the opportunity to strengthen or improve programs and systems to promote continuous improvement.

The One Stop Operator may conduct supplemental oversight reviews of providers to determine the extent to which the provider is assisting in the development and operation of the One Stop Center. The One Stop Operator may recommend that a service provider take a course of corrective action for any deficiencies found in the provider's operations that relate to the One Stop Center.

Special onsite reviews may be conducted to investigate allegations of mismanagement or to clarify unusual findings. Special reviews may or may not result in corrective action. A special review could lead to the implementation of an investigation of known or suspected incidents of fraud, program abuse, or criminal conduct.

A. Monitoring Process

1. The Bureau conducts program, data and fiscal monitoring and evaluation of service providers **annually**. Monitoring is conducted to review the previous program year(s).

   On-site monitoring and/or limited scope reviews may consist of interviews with appropriate staff and reviews of policies, procedures, accounting reports, source documents, and other records as considered necessary pertaining to any or all of WIA Title IB activities including:
   a. Fiscal
   b. Adult
   c. Youth
   d. Dislocated Worker (Formula)
      Dislocated Worker (NEG)
   e. Work Experience (WEX)
   f. On-the-Job Training
   g. Customized Training
   h. Management Information System (MIS)
      - MontanaWorks (security access, timely and accurate input at provider level)
      - Data Validation
   i. Eligible Training Provider List
   j. The One-Stop System including One-Stop Operators, Centers and Service Providers

2. Monitoring may be conducted onsite with additional oversight conducted by telephone,

desk reviews of documents and reports, and such other means as deemed necessary by the Bureau. Members of entities such as One-Stop Operators, State Workforce Investment Board members, or U.S. Department of Labor may accompany onsite monitors.

3. Regular oversight and monitoring of WIA activities and providers of core, intensive and training services is conducted to ensure compliance with WIA requirements including:
   a. Compliance with the uniform administrative requirements described in WIA Law Title IB Section 184 and USDOL uniform administrative requirements, including the appropriate administrative requirements and applicable cost principles at WIA Reg. 667.200 for all entities receiving WIA title IB funds.
   b. Compliance with applicable laws and regulations in accordance with the State's monitoring system;
   c. Determining that expenditures have been made against the cost categories and within the cost limitations specified in the Act and Regulations and in this part;
   d. Ensuring that established policies are achieving program quality and outcomes meet the objectives of the Act and the WIA regulations;
   e. Compliance with the nondiscrimination and equal opportunity requirements of WIA section 188 and 29 CFR part 37. Requirements for these aspects of the monitoring system are set forth in 29 CFR 37.54(d)(2)(ii);
   f. Compliance with data collection and reporting system policies and procedures;
   g. Determining whether or not there is compliance with other provisions of the Act and the WIA regulations and other applicable laws and regulations; and
   h. Determining if service providers and contractors have demonstrated substantial compliance with WIA requirements.

4. Findings of Noncompliance: If, as a result of financial and compliance audits or otherwise, the Bureau has determined that noncompliance with the uniform administrative requirements found at 29 CFR part 95 or part 97, as appropriate, the requirements referred to in WIA Sections 181 and 184, 29 CFR Part 37, or any other substantial violation of WIA Title IB, the Oversight Bureau will require corrective action to secure prompt compliance.

5. Failure to Take Corrective Action: If, as a result of financial and compliance audits or otherwise, the Bureau has determined a substantial violation of specific provisions of WIA Title IB, and corrective action has not been taken, the Bureau may:
   a. provide technical assistance as necessary and appropriate;
   b. prohibit the use of eligible providers;
   c. select an alternative entity to provide services;
   d. withhold one (1) percent of the service provider's administrative total accrued expenditures to date. If the service provider does not receive administrative funding, one (1) percent of total accrued expenditures to date will be withheld.

B. Monitoring Definitions

Area of Concern: When the monitor finds a practice that might lead to non-compliance of law, rule, or policy. This would be used for a questionable practice but not a practice that is definitely out of compliance. In the report the monitor would word this as a matter of technical assistance or chance for improvement. Depending on the concern, the provider may or may not respond to these on the report. The Area of Concern should be followed by a recommendation.

Recommendation: Technical Assistance given in writing to the provider addressing an area of concern.

Compliance Findings: When the monitor finds a practice that appears to be in violation of law, rule, or policy. Any time documentation is missing for enrollment, eligibility, data validation, MIS standards, etc. this would be a compliance finding. The Compliance Finding would be immediately followed by Action Required. The compliance finding will reference the law, regulation, or policy that is not being followed.

Action Required: The action the provider must take to resolve the Compliance Finding.

Questioned Cost: Used when monitors find unallowable purchases and/or incorrect or documentation is missing for activities, services or payments that were made with program dollars. The payment is questioned until the provider has a chance to respond and resolve the discrepancy.

Disallowed Cost: Used when the provider cannot provide the documentation to support a questioned cost that is a clear violation of policy, rule or law. The provider has the responsibility to reimburse the program with non-federal funds.

Providers can collect repayment from the participant, if applicable, but it is at their discretion and the responsibility lies with the provider to repay the cost within the report/response deadline.

Commendation: Given when the monitor finds good work the provider is doing!

Corrective Action: The action plan that the provider will do to resolve their Compliance Findings and/or Areas of Concern within the monitoring time period. This basically means the actions the provider does to bring themselves into compliance.

Formal Corrective Action: This is when a service provider has severe problems with the monitoring and requires additional monitoring for a specific period of time (usually one year) to ensure they are in compliance. Being on Formal Corrective Action requires the provider to outline what happened on the next Request for Proposal.

C. Schedules and Timelines for Monitoring

1. Schedule for monitoring service providers [reserved]

2. Timeline

Date set for onsite review Onsite review is conducted	30 days before review
Entrance and Exit Interviews	Conducted at the time of the onsite review
Report mailed to Service Providers	30 days after onsite review
Corrective Action Plan due	30 days from date the report was received
Accept or Deny Corrective Action Plan	45 days from date Corrective Action Plan was received by the State
Corrective Action taken	30 days after approval of corrective action plan
	Requests to extend corrective action plan are negotiable
Follow-up	Within 30 but no more than 120 days after approval of corrective action plan.

D. Evaluation

Evaluation is the measurement of the effectiveness of programs in meeting objectives, program goals and performance standards. Evaluations are intended to promote, establish, implement, and utilize methods for continuously improving workforce activities in order to achieve high-level performance within, and high-level outcomes from the statewide workforce investment system.

The Bureau will produce a report on training provided and the use of training funds that is presented to the State Workforce Investment Board annually. This report includes the types of training providers used, the top training programs requested by WIA participants, a comparison of in-state and out-of-state training costs, comparison of cost categories for training, comparison of the cost between different types of training providers, and a comparison of participant training completions and participant outcomes. The information on training is included in the WIA Annual Report as well.

The Bureau will also analyze the data collected from the Customer Satisfaction surveys of participants and employers. A report will be written and presented to the SWIB on an annual basis. Other reports as requested from the SWIB will be produced on behalf of the workforce system.

From these reports, the SWIB and Bureau will be able to assess how effective the programs are in meeting objectives and goals and recommend any improvements that need to be made.

E. Technical Assistance

Technical assistance and training may be recommended by the Department of Labor and Industry or requested by the service provider. Technical assistance may be the means of improving program operations, facilitating the implementation of corrective action or providing information. Service providers will not be monitored on the quality or compliance of their programs during technical assistance visits **but will be provided direction to improve quality and compliance issues.** State program managers may provide technical assistance and training directly or outside sources may be used. Such requests should be coordinated through the appropriate program manager or specialist.

Requests for minor technical assistance may be submitted verbally or in writing. If major assistance or assistance in several areas is requested, the request should be in writing so that staff has sufficient information to decide on the most appropriate form and level of assistance to provide. If several service providers request assistance in related areas, a general training session may be scheduled.

Program managers may schedule technical assistance visits to service providers to provide information or special training, discuss areas of concern, evaluate program operation, or any combination thereof.

Service provider attendance is required at state-sponsored technical assistance sessions.

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WAIVERS

The purpose of the general statutory and regulatory waivers is to provide flexibility to states and local areas and enhance their ability to improve the statewide workforce investment system.

Workforce Investment Areas may request waivers to address impediments to the implementation of the strategic plan, including the continuous improvement strategy, consistent with key principles of WIA. These key principles include:

- Streamlining services and information to participants through a one-stop delivery system;
- Empowering individuals to obtain needed services and information to enhance their employment opportunities;
- Ensuring universal access to core employment-related services;
- Increasing accountability of state, localities and training providers for performance outcomes;
- Establishing a stronger role for the private sector;
- Providing increased state flexibility to implement innovative and comprehensive workforce investment systems; and
- Improving youth programs through services that emphasize academic and occupational learning.

20 CFR Part 661.400

A. Exceptions to Waivers

The Secretary may waive any of the statutory or regulatory requirements of WIA Title IB with the exception of the following:

1. Wage and labor standards;
2. Non-displacement protections;
3. Worker rights;
4. Participation and protection of workers and participants;
5. Grievance procedures and judicial review;
6. Nondiscrimination;
7. Allocation of funds;
8 Eligibility of providers and participants;
9. Establishment and function of local areas; and
10. Procedures for review and approval of State plans.
11. **Priority of Service**

20 CFR Part 661.410

B. Waiver Requests

A participant, service provider, eligible training providers or the State Workforce Investment Board may request a waiver however it is only the Governor that may request the waiver from the Secretary. The waiver request may be for the entire State or for local workforce investment areas.

Waiver requests must include:

1. Statutory or regulatory requirements of the waiver;
2. Actions taken by the State to remove State statutory or regulatory barriers;
3. Goals of the waiver and expected programmatic outcomes if waiver is approved;
4. Description of how the State will monitor the progress in implementing the waiver;
5. Provide notice of the waiver to the workforce areas affected by the waiver;
6. Provide areas affected by the waiver the opportunity to comment on the waiver request; and
7. Ensure meaningful public comment by business and organized labor.

The State generally receives a decision on a waiver request from the Secretary within 90 days after the receipt of the original request.

C. Process for Submitting a Waiver Request

1. All requests for waivers of statutory or regulatory requirements must first be submitted to the Bureau.
2. Requests must be in writing and contain sufficient information which includes: where, why, how, when. Any lack of information may result in a delay or denial of the waiver.
3. The Bureau will work with the Governor to submit the waiver request.

D. Process for Submitting a Statewide Waiver Request

The Bureau may approve or disapprove certain requests for waivers that are not submitted to U.S.D.O.L. Statewide waiver requests must be submitted to the Bureau who will review the request to determine if the request affects performance standards or as specifically stated in law or regulation. Examples of statewide waiver requests may be:

1. Findings of monitoring;
2. Eligible training issues such as out-of-state providers or time frames for getting providers on the State list for the participant's training.

WIA waivers are listed on the State Workforce Investment Board website under Public Resources at http://swib.mt.gov/resources.asp

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STATEWIDE PERFORMANCE AND SANCTIONS

A. One Stop Operator Performance

One Stop Operator Performance will be evaluated based on the Terms and Provisions and Scope of Service in their One Stop Operator Agreement.

B. Service Provider Performance

Federal Performance Measures will be applied to all service providers. Service providers must meet all of the Federal performance measure levels applicable to the program(s), Adult, Dislocated Worker or Youth, for which they receive funding. Service providers **that fail** to meet applicable performance standards will be subject to sanctions. (See following chart)

STATE OF MONTANA
PERFORMANCE LEVELS
PROGRAM YEAR 2014
July 1, 2014 – June 30, 2014

Performance Measure	PY'14	PY'14 80% Negotiated Level
Adult		
Entered Employment	**75%**	**60.0%**
Employment & Retention	**86%**	**68.8%**
Six Months Average Earnings	**$15,000**	**$12,000**
WIA Dislocated Worker		
Entered Employment	**76%**	**60.8%**
Employment & Retention	**89%**	**71.2%**
Six Months Average Earnings	**$18,000**	**$14,400**
WIA Youth		
Placement in Employment/Education	**65%**	**52.8%**
Attainment of Degree/Certificate	**61%**	**67.2%**
Literacy/Numeracy Gains	**38%**	**$11,920**

C. Performance Calculations

Acceptable performance for each measure is calculated based on negotiated factors which are explained in the management information system section.

D. Sanctions

Sanctions ensure that service providers and the overall workforce investment area have adequate tools to maintain high standards of performance. Sanctions provide technical assistance to improve performance, and the understanding necessary to take the proper action in the event program performance is not improved.

Sanctions may be applied to the One Stop Operator and to individual service providers for failing to meet performance.

The Bureau will provide information regarding sanction issues to the appropriate committee(s) of the State Workforce Investment Board. Sanctions include, but are not limited to, the steps described below. The steps are progressive in nature, that is, failure to comply with step one may lead to the action set forth in step two.

1. Corrective action planning and implementation.
2. Placement on probationary status. Probationary status is a period of not more than two years in which the District or service provider may have funding reduced or de-obligated; must maintain monthly contact with Bureau staff and make appropriate status reports until the District or service provider has clearly indicated that problems and concerns are corrected.
3. Reduction or de-obligation of all or part of the funds.
4. Re-allotment of funds.
5. Termination of the Provider Agreement.

E. General Guidelines for Application of Sanctions

Sanctions will be based on the severity of the performance problem as follows:

1. Failure to achieve at least 80% of the negotiated rate on any performance measure in any one year.
2. Failure to attain at least an 80% Composite Performance Rate (all program measures) for a program in any one year, the Bureau will provide technical assistance and require the service provider to develop a Corrective Action Plan for that program to improve performance. State Oversight Staff will notify the appropriate committee of the SWIB, who will review and monitor the plan and recommend that the service provider be placed on probation.
3. Failure to attain at least an 80% Composite Performance Rate (all program measures) for a program in any two consecutive years, the Bureau will notify the SWIB, who will recommend de-obligation or termination of the Provider Agreement.

   The Bureau will provide technical assistance and require corrective action.

F. Other Sanctions

1. Failure to perform. The Statewide Programs and Oversight Bureau will monitor the service provider's performance as per individual Agreements. Performance will be based on plan versus actual expenditures of funds and fulfillment of the Terms and Provisions and Scope of Services. The process will include monthly program and fiscal desk review; regular communication with operators and providers; attendance at training and technical assistance sessions; Monthly Status Reports; and Agreement Modifications and Monitoring.

   Service providers found deficient in any of these areas will submit a corrective action plan to the Bureau. The Bureau will provide the appropriate technical assistance.

   Should a service provider fail to fulfill the corrective action, and Bureau staff has exhausted the viability of technical assistance as a remedy to correct the problem, staff will forward the information to the appropriate committee(s) of the SWIB indicating that the service provider be placed on probationary status.

   Failure to successfully complete all terms of the probationary status may result in recommending de-obligation of funds and/or that the service provider became ineligible for any future funding consideration.

2. In cases of claims of known or suspected incidents of fraud, malfeasance, misapplication of funds, gross mismanagement, or other criminal activities in federally-funded programs, the Bureau will report all known information on the Federal Incident Report (20 CFR 629.55). In addition, Oversight staff may initiate a special investigation or audit of the incident. The special investigation or audit may include, but is not limited to additional on-site monitoring and/or a financial audit conducted by a third-party auditing firm. For the purpose of this section the following definitions apply:
   a. Fraud, Misfeasance, Nonfeasance or Malfeasance Fraud
      Misfeasance and nonfeasance or malfeasance should be considered broadly as any alleged deliberate action that is apparently in violation of Federal statutes and regulations. This category includes, but is not limited to, indications of bribery, forgery, extortion, embezzlement, theft of participant checks, kickbacks from participants, intentional payment to a contractor or service provider without the expectation of receiving services, payments to ghost enrollees, misuse of appropriated funds, and misrepresenting information in official reports.
   b. Misapplication of funds
      Misapplication of funds should be considered as any alleged use of funds, assets, or property not authorized or provided for under the Workforce Investment Act or regulations, grants, agreements or contracts. This category includes, but is not limited to, nepotism, political patronage, use of participants for political activities, ineligible participants, conflict of interest, failure to report income from Federal funds, violation of agreement/contract/grant procedures, and the use of Federal funds for other than specified purposes.

c. Gross Mismanagement
Gross mismanagement should be considered as actions or situations arising out of management ineptitude or oversight, leading to major violations of WIA processes, regulation, or agreement/contract/grant provisions which could severely hamper the accomplishment of program goals. These include situations that lead to waste of government resources and could jeopardize future support for a particular project. This category includes, but is not limited to, non-auditable records, unsupported costs, highly inaccurate fiscal or program reports, payroll discrepancies, payroll deductions not paid to Internal Revenue Service, and the lack of good internal control procedures.

d. Employee/Participant Misconduct
Employee/participant misconduct should be considered as actions occurring during or outside work hours that reflect negatively on the Department of Labor, the State of Montana, or the WIA program. Misconduct may include, but is not limited to, conflict of interest or the appearance of conflict of interest involving outside employment, business, and professional activities, the receipt or giving of gifts, fees, entertainment and favors, misuse of Federal property, misuse of official information and such other activities as might adversely affect the confidence of the public, as well as serious violations of Federal and State laws.

All program activities may be suspended during the time that a special investigation or audit is being conducted. Following completion of the special investigation or audit, action taken may include, but is not limited to:

1. Reinstatement;
2. For audits, resolutions as prescribed in the Fiscal Section of this Policy Manual;
3. Reduction or de-obligation of all or part of the funds awarded to a service provider or operator;
4. Placement on Probationary Status.
5. Termination of all or part of the operator or provider agreement with possible repayment of funds;
6. Civil or criminal prosecution, if warranted.

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SERVICE PROVIDER SELECTION PROCESS
PROVIDER AGREEMENTS

This Section is designed to provide information on the service provider selection process and the provider agreements entered into with the selected providers.

I. Service Provider Selection

Service providers are chosen through the competitive request for proposal process. The Request for Proposal (RFP) process assures that operators and programs are responsive to workforce development needs in each area.

The RFP process is managed by the State Procurement Bureau of the Montana Department of Administration. The RFP process is generally conducted every five years but the period of time between the RFP process may be extended. Agreements/contracts with the selected providers will be renewed annually during that five year period based on available funding and successful program performance.

For the Dislocated Worker program, funding will be split between the Concentrated Employment Program (CEP) Area and Balance of State (BOS) according to the formula established by USDOL. The RFP process will award a single statewide contract for services.

For the Adult and Youth programs, funding will be split between the CEP and BOS according to the USDOL formula, and then distributed by MACO District according to the formula established by the State Workforce Investment Board (SWIB). Generally, the RFP process will award a single contract for each MACO District and the selection process will allow for single or multiple service providers in each area. However, if labor markets and/or service areas have traditionally crossed MACO District boundaries, then exceptions can be made to allow for contracts that coincide with those traditional service areas.

II. Provider Agreements

The RFP process will allow for provider agreements with single providers or multiple co-contracting providers. In the case of multiple co-contracting providers, the division of awarded funds is determined by the co-contracting providers through a negotiation process. The negotiation process should take into account the scope of service and proposed program operating plan; including the planned activities, planned enrollments and estimated costs of core, intensive and training services to be delivered.

Co-contracting service providers may choose to negotiate a different split of funds with each contract renewal to reflect changes in service delivery; or maintain the same split as the previous contract.

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INCENTIVES POLICY

The State of Montana has approval from USDOL to waive the requirements relating to local area performance at WIA Section 136(c) to permit statewide reporting of performance data. The waiver permits the State, in functioning as a designated statewide region, to continue to report statewide data and meet applicable State performance requirements without providing data for each local area.

The waiver exempts the State from providing local incentive awards and instead these funds are used to provide technical assistance.

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ASSURANCES AND CERTIFICATIONS

As recipients of WIA Title IB adult, youth, and dislocated worker funds, service providers must obtain and have posted the following certifications and assurances.

1. Certification Regarding Lobbying (29 CFR Part 93)
2. Drug-Free Workplace Requirements Certification (29 Part 98)
3. Nondiscrimination And Equal Opportunity Assurance (29 Part 37)
4. Certification Regarding Debarment, Suspension, And Other Responsibility Matters Primary Covered Transactions (29 Part 98)
5. Standard Assurances For Non-Construction Programs

All recipients of WIA Title IB funds including service providers, eligible training providers, on-the-job training and work experience worksites and participants are made aware of the certifications and assurances. Facsimile of certifications and assurances are included in this policy.

All grants, Memoranda of Understanding or Agreement, provider agreements or any other formal contract paid in full or in part with WIA Title IB funds must contain the following assurances or, at a minimum must be referenced.

A. Certification Regarding Lobbying

As the duly authorized representative, the Grantee certifies that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form – LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.

3. The Grantee shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subcontracts, provider agreements, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S.C. Any person who fails to file the

required certification shall be subject to a civil penalty of not less that $10,000 and not more than $100,000 for each such failure.

B. Certification Regarding Drug-Free Workplace Requirements

As the duly authorized representative, the grantee certifies that it will provide a drug-free workplace by:

1. Publishing a statement, signed by the authorized authority, notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violations of such prohibition;
2 Establishing an ongoing drug-free awareness program to inform employees about:
   a. The dangers of drug abuse in the workplace;
   b. The grantee's policy of maintaining a drug-free workplace;
   c. Any available drug counseling, rehabilitation, and employee assistance programs; and
   d. Penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
3. Making it a requirement that each employee engaged in or that plans to engage in the performance of WIA federally funded grants be given a copy of the statement required by paragraph (1);
4. Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the grant, the employee will:
   a. Abide by the terms of the statement; and
   b. Notify the employer in writing of his or her conviction for violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
5. Notifying the Bureau in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is convicted:
   a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
   b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Ensure that all recipients of WIA Title IB funds including participants, service and training providers provide notification that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited at service and training provider sites and specify the actions that will be taken against employees for violations of such prohibition;

8. Making a good faith effort that the Grantee and provider worksites maintain a drug-free workplace through implementation of paragraphs (1)-(7).

C. Nondiscrimination And Equal Opportunity Assurance

As the duly authorized representative the Grantee assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

a. WIA Equal Opportunity and Nondiscrimination Regulations 29 CFR Part 37 and Section 188 of the Workforce Investment Act of 1988 which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation, or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title IB financially assisted program or activity;
b. Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, and national origin;
c. Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
d. The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age;
e. Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs; and
f. The Montana Human Rights Act.

2. This assurance applies to the Grantee's operation of the WIA Title IB financially assisted program or activity, and to all agreements the Grantee makes to carry out the WIA Title IB financially assisted program or activity. The Grantee understands that the Grantor (Statewide Workforce Programs and Oversight Bureau) has the right to seek judicial enforcement of this assurance.

D. Certification Regarding Debarment, Suspension, And Other Responsibility Matters

As the duly authorized representative the Grantee certifies to the best of its knowledge and belief, that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transaction by any Federal department or agency;
2. Have not within a three-year period preceding this proposal been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
3. Are not presently indicted or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in certification; and
4. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

E. Assurances – Non-Construction Programs

As the duly authorized representative the Grantee certifies that this agency:

1. Has the legal authority and the institutional managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of WIA Title IB programs.
2. Will give the Comptroller General of the United States and the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to WIA Title IB programs; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete work relating to financial and management information system reporting requirements within acceptable times frames.
5. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) all other laws incorporated into or referenced in the Workforce Investment Act of 1998, including, Title VI of the Civil Rights Act as amended; (b) Title IX of the Education Amendments of 1972, as amended; (c) Section 504 of the Rehabilitation Act as amended; (d) the Age Discrimination Act of 1975, as amended; (e) the Drug Abuse Office and Treatment Act of 1972 (PL 91-616) as amended; (f) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 DD.3 AND 290 EE.3) as amended, relating to confidentiality of alcohol and drug abuse patient records; (g) Title VIII of the Civil Rights Act of 1968 as amended; (h) Military Selective Service Act; (i) Nontraditional Employment for Women Act; and (j) Department of Labor Federal Regulations at 29 CFR Parts 34 and 1604.
6. Will comply with Federal regulation 20 CFR 652, et al., regarding the retention of records;
7. Will certify if requested, in accordance with 29 CFR Part 98, Section 98.510, that neither it nor its one-stop operators, service providers or training providers are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
8. Will comply as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a. to 276a. 7), the Copeland Act (40 U.S.C. 276c. and 18 U.S.C. 874, and the Contract Work Hours and Safety Standards Act (40.327-333), regarding labor standards for federally assisted construction sub-agreements.
9. Will comply with the provisions of the Hatch Act (U.S.C. 1501-1508 and 7324-7328), which limit political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
10. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations.
11. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing WIA Title IB programs.

PROVIDING NOTICE OF EQUAL OPPORTUNITY AND NONDISCRIMINATION

A. Prohibited Discrimination

No individual in the United States may be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any Title I financially assisted program or activity, on the ground of race, color, religion, sex, national origin, age, disability, or political affiliation or belief and for beneficiaries only, citizenship or participation in any WIA Title I program.

WIA Sec. 188 and 29 CFR Part 37.5

B. Providing Initial and Continuing Notice

1. All recipients receiving financial assistance under Workforce Investment Act Title I (excluding the beneficiaries of WIA programs or activities) must provide initial and continuing notice that it does not discriminate on any prohibited ground.

2. Recipients for the purpose of equal opportunity and nondiscrimination regulations include, but are not limited to:
   a. State level agencies that administer, or are financed in whole or in part by WIA Title I funds;
   b. State Employment Security Agencies;
   c. State Workforce Investment Boards;
   d. WIA grant recipients such as service providers and eligible training providers;
   e. One-stop operators; and
   f. One-stop partners (by inclusion in one-stop centers)

3. Notice must be provided to:
   a. Registrants/applicants and eligible applicants/registrants;
   b. Participants;
   c. Applicants for employment and employees in WIA funded programs;
   d. Unions or professional organizations that hold collective bargaining or professional agreements with the recipient; and
   e. Members of the public, including those with impaired vision, hearing or Limited English Proficiency.

   Recipients must take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others.

   WIA Sec. 188; 29 CFR Part 37 and 20 CFR 667.600

4. "Equal Opportunity is the Law" Poster
   The posters, which are printed in English and Spanish, must be posted in prominent areas of the agency to provide notice of equal opportunity and nondiscrimination.

   Note: "Equal Opportunity is the Law" posters may be ordered from the Statewide Workforce Programs and Oversight Bureau.

5. "Equal Opportunity is the Law" Signature Form (WIA-41 03/01)
   a. All individuals registered in WIA should read, understand and sign the complaint procedure signature form with a copy to the individual and a copy in their file.
   b. Service providers are required to provide the complaint procedure signature form to all current employees (WIA partially or fully funded positions) and ensure that all new employees receive this form when they begin employment (again WIA partially or fully-funded positions). All employees should read, understand and sign the complaint procedure form. Furnish a copy to the employee and place a copy in their personnel file.
   c. Applicants for WIA services or applicants for employment with the recipient are covered by the appropriate display of posters.
   d. The new complaint signature forms are printed in English only. This office will have a Spanish version that can be duplicated for service providers in an area that has a substantial number of participants that would require notification in that language.
   e. Orientation presentations to new participants, new employees and/or the general public to its WIA Title I financially funded program must include a discussion of rights under the nondiscrimination and equal opportunity provisions of the Workforce Investment Act.

C. Publications

Recipients of Workforce Investment Act funds must provide notice that WIA Title I financially assisted programs or activities are an **"equal opportunity employer/program"** and that **"auxiliary aids and services are available upon request to individuals with disabilities"** in recruitment brochures and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper, to staff, clients, or the public at large, to describe programs financially funded through WIA Title I.

Recipients that publish or broadcast WIA Title I program information on news media must ensure that such publications and broadcasts state that the program or activity is an equal opportunity employer/program (or otherwise indicate that discrimination in the WIA Title I financially assisted program or activity is prohibited by Federal law) and indicate that auxiliary aids and services are available upon request to individuals with disabilities.

Where materials indicate that the recipient may be reached by telephone, the materials must state the telephone number of the TTY or relay services used by the recipients.

29 CFR Part 37.34

D. Notification of Grievance Due Process

All WIA Title IB and National Emergency Grant participants must be provided information about their right to file a grievance within one year of the alleged occurrence and the opportunity for an informal resolution that may include a hearing within sixty days of filing the grievance. Verification of notification must be included in all adult, youth and dislocated worker program participant files. The grievance notice is on the ISS or IEP Participant Agreement. **20 CFR Part 667.600**

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REPORTING

Service providers must submit quarterly program and expenditures for the adult, youth, dislocated worker, State Displaced Homemaker and one-stop operator programs for provider agreement. **NOTE:** Dislocated Worker National Emergency Grants (NEG) will continue to provide monthly reports.

Quarterly Reports

1. Program Narrative
   The program narrative report tracks the progress of the goals as listed on the Scope of Services in the Provider Agreement. The narrative should address difficulties, successes and accomplishments in meeting goals, and point out areas for technical assistance.

   Adult, youth and dislocated worker and State Displaced Homemaker program managers will review program narratives as part of the program management process during the grant year. Information gained will be used to provide technical assistance and training to individual providers, providers in a region, and for area and statewide training sessions.

2. Program Narrative Format
   a. Service Provider
   b. Program
   c. Report for quarter ending
   d. Discussion of activities, outreach, etc. (based on Scope of Services) and coordination with One Stop Operators, Community Management Teams and others
   e. Data entry issues
   f. Expenditures and enrollments planned versus actual at quarter end. Deficiencies explained.
   g. What works?
   h. What does not work?
   i. Technical Assistance/Training needed.

3. Timeline for Submitting Reports
   Quarterly program and expenditure reports are due by 5:00 p.m. on the **twenty-fifth (25) calendar day** of the first month after the quarter end date. Quarter end dates are March 31, June 30, September 30, and December 31.

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FUNDING ALLOCATION

WIA Adult and WIA Youth

Montana's procedure for equitably allocating resources across the State utilizes the federal formula. This ensures that two local areas experience fair and equitable treatment, and that resources are distributed in a fair and equitable manner. Montana's Procedure is as follows:

Montana has two local areas, the Concentrated Employment Program (CEP) and the **Balance of State (BOS). WIA funding is allocated to the two areas based the following** formula:

- 1/3 unemployed in the Areas of Substantial Unemployment (ASU – a contiguous area with an average unemployment rate of 6.5% or greater);
- 1/3 excess unemployed greater than 4.5 percent.
- 1/3 total number of individuals in Montana who are economically disadvantaged (BOS only), or who have incomes below a specified income threshold of $33,000 (CEP only)

Ratios from the formula above are used to allocate funding for BOS and CEP.

The State is also broken into MACo (Montana Association of Counties) areas and each MACo area is allocated a portion of the WIA funding based upon the federal formula (after the split between the BOS and CEP).

Funding is allocated to the MACo districts by first applying a base of 9% for Youth and 35% for Adult. Base funding is subtracted from total funding for each program. The remainder of un-allocated funding is allocated using the ratios from the above formula.

The WIA Adult and WIA Youth funds are then contracted by the Statewide Workforce Programs and Oversight Bureau to the service providers. The SWIB conducts a Request for Proposal (RFP) for all WIA providers. These contracts are valid for seven years provided the service provider is meeting performance standards and has no serious issues with compliance.

The RFP process the State uses follows the State of Montana Procurement Laws found at http://gsd.mt.gov/ProcurementServices/rfpprocess.mcpx

WIA Dislocated Worker

WIA Dislocated Worker funding is split between the BOS and CEP using ratios based on the six criteria in the following formula:

- Insured unemployed, using data for regular UI claims and UCFE claims;
- Excess unemployed greater than 4.5 percent. The excess number equals the higher of the number of unemployed individuals in excess of 4.5 percent of the civilian labor force within Montana, **OR** the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment;
- Mass layoffs;

- Declining employment using annual average employment data from the Quarterly Census of Employment and Wages;
- Agricultural unemployment;
- Long term unemployed.

However, the WIA Dislocated Worker program is a statewide program and the funds are not restricted to each MACo district. Funds are allocated based upon need within the BOS and CEP areas.

Rapid Response

Rapid Response funding is 25% of the total WIA Dislocated Worker funding at the beginning of each year. The funds are allocated statewide based upon need.

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ONE STOP SYSTEM

I. Overview

The Workforce Investment Act of 1998 (WIA) creates a comprehensive workforce investment system known as the One Stop System. The One Stop System is intended to be customer-focused, to help Americans access the tools they need to manage their careers through information and high quality services, and help business find skilled workers.

A. One Stop System Goal

To increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency and enhance the productivity and competitiveness of the Nation.

B. Seven Principles of One Stop Service Delivery

1. Streamlining services through better integration.
2. Empowering individuals.
3. Offering universal access.
4. Increasing accountability.
5. Creating a role for the private sector.
6. Providing flexibility from State partners.
7. Improving youth programs.

C. The Workforce Investment Act Includes Five Titles

Title I	Workforce Investment Systems
Title II	Adult Education and Literacy
Title III	Workforce Investment-Related Activities, **including Wagner-Peyser**
Title IV	Rehabilitation Act Amendments of 1998
Title V	General Provisions

II. The One Stop Operator

The One Stop Operator is the first consideration regarding One Stop definitions. The Operator is the driving force in the workforce system.

A. Role of the One Stop Operator

The One Stop Operator is responsible for general operation of the One Stop Center as required in (Sections 134(c)(2)(A)) of WIA law and (Sections 662.100(c); 662.250; and 662.400) of WIA Regulations.

Overall operation of the One Stop Center includes entering into agreements with the partners collocated in the center; cost allocation plan(s); service mix and flow; planning and monitoring center operations; and coordination with other service providers in the service area.

The One Stop Operator is also responsible for developing a strategic operations or business plan for the center including the development of a common mission and goals

for center operation and continuous improvement. The One Stop Operator should ensure that the center is guided by customer needs, customer satisfaction and customer success. The plan should include strategies for training of center staff to insure integration of service delivery to provide seamless access to services for all customers.

The One Stop Operator must ensure that the core services specified in WIA Section 134(d)(2) are provided at the center and provide access to the other activities and programs provided under WIA and by the mandatory partner programs available in the area. The One Stop Operator must ensure that the One Stop Center and services are accessible to all customers including individuals with disabilities.

B. One Stop Center

Within each workforce investment area there must be at least one designated One Stop Center. Section 121(b)(1)(B)(I-xii) of the Act and 20 CFR 662.200 of the Regulations lists the federally funded program partners that must provide **access to** core services and participate in the creation and maintenance of One Stop Centers and systems.

III. Seamless Service Delivery

One Stop is often described as a "seamless" system of service delivery, i.e. that information and access to services are available to the customer regardless of the site of original contact. This is accomplished by collaboration of entities responsible for separate workforce development funding streams and by integration of programs and resources at the community level. All partners have an obligation to provide the core informational services so that individuals may access the One Stop System regardless where they enter, including information regarding access or linkages to intensive services, training services and the programs and activities carried out by One Stop partners.

IV. One-Stop Certification Process

NOTE: The following is a revised version of Attachment D in Montana's Strategic 2-Year State Plan – the language has been updated to account for the transition to a single statewide planning area in 2005.

One-Stop Systems play an integral role within the Workforce Investment Act's vision for statewide workforce development. The State Board, in an effort to align with federal strategies, will ensure consistency and the flexibility to create a statewide system with direct input from local communities and designed to meet local needs. The State Board has developed the general system criteria required for One-Stop Certification, and will be responsible for the certification of One-Stops. The State Board will also provide technical assistance and guidance to the maximum extent possible, in order to promote and expand the development of the One-Stop System in Montana.

A. Business Plan

Local entities requesting certification will submit a business plan through their Community Management Team (CMT) to the State Board. The State Board will establish standard criteria acceptable for acceptance and approval. The State Board must

take action on the business plan within 90 days of submittal by the CMT, and notify the CMT in writing of the Board's determination.

If a business plan is denied, the Board must notify the CMT in writing, within the 90-day period, as to the reason(s) for denial, and provide a process improvement plan to assist the CMT with meeting the criteria for approval of the business plan. A CMT may submit a revised plan to the State Board at any time, which will re-initiate the process. The Board will establish an appeal process for denial of application.

B. On-Site Review
Once a business plan is approved, the State Board will conduct a site review within 60 days of the date the business plan was approved. The review will be conducted using the proposed business plan, and additional standardized criteria established/developed by the State Board, to include on-site monitoring, telephone or email interviews with site and partner staff, and other materials and information as approved. The Board will notify the CMT in writing within 30 days of the site review as to the determination of certification.

If the determination is favorable, the CMT will be awarded a certified status, and be provided the re-certification criteria. If the determination is not favorable, the CMT will be provided a corrective action plan along with the written determination, and afforded technical support and guidance from the State Board to assist with a second review. Within 60 days of receipt of a written response from the CMT addressing the issues of concern and requesting re-consideration, the State Board will conduct a site review and the site-review process will be reinitiated. The State Board will establish an appeal process for denial of application.

C. Re-Certification
Once a One-Stop is certified, every two years thereafter the State Board will conduct a re-certification, including an on-site review. In order to be re-certified, the One-Stop must meet the initial certification criteria. The State Board will establish an appeal process for denial of application.

D. Delegation of On-Site Reviews
If the State Board elects to designate their administrative entity to conduct the on-site review of One-Stops, the State Board is responsible for ensuring the above process is adhered to, and that they receive reports of One-Stop certification activities at each State Board meeting.

E. Appeals Process
The State Board is responsible for addressing issues that arise as a result of certification denial, or with the established appeals process. The State Board will work to implement a formal Appeals Process for incorporation into the One-Stop Process.

V. Montana One-Stop Certification Criteria

In order to be considered for certification as a local Workforce Investment Act (WIA) One-Stop System, the Local Community Management Team (CMT) must submit a Business Plan to the State Board for approval.

In addition, at least 80 % of the following criteria must be met, and a plan must be in place to meet the remaining 20 % within one (1) year of the date of certification.

At a minimum, a One-Stop system must provide the core services specified in WIA section 134(d)(2), and must provide access to other programs and activities carried out by the One-Stop partners. Additional partners may be required under the Act or the Business Plan, or voluntarily incorporated.

Co-location of programs is encouraged to the extent possible. Once a site is established, the site must utilize the term "One-Stop" as the common identifier. When selecting the site location, consideration must be given to customer accessibility.

A written agreement must detail management of the One-Stop and is to be reviewed, and if necessary revised, upon a change in key staff.

Co-located partners must have a written agreement or Operating Plan describing roles and responsibilities of each partner at the site. For those who are collaborating partners off-site, roles and responsibilities will be defined in an addendum to the co-located partner agreement.

All collaborating partners, those on and off site, must have the appropriate staff trained in the services provided by other partners, know who the contact person for each partner is, and can seamlessly refer clients or participants to the appropriate entity within each partner program.

Hotelling space must be made available at the site for visiting partner programs whenever feasible.

All partners, those on and off site, must have a resource area available to customers that is staffed, has information on all partners in the local system, and meets customer needs.

The site used for co-location must be accessible for those with disabilities and those who speak languages other than English.

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GENERAL ELIGIBILITY DETERMINATION PROCESS

MontanaWorks is the data entry system used to maintain and track all services provided through the funding programs in this Manual.

A. Application

The application process includes completion of the MontanaWorks application form. All service providers are required to use the MontanaWorks Application WIA.08. The completed application shall be electronically entered in MontanaWorks.

The application process requires evidence of all necessary eligibility documentation regarding citizenship, age, income (for youth and adults) and selective service registration (if applicable). All documentation necessary to establish eligibility for the WIA program must be collected and reviewed within 45 days of the application date (as recorded on the application form). Equal Opportunity data must be collected at this point. (WIA Section 188(a))

Upon completion of eligibility determination, service providers may enroll the eligible applicant directly into the WIA program or place them in an applicant pool that is good for 45 days from the application determination date. For youth, adults and dislocated workers, program enrollment is based on appropriate eligibility criteria, participant need, and programmatic considerations. For adults and dislocated workers, program eligibility enrollment occurs when services beyond self-service and informational activities have been provided.

B. Participation

The next step is WIA Registration or formal enrollment, which indicates eligibility has been established and for adults that priority for service in accordance with WIA Section 134(d)(E) has also been established. This priority for service is to be distinguished from priority for covered persons. Priority for covered persons applies to all populations, whereas priority for intensive and training services in instances of limited funding applies to adults only.

In the case of WIA youth, participation commences on the date of first youth service unless the youth received other WIA-funded services prior thereto, which is in accordance with the State's policy relative to a *common participation date across core workforce programs.* In those instances, participation would commence after eligibility determination and receipt of a qualifying service, consistent with TEGL 17-05.

For WIA adults and dislocated workers, core service *beyond* self-service and information activities requires formal enrollment. In other words if the provision of the service is characterized by significant staff involvement and funded by Title I, the individual must be registered. These services are considered qualifying services that "trigger" participation:

a. Staff-assisted job search & placement including career counseling;
b. Staff-assisted job referrals;

c. Staff-assisted job development; and
d. Information on supportive services

Prior to the point of participation (which requires receipt of a program-funded service) eligibility determination for Title IB services has been completed in addition to the “Equal Opportunity Is the Law” form.

C. Referral

Service providers shall provide information to eligible applicants, whether enrolled in WIA or not, of the services available through WIA service providers, including information regarding the opportunities for nontraditional training and employment. Determination may be made prior to enrollment in WIA to refer an eligible applicant to another service agency or training and education program deemed more suitable for the individual. Each service provider shall ensure that an eligible applicant who cannot be served by its particular program is referred to appropriate agencies, both within and outside the WIA system that may be able to better serve the applicant. A referral form facsimile is shown in the forms section of this manual.

D. Confidentiality and Release of Information

State and federal privacy laws safeguard an individual's privacy from the misuse of federal and state records and provide individuals access to their records. Providers must maintain participant and applicant files in a manner to safeguard confidentiality.

Funding source agencies have access to participant files. Access to files should be granted on a "need to know" basis. If other agencies, prospective employers, or other individuals or agencies request access to information in a file, an authorization of release for the information must be obtained from the participant. A "Sample Authorization of Release Form" facsimile is shown in the forms section of this manual. The sample form may be used as an Authorization form with the agency’s name inserted on the form. Participants should sign the form only after all information is complete.

Access to the records from other agencies may also require authorization for release of information.

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ADULT and DISLOCATED WORKER ELIGIBILITY AND SERVICE PRIORITY

I. General Eligibility Requirements

A. To receive Title I B Adult or Dislocated Worker intensive services, an individual must:
   1. Be a U.S. Citizen or Registered Alien;
   2. Meet Selective Service Registration requirements, if applicable; and
   3. Have received at least one core service, even if provided by a partner program.

B. Additional Eligibility Requirements for Adults
   1. Individuals must be 18 years of age or older and
   2. Meet the service priority required for adults (e.g., low-income and public assistance recipients).

C. Additional Eligibility Requirements for Dislocated Workers
   An individual must meet the WIA definition of a dislocated worker or displaced homemaker definition as found in the Glossary of Terms and Definitions.

II. Service Priority For WIA Adults (WIA Law Section 134(d)(4)(E))

Core services are universally available to *all* individuals entering a one-stop system facility. However, covered persons (veterans and eligible spouses of veterans) are given priority of service over non-covered persons.

A. Adult **Service** Priority
   1. Priority for intensive and training services shall be given to recipients of public assistance and low-income individuals consistent with the Workforce Investment Act.

      <u>WIA Section 101(25)</u> defines a **Low-Income** individual as an individual who:
      (a) receives, or is a member of a family that receives, cash payments under a Federal, State, or local income-based public assistance program. Cash public assistance includes: TANF (Temporary Assistance for Needy Families), SSI (Supplemental Security Income), General Assistance (GA) or Refugee Cash Assistance (RCA);
      (b) received an income, <u>or is a member of a family</u> that received a total family income, for the 6-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, cash public assistance, and old-age and survivors insurance benefits under the Social Security Act that, in relation to family size, does not exceed the higher of (I) the poverty line, for an equivalent period; or (II) 70 percent of the lower living standard income level, for an equivalent period (see Section 3.70 Income/Family Size Determination for guidance on how low-income status is determined);
      (c) is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977;
      (d) qualifies as a homeless individual as defined by the Steward B. McKinney Homeless Assistance Act;
      (e) is an individual with a disability whose own income meets the requirements of a program

described in subparagraph (a) or (b), but who is a member of a family whose income does not meet such requirements. *(WIA Section 101(25))*

2. Individuals who are recipients of public assistance (TANF, SNAP/Food Stamps, Supplemental Security Income (SSI), Refugee Cash Assistance (RCA), and General Assistance (GA)) are considered to meet Categorical Income Eligibility and may be automatically income eligible and no further income verification is required if the individual has provided acceptable documentation.
   (a) SNAP (Food Stamp) documentation must be current and verify that the individual receives or is a member of a household that is receiving SNAP benefits as described in 1. (c). Examples of documentation include the Letter of Award if the individual is the recipient, or documentation that lists the individual is a member of the household receiving SNAP, and documentation such as a SNAP benefit summary showing the dates to verify that benefits were received within the six-month period prior to application to a WIA program. Refer to the appropriate Verification Worksheet for complete list of acceptable documentation.

   (b) Cash Public Assistance:
      (1) TANF documentation must be current and verify that the individual is receiving or is a member of a family that is receiving TANF payments at the time of application to a WIA program. Examples of acceptable documentation include the Letter of Award if the individual is the recipient, or documentation that lists the individual as a member of the family currently receiving TANF, and documentation such as the TANF benefit summary that shows the dates of the public assistance. Refer to the appropriate Verification Worksheet for complete list of acceptable documentation.

      (2) SSI, RCA and GA are payments made to a single recipient. The individual applying to WIA must be the recipient at the time of application to a WIA program in order to be considered as receiving public assistance and would be considered as a family of one. Examples of acceptable documentation include the Award Letter or other authorization notice to receive cash public assistance. Refer to the appropriate Verification Worksheet for complete list of acceptable documentation.

3. Further consideration may be given individuals who are at less than 80% (80% is currently $7.92/hr) of self-sufficiency. The individual must be working at the time of application, not making more than $7.92 an hour *and* meet one of the following barriers:
   (a) Older worker (55+); or
   (b) Face language barriers; or
   (c) Face cultural barriers; or
   (d) Other individuals who are not receiving services from other programs in WIA.

Individuals with other employment issues shall be afforded opportunities for participation in training activities designed to improve participation in the workforce and lead to higher earnings for individuals who successfully complete them. Training activities for persons in these groups will be provided in the context of the state's vision to provide universal access for all customers.

B. Dislocated Worker Priority for Intensive and Training Services
The Workforce Investment Act does not provide a priority of service requirement for dislocated workers. However, plant closures or significant dislocation events are given priority for Intensive and Training services. All other eligible individuals impacted are considered of equal status for receipt of services notwithstanding federal requirements pertaining to priority for covered persons (veterans and eligible spouses).

C. Priority of Service for Covered Persons, also known as Veterans' Priority of Service (P.L. 107-288 (Jobs for Veterans Act) and 20 CFR Part 1010)
1. Veterans and eligible spouses of veterans (covered persons) are entitled to priority over non-covered persons for the receipt of employment, training, and placement services provided under new or existing USDOL-funded job training programs. See definition of Covered Persons in the glossary.
2. Veterans priority of service does NOT change a program's intended functions; covered persons still need to meet all program eligibility requirements.
3. Priority of service applies to every qualified job training program funded, in whole or in part by USDOL including:
   a. Any such program or service that uses technology to assist individuals to access workforce development programs (such as job and training opportunities, labor market information, career assessment tools, and related support services);
   b. Any such program or service under the public employment service system, One-Stop Career Centers, the Workforce Investment Act of 1998, a demonstration or other temporary program; and
   b. Any workforce development program targeted to specific groups, and those programs implemented by States or local service providers based on Federal block grants administered USDOL.

4. Service Providers must ensure a process for identifying covered persons at the point of entry including enrollment into workforce services, to allow covered persons to take full advantage of priority of service. Identification does not mean verification of veteran status. Self-identified veterans must be made aware of:
   a. Their entitlement to priority of service;
   b. The full array of employment, training, and placement services available under priority of service; and
   c. Any applicable eligibility requirements for those programs and/or services.

III. Dislocated Worker Eligibility Criteria

A dislocated worker, for the purposes of the Title I of the Workforce Investment Act, is an individual who:

A. (i) has been terminated or laid off from their job, or who received a notice of termination or layoff, from their employer; *****
(ii) (I) is eligible for or has exhausted their unemployment payments; or
(II) has been employed for a duration sufficient to demonstrate attachment to the workforce, but cannot get unemployment compensation because of low earnings or having done work for an employer 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 which the employer has made a general announcement that such facility will close within 180 days; or
(iii) for purpose of eligibility to receive services other than training services, intensive services 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, 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; or

D. is a displaced homemaker (must meet the dislocated worker definition of a displaced homemaker). (WIA Section 101(9) and State WIA Policy Manual Section 9 - Glossary)

*****Separating military service members (non-retiree) and military spouses may be enrolled for services as dislocated workers if they meet the definitions set forth in TEGL 22-04 Section 4.

Recently separated veterans and transitioning service members are considered to have received a notice of termination or layoff from their employer (DD-214) per III.A.(i) of this Section. For full definitions of Recently Separated Veteran and Transitioning Service Member see the Glossary of Terms and Definitions in Section 9 of this manual.

**Montana's UI profiling and referral process satisfies the criteria necessary to meet category A. of the dislocated worker definition. Claimants who have been referred from the Unemployment Insurance Division through Worker Profiling, REA/RES, EUC REA and REA Pilot meet the definition. In such cases, documentation of the referral is sufficient to establish dislocated worker eligibility.

CFR Part 663. Introduction Subpart A.2. Registration and Eligibility

IV. Eligibility Verification

Verification of eligibility is used to ensure the reliability of the participant information system, to guarantee services are provided to persons most in need, and to avoid potential disallowed costs. Once an applicant is determined to be eligible, verification of eligibility must be completed using the Eligibility Verification/service priority worksheet. **No**

intensive services may be provided until the participant has furnished proof of eligibility to the enrolling agency.

The primary responsibility for providing documentary evidence rests with the applicant/potential participant. Copies of all documentary evidence must be maintained in the participant's file. For those ex-service members without a DD-214, service providers should work with local or State veterans' staff to obtain a copy. The lack of a DD-214 cannot be used to deny services; it is the responsibility of the provider – in concert with the individual – to obtain a DD-214 in the absence of other allowable documentation.

If an applicant is unable to produce the necessary documents to prove eligibility, service providers have two options to determine eligibility. They can verify information given via telephone contact with an employer or by document inspection, or an applicant statement may be used (use is limited). However, service providers must ensure applicant statements and/or staff verification are allowable from the perspective of federal data validation requirements.

Service providers will use the Eligibility Verification Worksheet for the Adult Program or for the Dislocated Worker program to determine the eligibility documentation that is required for registered individuals to receive Intensive services. The completed worksheet must be maintained in the individual's file.

The Adult and Dislocated Worker Verification Worksheets are on the WIA website at http://wsd.dli.mt.gov/wia/manuals_forms.asp

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YOUTH

A. General Requirements

In order to be considered for the WIA Title IB youth program an individual must:

1. Be a U.S. Citizen or Registered Alien;
2. Be between the ages of 14 and 21 at the time of enrollment; and
3. Meet Selective Service Registration requirements. **Note:** Youth who become of age for Selective Service registration **after** enrollment must meet Selective Service requirements by, or within 30 days of, their 18th birthday.

B. Eligibility Requirements

WIA Section 101(13)(25) defines an eligible youth as an individual who:

1. Is not less than 14 and not more than 21 at time of enrollment;
2. Is a low income individual; and
3. Is within any one of the following categories;
   a. Deficient in basic literacy skills;
   b. School dropout
   c. Homeless, runaway, or foster child;
   d. Pregnant or parenting;
   e. Offender;
   f. Is an at-risk youth who requires additional assistance to:
      (1) complete an educational program: a youth who is at risk of dropping out of high school as documented by his/her school or a youth who previously dropped out of an educational program OR a youth with poor attendance patterns in an educational program during the last twelve calendar months;

      OR

      (2) secure and hold employment: a high school graduate (or equivalent) who has not held a full-time job for more than three consecutive months and lacks work readiness skills necessary to obtain and retain employment as documented by the youth objective assessment and described in case notes;

      AND

      Includes at least one of the following characteristics:

      - Aged out of Foster Care
      - Child of Incarcerated Parent(s)
      - Lacks occupational goals/skills
      - Disabled: Youth with chronic health problems including learning disabilities
      - Migrant Youth
      - Limited English Language Proficiency (LEP)
      - Chronic behavior problems at school
      - Native American
      - Court Involved Youth
      - Youth at-risk of court involvement
      - Refugee
      - Substance abuse
      - Family Illiteracy
      - Victim/witness of domestic violence or other abuse

C. Youth Service Priority

1. Priority for services shall be given to recipients of public assistance and low-income individuals consistent with the Workforce Investment Act.

WIA Section 101(25) defines a **Low-Income** individual as an individual who:

(a) receives, or is a member of a family that receives, cash payments under a Federal, State, or local income-based public assistance program such as TANF (Temporary Assistance for Needy Families), SSI (Supplemental Security Income), General Assistance (GA) or Refugee Cash Assistance (RCA);

(b) received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, cash public assistance, and old-age and survivors insurance benefits under the Social Security Act that, in relation to family size, does not exceed the higher of (I) the poverty line, for an equivalent period; or (II) 70 percent of the lower living standard income level, for an equivalent period (***see Section 3.70 Income/Family Size Determination for guidance on how low-income status is determined***);

(c) is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977;

(d) qualifies as a homeless individual as defined by the Steward B. McKinney Homeless Assistance Act;

(e) is an individual with a disability whose own income meets the requirements of a program described in subparagraph (a) or (b), but who is a member of a family whose income does not meet such requirements. *(WIA Section 101(25))*

(f) youth in state-sponsored foster care; and youth who have aged out of youth sponsored foster care (who have not reached the age of 22)

2. Individuals who are recipients of public assistance (TANF, SNAP/Food Stamps, Supplemental Security Income (SSI), Refugee Cash Assistance (RCA), and General Assistance (GA)) may meet Categorical Income Eligibility and considered automatically income eligible and no further income verification is required if the individual has provided acceptable documentation.

   (a) SNAP (Food Stamp) documentation must be current and verify that the individual receives or is a member of a household that is receiving SNAP benefits as described in 1. (c). Examples of documentation include the Letter of Award if the individual is the recipient, or documentation that lists the individual is a member of the household receiving SNAP, and documentation such as a SNAP benefit summary showing the dates to verify that benefits were received within the six-month period prior to application to a WIA program. Refer to the appropriate Verification Worksheet for complete list of acceptable documentation.

   (b) Cash Public Assistance:

      (1) TANF documentation must be current and verify that the individual is receiving or is a member of a family that is receiving TANF payments at the time of application to a WIA program. Examples of acceptable documentation include the Letter of Award if the individual is the

recipient, or documentation that lists the individual as a member of the family currently receiving TANF, and documentation such as the TANF benefit summary that shows the dates of the public assistance. Refer to the appropriate Verification Worksheet for complete list of acceptable documentation.

(2) SSI, RCA and GA are payments made to a single recipient. The individual applying to WIA must be the recipient at the time of application to a WIA program in order to be considered as receiving public assistance and would be considered as a family of one. Examples of acceptable documentation include the Award Letter or other authorization notice to receive cash public assistance. Refer to the appropriate Verification Worksheet for complete list of acceptable documentation.

2. Veterans' Priority for Service. Covered Persons' Priority: Refer to Section C. of WIA 3.10 Adult and Dislocated Worker and the Glossary for further clarification of covered persons and priority for service.

D. Funding Requirements

1. The purpose of Title IB youth funds is to provide to eligible youth:
   a. Assistance in achieving academic and employment success by providing effective and comprehensive activities including tutoring, study skills training leading to secondary school completion, and Work Experience opportunities which will improve educational and skill competencies and enhance connections to employers;
   b. On-going mentoring opportunities for eligible youth with adults committed to providing such opportunities;
   c. Training services, support services, and incentives for recognition and achievement; and
   d. Opportunities for activities related to leadership, development, decision-making, citizenship, and community service.
2. Serving Out-of-School Youth
   At a minimum, 30 percent of WIA funds allocated to youth programs must be used to provide activities to out-of-school youth. An Out-of-School youth is defined as:
   a. an eligible youth who is a school dropout; or
   b. an eligible youth who has received a secondary school diploma or its equivalent but is basic skills deficient, unemployed or underemployed.

WIA Section 101(33)

A youth who is out of school at the time of registration and subsequently placed in a school setting may be considered an out-of-school youth for the purposes of the 30 percent expenditure requirement in WIA Regulations 20 CFR Part 664.310.

The Workforce Investment Act Section 101(39) defines a school dropout as an individual who is no longer "attending any school" and who has not received a secondary school diploma or its recognized equivalent. A youth attending an alternative school at the time of registration is **not** a dropout.

A youth who is home-schooled is **not** considered in-school based on the guidance from the Montana Office of Public Instruction.

E. Funding Restrictions

Youth funds received pursuant to Section 126 through Section 129 and Section 134(a) of WIA Title IB may **not** be used to develop or implement education curricula for school systems in Montana.

F. Five-Percent (5%) Window Eligibility

Up to five-percent of youth served by youth programs may be participants who are not economically disadvantaged provided they meet the general requirements and any one of the following categories:

1. School dropout
2. Deficient in basic literacy skills (reading or writing skills below a 9th grade level in a generally accepted standardized test or a criterion referenced test);
3. Are one or more grade levels below the grade level appropriate to the individual's age (refer to G. Five Percent Eligibility Table);
4. Homeless or runaway;
5. Pregnant or parenting;
6. Possess one or more disabilities, including learning disabilities;
7. Offender; or
8. Is an at-risk youth AGE 14-21 who requires additional assistance to:
   (1) complete an educational program: a youth who is at risk of dropping out of high school as documented by his/her school or a youth who previously dropped out of an educational program OR a youth with poor attendance patterns in an educational program during the last twelve calendar months;

   OR

   (2) secure and hold employment: a high school graduate (or equivalent) who has not held a full-time job for more than three consecutive months and lacks work readiness skills necessary to obtain and retain employment as documented by the youth objective assessment and described in case notes; **AND**

   Includes at least one of the following characteristics:
   - Aged out of Foster Care
   - Child of Incarcerated Parent(s)
   - Lacks occupational goals/skills
   - Migrant Youth
   - Limited English Language Proficiency (LEP)
   - Chronic behavior problems at school
   - Native American
   - Court Involved Youth
   - Youth At-risk of court involvement
   - Refugee
   - Substance abuse
   - Family Illiteracy

- Victim/witness of domestic violence or other abuse

NOTE: The 5% of youth is per area and not each youth provider.

G. 5% Disability and One or More Grade Levels Below the Grade Level Appropriate to the Individual's Age Barrier Table

5% Window Eligibility	Definition
	At least one must be documented
Youth with One or More Disabilities, Including Learning Disabilities	An individual who has a physical or mental disability or impairment that for such individual constitutes or results in a substantial handicap to employment.
One or More Grade Levels Below the Grade Level Appropriate to the Individual's Age	**Grade Level--appropriate for age** means the grade level in school that ordinarily matches with a certain age level. Montana law for compulsory education sets two entry ages: Grade Appropriate Age for Entry 8 12 years 11 months up to 14 years 9 13 years 11 months up to 15 years 10 14 years 11 months up to 16 years 11 15 years 11 months up to 17 years 12 16 years 11 months up to 18 years Appropriate Age for Attendance 8 12 years 11 months through 14 years 9 months 9 13 years 11 months through 15 years 9 months 10 14 years 11 months through 16 years 9 months 11 15 years 11 months through 17 years 9 months 12 16 years 11 months through 18 years 9 months

H. Eligibility Verification Worksheet

Service providers will use the Eligibility Verification Worksheet in determining what eligibility documentation is required **for enrollment in the WIA youth program**. The completed worksheet must be maintained in the individual's file. The Youth Verification Worksheet is on the WIA website at http://wsd.dli.mt.gov/wia/manuals_forms.asp

I. Parent/Guardian Program Participation Consent

Enrolling a minor into WIA without parental consent can put the Montana Department of Labor and WIA Youth Service providers at risk of being sued and increases liability, particularly if the participant is injured or mistreated. Service providers must obtain signed consent from a parent or guardian for youth who are under the age of 18. In situations where an unaccompanied minor, not in foster care, with no one assuming Legal Custody of them (most generally these are homeless or runaway youth) they are allowed to sign for themselves. Case managers must have very detailed case notes documenting the youth's situation and also comment on the consent form and place the form in the participant's file. Service providers may continue to use their current consent **(if approved by Oversight program managers)** form or the WIA.48 Parent/Guardian Program Participation Consent Form.

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STATE DISPLACED HOMEMAKER PROGRAM

The State Displaced Homemaker program provides pre-employment services to empower homemakers to enter or re-enter the labor market. Customers are women or men who have worked in the home caring for home and family but now must support themselves and their families due to loss of family financial support; unemployed or underemployed parents who are having difficulty obtaining suitable employment and will be losing TANF assistance; and offenders. **24.12.106-107 ARM & 39-7-302-303 MCA**

A. Eligibility Requirements

An individual must be a Montana resident (has resided in the state at least six months) and an adult 18 years or older. **A Displaced Homemaker means an adult who:**

1. (a) has worked as an adult primarily without remuneration to care for the home and family and for that reason has diminished marketable skills **AND**
   (b) has been dependent on public assistance or on the income of a relative but is no longer supported by that income; **OR**
2. whose youngest dependent child will become ineligible to receive assistance under the Temporary Assistance for Needy Families (TANF) program within two years of the parent's application for displaced homemaker assistance; **OR**
3. is unemployed or underemployed and is experiencing difficulty in obtaining any employment or suitable employment **OR**
4. is a criminal offender and meets residency, age, and any of the requirements above.

An adult may be considered for the State Displaced Homemaker program if they meet any one of the eligibility requirements listed above in 1(a)(b) or 2 or 3. The offender must also meet the requirements of 1(a)(b) 2 **or** 3 in order to be eligible for the State Displaced Homemaker Program.

To meet the criteria for 1(a)-(b) an individual must have worked mainly in the home for a minimum of three years within the last five years without remuneration to care for the home and family and experienced a displacement from homemaking activities such as caring for the needs of family members. The displacement is generally the loss of a spouse's income through death, divorce or a disability, or because the individual is no longer caring for family members (spouse, parents, siblings) or other relatives.

B. Services

The needs of displaced homemakers are extensive. Besides the problems associated with economic loss – child care, transportation, housing and lack of basic necessities – the disruption of family life may result in emotional, medical and legal difficulties. Displaced homemakers often lack self-confidence and self-esteem, which can be formidable barriers to employment.

The goal of the Displaced Homemaker program is to help long-term homemakers develop and implement sound vocational plans leading to employment, which will allow them to

become economically independent. This goal can be achieved through counseling, training, jobs, services and health care. Allowable services for State Displaced Homemakers may include but are not limited to the following:

1. Job counseling services that consist of developing an Employment Plan, skills assessment, testing, personal and career goal setting and similar activities (refer to the Assessment and IEP sections of this manual).
2. Training and employment activities that include:
   a. Training and placement programs for jobs in the public and private sectors;
   b. Assistance to participants in gaining enrollment in a public or proprietary school or other institutional setting for pre-vocational or vocational instruction.
   c. Job placement assistance in obtaining unsubsidized employment. **Note:** Whenever possible, participants must be given priority to fill supervisory, technical, and administrative positions in service provider offices.
   d. Preparing participants for training and placement into nontraditional careers.

3. <u>Basic Skills Assessments</u>
   Literacy and math assessments are required for all participants. Refer to manual Section 3.40.

4. <u>Supportive Services</u>
   The needs of displaced homemakers may be extensive. Besides the problems associated with economic loss such as child care, transportation, housing and lack of basic necessities, the disruption of family life may result in emotional, medical and legal difficulties. Supportive services are available to help with some of the needs resulting from the displacement. Those services may include but are not limited to:
   a. child care for preschool children;
   b. health care;
   c. transportation assistance to participate in the program;
   d. financial counseling;
   e. grants for education;
   f. temporary shelter; and
   g. post-termination services i.e., follow-up services after exit

   Refer to the Supportive Services (Section 4.80) and Follow-Up Services (Section 4.90) in this manual.

5. <u>Referral</u>
   Displaced homemakers often lack self-confidence and self-esteem, which can be formidable barriers to employment. Crisis intervention and counseling are often critical preliminary needs of displaced homemakers. Referral to relevant community service agencies will provide information and assistance with respect to such items as health care, financial matters, education, nutrition, and legal problems.

C. Eligibility Verification Worksheet

Service providers will use the Eligibility Verification Worksheet in determining what eligibility documentation is required **for enrollment in the State Displaced Homemaker program**. The completed worksheet must be maintained in the individual's file. The SDH Verification Worksheets is on the WIA website at http://wsd.dli.mt.gov/wia/manuals_forms.asp

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ASSESSMENT AND PLANNING

I. INITIAL ASSESSMENT

Initial assessment is part of the overall intake process and includes the initial determination of each individual's employability, aptitudes, abilities and interests through interview, testing and counseling. All participants must have an initial assessment completed to evaluate basic skills, experience, and the appropriateness for service and ability to benefit from the Workforce Investment Act. When the initial assessment indicates that Intensive Services are appropriate, an Individual Employment Plan (IEP – WIA.16) is then completed for adults and dislocated workers. Regarding youth, if an initial assessment indicates that additional services should be provided, an Individual Service Strategy (ISS WIA.17) will be developed.

A. Individual Employment Plan or Individual Service Strategy

A complete assessment is an independent, comprehensive evaluation of an individual, designed to identify information vital to the development of a service strategy and to set goals and objectives which culminate in gainful employment.

The IEP/ISS should be revisited on a regular basis and amended, as appropriate, when additional needs are identified or goals are achieved. Assessment is a holistic, ongoing process and should not be viewed as a one-time event. It should include a full array of options for the participant from which program staff, together with the participant, makes informed decisions and select the appropriate services, which will best enable the participant to seek and retain long-term self-sufficient employment.

a. Assessment means an examination of the capabilities, needs and vocational potential of an applicant or participant.
b An initial assessment indicates that additional services are appropriate and triggers the completion of an Individual Employment Plan (IEP) or Individual Service Strategy (ISS) and registration in WIA Title I programs.
c. A comprehensive assessment is completed at registration in the WIA program. The comprehensive assessment provides specific information for the development of the IEP/ISS.

B. Developing the Individual Employment Plan or the Individual Service Strategy

The assessment of the participant should be client-centered and provide for a diagnostic evaluation of a participant's employment barriers, taking into account the participant's family situation, work history, education, occupational skills, interests, aptitudes, attitudes towards work, motivation, behavior patterns affecting employment potential, financial resources and needs, supportive service needs, and personal employment information as it relates to the local labor market. The name(s) of the assessor, name(s) of participants being assessed and assessment results need to be identified on the IEP/ISS.

C. Assessments by Other Programs

Initial assessments such as interest inventories, career assessment and similar assessments (other than basic skills assessments) conducted by other human service programs or educational institutions within the last six months may be used where appropriate, rather

than requiring the participant to undergo additional, duplicative assessments, which may disrupt and discourage further participation. However, the service provider should evaluate the information provided and complete updated assessments if needed for effective WIA program planning and update the ISS/IEP appropriately.

II. BASIC SKILLS ASSESSMENT GUIDELINES

A. **All Adult and Dislocated Worker participants**, with the exception of those individuals that can provide other acceptable documentation listed under Waivers must be assessed for basic skills deficiencies (reading and math) using the Test for Adult Basic Education (TABE) Standardized Test as part of their initial assessment. The TABE is not required for enrollment and should be administered within a reasonable time following enrollment based upon the participant's plan.

A copy of the TABE scoring sheet indicating grade level skill at or below the eighth grade (8.9) must be maintained in each participant file. The results (reading/math) need to be quantifiable through grade equivalency scores or raw score from criterion-referenced assessment tools (TABE) and entered in MontanaWorks. Plans to address basic skills deficiencies must be documented in the IEP for adults or dislocated workers.

Literacy and numeracy gains are not performance measures for these programs; however poor math and/or reading skills could be a factor in the participant's education and employment goals. Deficiencies should be addressed in the Individual Employment Plan and discussed with the participant to provide them the opportunity to determine how they want to address the deficiencies and explore options for improvement.

Post-testing is **not** a requirement for adults and dislocated workers. However, if it's determined that the participant should be post-tested this should only occur if the participant has gone through remediation or tutoring to determine whether or not they've raised their basic skills. Individuals may be post-tested several times as appropriate while they are enrolled in the program. How often depends on a plan developed by the case manager and the participant. Please apply the 30 to 60 days intervals (depending up test scores) between post-testing.

1. **Acceptable TABE alternatives must have documentation placed in the participant's file and be documented in case notes.**

   Acceptable Documentation:

   a. GED or other state approved high school equivalency diploma attained **within the last year**;
   b. Associates or Bachelor degree from college, university or technical school;
   c. Collateral contacts with school/college which include the name and results of the assessment;
   d. Copy of post-secondary grades sufficient to demonstrate the participant's basic skill proficiency; and

e. COMPASS (College Placement Tests) taken within the last year and using the latest version of the test (updated in 2010).

2. Examples of **unacceptable alternatives** for the TABE include:
   a. High school diploma;
   b. Report cards;
   c. GED or other high school equivalency diploma obtained longer than one year ago;
   d. Teacher or school administration statements not citing specific assessments or test results; and
   e. Tests that are not standardized.

   Other types of testing and assessments may be done for each client. Results may be used in the development of the Individual Employment Plan.

3. **Waivers from TABE assessment may be granted by the WIA program managers under other special circumstances.**

B. Youth Participants

1. **All Out-of-School Youth** must be assessed for basic skills deficiencies.

   Out-of-school youth, for the purposes of basic skills assessment, includes:
   a. youth who have dropped out of school;
   b. graduated high school;
   c. youth that are home-schooled; and
   d. youth in post-secondary education.

   All out-of-school youth must sign the Basic Skills Assessment (TABE) Agreement (page 4 of the Individual Service Strategy) and case managers must clearly explain the consequences that could result from the youth's failure to test (regardless of whether it's to pre-test or post-test) within the required timelines.

2. **Pre-Testing and Post Testing**
   a. Pre-Testing:
      Out-of-school youth participants must be pre-tested using the Test for Adult Basic Education (TABE) Standardized Test (TABE Locator may be used to determine which test to use but may not be used for pre-testing) to determine whether they are basic skills deficient.
      - All pre-tests must be administered within **10 working days of enrollment** in the WIA Youth program. In extenuating circumstances, a waiver may be requested from the Youth program manager to extend the date of the pre-test. Providers who fail to administer the pre-test within the prescribed timelines will be subject to corrective action.
      - WIA Youth service providers will **not** administer any pre-test prior to the participant's enrollment in the WIA Youth program.

- Service providers may use pre-tests that are administered up to six months prior to the date of first WIA youth service, if such pre-test scores are available. The tests have to be an approved type and would have been administered by Adult Basic Education (ABE).

A copy of the TABE scoring sheet indicating grade level skills must be maintained in each participant file. The results (reading/math) need to be quantifiable through grade equivalency scores or raw score from criterion-referenced assessment tools (TABE) and entered in MontanaWorks.

Plans to address grade level skills at or below the eighth grade (8.9) must be documented on the ISS.

NOTE: The COMPASS is not an allowable test for basic skills deficiencies to use for WIA out-of-school youth.

b. Post-Testing:
Out-of-School Youth: All out-of-school youth who receive services and tested at 8.9 or below **on their pre-test** must be post-tested using the same TABE **standardized test** that was part of their initial assessment. The post-test will show gains or losses in **educational grade equivalency** and be an indication of correct or incorrect program activities. Post-testing of out-of-school youth is required to report literacy/numeracy gains for performance purposes.

3. **No money will be spent on out-of-school youth participants:**
   - **until the pre-test has been administered; and**
   - **if the post-test is not administered within the prescribed timelines established for post testing.**

   NOTE: Providers who fail to administer either the pre-test or post-test within the prescribed timelines will be subject to corrective action which could include repayment of any funds expended on the youth for the period of time the youth should have been tested.

Refer to Section 5.80 Literacy and Numeracy for Out-of-School Youth for policy and guidance on remediation and post-testing.

4. **In-School Youth:** High-school youth (including youth attending an alternative school) do not need to be assessed for basic skills, however USDOL requires that states track youth who are basic skills deficient. Documentation of basic skills deficiencies includes: school records; a current IEP; or report card. Basic skills deficiencies should be documented in case notes with supporting documentation maintained in the participant's file.

III. COMPREHENSIVE ASSESSMENT

A comprehensive assessment is an intensive service for adults and dislocated workers and includes a review of needs and capabilities of a participant. It is not limited to employment and training issues only. Content of complete assessments may include:

1. Work and education history including prior work experience.
2. Basic and occupational skills levels:
   a. Educational levels, abilities, and needs;
   b. Employment and employability skills and needs;
   c. Employability--barriers, strengths.
3. Personal development:
   a. Interests and aptitudes;
   b. Other skills, strengths or barriers;
   c. Attitudes and behavior patterns;
   d. Long-term general skills or survival skills;
   e. Goals and self-actualization issues;
   f. Medical, dental, mental health needs;
   g. Substance-abuse issues;
   h. Social skills;
   i. Personal security issues;
   j. Crisis-intervention.
4. Family situation:
   a. Financial resources and needs;
   b. Long-term day-to-day living and family issues;
   c. Existing support network;
   d. Supportive service needs;
   e. Immediate food, clothing and shelter;
   f. Transportation;
   g. Child care;
   h. Legal;
   i. Medical;
5. Other:
   Needs-related payments - Adult and dislocated worker programs used only to support participation in a training activity.

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INDIVIDUAL EMPLOYMENT PLAN (IEP)

A. Description

An Individual Employment Plan (IEP) is required for Adult and Dislocated Worker participants in WIA Title IB Intensive and Training services. It is both a form **and** a continual process. The IEP is developed in partnership with the participant. The IEP identifies where the participant is, where the participant wants to be and the appropriate mix and sequence of services and support to reach a realistic employment goal.

1. Initially the IEP shall be the basic instrument, which documents:
   a. That participants have had an initial assessment;
   b. The decisions made regarding the mix and combination of services for the participant, including referrals; and
   c. Quarterly reviews to evaluate the progress of the participant in meeting planned objectives.
2. The IEP form shall include a description of:
   a. Short and long term goal(s) and objectives;
   b. Appropriate, measurable achievement objectives to meet those goals;
   c. Mix and sequence of services and other resources needed
   d. Organizations and/or individuals who will provide those services or resources; and
   e. The twelve-months of supplemental follow-up contact with participants who have exited to unsubsidized employment for performance purposes; and 12 months of follow-up services which may be provided to participants who have entered unsubsidized employment to help them with employment retention, wage gains and their career progress. (The extent of the follow-up services provided may be based on the availability of funding)

Service providers may use the Individual Employment Plan (WIA.16) provided in the Forms Section of the State WIA Policy Manual or on the WIA website; or they may use another IEP form provided it includes the elements described in 1. and 2. above.

A signed copy (signed by program staff and participant) must be provided to the participant and the original maintained in the participant's file.

Once the IEP form is complete and the participant in enrolled in a WIA or state program, case managers must open up a MontanaWorks Employment Plan for that participant. The goals, objectives and potential services based on the information in the IEP should be set up in the Employment Plan and from that point on case managers will use the Employment Plan as a continuance of the IEP. The Employment Plan should be reviewed regularly and updated quarterly as documented in case or progress notes. Follow-up services must be opened on the current MontanaWorks Employment Plan for all adults who have exited to unsubsidized employment. Case managers should <u>not</u> open a separate Employment Plan for Follow-up.

The participant will not be required to sign the MontanaWorks Employment Plan each time the plan is updated unless there are major changes in the goals.

B. Goals and Objectives

Goals and objectives are the desired short and long-term program goals and outcomes and the steps established between program staff and the participant which, when reached, represent successful completion of that portion of the service plan. For each employment goal there should be one or more interim objectives. These objectives should be achievable in manageable steps, enabling the client to attain success.

Not every agency can provide all the services indicated by the comprehensive assessment and noted in the IEP. There is the expectation that if the needed services exist and are accessible in a community the agency will make a reasonable, concerted effort to link participants with those services. However, it is recognized that enrollment in WIA is neither an entitlement nor legal right to services, nor automatic access to limited resources. Therefore, it is expected that if needed services are not available, it shall be so documented on the IEP, and alternative plans shall be developed. A facsimile of the IEP and instructions for completion can be found in the Forms section of the Manual.

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INDIVIDUAL SERVICE STRATEGY (ISS)

A. Description

An ISS is required for all WIA Title IB youth participants. The ISS is developed in partnership with the participant. It identifies where the participant is, where the participant wants to be, and the appropriate mix and sequence of services and support to reach realistic goals. It is both a form **and** a continual process.

1. The ISS form shall be the basic instrument, which documents:
   a. Objective assessment results;
   b. Program/employment/career goals, timeline for attainment, expected wage at placement;
   c. Mix and sequence of services, including supportive services, and other resources needed to achieve program/employment/career goals; components of this section include:
   d. Short and long-term objectives;
   e. WIA program element(s) provided to assist the youth in achieving short and long-term objectives;
   f. Timeline for attainment and date attained;
   g. How the program element is being provided, i.e., in-house or through a referral with a specific agency or service listed; and
   h. Discussion of follow-up services that will track the progress of youth after exit from the program; and based on the youth's needs, providing assistance to help the youth secure better jobs, career development and further education.

The ISS should be reviewed at least quarterly and updated as needed.

Service providers should use the Individual Service Strategy (WIA.17) provided in the Forms Section of the State WIA Policy Manual or WIA website.

The Participant Agreement, page 3 of the ISS, must be signed and dated by program staff and the participant. A signed copy of the Participant Agreement must be provided to the participant and the original attached to the ISS and maintained in the participant's file.

The Basic Skills Assessment (TABE) Agreement (page 4 of the Individual Service Strategy) has been added to the ISS. The Agreement must also be signed and dated by <u>all out-of-school</u> youth and program staff. A signed copy of this Agreement must be provided to the participant and the original attached to the ISS and maintained in the participant's file.

Once the ISS is complete and the participant is enrolled in a WIA program, case managers must open up a MontanaWorks Employment Plan for that participant. The goals, objectives and potential services based on the information in the ISS should be set up in the

Employment Plan and from that point on case managers will use the Employment Plan as a continuance of the ISS. The Employment Plan should be reviewed regularly and updated quarterly.

The participant will not be required to sign the Employment Plan each time the plan is updated unless there are major changes in the goals. **B. Objective Assessment**
Service providers are required to provide an objective assessment of the academic levels, skill levels and service needs of each participant, which shall include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs of such participant. (WIA Section 129 (C)(1)(a) and 20 CFR 664.400(a)(1)) Participants concurrently registered in Youth, Adult and Dislocated Worker Programs will require both an ISS and an IEP.

C. Basic Skills Assessment

All **out-of-school** youth participants shall be assessed for basic skill levels (Reading and Math) using the Test for Adult Basic Education (TABE) **Standardized Test (not the TABE Locator)**. TABE scores for both reading and math must be posted on the ISS and remediation needs (if applicable) addressed in the Other Academic Needs. A copy of the scoring sheet indicating grade level shall be maintained in each participant file. The scoring sheet must include the score, the participant's name, the name of test administrator and the date the test was administered.

Literacy and numeracy gains are not performance measures for the in-school youth however poor math and/or reading skills could be a factor in the participant's education and employment goals. Deficiencies should be discussed with the participant to provide them the opportunity to determine how they want to address the deficiencies and explore options for improvement.

D. Other Assessments

Service providers have the flexibility to determine the methods used to meet the objective assessment requirements. The methods used include, but are not limited to, structured interviews, paper and pencil tests, performance tests, behavioral observations, interest and attitude inventories, career guidance instruments, personality profiles and aptitude tests. All assessment results should be considered when developing the Individual Service Strategy. Assessment results shall be maintained in each participants file and include the participant's name and the date the assessment was conducted.

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FAMILY SIZE AND INCOME DETERMINATION

A. Family Size

Family size must be determined and verified only if using family income to determine low-income status. Family size will be determined by counting the maximum number of family members in the residence during the last 6 months, not including the current month.

A family, for eligibility purposes, 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:

1. A husband, wife and dependent children
2. A parent or guardian and dependent children
3. A husband and wife

WIA Section 101(15)

In certain cases, an individual may be considered a "family of one" for the purpose of eligibility determination. This includes individuals with a disability whose family income may exceed the income criteria, but whose own income meets the income criteria.

20 CFR 664.250(a)(b)

B. Income Determination

Income is the amount of all reportable income for each family member for the prior six (6) months, **not including the current month**. This amount multiplied by two (2) is the total annualized family income.

Family income means all includable income actually received from all sources by all members of the family during the income determination period. However, when computing family income, the income of a spouse and/or other family members shall only be counted for that portion of the income determination period that the person was actually a part of the family of the applicant. Family size for the determination period is the maximum size of the family during such period. All items not expressly excluded are includable income.

Applicants having minimum or no income should complete an applicant statement that describes their means of support in the last six months. A facsimile of an applicant statement is in the Forms Section of this Manual.

INCLUDE In Family Income:

1. Money wages and salaries before any deductions;
   Net receipts from non-farm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership after deductions for business expense);
2. Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses);
3. Regular payments from railroad retirement, strike benefits from union funds, worker's compensation, and training stipends;
4. Alimony;
5. Military family allotments or other regular support from an absent family member or someone not living in the household;
6. Pensions whether private, government employee (including Military retirement pay);
7. Regular insurance or annuity payments **other than** Supplemental Security Income disability (SSI) or veterans' disability;
8. College or university grants, fellowships, and assistantships;
9. Net gambling or lottery winnings;
10. Social Security Disability Insurance payments (SSDI)
    - **<u>Social Security Disability Insurance (SSDI)</u> pays benefits to individuals that have worked in the past, paid Social Security taxes, and are currently unable to work for a year or more because of a disability. SSDI is considered income replacement and must be included in family income.**

EXCLUDE from family income:

1. Unemployment compensation;
2. Child support payments;
3. Public Assistance payments (including Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), Refugee Case Assistance (RCA), and General Assistance (GA));
   - **<u>Supplemental Security Income (SSI)</u> is a program that pays benefits to disabled adults and children who have limited income and resources. It is also paid to people 65 and older without disabilities who meet the financial limits. SSI is considered cash assistance and individuals receiving SSI are automatically income eligible the same as individuals receiving TANF or SNAP. A WIA applicant on SSI is a family of one. Refer to the Adult or Youth Verification Worksheets for acceptable documentation for SSI recipients.**
4. Foster care child payments;

5. Title IV of the Higher Education Act (i.e., Pell Grants, Federal Supplemental Educational Opportunity Grants (FSEOG), and Federal Work-Study (FWS);
6. Needs-Based scholarship assistance;
7. 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);
8. Capital gains;
9. Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car;
10. Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury;
11. Non-cash benefits such as employer paid fringe benefits, food or housing received in lieu of wages, Medicare, Medicaid, Food Stamps **(received or has been determined eligible to receive Food Stamps (SNAP) within the six month period prior to application for the program)**; school meals, and housing assistance;
12. Tribal Government Payments (i.e., Per Capita Payments, Lease Payments, Individual Indian Money (IIM);
13. Old age and survivors insurance benefits received under section 202 of the Social Security Act (42 USC 402).
    - **Old age and survivors insurance benefits include:**
      <u>Social Security Survivor Benefits</u> – these are benefits paid to people up to age 18 who have had a parent die and the parent paid wages into the system; and
    - **<u>Social Security Retirement Benefits</u> – these are benefits that are paid to people who reached their social security age and have wages paid in the system.**

C. Income Table for Adults and Youth

Family Size	Annual Non-Metro Area	6 Months Non-Metro Area
1	$11,670*	$5,835*
2	$17,286	$8,643
3	$23,733	$11,866
4	$29,294	$14,647
5	$34,573	$17,286
6	$40,435	$20,217

For families larger than six persons, add the amount equal to the difference between the six and the five person family income levels for each additional person in the family.

EXAMPLE: To calculate family of 7 Income Level:

Family of 6 Level	$ 40,435
Family of 5 Level	- 34,573
	$ 5,862

Family of 6 Level	$ 40,435
Difference	+ 5,862
Family of 7 Level	$ 46,297

For families with eight or more persons, add **$5,862** for each additional person.

Explanation of Income Table
The table is a combined listing of seventy (70) percent of Lower Living Standard Income Levels (LLSIL) and OMB Poverty Guidelines. The figures are annualized (12-month) incomes. The figure marked with an asterisk (*) is from the poverty guidelines published by Health and Human Services; the remainder is from LLSIL figures for non-metro areas.

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SELECTIVE SERVICE REGISTRATION REQUIREMENTS

A. Selective Service Registration

All participants enrolled in WIA Adult, Dislocated Worker and Youth programs must be in compliance with Selective Service Registration under the Military Selective Service Act as a condition for participation.

Males between the ages of 18 and 26 who must register with the Selective Service include:

1. Citizens of the United States;
2. Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees, who take up residency in the U.S. before their 26th birthday; and/or;
3. Dual nationals of the United States and another country regardless of whether they live in the United States.

Selective Service registration is not required of **U.S. citizens** if the male falls within one of the following categories:

1. Men who are serving in the military on full-time active duty;
2. Men attending the service academies; and
3. Disabled men who are continually confined to a residence, hospital or institution;
4. Men who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday.

Selective Service registration is not required of **non-U.S. citizens** if the male falls within one of the following categories:

1. Non-U.S. male who came into this country for the first time after his 26th birthday and has acceptable forms of supporting documentation including:
   a. Date of entry stamp in his passport;
   b. I-94 with date of entry stamp on it; or
   c. A letter from the U.S. Citizenship and Immigration Services (USCIS) indicating the date the man entered the United States presented in conjunction with documentation establishing the individual's age.
2. Non-U.S. male who entered the U.S. illegally after his 26th birthday. He must provide proof that he was not living in the U.S. from age 18 through 25.
3. Non-U.S. male on a valid non-immigrant visa.

The lists are not intended to be exhaustive and the Selective Service System provides a quick reference chart showing who must register on the Selective Service website at **http://www.sss.gov/PDFs/WhoMustRegisterChart.pdf**

B. Selective Service Compliance

In order to be eligible to receive WIA-funded services, all males born on or after January 1, 1960 must present documentation showing compliance with the Selective Service registration requirement. Acceptable documentation showing registration status includes:

1. Selective Service Acknowledgement letter
2. Form DD-214 "Report of Separation"
3. Screen printout of the Selective Service Verification on the Selective Service website at **www.sss.gov/RegVer/wfVerification.aspx** . For males who have already registered this website can be used to confirm their Selective Service number as well as the date of registration, by entering a last name, social security number, and date of birth.
4. Selective Service Registration Card
5. Selective Service Verification Form (Form 3A)
6. Stamped Post Office Receipt of Registration

C. Registration Requirements for Males Under 26

Prior to being enrolled in a WIA-funded program, all males born on or after January 1, 1960 who are not registered with the Selective Service and have not reached their 26th birthday must register through the Selective Service website at **http://www.sss.gov**.

Male participants who enter the WIA program at age 17 or younger and attain age 18 while participating in the program must be registered for Selective Service by the **30th day** after their 18th birthday to remain eligible for WIA services. Funds expended on male participants not registered for Selective Service by the 30th day after their 18th birthday may be considered disallowed costs. Any male youth participant who attains age 18 while enrolled in WIA and refuses to comply with Selective Service Registration requirements shall be exited from the WIA youth program. These youth would not be placed in follow-up and there should be case notes in MontanaWorks that describe, in detail, the circumstances as to why services were not/could not be continued.

D. Registration Requirements for Males 26 Years and Over

Prior to being enrolled in a WIA-funded program, all males 26 years of age or older, must provide documentation of compliance with the Selective Service registration requirement. Individuals who did not register for the Selective Service or who cannot provide any of the documentation listed above must obtain a *Status Information Letter* from Selective Service indicating whether he was required to register. The *Request for Status Information Letter* can be accessed at **http://www.sss.gov/PDFs/infoform.pdf** and the instructions can be accessed at **http://www.sss.gov/PDFs/instructions.pdf**.

The individual will need to describe, in detail, the circumstances that prevented him from registering (e.g., hospitalization, institutionalization, incarceration, military service) and provide documentation of those circumstances. The documentation should be specific as to the dates of the circumstances. The Status Information Letter is good for life and the individual should be encouraged to keep their original letter in a safe place for future reference. If the *Status Information Letter* indicates that an individual was <u>not required to register</u> for the Selective Service, then he is eligible to enroll in WIA-funded services.

If the Status Information Letter indicates that the individual <u>was required to register</u> and now cannot because he is 26 or older, he is presumed to be disqualified from participation in WIA-funded activities and services until it can be determined that his failure to register was

not knowing and willful. All costs associated with WIA-funded services provided to non-eligible individuals may be disallowed.

E. Determining Knowing and Willful Failure to Register

If an individual was required to register with Selective Service but failed to do so the individual may only receive services if they can provide evidence to establish that the failure to register was not knowing and willful. Service providers will be responsible for evaluating the evidence presented by the individual and determining whether the failure to register was a knowing and willful failure.

The individual should be encouraged to offer as much evidence and in as much detail as possible to support his case. Evidence may include an applicant's statement and supporting documentation of his circumstances at the time of the required registration and the reason for failure to register. Examples of documentation that may help in making a determination in these cases include:

1. Service in Armed Forces. Documentation verifying that a man has served honorably in the U.S. Armed Forces such as the DD Form 214 or his Honorable Discharge Certificate may be considered sufficient evidence that his failure to register was not willful or knowing.
2. Third Party Affidavits. Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering, are also acceptable documentation that may also be helpful to service providers determining whether the failure to register was willful and knowing.

In determining whether the failure was "knowing", service providers should consider:

1. Was the individual aware of the requirement to register?
2. If the individual knew about the requirement to register, was he misinformed about the applicability of the requirement to him (e.g., veterans who were discharged before their 26th birthday were occasionally told that they did not need to register)?
3. On which date did the individual first learn that he was required to register?
4. Where did the individual live when he was between the ages of 18 and 26?
5. Does the status information letter indicate that Selective Service sent letters to the individual at that address and did not receive a response?

In determining whether the failure was "willful", service providers should consider:

1. Was the failure to register done deliberately and intentionally?
2. Did the individual have the mental capacity to choose whether or not to register and decided not to register?
3. What actions, if any, did the individual take when he learned of the requirement to register?

If the service provider determines it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. If the service provider determines that evidence shows that the individual's failure to register was knowing, and willful, WIA services must be denied. Individuals denied services must be advised of available WIA grievance procedures. Service providers must keep documentation related to all evidence presented in determinations related to Selective Service.

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SOCIAL SECURITY NUMBER PROCEDURE

In accordance with Section 7 of the Privacy Act of 1974 (5 U.S.C. Section 552a Note (Disclosure of Social Security Number), unless the disclosure is required by Federal statute, applicants may not be denied any right, benefit or privilege provided by law because of the individual's refusal to disclose his/her Social Security Number (SSN).

Disclosure of an individual's social security number pursuant to the Internal Revenue Code where it is used as the identifying number for the purposes of a return, statement or any other document under the Code (i.e., for payment of wages for OJT, Work Experience, etc.) may be properly required.

NOTE: Applicants who do not possess a Social Security card must apply for one to ensure that a copy of that card may be placed in the applicant file.

A. Guidelines For Obtaining Social Security Number

Although an applicant cannot be denied WIA services for failure to disclose their SSN, they must submit their SSN in order to receive wages paid while participating in WIA (i.e., OJT).

Training and Employment Guidance Letter (TEGL) No. 5-08 (issued November 13, 2008) says that States must request a participant's social security number when offering intensive WIA services or providing financial assistance, however the State may not deny access to any participant who refuses to provide a social security number. Not obtaining an SSN from a participant means that any outcomes for this participant would be excluded from performance measures unless supplemental information is available to verify the performance outcomes for non-wage based measures.

It is important for service providers to request the applicant's SSN at intake and advise them that their social security numbers are maintained in a secure and confidential manner. Applicants should also be advised that the State only uses the SSN for the following:

a. Payment of wages and allowances, even though at intake it may not be possible to determine the form of payment, if any, the applicant will receive; and
b. Tracking Unemployment Insurance Wage Records for the calculation of program performance measure outcomes.

According to Federal reporting requirements a valid SSN must be obtained and recorded prior to termination and record transmittal. The regulations further state that The Department (USDOL) assumes full responsibility for protecting the confidentiality of the data and will ensure that data files are maintained according to applicable Federal laws, with particular emphasis upon compliance with the provisions of the Privacy Act and the Freedom of Information act. It will remove SSN from participant files before they are shared with Federal agencies and other users**." All recipients of WIA Title IB funds are governed by these requirements.**

B. Procedure for obtaining Social Security Number
Providers should assist the applicant in obtaining a SSN from the Social Security Administration. If the applicant does not have a Social Security Number a block or pseudo-number should be assigned using the following formula: Service Providers should use the number 9 as the first digit. EXAMPLE: Participant born November 12, 1958, the block number would be 911-12-1958. Please note this in the participant's file.

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SERVICES AND ACTIVITIES

The Workforce Investment Act provides for three levels of services for **adults and dislocated workers**; core, intensive and training, with service at one level being a prerequisite to moving to the next level.

I. Adults and Dislocated Workers

A. Core Services

Core services are universally available to everyone entering the facility. Other partner sites need only provide the core services appropriate to their participants and funding source.

1. Pre-registration Services

   Pre-registration services include all core self-help services and core services requiring minimal staff assistance including:

   a. Determinations of eligibility to receive assistance under WIA Title I;
   b. Outreach, intake (which may include worker profiling), and orientation to the information and other services available through the one-stop delivery system;

2. Orientation

   All individuals entering or re-entering services are to be oriented to the program. Required information for the orientation is the participant's rights and procedures for filing grievances and claims of discrimination. Additional topics for orientation may include:

   a. An introduction to the program -- purpose and goals;
   b. Rules and regulations of the program;
   c. Provider responsibilities;
   d. Participant responsibilities;
   e. Program resources and supportive services available;
   f. Job-related injury procedures; and
   g. Wage and pay information.

   While participants who have previously been enrolled in the program may not need an extensive orientation, they still need to be oriented briefly on all areas and especially on any program changes.

   Orientation must include information and documented acknowledgement of procedures for complaints, grievances, and discriminatory practices. Documentation that the applicants/participants have received information regarding the above-mentioned procedures is the completed two-part "Equal Opportunity is the Law" participant discrimination form. One copy of this document must be maintained in the participant file and one must be provided to the applicant/participant.

3. Initial assessment of skill levels, aptitudes, abilities, and supportive service needs;
4. Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas. Labor Market Information (LMI) must be provided to participants in every program. LMI generally encompasses four major areas:

   a. National job trends, including supply and demand.

b. Local job opportunities.
c. Education and skill requirements for jobs.
d. Job seeking skills (writing resumes, job interview techniques, etc.).

LMI can be obtained from Department of Labor and Industry's Research and Analysis Bureau at www.ourfactsyourfuture.mt.gov/publications, and through career awareness programs such as Montana Career Resource Network (MCRN).

5. Provision of performance information and program cost information on eligible providers of:
   a. Training services;
   b. Adult education;
   c. Post-secondary vocational education;
   d. Vocational education activities available to school dropouts under Carl Perkins;
   e. Vocational Rehabilitation program activities.
6. Provision of information regarding how the local area is fulfilling performance measures and any additional performance information with respect to the one-stop delivery system in the local area;
7. Provision of accurate information relating to the availability of supportive services, including child care and transportation available in the local area, and referral to such services, as appropriate;
8. Provision of information regarding filing claims for unemployment compensation;
9. Assistance in establishing eligibility for:
   a. Welfare-to-work activities available in the local area; and
   b. Programs of financial aid assistance for training and education programs that are not funded under WIA and are available in the local area;
10. Computer Resources;
11. Resource Room use;
12. Open Workshops;
13. Job search and placement assistance, and where appropriate, career counseling;
14. Provide information on follow-up services that may be available to participants, as appropriate, including counseling regarding the workplace, for participants in workforce investment activities authorized under this subtitle who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate;
15. Rapid Response – may only be used by Job Service Workforce Center staff or agency that receives Rapid Response funds.
16. One-Stop Services [One stop record under development]

B. Moving from Core to Intensive Services

Gateway services are those services that an individual must receive to move from Core to Intensive services. Gateway Services are used to determine that Intensive services are required for the participant to achieve the goal of obtaining or retaining self-sufficient employment.

In order for an adult to move from core services to intensive services, individuals must receive at a minimum:

1. Eligibility Determination; and
2. an initial Assessment indicating **a further (comprehensive) assessment is required that determine** intensive services are necessary for the individual to obtain or retain employment leading to self-sufficiency.

In order for a dislocated worker to move from core services to intensive services individuals must receive, at a minimum:

1. Eligibility Determination; or
2. Rapid Response activities or an initial assessment by a service provider indicating that intensive services are necessary for the individual to obtain or retain employment leading to self-sufficiency.

C. Intensive Services

1. Priority Groups
   Intensive services are available to adults and dislocated workers who are members of a priority group (see Section 3.10 for adult, dislocated worker **and veterans'** priority of service); and
   a. are unemployed and are unable to obtain employment through core services provided; **and**
   b. have been determined to be in need of more intensive services in order to obtain employment; **or**
   c. are employed, but have been determined to be in need of intensive services in order to obtain or retain employment that leads to self-sufficiency.
2. Intensive services include:
   a. Comprehensive and specialized assessments of the skill levels and service needs, which may include:
      (1) Diagnostic testing and use of other assessment tools; and
      (2) In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.
   b. Development of an individual employment plan (IEP) to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals;
   c. Group counseling;
   d. Individual counseling and career planning;
   e. Case management for participants seeking training services; (No proof of ETP needed if not paying tuition)
   f. Short-term pre-vocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training;
   g. Work Experience/Internships;
   h. Adult Basic Education/Literacy Services.

D. Moving from Intensive to Training Services
To move from intensive services to training services there must be significant development of the IEP that indicates training is necessary for the individual to obtain or retain employment leading to self-sufficiency.

The individuals must receive, at a minimum:
1. a completed IEP as described above; and
2. a comprehensive and specialized assessment of skill levels and service needs; or
3. group and/or individual employment counseling; or
4. case management and career planning.

E. Training Services
Training services means any WIA-funded and non-WIA funded training service. Individuals with other employment issues shall be afforded opportunities for participation in training activities designed to improve participation in the workforce and lead to higher earnings for individuals who successfully complete them. Training activities for persons in these groups will be provided in the context of the state's vision to provide universal access for all customers.
1. Training Services may be provided to adults and dislocated workers:
   a. Who have met the eligibility requirements for intensive services and who are unable to obtain or retain employment through such services;
   b. Who after an interview, evaluation, or assessment, and case management, have been determined to be in need of training services and to have the skills and qualifications to participate successfully in the selected program of training services;
   c. Who select programs of training services that are directly linked to the employment opportunities in the local area involved or in another area in which individuals receiving such services are willing to relocate; and
   d. Who are unable to obtain other grant assistance for such services, including Federal Pell Grants; or
   e. Require assistance beyond that made available under other grant assistance programs, including Federal Pell Grants; **and** who are determined to be eligible in accordance with the priority for services criteria and the service provider's determination of funds available to provide the service.

   Training services may be provided under this paragraph to an individual who otherwise meets the requirements of this paragraph while an application for a Federal Pell Grant is pending, except that if such individual is subsequently awarded a Federal Pell Grant, the training provider must reimburse the service provider the WIA funds used to pay the **<u>tuition</u>** portion of the training costs from the PELL Grant. **20 CFR Part II. Summary & Explanation pp. 49328 & 49329.** [Tuition is the sum charged for instruction. Fees, books, supplies and other training related expenses are not considered tuition.]

Training services shall be provided through providers listed on the Department of Labor and Industry Eligible Provider List (ETPL) unless noted otherwise in the following list of training services. Out-of-state and on-line training provider programs must be on their state's ETPL; and, if not on that state's list, the service provider must determine why not. If the provider has been determined not eligible by another state, then they cannot be added to Montana's ETPL, and cannot be used as a training provider. If there is another reason they are not on their state's list (i.e. an overly cumbersome application process, etc) then, they can be added to Montana's ETPL through the normal application process. ETPL printout shall be documented in the participant's file.

2. Training services may include:
   a. Occupational skills training, including training for nontraditional employment and for training programs operated by the private sector; **(requires ETP)**
   b. On-the-job training; **(does not require ETP)**
   c. Programs that combine workplace training with related instruction, which may include cooperative education programs; **(requires ETP)**
   d. Training programs operated by the private sector; **(requires ETP)**
   e. Skill upgrading and retraining; **(requires ETP)**
   f. Entrepreneurial training; **(requires ETP)**
   g. Job readiness training; **(does not require ETP)**
   h. Adult education and literacy activities provided in combination with services described in any of clauses (i) through (vii) of WIA Section 134 (d)(4); **(does not require ETP)**
   i. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training. **(does not require ETP)**
   j. Short-term pre-vocational training of approximately one week (40 hours) or less which does not provide certification or a credential upon completion. (**does not require ETP**)

3. Training Payments
   The service provider must verify and pay tuition and other training costs in accordance with the training provider's documented payment policy or terms. WIA funding may be used for any expenses considered to be part of the Cost of Attendance (see Section 4.40, D) that cannot be met from the PELL or other grant assistance. In situations of co-enrollment with other WIA or non-WIA programs (TAA, WIRED, etc), the case manager will coordinate with the training provider and other program(s) to ensure the participant's training needs are met and there is no duplication of services. WIA funding shall always be a supplement to other grant assistance.

II. Youth

A. Youth Activities

Pursuant to WIA Section 129(a) the intent of youth activities is:

1. To provide eligible youth seeking assistance in achieving academic and employment

success, effective and comprehensive activities that include a variety of options for improving educational and skill competencies and provide effective connections to employers;

2. To ensure on-going mentoring opportunities for youth with adults committed to providing such activities;
3. To provide opportunities for training;
4. To provide continued support services;
5. To provide incentives for recognition and achievement; and
6. To provide opportunities in activities related to leadership, development, decision-making, citizenship and community service.

B. Youth Required Components

The following ten elements must be available to youth participants. Service providers have the discretion of what specific services are provided to a youth, based on the individual's Objective Assessment and Individual Service Strategy*.

1. Tutoring, study skills training and instruction leading to secondary school completion, including dropout prevention strategies;
2. Alternative secondary school offerings*****;
3. Summer employment opportunities directly linked to academic and occupational learning;
4. Paid and unpaid work experiences, including internships and job shadowing;
5. Occupational skill training;
6. Leadership development opportunities, which may include such activities as positive social behavior and soft skills, decision making, team work and other activities;
7. Supportive services;
8. Adult mentoring for the duration of at least twelve (12) months, which may occur both during and after program participation;
9. Follow-up services;
10. Comprehensive guidance and counseling, including drug and alcohol abuse counseling, as well as referrals to counseling, as appropriate to the needs of the individual youth.

*** The Adult Mentoring element <u>must be provided</u> to all youth.**

C. Youth Goals and Training Services

Youth services are provided in conjunction with skill goals that may include any of the following services:

1. Basic Skills Goal
2. Occupational Skills Goal
3. Work Readiness Skills Goal
4. On-the Job Training
5. Customized Training
6. Work Experience
7. High School Equivalency Certificate Prep (Applies to youth 16 years and older)

D. Waiver approval from USDOL allows youth service providers to use WIA youth funds to purchase an ITA for youth in order for a youth receive occupational skills training. There must be significant development of the ISS that indicates training is necessary for the youth to obtain or retain employment leading to self-sufficiency.

Youth service providers may determine whether or not to fund Occupational Skills Training for youth based on the availability of WIA youth funding.

In order to receive Occupational Skills Training services the youth must receive, at a minimum:
1. a completed ISS as described above; and
2. a comprehensive and specialized assessment of skill levels and service needs; or
3. group and/or individual employment counseling; or
4. case management and career planning.

E. Training Services

Training services means any WIA-funded and non-WIA funded training service. Individuals with other employment issues shall be afforded opportunities for participation in training activities designed to improve participation in the workforce and lead to higher earnings for individuals who successfully complete them. Training activities for persons in these groups will be provided in the context of the state's vision to provide universal access for all customers.

1. Training Services may be provided to youth:
   a. Who after an interview, evaluation, or assessment, and case management, have been determined to be in need of training services and to have the skills and qualifications to participate successfully in the selected program of training services;
   b. Who select programs of training services that are directly linked to the employment opportunities in the local area involved or in another area in which individuals receiving such services are willing to relocate; and
   e. Who are unable to obtain other grant assistance for such services, including Federal Pell Grants; or
   f. Require assistance beyond that made available under other grant assistance programs, including Federal Pell Grants; and who are determined to be eligible in accordance with the priority for services criteria and the service provider's determination of funds available to provide the service.

Training services may be provided under this paragraph to an individual who otherwise meets the requirements of this paragraph while an application for a Federal Pell Grant is pending, except that if such individual is subsequently awarded a Federal Pell Grant, the training provider must reimburse the service provider the WIA funds used to pay the tuition portion of the training costs from the PELL Grant. 20 CFR Part II. Summary & Explanation pp. 49328 & 49329. [Tuition is the sum charged for instruction. Fees, books, supplies and other training related expenses are not considered tuition.]

Training services may only be secured using providers listed on the Department of Labor and Industry Eligible Provider List (ETPL) unless noted otherwise.

Refer to the process for determining the possibility of using out-of-state and on-line training provider programs as described in the adult and dislocated worker parts I. E. 1.

2. Training services – Refer to the list of training services and which services require an Eligible Training Provider in the adult and dislocated worker parts I. E. 2. above.

3. Training Payments
   Youth service providers must first confirm that the training provider is on the Eligible Training Provider List following the process describe in II. E. above; and second, establish an ITA for the youth participant following the process described in Section 4.40 Individual Training Accounts. The service provider must verify and pay tuition and other training costs in accordance with the training provider's documented payment policy or terms. WIA funding may be used for any expenses considered to be part of the Cost of Attendance (see Section 4.40, D) that cannot be met from the PELL or other grant assistance. In situations of co-enrollment with other WIA or non-WIA programs (TAA, WIRED, etc), the case manager will coordinate with the training provider and other program(s) to ensure the participant's training needs are met and there is no duplication of services. WIA funding shall always be a supplement to other grant assistance.

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CASE MANAGEMENT

A. What is Case Management?

Case management means the provision of a client-centered approach in the delivery of services, designed to:

1. prepare and coordinate comprehensive employment plans, such as service strategies, for participants to ensure access to necessary workforce investment activities and supportive services, using where feasible, computer-based technologies; and
2. provide job and career counseling during program participation and after job placement.

WIA 101(5)

Case management services are to be made available to all participants enrolled in Workforce Investment Act Title I programs. Federal law identifies case management as follows:

1. Comprehensive and specialized assessment of skill levels and service needs through –
   a. Diagnostic testing and use of other assessment tools; and
   b. In-depth interviewing and evaluation to identify employment barriers and

2. Development of an individual employment plan to identify employment goals and objectives, and appropriate services needed to achieve those goals and objectives.

3. Information on training available in local and regional areas, information on individual counseling to determine which training is suitable training, and information on how to apply for such training.

4. Information on how to apply for financial aid, including referring participant to educational opportunity centers, and notifying participants that they may request financial aid administrators at institutions of higher education to use the administrators' discretion under section 479A of such act (20 U.S.C. § 1087tt) to use current year income data, rather than preceding year income data, for determining the amount of need of the participant for Federal financial assistance under title IV of such Act (20 U.S.C. §§ 1070 et sep.). ***This request is sometimes referred to as a Professional Judgment.***

5. Short-term prevocational services, including development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare participants for employment or training.

6. Individual career counseling, including job search and placement counseling, during the period in which the participant is receiving services, and after receiving services for purposes of job placement.

7. Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including –
   a. Job vacancy listings in such labor market areas;
   b. Information on jobs skills necessary to obtain jobs identified in job vacancy listings described in subparagraph (a);

c. Information relating to local occupations that are in demand and earnings potential of such occupations; and
d. Skills requirements for local occupations described in subparagraph (c).

8. Information relating to the availability of supportive services as described in Section 4.80 of the WIA policy manual.

B. <u>Case Manager Responsibilities</u>

In addition to the defined case management identified above, case managers are responsible for –

- Providing testing of basic skills, comprehensive assessment and testing;
- Co-enrolling in all applicable programs as appropriate;
- Maintaining consistent contact with participants as appropriate; **and, if unable to make contact after repeated attempts in a 90 day period, closing all services and enrollments effective the date the services were last provided;**
- Developing and continually updating of an Individual Employment Plan (IEP) or Individual Service Strategy (ISS);
- Determining if participant requests for training and supportive services are allowable, appropriate and able to be funded;
- Coordinating joint training plans and employment services as appropriate;
- Monitoring the progress of participants in their approved plan;
- Recording all program services and case notes in MontanaWorks within the required timelines and as service/contact occurs, reflecting any significant issues or changes;
- Maintaining the participant file (paper file);
- Ending the participant's services and program enrollment when services are no longer being provided;
- Ensuring that participants are aware of their responsibilities as noted in C.

C. <u>Participant Responsibilities</u>

- Obtaining prior approval for any type of service or assistance from the WIA Program;
- Informing Case Manager of progress;
- Informing Case Manager of changes (address, phone number, classes or training, personal situations, etc.) in a timely manner (as it is happening, not weeks/months later).
- Informing Case Manager of problems in any area (training, personal, financial, etc.) that could impact successful completion of their approved plan;
- Informing Case Manager of work status;
- Timely submitting copies of grades, certifications, diplomas, registration schedule, bills, receipts, etc.

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WORK EXPERIENCE (WEX)

A. Description

Work Experience is a planned, structured learning experience that takes place in a worksite for a limited period of time that is based upon the needs of the participant. A work experience worksite may be in the private for-profit sector, the non-profit sector or the public sector. Work Experience is an authorized Intensive services activity for WIA Adults and Dislocated Workers **and one of the ten program elements available to** Youth participants.

Work Experience may be full-time or part-time depending upon the needs of the participant.

Work Experience shall be designed to enhance the employability of individuals through the development of good work habits and basic work skills.

Work Experience shall be limited to persons needing assistance in becoming accustomed to basic work requirements, including basic work skills, or those needing to explore new career options due to recent layoffs or declining job growth in their current or most recent employment.

Work Experience may be used as a Situational Assessment. A Situational Assessment provides a participant with the opportunity to explore different work interests and try out their skills and abilities in a work setting. In addition, it allows the program staff and the participant to jointly determine the social aspects, work culture, and physical and communication requirements of the worksite. This determination provides valuable information on the job supports needed by the participant to achieve a successful job match.

Work Experience participation creates an employer/employee relationship. Normally, the WIA service provider establishing the worksite is considered the employer and pays the participant's wages along with necessary taxes and workers' compensation costs.

In some cases, the worksite employer can be considered the employer and would then be responsible for the payment of wages, taxes and workers' compensation. In these situations, the service provider reimburses the worksite employer through an invoice process.

Regardless of who is considered the employer, the activity must comply with all applicable employment laws and regulations as noted in Section B.

B. Employment Law & Work Experience Requirements

Because an employer/employee relationship is established, Work Experience placements must:

- Comply with the Fair Labor Standards Act in regards to wages paid, hours worked and child labor regulations.
- Complete an I-9 in accordance with the Immigration Reform and Control Act
- Provide Workers Compensation coverage
- Withhold Social Security, Federal Income and Montana State Income taxes

Exclusions: Montana state law excludes work-training programs such as WIA work experience from the definition of employment for purposes of unemployment insurance compensation (UI). Therefore, Work Experience wages are not subject to payment of UI taxes by the employer and WEX participants do not earn wage credits during their participation. MCA 39-51-204 (1)(m)

C. Participant Wages, Benefits, Hours of Work and Duration of Assignment

Work Experience Wages (WIA 181(a)(1)(A); 667.272). Work Experience participants shall be paid an hourly wage for hours worked, rounded to the nearest half hour. Wages are considered a work-training or educational allowance.

Wage Rate. Each participant will receive a wage based on:

a. Applicable federal and state minimum wage; or
b. At the same rates as trainees or employees who are in similar occupations, and who have similar training, experience and skills within that worksite, whichever is higher. (WIA 181(a)(1)(A))

Tax Withholding. Work Experience wages are subject to withholding for Social Security, Federal Income Tax, and Montana State Income Tax. Therefore participants must complete a W-4 and the employer must issue a W-2. Transportation and/or supportive services, if paid, are over and above wages and are not subject to tax deduction.

Injury - Providers are to ensure that each WEX participant is covered by State Workers' Compensation Insurance or adequate injury insurance.

Hours of Work – ***Work Experience participants can only be paid for the actual hours worked. Participants may not be paid when they are out sick on vacation or for holidays regardless of the worksite policy regarding holiday pay.*** Full-time participation is defined as working 32-40 hours per week, or the same number of hours worked by regular employees at the worksite, not to exceed 40 hours per week. **Neither overtime work nor overtime pay is allowable**. Child labor laws must be observed when scheduling work hours for youth under 18 years of age.

- Part-time Work Experience is encouraged, when appropriate, for participants who are in-school youth, older workers, the disabled, single parents with small children, or other similar circumstances.

Duration of WEX Assignment – Work Experience is to be for a limited time that is reasonable in duration. The length of the Work Experience assignment is to be based on the needs of the participant and purpose of placing that participant in a WEX. Factors such as prior work experience and occupational interests should be taken into consideration. Generally, a WEX assignment should not exceed 600 hours and may be shorter than that depending upon the participant. Providers wishing to establish or extend a WEX in excess of the 600 hour duration must get prior approval from the WIA Program Manager.

D. Worksite Supervision

Service providers should visit participants and their supervisors at their worksites on a bi-weekly basis to assist in job-related or personal counseling and job coaching. The performance and progress of the participant is to be monitored on a regular basis to

determine if continued participation, transfer to another activity, and placement in unsubsidized employment, or other action is most appropriate.

E. Required Work Experience Documents

Standard Work Experience (service provider as employer): A Memorandum of Agreement (MOA) and Training Summary must be completed prior to the placement of participants at a worksite. The MOA (WIA.21) sets forth the intent of the activity. The Training Summary (WIA.22) outlines the work elements, duties and skills for which the participant will receive training or perform during the WEX activity assignment.

Only one agreement per worksite is required per program year and slots are open entry/open exit and can be refilled as participants are transferred to other activities.

Alternative Work Experience (worksite as the employer): A Memorandum of Agreement (WIA.21) Training Summary (WIA.22), Agreement Work Experience Wage Subsidy Agreement (WIA.21B) must be completed prior to the placement of a participant at the worksite. WEX Wage Subsidy situations are specific to an individual participant, so new paperwork must be completed with each participant placed at a worksite. Reimbursement to the worksite employer will be done using the Work Experience Wage Subsidy Invoice (WIA.21C).

All time sheets requirements list under the Standard Work Experience apply to participants on an Alternative Work Experience.

All participants on a WEX must complete a time sheet at the end of the scheduled work period. The job duties and tasks that the participant performed must be completed on the Work Experience Time Sheet (WIA.22C) for each day worked and must tie to the work elements, duties and tasks listed on the Training Summary (WIA.22). Time sheets must be signed and dated by both the participant and the supervisor. The supervisor must be listed on Training Summary (WIA.22) as authorized to sign time sheets. Time sheets must be completed with days, dates, hours, duties documented, signed and dated before a participant can be paid.

Union Concurrence: Following an informal consultation with the appropriate labor organization, the Union Concurrence Form (WIA.23) is to be completed for each agreement where a collective bargaining agreement covers the occupation the participant(s) are to be placed in. A copy of the Union Concurrence Form must be kept with each MOA whether or not a collective bargaining agreement exists. A note on the Union Concurrent Form either not applicable or N/A is sufficient when there is no collective bargaining agreement.

Facsimile and instructions for the Memorandum of Agreement, Training Summary, Union Concurrence, Wage Subsidy Agreement and Wage Subsidy Invoice forms (only applies when the provider is paying the worksite and not the participant) are in the Forms Section of this Manual and online. The provider's copy of the appropriate WEX documents must be attached together and kept in the provider's office.

ON-THE-JOB TRAINING (OJT)

A. Description

OJT is training by an employer that is provided to a paid participant while engaged in productive work in a job that provides knowledge or skills essential to the full and adequate performance of the job.

OJT is an important training services activity whereby employers provide necessary equipment and training for jobs by means of a "hire first, train later" strategy. WIA participants who successfully complete the OJT period are subsequently retained in permanent employment. The OJT should to be used for occupations in higher skills categories. It is not subsidized employment of low-skill occupations, which require very little training time. OJT is only appropriate for the length of time necessary to be trained in the specific occupation.

OJT may be sequenced with or accompanied by other types of services such as occupational, pre-vocational or literacy training.

OJT contracts may be written for either full-time or part-time employment. Contracts written for occupations identified on the **Office of Apprenticeship (OA),** USDOL or the Montana apprenticeable occupations list should, with the knowledge and approval of the employer, be coordinated with the Apprenticeship Section of the Montana Department of Labor and Industry.

Personnel involved in the decision making process to place an eligible participant into an OJT must document the decision in the participant's Individual Employment Plan or Individual Service Strategy. The decision should demonstrate that the training chosen is appropriate, that the training is necessary, that the participant does not already possess the skills, or that the individual needs to upgrade their skills to move to a new job.

Reverse Referrals (see Glossary) may be accepted for OJT only if the participant's assessment and IEP/ISS document such OJT as an appropriate training activity. The employer must be aware that an individual not currently in their employ may or may not be referred back for employment consideration. OJT contracts written for eligible employed workers do not constitute a reverse referral.

B. Eligibility

OJT contracts may be written for eligible employed workers when:

1. The employee is not earning a self-sufficient wage as determined by policy;
2. The requirements in WIA regulations section 663.700 that (a) contracts may not be made with an employer that exhibits a pattern of failure to provide participants long-term employment as well as wages and benefits; and the contract must be limited to the period of time required for a participant to become proficient in the occupation for which the training is provided; and

3. The OJT relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes.

C. Reimbursement and Contract Requirements

Reimbursements under OJT contracts are deemed to be compensation for the extraordinary costs associated with training participants and the costs associated with the lower productivity of the participants. Reimbursement under OJT contracts shall be **determined on a sliding scale based on company size as follows:**

- **Up to 90%: Employers with 50 or fewer employees**
- **Up to 75%: Employers with 51-250 employees**
- **Up to 50%: Employers with more than 250 employees**

1. Training that is **not** considered appropriate includes, but is not limited to:
   a. Occupations in lower wage industries where prior skill or training is not prerequisite for hiring;
   b. Occupations with high labor turnover;
   c. Occupations, which lead to relocation of establishments from one area to another;
   d. Seasonal occupations;
   e. Occupations with a substantial number of experienced and able workers who are presently unemployed;
   f. Occupations dependent on tips and/or commission to equal the minimum wage; and
   g. Occupations with low paying, dead-end jobs.

2. Contractor Eligibility
   a. OJT assistance will be available only in industries providing job continuity or security;
   b. Any firm or industry in violation of local, state or federal labor laws is not eligible for training assistance;
   c. Any firm, employer or industry who has had two (2) or more OJT contracts and has exhibited a pattern of failure to provide OJT participants continued, long-term employment as regular employees with wages and working conditions at the same level and to the same extent as similarly situated employees are ineligible to enter into further WIA OJT contracts. (See Glossary for definition of "Pattern of OJT Contract Failure") **WIA Sec. 195(4)**
   d. Relocation
      (1) No funds provided under the Act shall be used, or proposed for use, to encourage or to induce the relocation of an establishment, or part thereof, that results in the loss of employment for any employee or such establishment at the original location.
      (2) For 120 days after the commencement or the expansion of commercial operations of a relocating establishment, no funds provided under this Act shall be used for customized or skill training, on-the-job training, or company-specific assessments of job applicants or employees, for any relocating

establishment or part thereof at a new, or expanded location, if the relocation of such establishment or part thereof results in a loss of employment for any employee of such establishment at the original location.

(3) For the purposes of this section, *relocating establishment* means a business entity, including a successor-in-interest, which is moving any operations from a facility in one labor market area within the United States and its territories to a new or expanding facility in another labor market area. For the purposes of this section, a labor market area is an area within which individuals can readily change employment without changing their place of residence.

WIA Sec. 181(d); 20 CFR Part 667.268

(4) Pre-award review. To verify that an establishment is expanding or not relocating employment from another area, the program operator shall conduct a pre-award review to ensure that the company has not relocated and the relocation resulted in layoffs or displacement of workers. Service providers shall use the OJT Pre-Award Review form (**WIA.24**) to document this process. A facsimile of OJT Pre-Award Review form is in the forms section of this manual.

e. Approval. Before writing an OJT contract, service providers shall determine that abnormal labor conditions such as a strike, a lockout or similar conditions do not exist at the establishment or its affiliates;

f. Established Wages - industries not meeting the established wage priorities are not eligible;

g. Prevailing Standards - occupations must meet prevailing standards with respect to wages, hours and conditions of employment;

h. Reimbursements

(1) WIA funds shall not be provided to reimburse OJT training costs when the participant was referred and hired through a private employment agency and was required to pay a referral and placement fee;

(2) Training costs will be an allowable WIA expenditure if the employer paid the referral and placement fee;

i. Training Contracts may be with the private or public sector.

3. Contract Period

OJT contracts should be written for a period of time that takes into account actual training time plus additional time to anticipate unexpected time away from training by the participant. This process should ensure that end date of the contract is sufficiently into the future so as not to require a contract modification to extend the end date. (**NOTE:** This is the contract period, not the training time.)

4. Length of Training

OJT training authorized for a participant shall be limited to a period not in excess of that generally required for the acquisition of skills needed for the particular occupation. For the purpose of this section training shall not exceed a maximum of 2080 hours.

The following procedures will apply to determine the maximum number of reimbursable weeks of training for an occupation:

a. O*NET - The Occupational Information Network
   Locate the title of the occupation in the O*NET and identify the occupation's 5 or 6-digit occupational code. For example, Employment Interviewers, Private or Public Employment Services: 21508.
b. Job Zone Determination Process
   (1) Using the O*NET code, find the Job Zone level in the O*NET (Example: 21508 = Job Zone - 3)
   (2) Then locate the Job Zone on the chart below. It shows maximum OJT time reimbursable under WIA for any occupation at a given Job Zone. For example, Employment Interviewer: 21508 hours has a Job Zone of 3. Read across to see that 1,200 hours is the maximum for any Job Zone 3 occupation.

JOB ZONE-TRAINING TIME CONVERSION CHART

Job Zone Level	Maximum Training Allowed
1	400 hours
2	800 hours
3	1,200 hours
4	1,600 hours
5	2,080 hours

5. Employee/Trainee Wages
   Minimum Starting rate
   The minimum starting rate of OJT employees shall be the greater of:
   - Applicable federal and state minimum wage; or
   - At the same rates as trainees or employees similarly situated in similar occupations by the same employer, and who have similar training, experience and skills, whichever is higher. **WIA Sec. 181(a)(1)(A)**

   Note: WIA funds shall not be used for overtime wages, holidays, sick leave, or vacations.
6. Concurrence
   Upon entering into the development of an OJT contract, the service provider through informal consultation with the appropriate labor organization will determine if there is a collective bargaining agreement between the employer and the employees or their representatives. Written concurrence from the appropriate labor organizations is required for all positions involving collective bargaining agreements.

7. Apprenticeable Occupations
   When training is proposed for apprenticeable occupations, the provider should, with the knowledge and approval of the employer, consult with the appropriate apprenticeship representative regarding the coupling of training with apprenticeship

programs. The purpose is to provide individuals who receive OJT training with the opportunity to participate in a structured training program that lasts beyond the limits of the WIA OJT training, and provides for an incremental increase in wages.

8. Program Standards And Cost Guidelines For OJT Contracts
   a. "Hire First" Principle means that employers must agree to hire prior to training for all entry-level positions. **NOTE:** This does not mean that the employers can "try out" or work the trainee for a period of time prior to contract funding to see if the trainee will work out. This means:
      (1) The employer "hires" the participant as of the entry date into the OJT program;
      (2) The participant is considered to be an employee, not a trainee, of the contractor;
      (3) The participant is entitled to all the rights and benefits of all regular employees; and
      (4) The employer has made a commitment to provide continued employment after training.
   b. Trainee Entrance Schedule
      All employees should enter training within a one-month period of the funding date on the contract.
   c. Contract Assembly
      An OJT contract contains the following:
      (1) OJT Pre-Award Review
      (2) Concurrence
      (3) On-the-Job Training Contract
      (4) Special Terms and Provisions/Assurances and Certifications
      (5) OJT Training Summary
      (6) Apprenticeship Notification

9. Referral and Hire
   No participant will be started in a proposed OJT slot until a contract has been negotiated and signed.

   After negotiation of the OJT contract referral of eligible trainees may begin.

   A copy of the OJT Contract is to be given to the employer and the participant. The provider will maintain the original contract.

10. Reports
    a. OJT Monthly Invoice
       This report is to be completed monthly for each contract. The initial progress report will be completed for the month in which the contract is approved regardless of reportable activity. Each report will cover each cumulative activity under a specific contract.

The final report should be completed for the month in which the scheduled training days are completed. When used for payment, this report must be completed within five (5) days of contract completion/termination. Do not wait until the end of the month. The report is kept on file with the provider.

The service provider will make a monthly visit to the contractor to complete the OJT Monthly Invoice. The provider must review the employer records to ensure all information entered on the Monthly Report is accurate. The provider should obtain a copy of the record to attach to the monthly invoice for backup documentation. The record may be a time card or any other document that the employer is using to document hours worked during the month. On the date of the visit, employer and the provider must sign and date the OJT Invoice. The signatures will certify that the information on the invoice is correct and is reflective of the employer records, including hours worked and wages paid. Note: Signatures may not always be the employer per se, but a qualified person in the employer's office may sign, as long as the qualifier's signature is also on the original contract.

Original signatures must be used on the Monthly OJT Invoice. Signed invoices may not be altered with whiteout or correction tape.

b. OJT Monthly Service Report
This report is used with the OJT Monthly Invoice. Providers will make a monitoring/assistance visit to the contractor worksite on a regular monthly basis. Contacts with the trainee will also be made at that time.

During these visits the provider will complete the OJT Monthly Invoice and OJT Monthly Service Report. Regular visits will provide providers an opportunity to provide services or assistance to the employer and participant that may prevent major problems or deficiencies from occurring. Any problems or deficiencies that may be uncovered during a visit should be outlined in the provider's Evaluation and/or Corrective Action section of the OJT Monthly Service Report. Also any corrective action plans should be included.

c. Weekly Work Log
During the monthly visit, providers will collect documentation from the participant on what they have been learning during the past month. There are a variety of ways in which providers can do this. One way would be to collect a copy of the daily work log that apprentices are required to keep for their program, or providers develop their own log for participants to keep, or use the WIA.26A Weekly Work Log. Providers will then compare the weekly work log to the contract to ensure that the participant is getting the training required for the job.

D. OJT Contract Modification

1. Contract modifications must be done using the Contract Modification Form.
2. The contractor or the provider may initiate a contract modification.
3. Signed contracts are not to be altered with whiteout or correction tape. Changes may only be made by a modification, or if that is not possible, by lining out the incorrect data, hand printing the new data and by having both parties initial the change.
4. Copies of the modifications should be distributed to all parties who have copies of the original contact.

Facsimile of OJT Contract, Terms and Provisions, Training Summary, Pre-Award Review, Apprenticeship Notification and Union Concurrence forms and the Contract Modification Forms are in the Forms Section of this Manual.

E. Time Limitations

No person may participate in OJT in excess of the time generally required for acquisition of skills needed for the position within a particular occupation. The Occupational Information Network (O*NET) codes gives direction for determining the appropriate training time.

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CUSTOMIZED TRAINING

A. Description

Customized Skills Training is designed to meet the special requirements of an employer or a group of employers by allowing them to tailor and design work-based skills training. Customized training is conducted with a commitment by the employer to employ, or in the case of incumbent workers, continue to employ, an individual on successful completion of the training. **[Note: an incumbent worker must still meet the statutory definition of either adult or dislocated worker to receive customized training].**

Employers may be reimbursed by the WIA program for **not more than** 50 percent of the costs incurred in providing the training including staff/instructor time or training materials.

Customized Skills Training can be provided after a WIA participant is hired or if an employer makes a commitment to hire the participant upon successful completion of the training.

B. Requirements

Customized training may be provided for an employer or group of employers when:

1. The employee is not earning a self-sufficient wage (at least $9.90 per hour)
2. The employer, or group of employers, have made the commitment to employ or continue to employ, an individual that has successfully completed the program; and
3. The customized training relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes.

B. General Guidelines

1. For each participant, the employer develops the training plan and measurable goals and determines the method by which the training is provided. Proficiency levels should be based on local business or industry skill standards.
2. The training activity may take place at the worksite or in a classroom setting. The employer or an intermediary may provide the training.

C. Documentation Requirements

Employers **must complete** the Customized Skills Training Plan/Reimbursement Invoice. When completed, this form documents the training plan, skills attainment, costs incurred by employer, and amount of reimbursement. This form must be maintained in the participant's file. Individual Employment Plans shall be updated accordingly to reflect participation in customized skills training. Facsimile and instructions for the Customized Skills Training Plan/Reimbursement Invoice (WIA.33) are in the Forms Section of this Manual.

D. Time Limitations

Training should be for a specified length of time and may take place at the worksite or in a classroom.

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INDIVIDUAL TRAINING ACCOUNTS (ITA)

A. Description

Individual Training Accounts are established on behalf of the participant. WIA Title IB Adult, Dislocated Worker **and youth** participants will use ITAs to purchase training services from eligible providers they select in consultation with the case manager, counselor or coordinator. Montana is currently operating under waive approval from the U.S. Department of Labor to use WIA Youth Funds to purchase ITAs for older out-of-school youth.

Individual Training Account services may be made available to employed and unemployed adults and dislocated workers who have met the eligibility requirements for Intensive services, and have been determined to be unable to obtain or retain employment leading to self-sufficiency through such services.

The participant must have a completed IEP that indicates that, through interview, evaluation or assessment, the participant has been determined to be in need of training and has the necessary skills and qualifications to successfully complete the selected training program.

Selection of a training program must include the identification that the training is directly linked to occupations that are in demand in the local area, or in another area to which an adult or dislocated worker is willing to relocate. In determining local demand occupation(s), providers may allow for training in occupations that may have high potential for sustained demand or growth in the local area.

Participants may select training programs in religious activities/occupations provided the training costs are covered through an ITA, the training meets the requirements in Section 1.30 Administrative Standards part H. and the training provider is on the Eligible Training Provider List.

B. Limitations

ITAs are limited to participants who (134 (d)(4)(B); 663.320):

1. Are unable to obtain grant assistance from other sources (including Federal Pell and other federal grants) to pay the cost of their training; or
2. Require assistance beyond that available under grant assistance from other sources (including Federal Pell, GI Bill and other federal grants) to pay the cost of their training.
3. Service providers and training providers must coordinate funds available and make funding arrangements with partner agencies so that WIA ITA funds supplement Pell and other grant sources to pay for the cost of training (see D. re: Cost of Attendance).
4. Participants may enroll in ITA funded training while their application for a Pell Grant is pending provided that the service provider has made arrangements with the training provider and the participant regarding the allocation of the Pell Grant, if it is subsequently awarded. If a Pell Grant is awarded, the training provider must reimburse the service provider the ITA funds used to underwrite the **tuition** portion of the training costs from the PELL Grant.
5. Service providers should consider all available sources of funds, excluding loans, in determining an individual's overall need for WIA funds. Resources such as PELL, GI Bill and other federal grants should not be included in calculations of the level of WIA assistance until the grant has been awarded.

20 CFR 652 et al. Part II. Summary & Explanation pp. 49328 & 49329. [Note: Tuition is the sum charged for instruction and does not include fees, books, supplies, equipment and other training related expenses]. Reimbursement is not required from the portion of Pell Grant assistance disbursed to the participant for education-related expense.

C. Duration, Cost Limits and Availability

1. Currently, there is no monetary limit or cap on ITAs. Service providers are to base the amount of the ITAs on each eligible participant's needs and circumstances and the availability of program funds.
2. ITAs are awarded per semester, quarter or for uninterrupted training coursework. Second and subsequent ITAs will be awarded only for continuing classes in the educational or training institution initially attended, unless there is mutual and justifiable agreement between the service provider and the participant that another training institution or training program is necessary.
3. An individual who has been determined eligible for an ITA may select a training institution/program from the Montana Eligible Training Provider List (ETPL) or from another State, provided that the training institution/program is listed on that State's Eligible Training Provider List, after consultation with a case manager, counselor or coordinator. Unless the program has exhausted funds for the program year, the Service provider must refer the individual to the selected training institution/program, and establish an ITA for the individual to pay for training. **20 CFR Part 663.440**
4. Payments may not be made to a training provider until the service provider ensures that the training provider selected is on the Eligible Training Provider list at time of payment for tuition and fees under WIA ITAs.

D. Payment system

Individual Training Accounts are designed to identify WIA funded costs associated with the training cost of attendance. The Cost of Attendance may include tuition, fees, room and board, books, supplies, and tools (if required for the training course). The ITA identifies the WIA obligation for the participant and the participant will be able to access information about the account from the Service provider. Each service provider is responsible for maintaining an ITA payment system which ensures that payments made to Eligible Training Providers are timely, for the agreed upon amount, ensuring that the provider is on the ETPL at time of payment and that the payments are supported by appropriate documentation. [**Note**: Cost of Attendance may also include other expenses that are not incurred through the training provider such as child care, transportation, rent and other living expenses. WIA funds may be used to assist with such expenses and are considered supportive services]

Financial responsibility for ITAs remains with the service provider who developed the ITA, in consultation with the participant, throughout the period of training, regardless of the location of the training provider. The financial responsibility of the service provider also extends to supportive services.

E. Documentation

Contact **between** the case manager, counselor or coordinator **and the participant** must occur, at a minimum, at the end of each quarter, semester or uninterrupted training course during the lifetime of the training plan. Contact may be made by telephone, through the mail, personal contact or other appropriate means to provide documentation of successful progress.

Documents such as attendance records, grade reports, and statements from the instructing agency, are required as proof of participation. Documentation of status of the provider, either Montana's ETPL or another State's list, must be maintained in the participant's file.

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ELIGIBLE TRAINING PROVIDERS

The Eligible Training Provider process is defined in WIA Law, Section 122 and in WIA Regulations, 20 CFR Part 663, Subpart E.

In accordance with WIA Law Section 122, an eligible provider of training services must meet certain requirements in order to receive Workforce Investment Act funds. These requirements include submitting an application for the program in which the provider expects to provide training services. Information relating to program cost and program performance shall meet initial appropriate levels of performance. To continue receiving funds, the provider is required to submit subsequent performance and program cost information on an annual basis.

A. Process for Determining Initial Eligibility of Training Providers

All post-secondary educational institutions and programs that are Higher Education Act Pell eligible and all Montana Joint Apprenticeship Training Committee (JATC) programs were automatically place on the WIA Eligible Provider List.

The following steps should be taken when a participant interested in attending training at a non-approved provider's facility contacts a service provider or the State, or they are contacted by the non-approved training provider themselves:

- Send the provider the WIA initial application to provide training services (WIA.34) located in the Forms Section of the State WIA Policy Manual. Also available online at: https://jobs.mt.gov/jobs/provider/provider.seek.
- If applicable, the participant should be informed that WIA funds are not available until the provider is approved. Note: If a participant is waiting for a provider to be approved in order to attend training, instruct the provider to complete the application as quickly as possible and then contact the State Oversight Agency to advise them of the application's urgency. Participants may not attend that particular training until the application has been approved.

A service provider will be considered out-of-compliance if they send a participant to a provider or training program that has not been approved.

An organization must not be favored for or denied recognition as an ETP or other provider solely on account of religion.

B. Process for Determining Subsequent Eligibility of Training Providers

A required annual (subsequent) application process will ensure the Eligible Training Provider List includes current training programs and costs. The Montana Department of Labor and Industry-Statewide Programs and Oversight Bureau will remind training/education providers 60 days in advance of the expiration date of their initial eligibility that they are required to apply for subsequent eligibility. The Subsequent Application (WIA.35) is located on the Internet at https://jobs.mt.gov/jobs/provider/provider.seek

C. Application Process

Programs not meeting the requirements listed in Section A, are required to submit an initial application for review and placement on the ETPL.

20 CFR Part 663.515(d)

The Bureau is responsible for the dissemination of the ETPL.

The Bureau has final decision-making responsibility on determining eligibility for inclusion or removal of a program from the list. Training providers may appeal a decision on eligibility or removal from the list through the appeal process described in Section 4.60 of this manual.

Facsimiles of the initial and subsequent applications for the Eligible Providers List are in the forms section of this manual.

Per Section 122 (e) of the Act, the State is required to establish a list of providers who have submitted an application and are determined to be initially eligible as well as those providers who are determined to be subsequently eligible.

If the State determines that a provider has failed to submit all required information, or they have submitted an incomplete application, the potential training provider will NOT be added to the eligible training provider list until the required information is submitted.

If a training provider's application is denied or is pending, no participant should be sent to training until the issue is resolved. Sending participants to a non-approved training provider will result in disallowed costs.

Once the provider has been approved, their eligibility date will be entered on the list and participants eligible to receive training may begin selecting the training programs being offered. No participant should select or be allowed to select a training provider who has not yet been approved. As previously stated, selection of a non-approved training provider will result in disallowed costs.

Monitoring will be conducted to ensure compliance with the federal regulations pertaining to the Eligible Training Provider process.

D. Performance Information

Montana has received a waiver from the US Department of Labor on the collection of Eligible Training Provider performance through **current year**.

E. Performance Standards (For Eligible Provider List providers only)

The State Workforce Investment Board will review and adopt appropriate performance standards based on final resolution of the issues presented in the waiver from performance measures approved by USDOL.

F. Procedures for Submission

All applications are to be submitted to:

Attention: Sharon Smith
Statewide Workforce Programs and Oversight Bureau
Walt Sullivan Building
PO Box 1728
Helena, Montana 59624

G. Requirements for Paying Eligible Training Providers

In order for Service Providers to use WIA funds to pay for tuition and fees an Individual Training Account must be established and the training provider must be on the approved Montana Eligible Training Provider List. Payments made prior to the training provider being placed on the ETPL will not be allowed.

Service providers should include in the participant's file a copy of the current Montana ETPL list showing the training the participant is receiving is on the list.

If the training provider is on another State's ETPL, the service provider should print out and place a copy of the approved training program in the participant's file.

Note: Out of country training providers (i.e., Canada) are excluded from the Eligible Training Provider process because WIA funds may not be used for out of country services.

H. Short-term Prevocational Training

Short-term Prevocational Training of approximately one week or less which does not provide certification or a credential upon completion shall not require application to become an Eligible Training Provider.

I. Current Waivers

Montana is currently operating under two waivers granted by the US Department of Labor:

1. Subsequent Eligibility Process: Montana is currently operating under a waiver granted by the US Department of Labor, which postpones the implementation of the subsequent eligibility process for Eligible Training Providers as described in the Workforce Investment Act, Section 122(c)(5). Under the waiver, the State can allow training providers to re-enroll and be considered enrolled as initially eligible providers. This waiver relieves the burden of subsequent eligibility requirements for training/education providers to ensure continued participation of training/education providers. As a result, no additional performance information is requested beyond the initial application process at this time.

   When a provider, other than a Montana university, community or tribal college, or College of Technology (COT), is adding a new course or courses to their curriculum, an

application must be completed before the new course can be added to the training provider list.

2. Eligibility Determination Process: Montana is currently operating under a waiver granted by the US Department of Labor, which waives the eligibility determination process for a Montana university, community or tribal college, or College of Technology (COT) who is adding new programs to their training curriculum.

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WIA TRAINING PROVIDER APPEAL PROCESS

I. Appeal Procedures

The Workforce Investment Act requires the Governor to establish procedures for providers of training services to appeal a denial of eligibility or termination of eligibility.

20 CFR Part 667.640(b)

A. Basis for Appeal

Eligible providers of training services may file an appeal due to:

1. Denial by the designated State Agency under WIA Section 122 (b), (c), or (e);
2. Termination or eligibility or other action by the State Agency under WIA Section 122(f);
3. Denial of eligibility as a provider of on-the-job training or customized training by a One-Stop operator under WIA Section 122 (h).

B. Filing an Appeal

1. Timeline for Filing an Appeal

   Appeals must be in writing and submitted within forty-five (45) days of being notified of a denial or termination to:

   State WIA Equal Opportunity Officer
   Statewide Workforce Programs and Oversight Bureau
   P.O. Box 1728
   Helena, MT 59624

2. The appeal must be signed by an authorized individual from the training provider and should include:
   a. Name of the training provider;
   b. Address and phone number of the training provider
   c. An explanation of why an appeal is being filed
3. The State WIA Equal Opportunity Officer will assist the training provider in filing a written appeal and advise the training provider of the opportunity that a hearing will be provided within thirty calendar days of the filing of the appeal. The Legal Services Division of the Montana Department of Labor and Industry will provide an impartial hearings officer to conduct the hearing process.
   (1) Interested parties will be provided:
      (a) Notice of hearing;
      (b) The manner in which the hearing will be conducted;
      (c) Written notice of the date, time, and place of hearing;
      (d) An opportunity to present evidence;
      (e) Written decision;
   (2) The training provider or respondent may with good cause, request a rescheduling of the hearings;
   (3) The training provider will have the burden of establishing the facts and the entitlement to the relief requested;
   (4) The training provider or respondent has the right to representation by an attorney or other representative.

The hearing officer will have sixty days from receipt of the notice to provide a hearing. The Governor will issue a final decision.

C. Decisions Under The State Appeal Process May Not Be Appealed To The Secretary.

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CREDENTIALS

The Department of Labor's high priority performance goals as stated in the 2011 Strategic Plan is to increase by 10 percent (to 220,000) the number of people who receive training and attain a degree or certificate through the following programs: Workforce Investment Act (WIA) adult, dislocated worker, and youth, National Emergency Grants (NEG), Trade Adjustment Assistance (TAA), and Career Pathways," including Community-Based Job Training grants by June 2012. This goal reflects the Administration's continued emphasis on job training and the attainment of industry-recognized credentials as a strategy for both enhancing earnings and employment for participants in the public workforce system and meeting the economy's need for more skilled workers. **(TEGL 15-10)**

Training is often only one component of the certificate performance measures. In most instances, successful completion of training is coupled with other requirements to receive a credential. A course completion certificate alone is usually insufficient to demonstrate credential attainment. Examples of credentials that meet the criteria outlined in this policy are included in Part F.

A. Policy

All training services must be clearly identified and expectations for earning of a credential must be stated in the participant's Individual Service Strategy or Individual Employment Plan. The participant must understand that once training begins, he or she is expected to complete all required activities. Partial program completion does not meet the intent of Federal requirements and case managers must not report credentials if the participant failed to complete the entire program.

Based on the USDOL/Employment and Training Administration policy regarding credentials and the definitions cited in Part B, the following criteria will be used to define training services and "other organized programs of study." All of these criteria must be met for the program to be deemed credential eligible for all performance measures that evaluate credential attainment.

1. A program is typically more than one course. Stand-alone courses, in general, do not meet the measures' intent. There may be exceptions which must be reviewed by WIA staff on a case-by-case basis.
2. The training must have a clear structure and standardized mechanism of delivery.
3. The program fulfills a specific set of occupational requirements with clear and measurable goals and objectives. The credential holder has the required skills to be functional on the job on the first day of employment, with minimal supervision.
4. The credential and knowledge/skills are transferable from one employer to another within the industry(s) that recognizes the credential.
5. The credential must be issued by one of the organizations listed in the credential definition. There are no exceptions.

6. If applicable to the occupation, the participant cannot secure a license to practice the skills acquired through the program without successfully completing the program and the license is required to secure employment.
7. Successful program completion is determined by a validated and reliable set of evaluation instruments.
8. There must be clear evidence from the program provider or certifying agency that a credential is not awarded if the customer fails to successfully complete the program, demonstrate competency in all skills and objectives, and/or pass all required tests and examinations. This means all attendance requirements must be fulfilled, a minimum rating of "satisfactory" must be documented for all required practical skills, a passing score must be achieved on written tests or examinations, and any other requirements for credentialing must be met.

If a case manager cannot determine if a program of instruction meets the definition of a credential based on the criteria listed above, they may request a determination from WIA staff.

Short term training courses that address only one skill set out of many do not meet the intent of the measures. Organizations that rely on a train-the-trainer, trickle-down method of delivery may not be acceptable because of the lack of standardization, official oversight and questionable employer or industry endorsement. Programs of this type will be examined by WIA staff on a case-by-case basis before a determination of acceptability will be made using the criteria outlined in this policy.

Documentation: Service providers should obtain a copy of the certificate (diploma, certificate, school letters, license or school transcript which indicates degree attained, etc.) and place the document in the participant's file. **Note: School letters must have the participant's name and date of graduation.**

B. Performance Measures

Youth

Attainment of a Degree or Certificate reporting is required for the Youth *Attainment of a Degree or Certificate* measure.

Methodology:
Of those enrolled in education (at the date of participation or at any point during the program):

The number of youth participants who attain a diploma, GED, or state approved high school equivalency diploma by the end of the third quarter after the exit quarter **divided by** the number of youth participants who exit during the quarter.

Credentials awarded by workforce investment boards or awarded in recognition of only Generic pre-employment or work readiness skills are not included in this definition.

C. Credential-Related Definitions

The following definitions apply to the above-referenced performance measures for all participants who began receiving services on or after July 1, 2006.

Advanced Training/Occupational Skills Training applies to youth and means an organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels. Such training should be outcome oriented and focused on a long-term goal as specified in the Individual Service Strategy (ISS) and result in attainment of a certificate as defined below.

In December 2010, TEGL 15-10 updated the "*Certificate*" definition for the purpose of accounting for credential attainment to Credential.
Credential means an award in recognition of an individual's attainment of measurable technical or occupational skills necessary to gain employment or advance within an occupation. These technical or occupational skills are **generally** based on standards developed or endorsed by employers. Credentials awarded by workforce investment boards **are not included in this definition, nor are** and work readiness credentials **because neither of them document "measureable technical or occupational skills necessary to gain employment or advance within an occupation." A variety of different public and private entities issue credentials. Below is a list of types of organizations and institutions that award industry-recognized credentials:**

- A state education agency, or a state agency responsible for administering vocational and technical education within a state;
- An institution of higher education described in Section 102 of the Higher Education Act (20 USC 1002) that is qualified to participate in the student financial assistance programs authorized by Title IV of that Act. This includes community colleges, proprietary schools, and all other institutions of higher education that are eligible to participate in federal student financial aid programs;
- A professional, industry, or employer organization (e.g., National Institute for Automotive Service Excellence certification, **or a** National Institute for Metalworking Skills, **Inc., Machining Level 1 credential**) or a product manufacturer or developer (e.g., Microsoft Certified Database Administrator, **Certified Novell Engineer, or a** Sun Certified Java Programmer) using a valid and reliable assessment of an individual's knowledge, skills and abilities;
- **ETA's Office of Apprenticeship or a State Apprenticeship Agency.**
- A public regulatory agency, upon an individual's fulfillment of educational, work experience or skill requirements that are legally necessary for an individual to use an occupational or professional title or to practice an occupation or profession (e.g., Federal

Aviation Administration aviation mechanic **license, or a** state-licensed **asbestos inspector**);

- A program that has been approved by the Department of Veterans Affairs to offer education benefits to veterans and other eligible persons;
- Job Corps centers that issue credentials; and Institutions of higher education that are formally controlled, or have been formally sanctioned or chartered by, the governing body of an Indian tribe or tribes.

Diploma means any certificate that the state education agency accepts as equivalent to a high school diploma. This term also includes post-secondary degrees such as Associate (AA and AS) and Bachelor (BA and BS) degrees.

Education means participation in secondary school, post-secondary school, adult education programs, or any other organized program of study leading to a degree or certificate.

Employer endorsement means that employers within a particular industry or cluster of industries recognize the certificate and would not impose an employment barrier because the program was completed in another state or other regional location.

Post-secondary Education means a program at an accredited degree-granting institution that leads to an academic degree (i.e., AA, AS, BA or BS).

For definitions of Training Services, refer to Section 4.00, Services and Activities.

D. Determining Appropriateness of Credentials

The following is a list of questions to consider when reviewing a program of instruction for certificate eligibility. The resources cited for each question are examples of the types of requirements or program policies to look for when attempting to answer the questions. The resources identified are not comprehensive; you may find other resources locally that also support your decision to define a program of instruction as "certificate-eligible". College course catalogues and degree/certificate requirements typically answer many of these questions to the extent necessary to make your determination. Employers who will hire certificate holders can also answer questions when a training catalogue doesn't provide the necessary information.

Question 1: Is the program more than one course of instruction? If it is one course only, what can be expected of the participant after successfully completing the course?

What to look for:

- Program descriptions in college or training provider catalogues.
- Occupational licensing and certification requirements by the certifying agency.

Question 2: Does the training program have structure? Is there a standardized mechanism of delivery?

What to look for:

- Lesson plan(s)
- Curriculum
- Class syllabus
- Prerequisites - i.e., the program is completed through a series of training activities that build upon each other to expand the student's breadth and depth of knowledge and skills.
- Evidence based on lesson plans, curricula, etc. that instructors typically teach the course in the same sequence, according to the same schedule, each time the course is offered.

Question 3: Does the program fulfill a specific set of occupational requirements with clear and measurable goals and objectives? Can the certificate holder function effectively on the first day of employment with minimal supervision?

What to look for:

- Job qualifications or pre-requisites (e.g., licensure, certification or any other evidence the prospective employee must provide as evidence of competency in order to be hired).
- Once all training and testing is completed, what does the student obtain for his/her effort? (e.g., license to practice, credentials of competency, eligibility for higher levels of training and education).
- The individual can perform the work required by the occupation without additional training immediately after hiring. For example, an emergency medical technician (EMT) can perform Cardiopulmonary Resuscitation (CPR) on a patient at the time of hiring by an ambulance service.

Question 4: Is the certificate and knowledge/skills transferable from one employer to another within the industry that recognizes the certificate?

What to look for:

- Employer hiring standards within the industry.
- Evidence of reciprocity across state or regional borders (i.e., no further training is required to secure the same job in another location, or minimal training requirements to account for regulatory differences associated with State licensing and certification laws/regulations.) For example, an EMT certified by the National Registry of EMTs in the State of Wyoming would be immediately eligible for EMT licensure and hiring in the State of Montana.

Question 5: Who issues the certificate or license?

What to look for:

- Licensing or certification requirements identified by the training program provider.

- State, county, tribal or municipal licensing or certification regulations or requirements.
- Professional or industry endorsements and standards.
- Apprenticeship programs.

Question 6: Can the participant secure a job in the occupation without obtaining the certificate or license? If all other job candidate qualifications are equal, which candidate would the employer choose: the one with the certificate or the one without it?

What to look for:
- Eligibility requirements for credentials, licenses or credentials.
- Continuing education requirements to renew credentials, licenses or credentials.
- Certificate, license or credential expiration dates.
- Length of time a certificate, license or credential is valid.
- Recertification requirements after a certificate, license or credential has expired.
- Employer requirements for maintaining current certification, licensure or credentials.
- Employer prerequisites to employment that state a preference for applicants with the certificate/credential.

Question 7: How is successful program completion determined?

What to look for:
- A written test must be passed to qualify for a license, certificate or credential.
- A practical skills test (if applicable) must be passed to qualify for a license, certificate or credential.
- The training program and courses have clearly stated pass-fail criteria that apply to all students.
- All students are tested according to the same sets of standards and criteria determined by the occupation to be minimally acceptable.
- Reasonable testing accommodations for individuals with disabilities measure the same standards and competencies as any other student who has participated in the program.

Question 8: Does an individual need to successfully complete the training program or attain specific competencies in order to receive a certificate or license?

What to look for:
- Eligibility requirements for credentials, licenses or credentials.
- Minimum acceptable grade point average and/or examination score.
- Program and course attendance requirements.

E. Activities that May Count Toward a Certificate

1. Adult, Dislocated Worker:

Participants who enter unsubsidized employment, participated in and successfully completed one or more of the following training activities may be considered for a

certificate attainment for performance measure provided the certificate meets the definition in part C of this section:

- Occupational Skills Training
- Activities relating to completing a high school equivalency program
- Activities relating to training for participants who speak English at a level that is not adequate for functioning on the job or in society

2. **Youth**:
   Youth participants, ages 14-21, who are enrolled in secondary education, high school equivalent programs, post-secondary education, or advanced training/advanced training-occupational skills training and participated in and successfully completed one or more of the following training activities, may be considered for a certificate attainment for performance measure attainment provided the certificate meets the definition in part C of this section:
   - Occupational Skills Training
   - Alternative Secondary School Services
   - Tutoring, study skills and instruction leading to secondary school completion including dropout prevention
   - Activities relating to completing a high school equivalency program
   - Activities relating to training for participants who speak English at a level that is not adequate for functioning on the job or in society

F. Credential Examples and Resources

Examples of acceptable credentials include, but are not limited to:

- a high school diploma, GED, or other recognized high school equivalency certificates
- post-secondary degrees/certificates
- recognized skill standards, licensure or industry-recognized credentials (i.e., ASE car repair, Hazmat, CNA, CDL, Boiler Operator, Flag Person, Heavy Equipment Operator, etc.), and
- all state education agency recognized certificates.

Examples of credentials that are **not** acceptable include, but are not limited to: work readiness certificates, a standard driver's license, or certificates issued for participation or attendance.

Resource: Certification Finder database www.careerinfonet.org/certifications_new/ is an online resource that may be helpful to service providers. This information is provided as a resource and is NOT an endorsement of the certifications listed on the site.

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SUPPORTIVE SERVICES

A. Definition

Supportive Services are defined as 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 Title IB.

WIA Sec. 101(46)

B. Supportive Services

Supportive services are services that are reasonable and necessary to enable a WIA participant who cannot afford to pay for such services to participate in activities funded under WIA. The provision of Supportive Services must be determined on an individual case-by-case basis.

All WIA participants are eligible to receive supportive services provided they meet all other criteria described in this supportive services policy. The funding for the supportive services is provided by the program(s) in which they are enrolled.

Supportive services shall only be used to pay for specific necessary services and shall be limited to payments that are necessary for participation in the program. The individual determination of need and the amount of such assistance shall be based upon the results of the comprehensive assessment or objective assessment and similarly documented in the Individual Employment Plan (IEP) for adults/dislocated workers and the Individual Service Strategy (ISS) for youth. Documentation must be maintained in the participant's files. Source documentation includes but is not limited to actual utility bills and receipts for goods and services purchased. Accepting a participant's self-disclosure or declaration of expenses as documentation is not allowable. Additionally, source documentation must be current and not incurred prior to the individual's enrollment in a WIA program. The provider is responsible for documenting in the IEP/ISS or case notes that the service is not available from any other source (including the participant's own resources).

A supportive service request form documenting the need for the supportive service must be completed prior to receipt of the supportive service. The supportive services request must include: (1) a brief description of the expenditure; (2) the amount requested; and (3) the signatures of the case manager and participant, as well as the date the request was signed.

Providers may use the MontanaWorks Payment Authorization form or a form of their own as long as the supportive service request has the required elements as described above.

All supportive services must have been approved prior to the participant receiving or obtaining the goods or services. <u>Backdated requests for services will not be approved</u>.

A participant may waive WIA payments (except for a paid Work Experience) if accepting payment would mean the loss of the benefits. The participant may request the payment to start at a later date, but may not claim retroactive payments. Advances against future payments are not allowed.

Supportive services cannot be used to pay for charges that were incurred prior to the participant's enrollment. Therefore to be eligible for any WIA financial assistance payments, a participant must have been determined WIA eligible and:

- participating in youth services/activities or participating in intensive and/or training services for adults and dislocated workers;
- are unable to obtain supportive services through other programs providing such services; and
- must have complied with program regulations and policies during the period of training and/or enrollment as applicable.

Service providers should provide no further payments to participants that fail to participate without good cause.

The use of supportive services is encouraged to enable hard-to-serve populations in particular to participate in longer-term interventions. As noted earlier the provision of supportive services must be determined on an individual basis.

C. Supportive Services Paid Directly to Participants

Supportive service payments should only be paid to a vendor and not directly to a participant unless extenuating circumstances exist.

When an extenuating circumstance exists and a payment is made to a participant directly, there must be documentation in the file as to why the payment was made to the participant. Any single payments paid directly to a participant that are $500 or more, must have prior approval through the waiver process. When the cumulative amount total will exceed $500, the service provider must submit a waiver request to the appropriate program manager.

Waiver Requests of Direct Payments

Service providers must submit a written waiver request to the appropriate program manager. The written waiver request may be in the form of an e-mail. Any supportive services paid directly to participants that are under $500 are to be tracked and maintained in the participant's file.

A facsimile of the form used to track direct participant payments is in the forms section (WIA.20). Service providers may develop their own form or use this form.

Supportive Services During Follow-Up

Limited supportive services may be paid during the individual's participation in WIA, and while the participant is receiving follow-up services as appropriate. Needs-Related Payments may **NOT** be paid to a participant who is receiving follow-up services.

D. Allowable supportive services include but are not limited to:

1. Health Care and Medical Services - These services are of a one-time nature, such as a physical examination, prescription drugs, prescription eyeglasses, immediate dental care, and mental health care which are needed to enable an individual to participate in any re-employment activity.
2. Childcare - Childcare is service provided to ensure proper care of children while the parent or guardian is participating in an employment and training program.
   The childcare cost may be reimbursed at the local documented rate. This rate should be reviewed on an annual basis. These limits apply on a per child basis. The childcare provider must be licensed or registered, or documentation of adequacy of alternative child-care must be maintained in the participant's file.

   A person in the participant's immediate or extended family may perform childcare only after all other sources of day care have been exhausted. The payment shall be made to the childcare provider, not the participant.

3. Transportation - Providing transportation for a participant enables him/her to get to and from WIA activities.
   a. Public and private transportation is payable if it will reasonably meet the participant's need not to exceed IRS rate.
   b. Inter-community Travel (Beginning and Ending Transportation where relocation to a training facility is involved). Participants will be paid a transportation allowance for the trip from his/her residence to the training facility at the beginning of training and on the return to his/her regular place of residence after completion of the scheduled training course. Participants cannot be reimbursed for travel to and from the training facility and their place of residence on the weekends or for breaks. **Exception:** Service providers should consider what is most economical in this situation. In other words, if it is more cost efficient for the participant to drive home than stay in the motel over the weekend or break then the service provider may reimburse the participant for the travel. Inter-community transportation will be at the cost of the most economical public transportation or, if the participant uses a private automobile, transportation will be paid at a rate not to exceed IRS rate for the highway mileage shown on the State Highway Department map as the distance between the two points. Whenever possible, a participant receiving an inter-community transportation payment under this section is expected to relocate within a reasonable radius of the out-of-area training facility.
   c. Auto repair payment will be authorized only if the vehicle is needed for the participant to seek, accept or retain employment or to participate in employment and training activities.
      (1) Auto repair shall not exceed the value of the automobile.
      (2) The vehicle being repaired must be under the ownership of the participant. This shall be documented by obtaining a copy of the vehicle registration. Exceptions may be made if the vehicle belongs to another family member and is the only means of transportation available to the participant. **Exceptions must be documented in the participant's file.**

(3) A description of the repairs needed and provided must be maintained in the participant's file.

d. Automobile Insurance: Liability insurance coverage will be authorized only if the vehicle is needed for the participant to seek, accept or retain employment or to participate in employment and training activities. Liability insurance, as required by the State covers damage to property and persons after an accident happens. This coverage pays damages including punitive or exemplary damages, due to bodily injury and property damage to others for which you are responsible. If an individual faces a vehicle accident and are faulty, their personal liability car insurance will cover all injuries incurred on the other party's belongings as well as bodily damages.

(1) Automobile insurance may be covered **for a maximum of two quarters** of annual liability coverage **for a 12 month period**. **No more than three months coverage may be paid for at one time.**

(2) Liability coverage does not include optional coverage such as medical payment coverage, uninsured motor vehicle coverage, underinsured motor vehicle coverage, comprehensive coverage, collision coverage, emergency road service, membership fees to insurance companies.

(3) The vehicle being insured must be under the ownership of the participant. This shall be documented by obtaining a copy of the vehicle registration. Exceptions may be made if the vehicle belongs to another family member and is the only means of transportation available to the participant. **Exceptions must be documented in a case note and in the participant's file**.

(4) Insurance documentation must include a detailed description of liability coverage and be maintained in the participant's file.

4. Needs-Related Payments (refer to Section F)

5. Tools

Tools may be purchased for participants, if the tools are required to continue a training program or obtain employment. The service provider must determine that the tools are required and that they cannot be provided by any other source such as the prospective employer, or the participant.

Tools become the property of the participant upon satisfactory completion of the WIA training as outlined in the participant's IEP or upon employment. If the participant fails to complete the prescribed WIA training, the tools remain the property of WIA **and are to be returned to the service provider*.** An agreement attesting to the above must be signed by the participant and maintained in the participant file (#4 of the WIA Participant Agreement (page 4 of the IEP).

***Note:** There may be some exceptions to the requirement to have the participant return tools. Service providers should contact their appropriate program manager for guidance.

Tools purchased for training or work related purposes should be coded to Training-Related Materials/Supplies services under the Employment-Related Education Objective **OR** Work-Related Materials/Supplies Services under Supportive Services.

Computer Purchases: In limited cases, the purchase of a computer may be approved as a required tool. This is most typically, but not exclusively, in Distance Learning situations. Per guidance from USDOL, case managers **must** request approval from their program manager prior to a computer purchase to ensure it meets the requirements. Factors that will be taken into consideration prior to computer purchase approval include but are not limited to: does the training program include distance learning and to what degree; does the participant have reasonable computer access through another source such as a computer lab on campus or at a public library; does the participant have a lengthy commute to obtain computer access. Providers requesting a computer purchase approval can include justification addressing these factors in an e-mail or submit a request completed by the participant. A sample Computer Purchase Request Questionnaire (WIA.52) that participants and case managers may use is available in the Forms section of the on-line WIA Policy manual, and is also posted in the TAA Resources section of Inside the Insider.

Before purchasing a new computer or tools for a participant, the service provider should check the Master Tool Inventory List to see if that item is available from another service provider. The Master Tool Inventory List is posted on the WIA website at http://wsd.dli.mt.gov/wia/forms/MasterToolInventoryList.xls.

If an item can be reasonably obtained from another provider, then arrangements need to be made for the transfer of that item. Whenever inventory items are passed on to another program the provider must complete the Tool Inventory Transfer Form (WIA.51A).

Tool/Computer Return: Service providers are to maintain an inventory list of all returned tools/computers. The inventory list must include the month/year the item was purchased, a description of the item, the general condition of the item; the month/year the item is removed from inventory and the status of the item's disposal. Providers must use the WIA.51 - Returned Tool Inventory List template for their local inventory list.

Process:

1. Upon receipt or disposal of returned tools/computer, the service provider shall add or update the information on their local inventory list (WIA.51).
2. The updated inventory list is then sent to the Oversight Bureau administrative assistant for addition to the Master Tool Inventory List posted on the WIA website.

Disposal of Inventory: Providers should retain returned inventory for a reasonable period of time based on the condition and usefulness of the item. If an item has been kept in inventory for a reasonable period and has not been able to pass on to another program participant, then the item can be donated to a non-profit organization. Inventory items cannot be passed on to staff of the service provider or to any individual where a conflict of interest might be perceived.

The templates for WIA.51 Returned Tool Inventory List and WIA.51A Tool Inventory Transfer Form are available in the Forms section of the on-line WIA Policy Manual at: http://wsd.dli.mt.gov/wia/manuals_forms.asp

6. Housing
Housing assistance includes supportive service payments for rent. When supportive service funds are used to pay this expense, **documentation must be in the participant's file** that verifies the address and rental amount. Documentation may be a signed copy of the rental or lease agreement or when there is no rental or lease agreement between the participant and the landlord, service providers may use a signed Verification of Rent form (a sample Verification of Rent is in the Forms section (WIA.39) that lists the rent amount, period of time and address.

The provider shall pay the landlord directly, unless extenuating circumstances exist which requires the provider to reimburse the participant directly. Documentation of extenuating circumstances shall be maintained in the participant's file.

When the appropriate rent verification documentation is in the participant's file~~s~~ a separate rent receipt **is not** required; except in those cases when the provider reimburses the participant instead of paying the landlord directly.

7. Out-of-Area Job Search and Relocation Assistance (adults and dislocated workers only)
Out-of-Area Job Search: A participant may be provided assistance with travel related costs for out-of-area job search such as mileage, plane ticket, per diem and lodging. Prior to approval, the participant must be able to provide documentation of at least one interview for an existing opening that fits with the participant's employment plan. Out-of-area is defined as outside a reasonable commuting distance from the participant's community.

Other Out-of-Area Services: A participant may be provided assistance with costs incurred for out-of-area training or other activities (such as travel to take a licensing test) that are part of their Individual Employment Plan. Lodging, per diem, mileage and other reasonable and necessary costs may be covered. When calculating the level of assistance, providers may opt to cover actual costs or use Federal mileage, lodging and per diem rates and cover any amount up to that level based on available budget and other sources of assistance.

Relocation Assistance: Relocation assistance may be provided to a participant who obtains suitable employment that requires relocation from the participant's community. Assistance can be provided for costs such as payment for a rental moving truck, mileage, per diem and lodging for the period of the move. Relocation should not be provided without documentation of a job offer.

8. Internet Services: Payment of internet services is considered an allowable expense for participants who must have internet access for distance learning. There may be other circumstances where internet payments are an allowable expense. In those circumstances case managers should request approval from their program manager prior to making internet payments.

   There is no maximum number of internet payments that may be made on behalf of the participant while they are actively participating in distance learning however internet payments shall only be made on a month-to-month basis.

9. Other Supportive Services
   Other supportive services may be provided as determined by the service provider. Such goods and services should be reasonable and necessary for the participant to remain in training and/or obtain or retain employment. These services may include, but are not limited to:
   a. Haircuts, personal grooming and hygiene needs;
   b. Bonding and liability insurance for employment
   c. Clothing includes clothing for interviews and depending on circumstances may be paid out of Training-Related fees/Materials/Supplies or Work Related Materials/Supplies under other supportive services;
   d. Financial counseling or assistance;
   e. Application fees and GED or State Approved High School Equivalency program fees;
   f. Union dues or initiation fees;
   g. Auxiliary aides and services for participants with disabilities; and
   h. Business licenses;
   i. Drug testing (depending on circumstances this may be paid out of Training-Related fees/Materials/Supplies or Work Related Materials/Supplies under other supportive services);
   j. Utilities which may include: power, water, propone, telephone bills;
   k. Cell Phone purchases and phone cards ; and
   l. Background Checks (depending on circumstances this may be paid out of Training-Related fees/Materials/Supplies or Work Related Materials/Supplies under other supportive services).

E. Unallowable Supportive Services

1. Payments are not allowed for titled or deeded items or when recovery of the expense is anticipated. Such items include:
   a. Rent deposits or housing deposits;
   b. Mortgage payments; homeowners insurance; property taxes;
   c. Car payments;

d. Purchase of vehicles;
e. Fines; and
f. Late fees

2. **Payments are not allowed for expenses incurred prior to enrollment in a WIA program.**

F. Needs-Related Payments (adults and dislocated workers only)

1. Needs-related payments provide financial assistance to participants for the purpose of enabling individuals to participate in training and are one of the supportive services authorized by WIA Section 134(e)(3).

2. Individual determination of a participant's payment and the amount of such payment shall be based upon the results of the objective assessment and recorded in the IEP.

3. Needs-related payments shall not be provided to any participant for the period that such individual is employed, enrolled in or receiving on-the-job training, out-of-the area job search allowances, relocation allowances, trade readjustment allowances, or basic readjustment services in WIA programs.

   Needs-related payments may be provided if the participant has been accepted in a training program that will begin within 30 calendar days.

   NOTE: Needs-related payments are not allowable in the youth program.

4. Needs-related Payments to Adults
   a. To meet the eligibility requirements for needs-related payments the individual must:
      (1) be unemployed;
      (2) not qualify for, or has ceased to qualify for unemployment compensation; and
      (3) be enrolled in a program of WIA Title IB adult training services.
   b. Needs-Related Payment Level. There is currently no needs-related payment level in place for adults. Service providers should determine the level of needs-related payments based on budget and the participant's needs.

5. Needs-related Payments to Dislocated Workers
   a. To meet the eligibility requirements for needs-related payments an individual must:
      (1) be unemployed;
      (2) have ceased to qualify for unemployment compensation or trade readjustment allowance under TAA or NAFTA-TAA; and
      (3) be enrolled in WIA Title IB dislocated worker training services by the end of the <u>thirteenth</u> week after the most recent layoff that resulted in eligibility determination for the program; or if later, by the end of the <u>eighth</u> week after the worker is informed that a short-term layoff will exceed six months; or
      (4) be unemployed and did not qualify for unemployment compensation or trade readjustment allowance under TAA or NAFTA-TAA.

b. Needs-Related Payment Level. The needs-related payment level for dislocated workers must not exceed the greater of either of the following levels:
   (1) the payment may not exceed the applicable weekly level of the unemployment compensation; or
   (2) the economically disadvantaged income level for participants who did not qualify for unemployment insurance as a result of a qualifying layoff, the weekly payment may not exceed the poverty level for an equivalent period. (Family Size and Income and Income Determination Section 3.70 of this manual).

6. “Enrolled in a training or education program" means that the application for training has been approved and the training institution has furnished written notice that the individual has been accepted in the approved training program beginning within thirty calendar days.

Needs-related payments are only allowable where WIA Formula funds are sufficient to allow such costs. With National Emergency Grants, needs-related payments must be part of the grant budgets submitted and approved by the United States Department of Labor.

WIA Regulations 20 CFR Part 663

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FOLLOW-UP SERVICES AND ACTIVITIES

Follow-up Services are services that are provided to adult and dislocated worker participants who enter employment and all youth participants after exiting their WIA enrollment.

A. Adult and Dislocated Worker Follow-up Services

Follow-up Services must be made available to Adult and Dislocated Worker participants who exit to unsubsidized employment for a minimum of 12 months following the first day of exit.

Case managers should contact the participant at least once a quarter to check in with participants who have obtained unsubsidized employment to see if they need assistance in job retention, wage gains and career progress.

Appropriate follow-up services may vary among different participants, for example participants with multiple employment barriers and limited work histories may need significant follow-up services to ensure long-term success in the labor market including program funded supportive services. Others may identify an area of weakness in WIA training that may affect their ability to progress further in their occupation or to retain employment.

Follow-up services could include:

1. additional career planning and counseling
2. contact with the participant's employer, including assistance with work related problems that may arise;
3. peer support groups;
4. information about additional educational opportunities;
5. limited financial support; and
6. referral to supportive services available in the community.

Financial assistance such as needs-related payments are not an allowable follow-up service.

B. Youth Follow-up Services

1. All WIA Youth participants, **with the exception of those listed in B.2.** must receive some form of follow-up services for a minimum duration of 12 months after WIA youth services and enrollment has closed.

   Follow up means the case manager should make contact at least quarterly with the youth to ascertain their status and to determine if they need additional service or support. The types of services provided and the duration of services must be determined based on the needs of the youth. Document the needs of the youth in case notes.

   Youth follow-up services may include: (1) The leadership development and supportive service activities listed in 29 CFR Parts 664.420 and 664.440; (2) Regular contact with youth participant's employer, including assistance in addressing work-related problems

that arise; (3) Assistance in securing better paying jobs, career development and further education; (4) Work-related peer support groups; (5) Adult mentoring; and (6) Tracking the progress of youth in employment after training. Follow-up services may be provided beyond 12 months, as appropriate.

2. **Although WIA regulations mandate the provision of follow-up services to all youth there will be times when it might not be possible to provide follow-up services or to provide these services for a minimum of <u>twelve (12)</u> months. Some youth may have relocated to another state, or cannot be located or contacted after several attempts, or have clearly communicated that they are not interested in receiving further services or additional assistance. While there is no doubt of the value of providing follow-up services that service provision may not be possible in every instance and cannot be "forced." In these instances it is critical to exercise due diligence with respect to the mandatory provisions of follow-up services for a minimum duration of 12 months after exit. Case managers must document thoroughly in MontanaWorks case notes the justification for not providing follow-up services.**

   Youth that might not receive follow-up services include:
   - **Youth that have not been in contact with the case manager for a period of at least 90 days (3 quarters). NOTE: Case managers should document at least <u>six</u> attempts to contact the youth in that time period;**
   - **Youth that have moved from the area;**
   - **Youth that refuse to participate;**
   - **Youth that are institutionalized;**
   - **Youth receiving medical treatment or providing care for a family member with a health/medical condition that precludes continued participation in the program;**
   - **Youth who have relocated to a mandated program**
     - **i.e., youth in foster care or another mandated program and have moved from the area because of such program**

   <u>This does not include relocation to Job Corps</u>

3. **<u>Youth that are in follow-up but cannot be contacted</u>. Keep the follow-up service open on the youth's MontanaWorks Employment Plan. Attempt to contact the youth at least once a quarter and document this in a case note. Close the follow-up service at the end of the minimum requirement period of 12 months.**

C. Follow-up Activities

Follow-up activities are conducted to ensure positive outcomes and to give credit for outcomes. Obtaining supplemental data to determine if the individual is employed in the four calendar quarters following exit to unsubsidized employment is a follow-up activity.

Timelines for Quarterly Follow-Up

The first quarter follow-up should be done during the calendar quarter after the participant exits from WIA programs.

Calendar quarters:
January-March
April-June
July-September
October-December

Example:
If a participant exits September 30, 2011, follow-up would be done according to the following calendar quarters:

1st Quarter:	October - December 2011
2nd Quarter:	January - March 2012
3rd Quarter:	April - June 2012
4th Quarter:	July - September 2012

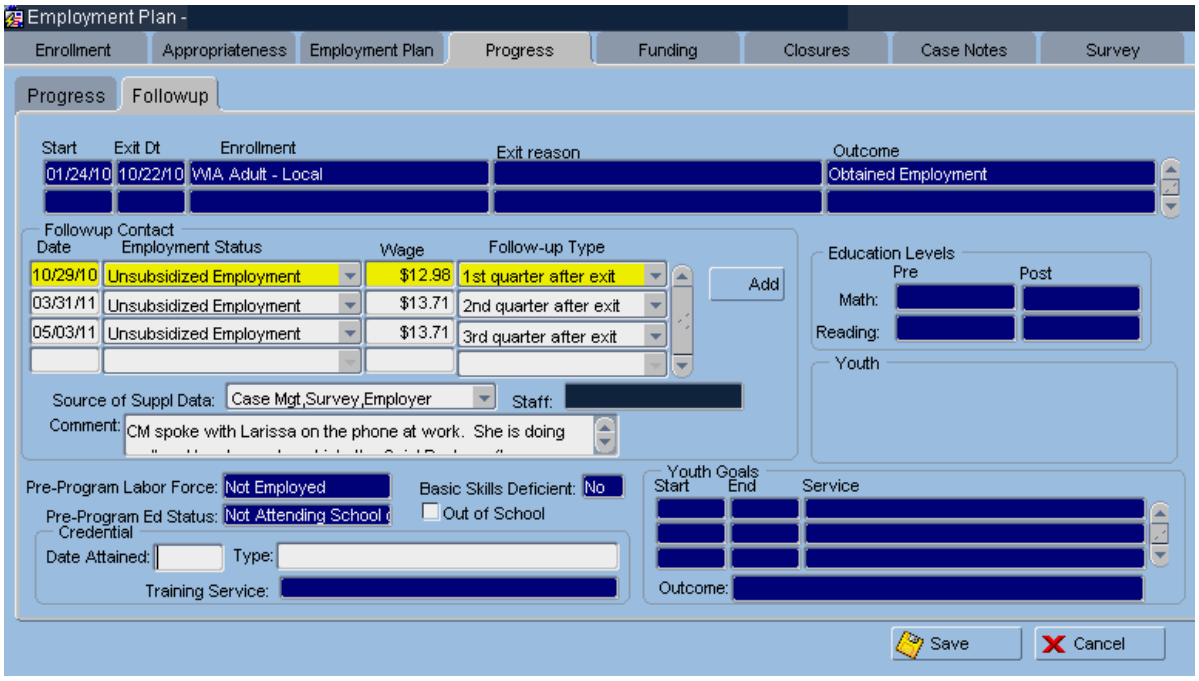
Example:
If a participant exits May 2, 2011, follow-up would be done according to the following calendar quarters:

1st Quarter:	July - September 2011
2nd Quarter:	October - December 2012
3rd Quarter:	January - March 2012
4th Quarter:	April - June 2012

Follow-up must actually occur during the quarter being recorded.

As per USDOL common measures policy (TEGL 17-05, dated 2/17/06), allowable sources of supplemental information for tracking employment-related outcomes include case management notes, automated data base systems (i.e., MISTICS), documented contacts with employers, and participant surveys. Providers must keep in mind that all supplemental data and methods are to be documented and are subject to audit.

Service providers should use the Follow-up tab to record status in the Follow-up Contact section. A comment should be entered for each Follow-up contact. The comment should provide information regarding where the information was obtained, employer name, address, phone number, the occupation that the participant has entered, or any other pertinent information.



In the absence of Unemployment Insurance wage data, follow-up results can be used to enhance performance for three performance measures. Results count positively toward the measures if participants are found to be in unsubsidized employment in the quarters after exit. Supplemental follow-up results can be used for the following performance measures:

- Entered Employment (first quarter after exit for Adults and Dislocated Worker participants)
- Employment Retention (first, second, and third quarters after exit for Adult and Dislocated Worker participants)
- Placement in Employment or Education (first quarter after exit for Youth participants)

D. Supplemental Data Requirements

Supplemental Data refers to information collected in lieu of Unemployment Insurance (UI) wage records in order to demonstrate an employment-related outcome.

State UI wage records are the preferred data source for any performance measure pertaining to employment, including ETA's Adult Common Measures. These records are owned by individual State Workforce Agencies and are governed by confidentiality and privacy statutes; most entities, including community colleges and private organizations, do not have access to wage records, which contain personally identifiable information including Social Security Numbers (SSNs). This is the reason that ETA has assumed the burden of tracking Common Measures for grantees who provide the four (4) data elements as detailed in the High Growth and Community-Based Job Training Grants: General Quarterly Reporting Forms and Instructions.

There are several allowable sources of Supplemental Data. In the absence of UI wage records, there are several sources of supplemental data that can be used to demonstrate

employment-related outcomes. These include copies of pay stubs covering the period called for by the performance measure, employer documentation (including written affidavit or telephone conversation) indicating the individual was employed some time during the period called for by the performance measure, documentation from the former participant, case management notes and proprietary websites that offer employer fee-based information.

Information from Employers: In general, this pertains to a written affidavit or documented telephone conversation with an employer indicating the individual was employed at some time during the period called for by the performance measure. At a minimum, grantees should obtain a signed release from participants prior to exit allowing such contact. The employer verification, whether written affidavit, letter on official letterhead or telephone conversation, should contain the employer's name, dates of employment for the individual in question and earnings for the period, in addition to the name, title, address, and telephone number of the employer representative providing the information.

Information from Former Participant: In general, this pertains to a written attestation form or documented telephone contact with the former participant that they were employed during the period called for by the performance measure. At a minimum, this should include updated contact information for the former participant, dates of employment and total earnings for the period, the employer's name, address and telephone number and, in the case of a written attestation, the signature and date signed by the former participant. (If a documented telephone conversation is utilized, then the information should include the name/signature and date signed by the grantee's staff member.)

Information from Proprietary Websites: A number of websites offer fee-based employment verification and wage-related information, although not all employers provide information to all sources. These include www.theworknumber.com, www.verifyjob.com, and www.usverify.com/incomeverify.html. These websites are not endorsed by USDOL-ETA.

All Supplemental Data sources must be documented and are subject to audit.

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THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT (WARN)

The Worker Adjustment and Retraining Notification Act (**WARN**) was enacted on August 4, 1988 and became effective on February 4, 1989.

A. General Provisions

WARN offers protection to workers, their families and communities by requiring employers to provide 60 days in advance notice of covered plant closings, and covered mass layoffs. This notice must be provided to either affected workers or their representatives (e.g., a labor union); to the State dislocated worker unit; and to the appropriate unit of local government.

B. Employer Coverage

In general, employers are covered by WARN if they have 100 or more employees, not counting employees who have worked less than 6 months in the last 12 months and not counting employees who work an average of less than 20 hours a week. Private, for-profit employers and private, nonprofit employers are covered, as are public and quasi-public entities which operate in commercial context and are separately organized from the regular government. Regular Federal, State, and local government entities that provide public services are not covered.

C. Employee Coverage

Employees entitled to notice under **WARN** include hourly and salaried workers, as well as managerial and supervisory employees. Business partners are not entitled to notice.

D. What Triggers Notice

Plant Closing: A covered employer must give notice if an employment site (or one or more facilities or operating units within an employment site) will be shut down, and the shutdown will result in an employment loss (as defined later) for 50 or more employees during any 30-day period. This does not count employees who have worked less than 6 months in the last 12 months or employees who work an average of less than 20 hours a week for that employer. These latter groups, however, are entitled to notice (discussed later).

Mass Layoff: A covered employer must give notice if there is to be a mass layoff which does not result from a plant closing, but which will result in an employment loss at the employment site during any 30-day period for 500 or more employees, or for 50-499 employees if they make up at least 33% of the employer's active workforce. Again, this does not count employees who have worked less than 6 months in the last 12 months or employees who work an average of less than 20 hours a week for that employer. These latter groups, however, are entitled to notice (discussed later).

An employer must also give notice if the number of employment losses which occur during a 30-day period fails to meet the threshold requirements of a plant closing or mass layoff, but the number of employment losses for 2 or more groups of workers, each of which is less than the minimum number needed to trigger notice, reaches the threshold level, during any 90-day

period of either a plant closing or mass layoff. Job losses within any 90-day period will count together toward **WARN** threshold levels, unless the employer demonstrates that the employment losses during the 90-day period are the result of separate and distinct actions and causes.

E. Sale of Business

In a situation involving the sale of part or all of a business, the following requirements apply.

(1) In each situation, there is always an employer responsible for giving notice.
(2) If the sale by a covered employer results in a covered plant closing or mass layoff, the required parties (discussed later) must receive at least 60 days notice.
(3) The seller is responsible for providing notice of any covered plant closing or mass layoff, which occurs up to, and including the date/time of the sale.
(4) The buyer is responsible for providing notice of any covered plant closing or mass layoff, which occurs after the date/time of the sale.
(5) No notice is required if the sale does not result in a covered plant closing or mass layoff.
(6) Employees of the seller (other than employees who have worked less than 6 months in the last 12 months or employees who work an average of less than 20 hours a week) on the date/time of the sale become, for purposes of **WARN**, employees of the buyer immediately following the sale. This provision preserves the notice rights of the employees of a business that has been sold.

F. Employment Loss

The term "employment loss" means:

(1) An employment termination, other than a discharge for cause, voluntary departure, or retirement;
(2) A layoff exceeding 6 months; or
(3) A reduction in an employee's hours of work of more than 50% in each month of any 6-month period.

Exceptions: An employee who refuses a transfer to a different employment site within reasonable commuting distance does not experience an employment loss. An employee who accepts a transfer outside this distance within 30 days after it is offered or within 30 days after the plant closing or mass layoff, whichever is later, does not experience an employment loss. In both cases, the transfer offer must be made before the closing or layoff, there must be no more than a 6 month break in employment, and the new job must not be deemed a constructive discharge. These transfer exceptions from the "employment loss" definition apply only if the closing or layoff results from the relocation or consolidation of part of all of the employer's business.

G. Exemptions

An employer does not need to give notice if a plant closing is the closing of a temporary facility, or if the closing or mass layoff is the result of the completion of a particular project or undertaking. This exemption applies only if the workers were hired with the understanding that their employment was limited to the duration of the facility, project or undertaking. An employer cannot label an ongoing project "temporary" in order to evade its obligations under **WARN**.

An employer does not need to provide notice to strikers or to workers who are part of the bargaining unit(s) which are involved in the labor negotiations that led to a lockout when the strike or lockout is equivalent to a plant closing or mass layoff. Non-striking employees who experience an employment loss as a direct or indirect result of a strike and workers who are not part of the bargaining unit(s), which are involved in the labor negotiations that led to a lockout, are still entitled to notice.

An employer does not need to give notice when permanently replacing a person who is an "economic striker" as defined under the National Labor Relations Act.

H. Who Must Receive Notice

The employer must give written notice to the chief elected officer of the exclusive representative(s) or bargaining agency(s) of affected employees and to unrepresented individual workers who may reasonably be expected to experience an employment loss. This includes employees who may lose their employment due to "bumping," or displacement by other workers, to the extent that the employer can identify those employees when notice is given. If an employer cannot identify employees who may lose their jobs through bumping procedures, the employer must provide notice to the incumbents in the jobs, which are being eliminated. Employees who have worked less than 6 months in the last 12 months and employees who work an average of less than 20 hours a week are due notice, even though they are not counted when determining the trigger levels.

The employer must also provide notice to the State dislocated worker unit and to the chief elected official of the unit of local government in which the employment site is located.

I. Notification Period

With three exceptions, notice must be timed to reach the required parties at least 60 days before a closing or layoff. When the individual employment separations for a closing or layoff occur on more than one day, the notices are due to the representative(s), State dislocated worker unit and local government at least 60 days before the separation. If the workers are not represented, each worker's notice is due at least 60 days before that worker's separation. The exceptions to 60-day notice are:

(1) Faltering company. This exception, to be narrowly construed, covers situations where a company has sought new capital or business in order to stay open and where giving notice would ruin the opportunity to get the new capital or business, and applies only to plant closings;
(2) Unforeseeable business circumstances. This exception applies to closings and layoffs that are caused by business circumstances that were not reasonably foreseeable at the time notice would otherwise have been required; and
(3) Natural disaster. This applies where a closing or layoff is the direct result of a natural disaster, such as a flood, earthquake, drought or storm.

If an employer provides less than 60 days advance notice of a closing or layoff and relies on one of these three exceptions, the employer bears the burden of proof that the conditions for the exception have been met. The employer also must give as much notice as is practical.

When the notices are given, they must include a brief statement of the reason for reducing the notice period in addition to the items required in notices.

J. Form and Content of Notice

No particular form of notice is required. However, all notices must be in writing. Any reasonable method of delivery designed to ensure receipt 60 days before a closing or layoff is acceptable. Notice must be specific. Notice may be given conditionally upon the occurrence or nonoccurrence of an event only when the event is definite and its occurrence or nonoccurrence will result in a covered employment action less than 60 days after the event.

The content of the notices to the required parties is listed in section 637.7 of the **WARN** final regulations. Additional notice is required when the date(s) or 14-day period(s) for a planned plant closing or mass layoff are extended beyond the date(s) or 14-day period(s) announced in the original notice.

K. Record

No particular form of record is required. The information employers will use to determine whether, or whom, and when they must give notice is information that employers usually keep in ordinary business practices and in complying with other laws and regulations.

L. Penalties

An employer who violates the **WARN** provisions by ordering a plant closing or mass layoff without providing appropriate notice is liable to each affected employee for an amount including back pay and benefits for the period of violation, up to 60 days. The employer's liability may be reduced by such items as wages paid by the employer to the employee during the period of violation and voluntary and unconditional payments made by the employer to the employee.

An employer who fails to provide notice as required to a unit of local government is subject to a civil penalty not to exceed $500 for each day of violation. This penalty may be avoided if the employer satisfies the liability to each affected employee within 3 weeks after the employer orders the closing or layoff.

M. Enforcement

Enforcement of **WARN** requirements is through the United States district courts. Workers, representatives of employees and units of local government may bring individual or class action suits. In any suit, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs.

N. Information

Specific requirements of the Worker Adjustment and Retraining Notification Act may be found in the Act itself, Public Law 100-379 (29 U.S.C. 2101, et seq.) The Department of Labor published final regulations on April 20, 1989 in the Federal Register (Vol. 54, No. 75).

The regulations appear at 20 CFR Part 639.

General questions on the regulations may be addressed to:
Employment and Training Administration (ETA)
Office of National Response
Division of Worker Dislocation and Special Response
200 Constitution Avenue, NW
Room N-5422
Washington, DC 20210.
Tel: 1-877-US2-JOBS (1-877-872-5627), or 202-693-3500
TTY: 1-877-889-5627

Or:

Montana Department of Labor and Industry
Rapid Response Coordinator
1327 Lockey Ave.
PO BOX 1728
Helena MT 59624-1728
(406) 444-4100

The US Department of Labor and Montana Department of Labor, since they have no administrative or enforcement responsibility under **WARN**, cannot provide specific advice or guidance with respect to individual situations.

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RAPID RESPONSE

Rapid Response is an early intervention service provided to businesses and workers who are facing a business closure or reduction in force. Job Service Workforce Centers across Montana operate the Rapid Response program.

A. Rapid Response Informational Meetings

One service provided to workers through Rapid Response is the Rapid Response informational meeting for laid off workers. These meetings provide information to workers of the services available to them in the Workforce System.

Rapid Response information meetings for laid off workers are the first priority of this program. Job Service Workforce Centers are responsible for scheduling and arranging the details of the Rapid Response informational meeting. The partners in the communities who provide various services to people are invited to attend the Rapid Response meeting and present their program information to the workers. Some of the partners who attend a Rapid Response meeting are as follows: the Dislocated Worker program operator, Unemployment Insurance, Job Service staff, Children's Health Insurance Plan (CHIP), and Consumer Credit Counseling. Depending on the need of the workers there may be additional partners who attend a Rapid Response meeting.

The most effective means of providing the informational meeting for the workers is through the employer. When the meeting can take place at the place of employment, before the layoff date, more workers are served and the workers are better able to absorb the information presented to them.

B. Documenting A Layoff

Job Service Workforce Centers are responsible for documenting all layoffs in their respective communities by completing an ISC (Initial Screening Contact) report. This report communicates the details of a layoff or business closure and is sent via email to the Dislocated Worker/Rapid Response Unit in the Statewide Workforce Programs and Oversight Bureau of the Montana Department of Labor and Industry with copies to the Oversight Bureau Chief, Area Service Coordinators and Deputy Bureau Chief in the Job Service Operations Bureau, Unemployment Insurance team managers, and the TRA Coordinator in Unemployment Insurance.

Other services funded by the Rapid Response program are available to serve a limited number of participants as dislocated workers. If services such as supportive services, training, or core and intensive services are provided to a dislocated worker, the same regulations apply as the Formula Dislocated Worker program.

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YOUTH INCENTIVES

Section 129 (a)(5) allows Workforce Investment Act funding to be used to provide incentives for recognition and achievement to eligible youth.

Youth Service Providers are encouraged but not required to provide incentives. Youth Service Providers may determine whether or not to provide an incentive award however if they choose to provide incentive awards they will base the award amount on their fund availability. Incentives, both non-cash and cash incentives must be in an amount that is consistent to each youth receiving an incentive for their achievement; for example if the Youth Service Provider determines that the amount awarded for attainment of one goal is $10, then all youth achieving that goal and receiving an incentive award will receive $10.

Awarding of incentives is a means to encourage participation, achievement and attainment of individual goals that lead to success and completion of a secondary school diploma or its equivalent. **Incentives may also be awarded to youth who have successfully completed the WIA program and obtained full- time unsubsidized employment.**

Incentives may be given to youth if the provision of an incentive is included in the participant's service strategy (Employment Plan in MontanaWorks). The service strategy should describe the plans for preparing the youth for post-secondary education and/or employment, finding effective connections to the job market and employers, and understanding the links between academic and occupational learning, and setting and achieving goals, and for providing incentives as appropriate to youth who achieve goals. **Service providers must also document the plans for providing incentives based upon the youth attaining one or more of the goals described in part II. below in the youth's case notes.** The youth must be an active participant in the WIA Youth program in order to receive an incentive.

Incentive awards may be non-cash (not redeemable for cash) or cash incentives.

I. Incentives

A. Non-cash incentives

Examples of the types of items that could be awarded as non-cash incentives include but are not limited to:
Gift certificates (restaurants, video, movie passes, retail, and school book stores)
Plaques
Credentials
Cap and gowns
Class pictures
Class ring
School supplies/calculators

B. Cash incentives

The cash incentive awarded a participant within a program year (July 1st through June 30th) is limited to **$500** for the entire program year.

II. Incentive Plan

The cash or gift certificate dollar amounts listed in the Incentive Plan are suggested award amounts. Youth service providers have discretion in determining the actual award amount and whether it will be in the form of cash or a gift certificate.

1. Attainment of a skill goal (basic skills work readiness or occupational skill goals). The goal set must be in accordance with the younger youth skill attainment policy.

   Participants may be awarded the following incentives:
   - Attainment of one goal: $10
   - Attainment of two goals: $15
   - Attainment of three goals: $25

   Required documentation for reimbursement of accomplished skill goal:
   - Copy of completed goals screen.

2. Attainment of Literacy or Numeracy gain. Applies to out-of-school youth who are basic skills deficient; actively participating in program services; and who have achieved an increase of at least one Educational Functioning Level.

   Participants may be awarded the following incentives.
   - $25 cash or gift certificate for increase of .5 to 1.0 grade level.
   - $50 cash or gift certificate for increase of 1.1 to 1.9 grade level or more.
   - $75 cash or gift certificate for testing 8.9 or above in both reading and math on the TABE if increase is more than three grade levels after second year of program participation.

   Required documentation for reimbursement of accomplished skill goal:
   - Copy of completed Literacy/Numeracy screen.
   - Documentation showing results of pre and post test.

3. Attainment of a secondary school diploma or equivalent. Applies to those participants, whether in-school or out-of-school, who at the time of enrollment have not attained a high school diploma or equivalent and are awarded a high school diploma or its equivalent during program participation. For purposes of this policy, attainment of a secondary school diploma or equivalent includes:
   - High School Diploma
   - General Equivalency Diploma

   Participants may be awarded a cash incentive up to **$250** for obtaining their GED/State approved high school equivalency diploma or High School Diploma. Participants may **not** be awarded cash incentives for attending GED/ State approved high school equivalency classes.

   Required documentation for reimbursement:
   - Copy of High School Diploma
   - Copy of GED or High School Equivalency certificate

4. Return to school for Out-of-School Youth. Youth who are out-of-school and basic skills deficient at enrollment may receive the following incentives for returning to school and successful completing:
   - The first term - $50.00
   - Attainment of a Diploma or Degree - $250.00

Required documentation for reimbursement:
- Copy of High School Diploma or Post-Secondary Degree
- Documentation of completion of first term from school official

5. Attainment of Occupational Skills Credential. Applies to those participants who are enrolled in training, have not received an occupational skills credential and attain an occupational skills credential during participation. An occupational skills credential is defined as any nationally recognized degree or certificate. Credentials include, but are not limited to, post-secondary degrees, recognized skill standards, and licensure or industry-recognized credentials.
   - Up to $250 may be awarded for attainment of an occupational skills credential.

   Required documentation for reimbursement:
   - Copy of occupational skills credential
   - Copy of degree from two year or community college

6. Attendance in High School. Applies to those participants enrolled in secondary education that achieve a GPA of 2.0 or higher. Incentives are based on:
   - The grade point average for four quarters;
   - School attendance (the number of days absent or tardy per semester); and
   - Grade related/core classes

   Grade Point Average

GPA Range	1 Quarter	2 Quarter	3 Quarter	4 Quarter
2.0-2.99	$20	$20	$20	$20
3.0-3.49	$30	$30	$30	$30
3.5-4.0	$50	$50	$50	$50

   Participants may receive the following incentives for attendance. **Youth may receive only one attendance incentive per semester.**
   - $50 cash or gift certificate for perfect attendance
   - $25 cash or gift certificate for missing less than two days of school and being tardy less than two times.
   - Pair of movie passes for missing less than four days of school and being tardy less than three times.

   Grade Related/core classes
   - $10 cash or gift certificate for going from failing to passing
   - $20 cash or gift certificate for passing all classes with a C or higher (**apply this incentive to the Grade Point Average OR the Grade Related/core classes, not both)**
   - $30 cash or gift certificate for increasing one full grade
   - $40 cash or gift certificate for passing all classes for the school year

   Required documentation for reimbursement:
   - School records showing GPA, attendance and/or pass/fail records.

7. School Completion
   This incentive applies to youth who are **out-of-school and employed full-time** and are enrolled in an educational program leading to the attainment of a GED/State approved high school equivalency diploma, professional license or certificate. The incentive is limited to those

participants who are in good standing and actively progressing toward accomplishment of a GED/State approved high school equivalency diploma or professional license or certificate as described in the Individual Service Strategy.

- $50 – GED
- $75 - Professional License/Certificate

Required documentation for reimbursement:

- Attendance sheets signed by instructor and case manager.
- Progress report signed by instructor and case manager.
- Verification of full-time employment
- Copy of GED or State approved high school equivalency diploma
- Copy of Professional License/Certificate

8. Job Retention

This incentive applies to youth who have successfully completed the WIA program and are employed full time.

- $25 - getting a job
- $100 – retaining the same job for 3 months
- $150 – retaining the same job for 6 months
- $200 – retaining the same job for 9 months

Required documentation for reimbursement:

- Verification of employment
- Quarterly progress reports by case manager

III. MontanaWorks

Service providers must also document the plans for providing incentives based upon the youth attaining one or more goals in the youth's case notes in MontanaWorks. Youth incentives are included in the Youth Services objective. Service providers will track incentive awards, whether cash or non-cash, through the Objectives and Services section of the MontanaWorks Employment Plan following the same funding process of obligating, authorizing and making payments as with any service that has funding attached.

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PROGRAM PERFORMANCE REPORTING REQUIREMENTS

The purpose of this Section is to describe the requirements and methodology for WIA program performance reporting. The Bureau will **report** quarterly and annual program performance.

I. Quarterly Performance Reports

A quarterly Unemployment Insurance wage extract from MontanaWorks will be pulled using participant data in advance of the quarterly due dates. This will enable the Bureau enough time to merge the extract with participant wage data from Montana's Unemployment Insurance system, the Wage Record Interchange System (WRIS), and the Federal Employment Data Exchange System (FEDES) to gather data from other states' Unemployment Insurance systems and Federal employment databases, respectively.

The Bureau staff will incorporate updated performance levels and reporting periods for performance measures. The Bureau will submit performance reports to ETA as well as provide quarterly individual performance reports to each service provider.

II. Annual Reporting

The Bureau will produce the Workforce Investment Act Standardized Record Data (WIASRD) **on a quarterly basis.**

III. Performance Report Due Dates

Due dates for Federal program performance reporting are as follows:

First Quarter:	Due approximately November 15
Second Quarter:	Due approximately February 15
Third Quarter:	Due approximately May 15
Fourth Quarter:	Due approximately August 15
Annual Report:	Due October 1
WIASRD:	Due October 15

IV. Data Sources for Calculating Performance Levels

A. Unemployment Insurance Wage Records

To the extent consistent with State law, the Unemployment Insurance (UI) wage records will be the primary data source for tracking the adult and dislocated worker entered employment, retention, and average earnings measures and the employment portion of the youth placement in employment or education measure.

Unemployment Insurance wage records are not accessible to any agencies that are not part of state government. MCA 39-51-603 restricts the use of wage records and protects the confidentiality of those records. If written permission is obtained from a participant, UI wage and benefit data can be released to the individual or their designated recipient.

Any participant may also visit a local Job Service Workforce Center and request his/her own wage record printout.

B. Additional Wage Records

While most forms of employment in a state's workforce are considered "covered employment," certain types of employers and employees are excluded by federal UI law or are not covered under state UI law. Record sharing and/or automated record matching with other employment and administrative data sources can be used to determine and document employment and earnings for "uncovered" workers.

Additional wage record data sources include the following:
Wage Record Interchange System (WRIS): Montana participates in this system and receives wage data for exited participants who move out-of-state.

- Federal Employment Data Exchange System (FEDES): Montana participates in this pilot project and receives wage data for exited participants working for the federal government. Data is available from the Office of Personnel Management, U.S. Postal Service, and Department of Defense.
- Railroad Retirement System: No data is available from this source at this time.
- State government employment records: No data is available from this source at this time.
- Local government employment records: No data is available from this source at this time.
- Judicial employment records: No data is available from this source at this time.
- Public school employment records: No data is available from this source at this time.
- State New Hires Registry: No data is available from this source at this time.

C. Supplemental Data

Supplemental data should be utilized for program management purposes and to gain a full understanding of program performance and activities. Although a majority of employment situations will be covered by unemployment insurance (UI) wage records, certain other types of employment, particularly self-employment, are either "not covered" or the data are very difficult to access due to confidentiality issues and concerns (e.g., access to tax records). Therefore, although wage records are the primary data source for any federal employment-related performance measure, in the absence of wage records, *supplemental data* can be utilized to demonstrate outcomes (with the exception of earnings).

If an individual holds two jobs—one covered by Unemployment Insurance and one that is not covered for reasons stated above—only the "covered" employment will count toward program performance.

Supplemental data can be utilized to demonstrate outcomes on the Entered Employment Rate for adults and dislocated workers, the Employment Retention Rate for adults and dislocated workers, and the placement portion of the Youth Placement in Employment or Education.

Supplemental data ***cannot*** be utilized to demonstrate outcomes on the Average Earnings common measure for adult and dislocated worker populations.

An individual's desire for entrepreneurial training should not be discouraged simply because the subsequent employment is not or may not be covered by wage records. In order to convey full and accurate information on the employment impact of ETA programs, and in order to get appropriate credit for outcome attainment, supplemental sources of data may be used to document a participant's entry and retention in employment for those participants not covered by wage records.

As per USDOL common measures policy (TEGL 17-05, dated 2/17/06), allowable sources of supplemental information for tracking employment-related outcomes include the following:

- ✓ Case management notes
- ✓ Automated data base systems
- ✓ Documented contacts with employers
- ✓ Participant surveys.

Providers must keep in mind that all supplemental data and methods are to be documented and are subject to review.

V. Definitions

Employed at Participation - An individual employed at the date of participation who did any work at all as a paid employee, in his or her own business, profession or farm, worked as an unpaid worker in an enterprise operated by a member of the family, or is one who was not working, but has a job or business from which he or she was temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, whether or not paid by the employer for time-off, and whether or not seeking another job.

TEGL 17-05 (2/17/06)

Not Employed at the Date of Participation – An individual is considered *not employed at the date of participation* when he/she (a) did no work at all as a paid employee on the date participation occurs, (b) has received a notice of termination of employment or the employer has issued a WARN or other notice that the facility or enterprise will close, or (c) is a transitioning service member.

Employed in Quarter After Exit Quarter - The individual is considered employed if UI wage records for the quarter after exit show earnings greater than zero. UI Wage records will be the primary data source for tracking employment in the quarter after exit. When supplemental data sources are used individuals should be counted as employed if, in the calendar quarter after exit, they did any work at all as paid employees (i.e., received at least some earnings), worked in their own business, profession, or worked on their own farm.

Training Services - include WIA-funded and non-WIA funded partner-training services. These services include: occupational skills training, including training for nontraditional employment; on-the-job training; programs that combine workplace training with related instruction, which may include cooperative education programs; **registered apprenticeships;** training programs operated by the private sector; skill upgrading and retraining; entrepreneurial training; job readiness training; adult education and literacy activities in combination with other training; and customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

Certificate - A document that is awarded in recognition of an individual's attainment of measurable technical or occupational skills necessary to gain employment or advance within an occupation. These technical or occupational skills are based on standards developed or endorsed by employers. Credentials awarded by workforce investment boards and work readiness certificates are not included in this definition. Credentials must be awarded by one of the following:

- A state education agency, or a state agency responsible for administering vocational and technical education within a state;
- An institution of higher education described in Section 102 of the Higher Education Act (20 USC 1002) that is qualified to participate in the student financial assistance programs authorized by Title IV of that Act. This includes community colleges, proprietary schools, and all other institutions of higher education that are eligible to participate in federal student financial aid programs;
- A professional, industry, or employer organization (e.g., National Institute for Automotive Service Excellence certification, National Institute for Metalworking Skills) or a product manufacturer or developer (e.g., Microsoft Certified Database Administrator, Sun Certified Java Programmer) using a valid and reliable assessment of an individual's knowledge, skills and abilities;
- A registered apprenticeship program;
- A public regulatory agency, upon an individual's fulfillment of educational, work experience or skill requirements that are legally necessary for an individual to use an occupational or professional title or to practice an occupation or profession (e.g., Federal Aviation Administration aviation mechanic certification, State-licensed Emergency Medical Technician);
- A program that has been approved by the Department of Veterans Affairs to offer education benefits to veterans and other eligible persons;
- Job Corps centers that issue credentials; and
- Institutions of higher education that are formally controlled, or have been formally sanctioned or chartered by, the governing body of an Indian tribe or tribes.

Post-Secondary Education means a program at an accredited degree-granting institution that leads to an academic degree (e.g., AA, AS, BA, BS). Does not include programs offered by degree-granting institutions that do not lead to an academic degree.

Advanced Training means an occupational skills employment/training program, not funded under Title I of the WIA, which does not duplicate training received under Title I. Includes only training outside of the One-Stop, WIA and partner, system, i.e., training following exit.

Basic literacy skills deficient means the individual computes or solves problems, reads, writes, or speaks English at or below the 8th grade level or is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family, or in society.

High School Diploma Equivalent - a GED or high school equivalency diploma recognized by the State.

Qualified apprenticeship is a program approved and recorded by the ETA/**Office of Apprenticeship (OA)** or by a recognized State Apprenticeship Agency (State Apprenticeship Council). Approval is by certified registration or other appropriate written credential.

Military service - reporting for active duty**.**

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CUSTOMER SATISFACTION

I. Obtaining Customer Satisfaction Outcomes

In 2007, Montana received a waiver from USDOL-Employment and Training Administration (ETA) to report only on Common Measures for all WIA Title I-B programs starting July 1, 2007. The waiver exempts Montana from the federal requirement to report customer satisfaction results to ETA. Customer satisfaction results will still be compiled by Bureau staff for registered participants who exit the program and for employers who received substantial services through One-Stop systems. WIA Title I-B participants in the Adult, Dislocated Worker, and Youth programs who have exited will be surveyed. Employers eligible to be surveyed include those who have received service where the service has been completed, or, if it is an ongoing service, when a full segment of service has been provided.

The customer satisfaction indicator of performance shall consist of customer satisfaction of employers and participants with services received from the workforce investment activities authorized under this subtitle. Customer satisfaction is measured through surveys conducted after the conclusion of participation in the workforce investment activities.

To meet the customer satisfaction measurement requirements of WIA, the U.S. Department of Labor (USDOL) will use customer satisfaction surveys. The survey approach that will be utilized allows State and, at the same time, captures common customer satisfaction information that can be aggregated and compared at a State and national level. This will be done through the use of a small set of required questions that will form a customer satisfaction index. USDOL will use the American Customer Satisfaction Index (ACSI), which is created by combining scores from three specific questions that address different dimensions of customers' experience. For WIA application, there will be one score for each of the two customer groups: participants and employers.

The ACSI is the most widely used index currently in practice. It is used extensively in the business community, including over 150 Fortune 500 companies, and in many European countries. Twenty-nine agencies of the Federal government are using the ACSI. The ACSI will allow the workforce investment system to not only look at performance within the system, but also be able to gain perspective on the workforce system's performance by benchmarking against organizations and industries outside of the system. The ACSI also has a history of being useful in tracking change in customer satisfaction over time, making it an ideal way to gauge States' progress "toward continuously improving in performance."

Since the ACSI trademark is proprietary property of the University of Michigan and its software is owned by Claes Fornell International (CFI) Group, the Department has established a license agreement with the University of Michigan that will allow States the use of the ACSI for a statewide sample of participants and employers. States that want to use the

ACSI for measuring customer satisfaction for each local area will have to establish an independent contract with the University of Michigan. States may also contract with CFI Group for additional assistance in measuring, analyzing, and understanding ACSI data.

II. Process for Completing Customer Satisfaction

In-person interviews and mail questionnaires may be used only in situations where the individual does not have a telephone or where the person has a hearing impairment. Staff in the Statewide Workforce Programs and Oversight Bureau conducts the Customer Satisfaction survey.

Participants are contacted as soon as possible after the date of exit and no later than 60 days after the date of an exit. Employers are contacted as soon as possible after the completion of the service and no later than 60 days after the completion of the service. A minimum response rate of 70% is required for both exited participants and employers.

Typically, Bureau staff makes a maximum of six calls to reach exited participants. The prescribed order for attempting contacts is: home phone, first contact, second contact, directory assistance, employer or worksite of job-placed exited participants. It is imperative that exit information, including new telephone numbers, be current.

Service providers are responsible for providing the Bureau with timely and accurate contact information for participants and employers. Ensuring that the most up-to-date contact information is available enables the Bureau to successfully complete Customer Satisfaction surveys to achieve the required response rate.

If Bureau staff has made five attempts to reach an exited participant with no results, a list of exited participants will be sent to the local service provider for further action. This may require service providers to contact exited participants within an established timeframe so customer satisfaction surveys can be completed before the 60-day timeline is reached.

A. Participant Satisfaction

The weighted average of participant ratings, on each of the three questions regarding overall satisfaction, is reported on a 0-100 point scale. The score is a weighted average, not a percentage.

1. Who Will Be Surveyed

   WIA Title IB participants who are exiters as defined in the core measures, who are either Adults, Dislocated Workers, Older Youth 19-21, or Younger Youth 14-18 will be surveyed. All individuals from all funding streams in an exit cohort are eligible to be chosen for inclusion in the random sample.

2. Number

   Except in small states, a sample will be taken from these exiter groups in each quarter. Five hundred completed participant surveys must be obtained each year for calculation of the indicator. A completed participant survey is defined as a survey in which all three questions regarding overall satisfaction have been answered. For small states (those with less than 1000 exiters in a year), the entire population must be

surveyed. The response rate from the sample with valid contact information must be a minimum of 50 percent. The standard of 500 from a sample of the whole population of customers provides accuracy such that there is only a 5 in 100 chance that the results would vary by more than ±5 points from the score obtained from surveying the whole population.

3. Methodology
The responses are obtained using a uniform telephone methodology. The rationale for only using telephone surveys include: the comparability of the indicator for assessing performance levels is most reliably obtained with a telephone survey; telephone surveys are easily and reliably administered; and defining procedures for mailed surveys is more difficult than defining procedures for telephone surveys. Estimates of the cost of telephone surveys nationwide run an average of $15 per completed survey. Since it is being proposed that States complete 500 participant and 500 employer surveys, the cost would be an estimated total of about $15,000 per State per year.

4. Timeline
The surveys should be conducted on a rolling basis within the time frame for participants and employers indicated below. To obtain sufficient numbers, smaller States will need to survey on an ongoing basis. Participants should be contacted within 60 days of the exit date or the date that an exit date has been determined. This means either 60 days after the date of an exit interview or 60 days after the 90 days have elapsed since the last service date.

5. Survey Questions
A survey conducted by telephone in which the following questions are asked at the beginning of the interview:
My name is _____ with XXXXX and I am conducting a survey for the XXXX XXXXX. I would like to speak to Ms./Mr._____.

Are you the Ms./Mr. _____ who was looking for a job a few months ago? I would like to ask you some questions about your recent experience looking for a job. Our purpose is to learn from you how to improve programs and services offered to people in XXX. The survey should take about XX minutes to complete. First I am going to read a list of services you may have received. Indicate as I read them, those you recall receiving during the period in which you were seeking employment and/or training at the XX center.

- A thorough assessment of your needs.
- Assistance about finding a job.
- Assistance to develop an individual employment plan.
- Assistance to decide about the best training to take.
- Assistance from someone to support you during your job search or training
- Did you receive any training?
- Occupational training.

- Training to give you general skills for the workplace.
- Training in English or math.

Did you get any other help or services that I have not mentioned? (Specify)

a. Utilizing a scale of 1 to 10 where "1" means "Very Dissatisfied" and "10" means "Very Satisfied" what is your overall satisfaction with the services provided from _____?
b. Considering all of the expectations you may have had about the services, to what extent have the services met your expectations? "1" now means "Falls Short of Your Expectations" and "10" means "Exceeds Your Expectations."
c. Now think of the ideal program for people in your circumstances. How well do you think the services you received compare with the ideal set of services? "1" now means "Not very close to the Ideal" and "10" means "Very Close to the Ideal."

B. Employer Satisfaction

The weighted average of employer ratings, on each of the three questions regarding overall satisfaction, are reported on a 0-100 point scale. The score is a weighted average, not a percentage.

1. Who Will Be Surveyed

Those eligible for surveying include employers who have received services from a WIA program where the service has been completed or, if it is an ongoing service, when a full segment of service has been provided (e.g., after listing an open job order, the employer has received some referrals or if no service, 30 days have elapsed after the initial request). All employers who have received a substantial service involving personal contact with One-Stop staff are eligible to be chosen for inclusion in the random sample (this excludes those employers who request a brochure or standard mailing, those who ask a question that is answered with little expenditure of staff time, or those who use electronic self-services). Examples of services include staff facilitated job orders, customized job training, customized labor market information requests, and on-the-job training activities.

When an employer has received multiple services, priority should be given to the service that required the greatest expenditure of funds or staff time and the survey conducted regarding their satisfaction with that service.

2. Number Surveyed

Except in small states, a sample will be taken from these employers in each quarter. Five hundred completed participant surveys must be obtained each year for calculation of the indicator. A completed employer survey is defined as a survey in which all three questions regarding overall satisfaction have been answered. For small States (those with less than 1000 employers who received a substantial service in a year) the entire population must be surveyed. The response rate from the sample with valid contact information must be a minimum of 50 percent. The standard of 500

from a sample of the whole population of customers provides accuracy such that there is only a 5 in 100 chance that the results would vary by more than ±5 points from the score obtained from surveying the whole population.

3. Methodology
The responses are obtained using a uniform telephone methodology. The rationale for only using telephone surveys include: the comparability of the indicator for assessing performance levels is most reliably obtained with a telephone survey; telephone surveys are easily and reliably administered; and defining procedures for mailed surveys is more difficult than defining procedures for telephone surveys. Estimates of the cost of telephone surveys nationwide run an average of $15 per completed survey. Since it is being proposed that States complete 500 participant and 500 employer surveys, the cost would be an estimated total of about $15,000 per State per year.

4. Timeline
The surveys should be conducted on a rolling basis within the time frame indicated. To obtain sufficient numbers, smaller States will need to survey on an ongoing basis. Employers should be contacted within 60 days of the completion of the service or 30-60 days after a job order has been listed where no referrals have been made.

5. Questions
A survey will be conducted by telephone in which the following questions are asked at the beginning of the telephone interview (the first question is a sample and can be modified to suit the needs of individual states):

My name is _____ with XXXXX and I am conducting a survey for the XXXX XXXXX. I would like to speak to Ms./Mr._____.

Are you the Ms./Mr. _____ who (describe the service received). I would like to ask you some questions about your recent experience with _____. Our purpose is to learn from you how to improve programs and services offered to employers. The survey should take about XX minutes to complete.

a. Utilizing a scale of 1 to 10 where "1" means "Very Dissatisfied" and "10" means "Very Satisfied" what is your overall satisfaction with the service(s) provided from _____?
b. Considering all of the expectations you may have had about the services, to what extent have the services met your expectations? "1" now means "Falls Short of Your Expectations" and "10" means "Exceeds Your Expectations."
c. Now think of the ideal service(s) for people in your circumstances. How well do you think the service(s) you received compare with the ideal service(s)? "1" now means "Not Very Close to Ideal" and "10" now means "Very Close to the Ideal."

C. Calculation

The calculation for the ACSI is uses the weighted average of the raw scores for each respondent. The weighted average is transformed to an index reported on a 0-100 scale. The aggregate index is the weighted average of each index score.

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PERFORMANCE MEASURES

The WIA Performance Reports (quarterly and annual) will cover participants who receive services financially assisted by formula or statewide reserve funds under the following ETA programs:

- WIA Adult Program
- WIA Dislocated Worker Program
- WIA Youth Program
- National Emergency Grants

Montana received a waiver from USDOL-Employment and Training Administration (ETA) to report only on Common Measures for all programs. The Common Measures policy is outlined in Training and Employment Guidance Letter (TEGL) 17-05 issued by USDOL-ETA. See the Common Measures appendix in the back of the WIA Policy Manual for TEGL 17-05 or on the Internet **as Appendix H** at http://wsd.dli.mt.gov/wia/wiamanual_coverpage.asp

I. Adult and Dislocated Worker Performance Measures

Use of the term "adult" in definitions and calculations implies both adult and dislocated worker participants. For participants in the Adult or Dislocated Worker programs, the following performance measures apply:

A. Entered Employment

Methodology:

Of those who are not employed at the date of participation:

The number of adult participants who are employed in the 1st quarter after the exit quarter **divided by** the number of adult participants who exit during the quarter.

Operational Parameters:

- Individuals who are employed at the date of participation are excluded from this measure (i.e., programs will not be held accountable for these individuals under this measure).

- Individuals who, although employed, have either received a notice of termination of employment or the employer has issued a Worker Adjustment and Retraining Notification (WARN) or other notice that the facility or enterprise will close, or are transitioning service members are considered <u>not employed</u> and are included in the measure.

- For WIA purposes, a Transitioning Service Member is defined as a service member in active duty status (including separation leave) who participates in employment services and is within 24 months of retirement or 12 months of separation.

- Employment at the date of participation is based on information collected from the individual, not from wage records.

B. Employment Retention

Methodology:

Of those who are employed in 1st quarter after the exit quarter:

The number of adult participants who are employed in both the 2nd and 3rd quarters after the exit quarter **divided by** the number of adult participants who exit during the quarter

Operational Parameters:

- This measure includes only those who are employed in the first quarter after the exit quarter (regardless of their employment status at participation)
- Individuals who are not employed in the first quarter after the exit quarter are excluded from this measure (i.e., programs will not be held accountable for these individuals under this measure).
- Employment in the first, second, and third quarters after the exit quarter does not have to be with the same employer.

C. Average Earnings

Methodology:

Of those adult participants who are employed in the first, second, and third quarters after the exit quarter:

Total earnings in the second quarter plus total earnings in the third quarter after the exit quarter **divided by** the number of adult participants who exit during the quarter.

Operational Parameters:

- To ensure comparability of this measure on a national level, wage records will be the only data source for this measure. Acceptable wage record sources are a state's Unemployment Insurance wage records, Federal employment wage records, military employment wage records, and other administrative records, such as tax records for self-employed participants.
- Individuals whose employment in either the first, second, or third quarters after the exit quarter was determined solely from supplemental sources and not from wage records are excluded from the measure.

II. Youth Performance Measures

The Youth Common Measures replaced the WIA statutory measures on July 1, 2007.

A. Placement in Employment or Education

Methodology:

Of those who are not in postsecondary education or employment (including the military) at the date of participation:

The number of youth participants who are in employment (including the military) or enrolled in postsecondary education and/or advanced training / occupational skills training in the first quarter after the exit quarter **divided by** the number of youth participants who exit during the quarter.

Operational Parameters:

- Individuals who are in post-secondary education or employment at the date of participation are excluded from this measure (i.e., programs will not be held accountable for these individuals under this measure).
- Employment and education status at the date of participation are based on information collected from the individual.
- Individuals in secondary school at exit <u>will be included</u> in this measure.

B. Attainment of a Degree or Certificate

Methodology:

Of those enrolled in education (at the date of participation or at any point during the program):

The number of youth participants who attain a diploma, GED, State approved high school equivalency diploma, or certificate by the end of the third quarter after the exit quarter **divided by** the number of youth participants who exit during the quarter.

Operational Parameters:

- Education refers to participation in secondary school, post-secondary school, adult education programs, or any other organized program of study leading to a degree or certificate.
- Individuals in secondary school at exit <u>will be included</u> in this measure.
- The term diploma means any credential that the state education agency accepts as equivalent to a high school diploma. TEGL 17-05 clarifies that the term diploma also includes post-secondary degrees including Associate's Degrees (AA and AS) and Bachelor's Degrees (BA and BS).

- Diplomas, GEDs, or credentials can be obtained while a person is still receiving services or at any point by the end of the third quarter after the exit quarter.

- Work readiness G will not be accepted under this measure.

C. Literacy and Numeracy Gains

Methodology:

Of those out-of-school youth who are basic skills deficient:

The number of youth participants who increase one or more educational functioning levels **divided by** the number of youth participants who have completed a year in the youth program (i.e., one year from the date of first youth program service) **plus** the number of youth participants who exit before completing a year in the youth program.

Operational Parameters:

- In-school youth are excluded from this measure. (Note: determination of in-school or out-of-school status is only made at point of program participation.)

- It is allowable to use pre-tests that are administered up to six months prior to the date of first WIA youth service, if such pre-test scores are available. If prior pre-tests are not available, administration of the pre-test must occur within 60 days following the date of first youth program service.

- This measure is based on "date of first youth program service" rather than date of participation because date of participation is defined as the earliest date of service from any program if a participant receives services from multiple programs. It is possible for the participation date of a youth to be prior to the date of first WIA youth service if such a youth was served earlier by a different program. Therefore, date of first WIA youth service is used to ensure that this measure is based on a "youth participation date" rather than the initial participation date.

- Individuals who are determined not to be basic skills deficient based on pre-test results are excluded from this measure (i.e., programs will not be held accountable for these individuals under this measure).

- When administering assessment tools, individuals with disabilities (as defined in 29 CFR Part 37.4) should be accommodated according to: (1) Section 188 of WIA: 29 CFR Part 37, Section 504 of the Rehabilitation Act of 1973, and Title H of the Americans with Disabilities Act), (2) guidelines associated with the assessment tool used to determine functioning levels, or (3) state law or policies. Further guidance can be found in TEGL 17-05 under the section called *Testing Youth with Disabilities.*

- The measure includes individuals who are given an initial assessment but, either: (1) do not post-test before exiting the program, or (2) exit before completing a year in the youth program (i.e., one year from the date of first youth program service).

- To be included in the numerator, a participant must demonstrate on a post-test that he / she has advanced one or more educational functioning levels beyond the level in which he / she was initially placed at pre-test within one year from the date of first youth program service. (Note: the one-year time period is from date of first youth program service, not the date of pre-test.)

- All out-of-school youth must be assessed in basic reading / writing and math.

The Tutoring/Study Skills service can be used to help out-of-school youth who are basic skills deficient. In MontanaWorks, this service falls under the Youth Services objective.

III. Customer Satisfaction Measures

Customer Satisfaction measures are utilized to assess WIA provider / WIA participant and WIA provider / WIA employer customer relationships:

- Participant Satisfaction: a weighted average of numerical survey responses used to determine the extent to which WIA providers are meeting participant needs.

- Employer Satisfaction: a weighted average of numerical survey responses used to determine the extent to which WIA providers are meeting employer needs.

See Section 5.10 of this manual for more information regarding Customer Satisfaction.

IV. State Displaced Homemaker Program Performance

There are no mandatory performance standards for the State Displaced Homemaker (SDH) program, however the State determined that **entered employment rate** and **wage at placement** data should be collected. Performance information is provided to the Governor and the Legislature upon request.

Performance Measures and Goals

Measure	Goal
Entered Employment Rate	**75%**
Wage at Placement	**$9.00**

State Displaced Homemaker performance is not included in the Workforce Investment Act performance measures and customer satisfaction surveys are not conducted on SDH exited participants unless they are co-enrolled in WIA programs.

VI. Performance Levels

STATE OF MONTANA
PERFORMANCE LEVELS
PROGRAM YEAR 2014
JULY 1, 2014 – JUNE 30, 2015

Performance Measure	PY'14	PY'14 80% Negotiated Level
Adult		
Entered Employment	**75%**	**60.0%**
Employment & Retention	**86%**	**68.8%**
Six Months Average Earnings	**$15,000**	**$12,000**
WIA Dislocated Worker		
Entered Employment	**76%**	**60.8%**
Employment & Retention	**89%**	**71.2%**
Six Months Average Earnings	**$18,000**	**$14,400**
WIA Youth		
Placement in Employment/Education	**65%**	**52.8%**
Attainment of Degree/Certificate	**61%**	**67.2%**
Literacy/Numeracy Gains	**38%**	**$11,920**

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PROGRAM PARTICIPATION AND EXIT UNDER COMMON MEASURES

I. Point of Participation for Common Measures Reporting

A. What is the definition of a participant?

A participant is an individual who is determined eligible to participate in the program and receives a service funded by the program in either a physical location (One-Stop Career Center or affiliate site) or remotely through electronic technologies.

B. When does program participation occur?

Following a determination of eligibility (if required), participation in a program commences when the individual begins receiving a service funded by the program or a partner program, consistent with Montana's policy of utilizing a common participation date across core workforce programs. This phrase has the same meaning as the "date of participation" used in some of the measures. If the participant receives services from multiple programs, then Montana uses the earliest date of service as the "date of participation" when reporting on the measures in each program.

Operational Parameters:

1. Eligibility guidelines will determine whether an individual is eligible to participate in a WIA program.

2. The phrase "determined eligible to participate in the program" under WIA does not apply to individuals who receive core services in a self-service, facilitated self-help, or staff-assisted **function** funded by the Wagner-Peyser Act. These individuals are considered participants and are included in the Wagner-Peyser Act performance accountability system.

3. Individuals who are age 18 or older who only receive WIA-funded self-service or informational activities are to be counted as participants under the WIA Adult program. Their treatment under the WIA performance accountability system is covered in Section 8 of TEGL 17-05.

4. Individuals eligible to participate in the WIA Dislocated Worker program who only receive WIA-funded core services, including self-service or informational activities, are to be counted as participants under the WIA Dislocated Worker program. Their treatment under the WIA performance accountability system is covered in Section 8 of TEGL 17-05.

5. An individual may be participating in several programs simultaneously and may be counted as a participant in each of those programs. For example, a customer who accesses information on a computer purchased / leased from one funding stream and who is assisted by an employee who is paid from yet another funding stream may be considered as a participant in both funding streams, as appropriate, and with consideration to the programs' eligibility definitions.

6. Self-directed job search is a service and individuals who use self-directed tools for job search are participants. Please note that self-directed job search alone does not initiate participation in the WIA Youth program.

7. In accordance with Section 101(34) of the Workforce Investment Act, receipt of post-employment follow-up services designed to ensure job retention, wage gains, and career progress does not result in the commencement of a participation period.

8. Examples of other services and activities that do not commence participation in a program include the following:

    a. Determination of eligibility to participate in the program;
    b. Caseload management activities of an administrative nature that involve regular contact with the individual or employer to obtain information regarding his / her employment status, educational progress, or need for additional services;
    c. Income maintenance or support payments (e.g., Unemployment Insurance (UI) benefit payments, Temporary Assistance for Needy Families (TANF), other cash assistance, Food Stamps, and subsidized childcare). Montana will assure that UI claimants will be actively engaged in the search for new employment while they receive UI benefits and that the workforce investment system will provide reemployment services and job search assistance to speed their return to work.
    d. Individuals who visit a physical location for reasons other than its intended purpose (e.g., use of restrooms or ask staff for directions) are not participants.

II. Point of Exit for Common Measures

A. What is the definition of program exit?

The term program exit means a participant has not received a service funded by the program or funded by a partner program for 90 consecutive calendar days**,** has no gap in service, and is not scheduled for future services. The exit date is the last date of service.

Montana has the capability to track participant services across the DOL-funded required One-Stop partner programs until the individual exits all services.

The phrase "and is not scheduled for future services" <u>does not</u> apply to a participant who voluntarily withdraws or drops out of the program. In these circumstances, once a participant has not received any services funded by the program or a partner program for 90 consecutive calendar days, the date of exit is applied retroactively to the last day on which the individual received a service funded by the program or a partner program.

B. Are there any exceptions to the definition of exit?

A participant should not be considered as exited if there is a gap in service of greater than 90 days in one of the following circumstances:

1. Delay before the beginning of training;

2. Health / medical condition or providing care for a family member with a health / medical condition;

3. Temporary move from the area that prevents the individual from participating in services, including National Guard or other related military service.

A gap in service must be related to one of the three circumstances identified above and last no more than 180 consecutive calendar days from the date of the most recent service to allow time to address the barriers to continued participation. However, case managers may initiate a consecutive gap in service of up to an additional 180 days for the participant that follows the initial 180-day period to resolve the issues that prevent the participant from completing program services that lead to employment. Case managers must document all gaps in service that occur and the reasons for the gaps in service, including the participant's intent to return to complete program services.

C. Common Exit Operational Parameters:

1. In accordance with Section 101(34) of the Workforce Investment Act, receipt of post-employment follow-up services designed to ensure job retention, wage gains, and career progress do not count as a service that would extend the participation period. Such follow-up services that do not extend the period of participation could include, but are not limited to: additional career planning and counseling; contact with the participant's employer, including assistance with work-related problems that may arise; peer support groups; information about additional educational opportunities; informational mailings; and referral to supportive services available in the community. Although these services will not extend the participation period or delay program exit, case managers are reminded that these services may have a direct and positive impact on the employment retention and wage gains of participants who enter employment.

2. Examples of other activities that do not extend the period of participation or delay program exit include the following:

   - Determination of eligibility to participate in the program;
   - Caseload management services and any other required administrative case load management activities that involve regular contact with the participant or employer to obtain information regarding the participant's employment status, educational progress, or need for additional services;
   - Income maintenance or support payments (e.g., Unemployment Insurance (UI) benefit payments, Temporary Assistance for Needy Families (TANF), other cash assistance, Food Stamps, and subsidized childcare). Montana will assure that UI claimants will be actively engaged in the search for new employment while they receive UI benefits and that the workforce investment system will provide reemployment services and job search assistance to speed their return to work. However, trade readjustment allowances and other needs-related payments funded through the Trade Adjustment Assistance (TAA) program, WIA, or National Emergency Grants are elements of a training program that delay program exit because these allowances and payments are tied to continuous participation in skills training.

D. When does exit from the program occur?

Once a participant has not received any services funded by the program or a partner program for 90 consecutive calendar days, has no gap in service, and is not scheduled for future services, the

date of exit is applied retroactively to the last day on which the individual received a service funded by the program or a partner program. If the participant receives services from multiple programs, then the last or most recent date of service will be the "date of exit" for use in reporting on the measures in each program.

Montana coordinates service tracking through MontanaWorks for the required DOL funded One-Stop partner programs. This enables the state to provide accountability under the common measures when the participant has exited all services funded by these programs.

III. Exclusions from Common Measures

Occasionally, circumstances arise that are beyond the control of both the participant and the program and are expected to last for an undetermined period beyond 90 days. The intent here is to identify a common list of specific circumstances as to when a participant can be excluded from common measures. A participant in any of the following categories, either at the time of exit or during the three-quarter measurement period following the exit quarter, will be excluded from common measures:

- *Institutionalized* – The participant is residing in an institution or facility providing 24-hour support, such as a prison or hospital, and is expected to remain in that institution for at least 90 days. This reason does not apply to individuals with disabilities (as defined in 29 CFR 37.4) residing in institutions, nursing homes, or other residential environments; individuals participating in the Responsible Reintegration of Youthful Offenders program; and individuals participating in the Prisoner Reentry Initiative.
- *Health/Medical or Family Care* – The participant is receiving medical treatment or providing care for a family member with a health / medical condition that precludes entry into unsubsidized employment or continued participation in the program. This does not include temporary conditions or situations expected to last for less than 90 days.
- *Deceased*
- *Reserve Forces Called to Active Duty* – The participant is a member of the National Guard or a military Reserve unit and is called to active duty for at least 90 days.
- *Relocated to a Mandated Program* – For youth participants only, the participant is in the foster care system or another mandated (residential or non-residential) program and has moved from the area as part of such a program. This does not include relocation to a Job Corps center.
- *Invalid or Missing Social Security Number* – Because the measures require **a match of** personally identifiable client records with wage and other administrative data in order to obtain outcome information, those participants who do not voluntarily disclose a valid social security number will be excluded from all performance measures.

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WIA DATA SOURCES

This section describes data sources and methods to collect data for the common measures. The data source(s) applicable to each measure are as follows:

PERFORMANCE MEASURE	DATA SOURCES
Adult Measures	
Entered Employment	Wage records and supplemental data sources
Retention	Wage records and supplemental data sources
Average Earnings	Wage Records Supplemental sources (only for grantees that do not have access to wage records)
Youth Measures	
Placement in Employment or Education	Wage records and supplemental data sources for placement in employment and military Administrative records for placement in education and training
Attainment of a Degree or Certificate	Administrative records
Literacy and Numeracy Gains	Assessment instrument

A. Wage Records

To ensure comparability of the common measures on a national level, wage records are the primary data source for the employment-related measures (except as noted in this section).

1. Unemployment Insurance Wage Records

To the extent it is consistent with state law, UI wage records will be the primary data source for tracking the adult entered employment, retention, and earnings measures and the employment portion of the youth placement in employment or education measure. UI wage records include private sector, non-profit sector, and government employer wage reports such as:

- State government employment records
- Local government employment records
- Judicial employment records
- Public school employment records

2. Additional Wage Records

While most forms of employment in a state's workforce are "covered" and will be in the UI wage records as noted above, certain types of employers and employees are excluded by Federal UI law or are not covered under states' UI laws. States may use record sharing and / or automated record matching with other employment and administrative data sources to determine and document employment and earnings for "uncovered" workers.

Additional wage record data sources include the following:

- Wage Record Interchange System (WRIS)
- U.S. Office of Personnel Management (OPM)
- U.S. Postal Service
- U.S. Department of Defense
- Railroad Retirement System
- State New Hires Registry
- State Department of Revenue or Tax (for individuals who are self-employed, information must be obtained through record-sharing or automated matching of state tax records)

ETA, in collaboration with the Office of Personnel Management, U.S. Postal Service, and the Department of Defense, has created a pilot data exchange system to provide access for all states to federal and military employment wage record information. The pilot data exchange program is called the Federal Employment Data Exchange System (FEDES) and Montana participates in this program.

B. Supplemental Sources of Data

Supplemental data will be used for program management purposes and to gain a full understanding of program performance and activities. Although a majority of employment situations will be covered by wage records, certain other types of employment, particularly self-employment, are either excluded from the sources of data identified under Subsection A above or very difficult for grantees to access due to data confidentiality (e.g., access to State Department of Revenue or Tax records).

Grantees should not be discouraged from providing entrepreneurial training or assisting the hard-to-serve simply because the subsequent employment is not covered by wage records. Therefore, in order to convey full and accurate information on the employment impact of ETA programs, grantees may use supplemental sources of data to document a participant's entry and retention in employment for those participants not covered by wage records.

Allowable sources of supplemental information for tracking employment-related outcomes include case management notes, automated database systems, One-Stop operating systems' administrative records, surveys of participants, and contacts with employers. All supplemental data and methods must be documented and are subject to audit.

Supplemental data needs to be entered in the MontanaWorks WIA Follow-Up screen to ensure it will be used when calculating performance.

See Section 4.90, Follow-Up Services and Activities for more information relating to requirements for supplemental data.

C. Administrative Records

Administrative records will be the data source for the education and training portion of the placement in employment or education measure and the attainment of a degree or certificate measure. All data and methods used to determine placement in education and training or achievement of a degree or certificate must be documented and are subject to audit.

1. Placement in Post-Secondary Education or Advanced Training / Occupational Skills Training

   The following data sources can be used to determine whether participants in youth programs are placed in post-secondary education and / or advanced training / occupational skills training:

   a. Case management notes and surveys of participants to determine if the individual has been placed in post-secondary education and / advanced training / occupational skills training; or

   b. Record-sharing agreements and / or automated record matching with administrative / other data sources to determine and document that the participant has been placed in post-secondary education and / or advanced training / occupational skills training. These data sources may include:

      - State boards governing community colleges
      - State boards governing universities
      - State education associations
      - Integrated post-secondary or higher education reporting units
      - Training institutions / providers

2. Degree or Certificate

   The following data sources can be used to determine whether participants in youth programs attain degrees or credentials:

   a. Document in case management notes that the individual has received a degree or credential. For data validation purposes, required documentation in the participant file includes the following sources:
      - Transcripts
      - Credentials
      - Diploma
      - Letter from school system

      The date on the degree or certificate must match what is entered in MontanaWorks.

   b. Record-sharing agreements and / or automated record matching with administrative / other data sources to determine and document that the participant has received a degree or certificate. These data sources may include:

      - State boards of education
      - State boards governing community colleges
      - State boards governing universities
      - State licensing boards for private schools

- State education associations
- Integrated post-secondary or higher education reporting units
- State Department of Professional or Occupational Regulation (possibly other units such as health care administration or specific boards like the "Board of Nursing")
- Professional, industry, or employer organizations or product manufacturers or developers
- Training institutions / providers
- Adult Basic Education providers (GED or State approved High School Equivalency Certificate / equivalent testing agencies)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. Section 1232g; see the Act's regulations at 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive U.S. Department of Education funds and may restrict access to a participant's education outcome information. Grantees are encouraged to contact the Department of Education at (202) 260-3887 (voice), or visit the ED.gov website at http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html for further assistance.

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REPORTING DIFFERENCES

Distinctions between Reporting under the WIA Performance Accountability System and Reporting under Common Measures:

Differences In Reporting And Accountability For Adults And Dislocated Workers: One of the purposes for the introduction of common measures was to more accurately reflect the true number of individuals who benefit from the One-Stop system. ETA recognizes that states are dedicating significant resources to ensuring that services (including core self-service and informational activities) are available to remote customers who access the workforce investment system via electronic technologies. ETA intends to provide Congress, the public and other interested stakeholders with more complete and accurate information on participation levels and types of services being provided through the nation's workforce investment system, including data on customers who access services via electronic technologies. However, confusion still exists as to when an individual receiving a program-funded service must be included in performance calculations. This confusion has resulted in a significant undercount of the number of individuals who benefit from funded services, as well as a distorted view of system outcomes, efficiency, and efficacy of WIA, Wagner-Peyser Act, Jobs for Veterans Act, and other programs. The following sections seek to distinguish participants who need to be included in the common measures participant counts from participants who need to be included in performance calculations for WIA and other programs.

A. ***Who needs to be reported in the common measures participant counts?***

ETA's policy requires state workforce agencies (SWAs) to report, in the appropriate participant counts, all individuals who have been determined eligible and receive and service, including self-service and informational activities, in either a physical location (One-Stop Center or affiliate site) or remotely through electronic technologies.

B. ***Who needs to be included in the performance measures calculations?***

All participants who receive a core, intensive, or training service who exit the program are to be included in performance measures calculations, except that Section 136 of WIA expressly excludes WIA adult and dislocated worker program participants who <u>only</u> receive self-service or informational activities from performance calculations.

The exclusion of participants receiving only self-service or informational activities from the WIA performance calculations has been a major source of confusion and misrepresentation at the state and local level, and has resulted in large numbers of participants being improperly excluded from the outcome performance calculations. ETA is clarifying its interpretation of self-service and informational activities in order to promote greater accountability and consistency among states in their performance computations for the WIA Adult, Dislocated Worker, Wagner-Peyser Act, Jobs for Veterans Act, and Trade Act programs.

1. <u>Self-Service and Informational Activities</u>

According to 20 CFR 666.140(a)(2), **self-service** and **informational activities** are those core services that are made available and accessible to the general public; that are designed to inform and educate individuals about the labor market, their employment strengths and weaknesses, and the range of services appropriate to their situation; and that do not require **significant staff involvement** with the individual in terms of resources or time.

ETA interprets the critical terms above as follows:

Self-service occurs when participants serve themselves in accessing workforce investment system information and activities in either a physical location, such as a One-Stop Career Center resource room or partner agency, or remotely via the use of electronic technologies.

Informational activities in a workforce investment setting may include both self-services and staff-assisted core services that are designed to inform and educate a participant about the labor market and to enable a participant to identify his or her individual employment strengths, weaknesses, and the range of services appropriate for the individual. The exception is core services that require significant staff involvement, as described below.

2. Clarification of Significant Staff Involvement

Significant staff involvement is fundamental to determining if a participant will be considered in performance calculations. The critical distinction is determining when a participant has received a level of service that requires significant staff involvement.

Significant staff involvement in a workforce investment setting is any assistance provided by staff beyond the informational activities described above regardless of the length of time involved in providing such assistance. Significant staff involvement includes a staff member's assessment of a participant's skills, education, or career objectives in order to achieve any of the following:

- Assist participants in deciding on appropriate next steps in the search for employment, training, and related services, including job referral;
- Assist participants in assessing their personal barriers to employment; or
- Assist participants in accessing other related services necessary to enhance their employability and individual employment related needs.

A participant who receives this level of service has received a service that involves a significant level of staff involvement; therefore, this participant would be included in the performance measures calculations.

On the other hand, when a staff member provides a participant with readily available information that does not require an assessment by the staff member of the participant's skills, education, or career objectives, the participant is a recipient of informational activities. This includes information such as labor market trends, the unemployment rate, information on businesses that are hiring or reducing their workforce, information on high-growth industries, and occupations that are in demand.

A participant is also a recipient of informational activities when a staff member provides the participant with information and instructions on how to access the variety of other services available in the One-Stop Career Center, including the tools in the resource room.

A participant who only receives this level of service has not received a service that involves a significant level of staff involvement; therefore, he/she is a participant who would be excluded from the performance measures calculation.

See Attachment D of TEGL 17-05 (Common Measures Policy) for additional guidance on the critical distinction discussed above.

3. Inclusion of Participants in Performance Calculations by Program

Although the WIA Adult and Dislocated Worker program participants who access or receive only self-service or informational services are excluded in the WIA performance calculations, these participants should be included in the Wagner-Peyser Act reporting and performance calculations to the degree that Wagner-Peyser Act funds contributed to the core employment and workforce information services received.

In accordance with policy principles in TEGL 17-05, if a participant is served by a specific funding stream, he/she will be counted as a participant in that funding stream's reporting system and/or performance calculations. For example, Wagner-Peyser Act funds are often used to support and maintain One-Stop Career Center operations, electronic tools, job banks, and workforce information services. In these situations, it would be appropriate to include participants who accessed or received Wagner-Peyser Act-funded services in the Wagner-Peyser Act performance accountability system. Where WIA program funds are used in similar ways, participants who receive self-service or informational activities would only be included in the WIA participant and services counts, but would not be counted in the WIA performance measures.

The Statewide Workforce Programs Bureau is accountable for assuring uniform application of ETA policy and is available to assist local service providers in making these determinations.

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DATA ELEMENT VALIDATION

The goal of the Workforce Investment Act (WIA) program is to help participants enter suitable employment or educational opportunities and to be retained in those opportunities. States submit WIA Standardized Record Data (WIASRD) records and quarterly and annual performance reports to the Employment and Training Administration (ETA). This submission helps ETA determine the success of the WIA program in achieving its goal.

The accuracy and reliability of program reports submitted by states and grantees using Federal funds are fundamental elements of good public administration, and are necessary tools for maintaining and demonstrating system integrity.

I. Data Element Validation

ETA requires states to validate the accuracy of their annual submissions to ensure that ETA decisions about WIA policy and funding are made based on a true picture of program outcomes. The process used is called "data element validation" and is done on an annual basis. When conducting data element validation, key data elements in a sample of WIA participant records are compared to source documentation to ensure that the state uses accurate data to generate its quarterly, annual, and WIASRD submissions.

The Bureau is required to conduct annual "Data Element Validation" for WIA Title 1B Adult, Dislocated Worker, National Emergency Grant, and Youth programs. Data element validation does not apply to the State Displaced Homemaker program.

Data element validation is conducted to ensure data quality and data integrity. Results of the annual data validation review will compare state performance to performance goals. If Montana's validation does not pass this process within acceptable error limits, future funding for WIA programs could be cut. **Results of data element validation will be shared with service providers.**

Data element validation is not the same as MIS monitoring, although much of the same data is reviewed. MIS monitoring is conducted for a specific program year, and the review includes both active participants and participants exited during that program year. MIS monitoring helps ensure that correct information is being captured for performance reporting and future data element validation.

Data element validation is conducted at each service provider location. The Bureau produces a data extract from MontanaWorks based solely on exited participant data from a three-year period. There are many fields checked in data element validation.

Each data element is listed on a data validation worksheet and marked as "pass" or "fail," depending on supporting documentation for the data element.

One positive result of the data validation process will be the detection and identification of specific problems with MontanaWorks reporting, which enables the Bureau to correct data

collection and data entry problems. Once the problems are corrected, the process ensures that critical performance data used to distribute performance incentive funds and sanction poor performance are reasonably accurate by calculating an error rate for selected data elements. Clean data also allows the US Department of Labor and the Bureau to better analyze the causes of performance successes and failures.

Many fields checked in data element validation come directly from the WIA Application. It is critical to have the WIA Application totally completed and signed by the participant.

To view the data validation for Adult, Youth and Dislocated Worker programs go to Data Validation Instructions in the WIA Navigation section on the WIA website at http://wsd.dli.mt.gov/wia/wiamanual_coverpage.asp

An example of forms used for data validation can be found in Section 12, Appendices of the policy manual.

II. Data Validation Schedule

Data Element Validation review period in service provider offices: October-January
Data Element Validation: Due to USDOL February 1 each year

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PERFORMANCE REPORT VALIDATION

RESERVED
THIS SECTION NO LONGER APPLIES

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LITERACY AND NUMERACY FOR OUT-OF-SCHOOL YOUTH

The Literacy and Numeracy Gains performance measure is outlined in Training and Employment Guidance Letter (TEGL) No. 17-05 and TEGL No. 17-05, Change 2, issued by the Employment and Training Administration of the U.S. Department of Labor.

The literacy and numeracy gains indicator measures the increase in skills of participants through a common assessment tool administered at program entry and regular intervals thereafter. Youth participants for whom the goal of literacy/numeracy gains is most appropriate are those with basic skills deficiencies. Youth participants are basic skills deficient if they have a reading or math levels at or below the eighth grade (8.9 or below).

A. Literacy and Numeracy Gains Performance Measure Operational Parameters

The Literacy and Numeracy Gains performance measure is defined in Section 5.20, Performance Measures. There are operational parameters that apply to this measure:

- In-school youth are excluded from this measure.
- Determination of in-school or out-of-school status is only made at point of program participation.
- The term Out-of School Youth is defined as an eligible youth who is a school dropout, or who has received a secondary school diploma or its equivalent but, is basic skills deficient, unemployed, or underemployed (WIA section 101(33)). For reporting purposes, this term includes all youth except: (i) those who are attending any school and have not received a secondary school diploma or its recognized equivalent, or (ii) those who are attending post-secondary school and are not basic skills deficient.
- **Youth participants included in this measure are basic skills deficient, out-of-school youth whose current education status in MontanaWorks is one of the following**:
  - Not attending school-high school graduate
  - Not attending school—dropout
  - In school, Postsecondary

B. Pre-tests

ALL out-of-school youth participants must be pre-tested to determine whether they are basic skills deficient.

- All pre-tests must be administered within **10 working days of enrollment** in the WIA Youth program. In extenuating circumstances, a waiver may be requested from the Youth program manager to extend the date of the pre-test. Case managers must request a waiver within the ten days of enrollment.

  No money will be spent on out-of-school youth participants until the pre-test has been administered.

  Providers who fail to administer the pre-test within the prescribed timelines will be subject to corrective action.

- Pre-test scores must be entered in the MontanaWorks testing tab with seven (7) working days.
- WIA Youth service providers will not administer any pre-test prior to the participant's enrollment in the WIA Youth program.
- Service providers may use pre-tests that are administered up to six months prior to the date of first WIA youth service, if such pre-test scores are available. The tests have to be an approved type and would have been administered by Adult Basic Education (ABE).
- Participants who are determined not to be basic skills deficient based on pre-test results are excluded from this performance measure.

C. Remediation Activities

Out-of-school youth participants identified as basic skills deficient must be provided with learning opportunities to gain proficiency in areas where they test poorly. A remediation plan and progress notes are required for out-of-school youth participants who are basic skills deficient.

The remediation plan needs to be documented on the ISS, in case notes and on the MontanaWorks Employment Plan. The plan should show the type of remediation activities being provided and periodic progress toward gaining literacy and numeracy skills. Remediation may be offered through Adult Basic Education centers or by tutors.

- Participants age 16 and over may be provided with an opportunity to attend Adult Basic Education (ABE) Center remediation activities to help them attain proficiencies equivalent to ninth grade level. Enter the Adult Basic/Literacy Services/Tutoring service in MontanaWorks for these participants.
- Participants under age 16 cannot be served through ABE centers because of age. Service providers should make remediation activities available to these participants through a tutor. Enter the Tutoring, Study Skills, & Instruction Leading to Completion service in MontanaWorks for these participants.
- **The hours of remediation that a participant must have before the next test is administered may vary depending on the testing grade level:**
  1) **30-40 hours of adult education or tutoring for youth that tested higher than a 5th grade level; or**
  2) **at least 60 hours of adult basic education or tutoring for youth testing below a 5th grade level.**
- If a participant remains in the program, is still basic skills deficient after the first year, and post-testing is conducted at an ABE center, guidelines for remediation activities at the ABE center will be followed.
- If the participant remains in the program, is still basic skills deficient after the first year, and will not be post-testing at an ABE center, the participant should be provided additional remediation based on problem areas identified in the testing process.
- If the participant is deficient in both reading AND math, remediation activities should be targeted toward only one area during the first year of participation. This allows them to concentrate on one deficiency at a time and helps alleviate the anxiety associated with testing in two separate areas.

D. Post-testing

Post-testing at various intervals is required to determine if a participant has attained a gain of at least one educational functioning level compared to the pre-test.

- Out-of-school youth who are basic skills deficient and have pre-tested must be post-tested at least once by the end of year one following the individual's date of first youth program service.

  Example:

  Ellen is a 16-year old dropout enrolled in the Youth program on 4/15/10. She received a first Youth service on 4/16/2010.

  Ellen was required to be pre-tested by 4/29/2010 (within 10 days of enrollment).

  Ellen took a pre-test on 4/28/2010 and was found to be basic skills deficient in Math with a score of 554 and an Educational Functioning Level (EFL) of 6.0-8.9.

  Ellen must be given 60 hours of remediation activities prior to being post-tested in Math by 4/16/2011. The same testing instrument should be used to conduct the post-test.

  If Ellen achieves a score of 566 and an EFL of 9.0-10.9, she is no longer considered basic skills deficient in Math and will no longer be included in the Literacy/Numeracy Gains performance measure.

- For participants who have completed one year following the date of first youth program service, if more than one assessment is administered after the initial test, the latest assessment within one year of first youth program service will be used to determine if the participant has demonstrated an increase in at least one educational functioning level.

  Example:

  Suzie is an 18-year old home-schooled youth enrolled in the Youth program on 3/1/10. She received a first Youth service on 3/1/2010.

  Suzie was required to be pre-tested by 3/15/2010 (within 10 days of enrollment).

  Suzie took a pre-test on 3/12/2010 and was found to be basic skills deficient in Math with a score of 554 and an Educational Functioning Level (EFL) of 6.0-8.9.

  Suzie received 60 hours of remediation activities prior to being post-tested in Math by 9/16/2010. She was post-tested using the same testing instrument used to conduct the pre-test. She was still basic skills deficient in Math with a score of 554 and an Educational Functioning Level (EFL) of 6.0-8.9.

Suzie received more remediation activities before attempting to post-test again on 3/16/2011. She achieved a score of 566 and an EFL of 9.0-10.9, so was no longer considered basic skills deficient in Math and will no longer be included in the Literacy/Numeracy Gains performance measure.

- Individuals who remain basic skills deficient and continue to participate after completing a full year in the program, including pre-test and post-test, must continue to receive basic skills remediation services. These participants will be included in the measure for the first year of participation. They are not included again in the measure until they have completed a second full year in the program. At the completion of the second year, these participants will be included in the measure using the latest post-test score during the second year.

  To determine an increase of one or more levels, the participant's latest post-test score from the second year in the program will be compared to the score from the test that was administered at the latest point during the first year. If an individual remains basic skills deficient following the second year of the program, that individual will be included in the measure a third time if they complete a third full year in the program. This rule applies for the entire time they are in the program. If a participant is still in the program after a third full year, the participant is no longer included in the measure.

  Example:

  Adam is an 18-year old high school graduate enrolled in the Youth program on 6/17/2008. He received a first Youth service on 6/17/2008.

  Adam took a pre-test on 6/18/2008 and was found to be basic skills deficient in Math with a score of 456 and an EFL of 4.0-5.9, and in Reading with a score of 529 and an EFL of 6.0-8.9.

  Adam took a post-test on 6/1/2009 after receiving 60 hours of remediation in Reading. He achieved a Reading score of 566 and an EFL of 9.0-10.9. He was no longer considered basic skills deficient in Reading. He counted positively for the measure during his first year of participation because he was no longer basic skills deficient in Reading. He was not required to post-test again in Reading.

  Adam was provided with 60 hours of remediation activities in Math. He post-tested in Math on 6/11/2010 with a score of 554 and an Educational Functioning Level (EFL) of 6.0-8.9. He counted positively for the measure during his second year of participation because he gained a full EFL level in Math.

  If Adam stays in the program for another year, he would need to be provided appropriate remediation activities prior to being post-tested again in Math to determine if he was no longer basic skills deficient by gaining another EFL.

- If the participant is deficient in either reading OR math, they need only test in the area of deficiency.

- The post-test testing instrument must be the same type of test that was administered during the pre-test.
- Post-test scores must be entered in the MontanaWorks testing tab with seven (7) working days.

No money will be spent on out-of-school youth participants if the post-test has not been administered within the appropriate timeline.

E. MontanaWorks Tools for Literacy/Numeracy

Scheduler

The Scheduler reminds case managers when a Youth participant needs to have a pre-test or post-test completed and entered in MontanaWorks. Case managers should check their Scheduler on a daily basis.

1. **Pre-test Missing:** If the Youth participant has not had a pre-test within six months prior to the first youth service OR within **10 days after enrollment in the WIA Youth program**, the Scheduler will make a task to conduct a pre-test. This message states, **"Math or Reading or Math and Reading (depending on the test that is missing) Pre-test should to be taken by [date the test is due]."** The message will appear on the Scheduler periodically until the pre-test is entered in MontanaWorks.

2. **Post-test Needed:** If the Youth participant is found to be basic skills deficient using the pre-test data, the Scheduler will make a task to conduct a post-test. This message states, **"Math or Reading or Math and Reading (depending on the test that is missing) Post-test should to be taken by [date the test is due]."** The message will appear on the Scheduler periodically until the post-test is entered in MontanaWorks.

3. If the Youth participant is still basic skills deficient after a post-test, the Scheduler will make a task again to conduct a post-test within a year from the first Youth service date. This message states, **"Math or Reading or Math and Reading (depending on the test that is missing) Post-test should to be taken by [date the test is due]."** The message will appear on the Scheduler periodically until the post-test is entered in MontanaWorks.

F. Literacy and Numeracy Gains

To maintain consistency with the implementation of the common measures by the Department of Education (ED), ETA has adopted policies for the ED outcome measure of educational gain, as outlined in the NRS. The NRS was developed by the Department of Education's Division of Adult Education and Literacy for implementation of an accountability system for federally-funded adult education programs under WIA Title II.

Out-of-school youth participants must show an increase of one or more educational functioning levels (EFLs) in the areas they are deficient. EFLs are groupings of two to three grade levels.

Under a normal distribution of pre-test scores, most participants' scores will place the individuals in a range indicating they have completed some of the skills in that particular educational functioning level. Therefore, for a majority of participants, a positive outcome

for this measure (i.e., completion of one educational functioning level and an increase to the next level) is not likely to require the equivalent of completing two grade levels, but will average to the equivalent of one grade level.

G. Appendices

1. Appendix F, Educational Functioning Level Descriptors, provides information about Educational Functioning Levels used in Common Measure Reporting.

- There are two sets of educational functioning levels, as outlined in the National Reporting System (NRS) guidelines—six levels for Adult Basic Education (ABE) and six levels for English-as-a-Second-Language (ESL). ABE levels roughly equate to two grade levels.
- Each Educational Functioning Level describes a set of skills and competencies that students entering at that level demonstrate in the areas of reading, writing, numeracy, speaking, listening, functional, and workplace skills. These descriptors provide guidelines for placing participants in tests. After a participant has completed a uniform, standardized assessment procedure, programs use these descriptors to determine the appropriate initial ABE or ESL level in which to place students.
- If a participant is functioning at different levels in reading, writing, numeracy, speaking, listening, functional, and workplace areas, the individual is placed in different ABE and ESL levels across the functioning areas. In the post-test assessment, if the participant demonstrates an increase to the next functioning level in any of the areas, he/she has made an educational gain and should be included in the numerator of the Literacy/Numeracy Gains performance measure.

2. Appendix G, Literacy/Numeracy Decision Path, provides a high-level decision path that illustrates the factors determining whether a youth is counted in the numerator (a success), counted only in the denominator, or excluded from the Literacy/Numeracy Gains performance measure.

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QUALITY CONTROL

I. EXPECTATIONS

Montana receives WIA funding from the Employment and Training Administration (ETA) based on achieving negotiated performance. ETA's expectations are that work is done in a timely manner and correctly reported on a quarterly basis. ETA reserves the right to sanction any state that does not meet negotiated performance or reporting is consistently incorrect, as verified through the data validation process.

Many aspects of daily work for WIA programs affect performance reporting for WIA programs. As part of quality control, the Bureau will review these functions to determine whether service providers are adequately and appropriately meeting deadlines and documentation requirements.

A. Data Entry
Timely data entry affects performance reporting and Bureau staff workload if information needs to be backdated. The Bureau requires notification if data entry cannot be accomplished within **seven (7) working days**. Timely data entry will be determined based on files reviewed at random times and during desk reviews prior to monitoring visits.

B. Correct Data Entry
Correct data entry affects performance reporting and Bureau staff resources assigned to make corrections to data in MontanaWorks. Data entry problems include missing fields from the WIA Application. The WIA Application is the only source of documentation for many fields required for quarterly reporting to ETA. ETA compiles statistics on demographic data for different WIA populations to determine how they are effectively being served through the program. Incorrect data skews these statistics and does not show an accurate representation of service to WIA participants.

Data in MontanaWorks should be checked before hitting the Save button to ensure that correct data has been entered in MontanaWorks. Incorrect data problems will be identified during monitoring visits.

C. Appropriate Documentation
Many elements of WIA enrollment require appropriate documentation be placed in participant files. Documentation sources can be identified on the WIA Application or the program Verification Worksheets. Missing documentation will be identified during monitoring visits.

D. Credential Entry
The Youth program "Attainment of a Degree or Certificate" performance measure requires entry of a credential attained during the participant's enrollment or within three

quarters after exit. Credentials must be documented using a transcript, certificate, diploma, or a letter from an appropriate school system. If there is not a specific date on the credential (i.e., May 2009), the actual date must be case noted. The credential must be entered on the Follow-Up tab in MontanaWorks. If not entered in this area, credentials will not be counted for performance reporting. Deficiencies in credential entry will be identified through quarterly reporting and monitoring.

There is no performance measure relating to attainment of a credential for Adult or Dislocated Worker performance. However, attainment of a credential is a data element required for quarterly reporting for these programs. Credentials earned by Adult and Dislocated Worker participants must be entered on the Follow-Up tab in MontanaWorks. Deficiencies in credential entry will be identified through monitoring.

E. Literacy/Numeracy Pre-tests

The Youth program "Literacy and Numeracy" performance measure requires that all out-of-school youth participants complete Math and Reading pretests to determine whether they are basic skills deficient. Out-of-school youth are defined in MontanaWorks as follows:

- Not attending school or dropout
- Not attending school or HS graduate
- In school, Postsecondary

All pre-tests must be administered within 10 working days of enrollment in the WIA Youth program. In extenuating circumstances, a waiver may be requested from the Youth program manager to extend the date of the pre-test. **Case managers must request a waiver within ten days of enrollment.**

NOTE: Service providers may use TABE pre-tests that are administered up to six months prior to the date of first WIA youth service, if such pre-test scores are available. The tests have to be administered using the TABE testing instrument and would have been administered by Adult Basic Education (ABE).

Documentation of TABE testing must be placed in the participant's file.

No money will be spent on out-of-school youth participants until the pre-test has been administered.

Providers who fail to administer the pre-test within the prescribed timelines will be subject to corrective action. Deficiencies in completing pre-tests will be identified through quarterly performance reporting and monitoring.

F. Literacy/Numeracy Posttests

Post-testing at various intervals is required to determine if a participant has attained a gain of at least one educational functioning level compared to the pre-test. The Youth program "Literacy and Numeracy" performance measure requires that all out-of-school

youth participants complete Math and Reading post-tests if they were determined to be basic skills deficient after completing a pre-test.

- Out-of-school youth who are basic skills deficient and have pre-tested must be post-tested at least once by the end of year one following the individual's date of first youth program service.
- It is recommended that the participant be provided 60 hours of remediation to help them achieve an educational functioning level gain.
- Youth participants do not need to post-test in the subjects that they achieve at least a ninth grade level on a pretest.
- For participants who have completed one year following the date of first youth program service, if more than one assessment is administered after the initial test, the latest assessment within one year of first youth program service will be used to determine if the participant has demonstrated an increase in at least one educational functioning level.

A monthly report will be sent to each provider to remind them that post-tests are due. The report shows which participants are required to be post-tested within three months prior to the anniversaries of their first youth service. Deficiencies in completing post-tests will be identified through quarterly performance reporting and monitoring.

No money will be spent on out-of-school youth participants if the scheduled post-test has not been taken within the required timelines.

G. Follow-Up Contact

Follow-up information is used for performance reporting in cases where Unemployment Insurance or federal wage records are not found. Follow-up contact is required for all Youth participants, and for Adult and Dislocated Worker participants who exit to employment. Follow-Up contact information can be used for three Common Measures performance measures:

- Entered Employment: Follow-up contact is used for participants employed during the first quarter after exit (Adult, Dislocated Worker, and National Emergency Grant performance).
- Employment Retention: Follow-up contact is used for participants employed during the first, second, and third quarters after exit (Adult, Dislocated Worker, and National Emergency Grant performance).
- Placement in Employment or Education: Follow-up contact is used for Youth participants who are in employment or post-secondary education/advanced training/occupational skills training during the first quarter after exit.

Follow-up contact is required to be entered on the Follow-Up tab in MontanaWorks. It will not be reported properly if it is entered in any other area in MontanaWorks. To be considered valid, a comment should be entered in the Comments section on the Follow-Up tab for each follow-up contact. The comment should state the employer name, address, phone number, and job title if the participant is employed. If the participant is

in some type of training after being exited, a brief description should be entered in the Comments section.

Follow-Up contact (this is a follow-up activity) is the only source for verifying that a Youth participant is in some type of training after they are exited from the WIA Youth program. Therefore, it is very important that this information be entered on the Follow-Up tab in MontanaWorks.

Deficiencies in completing follow-up contact will be identified through monitoring.

II. Deficiency Consequences

ETA has the option of sanctioning states for not meeting acceptable performance. Acceptable performance depends on information entered correctly in MontanaWorks and appropriate documentation placed in participant files. Deficiencies in any of the above areas will result in a service provider being placed on corrective action. If deficiencies are identified after a provider has been placed on corrective action, a portion of WIA funding may be revoked.

Please be aware that deficiencies in the requirements listed above can lead to corrective action. Problems with any of the above functions may be identified through monitoring or through day-to-day functions. The Bureau will determine whether there are errors for any of the areas identified above, and whether they are substantial enough to warrant corrective action or possible sanction. The following table shows the progression for determining deficiencies:

Baseline: ***Yearly monitoring/incidental findings***	***Bureau staff will identify any monitoring findings and discuss these with service providers during exit. Deficiencies will be noted on monitoring reports after onsite review.*** ***Incidental findings will be discussed with service providers as problems are identified.***
Corrective Action: **Second year monitoring/incidental findings**	Bureau staff will identify monitoring findings that have not been resolved from the previous year's monitoring or continue to be an issue. Service providers may be placed on corrective action notice if there are unresolved problems or issues that continue to occur. Incidental findings that continue to occur may result in service providers being placed on corrective action.
Sanctioning: **Year three monitoring/incidental findings**	Monitoring or incidental findings that have not been resolved from the previous year or continue to occur may result in sanctioning of a service provider.

The Bureau will provide technical assistance to any provider deemed deficient in any of the problem areas identified above. The Bureau may also request technical assistance from USDOL for help in resolving identified problems. Service providers are always encouraged to ask questions or ask for help from the Bureau or any other service provider.

III. Quality Control Improvement

There are several options to improve quality of the requirements for each of the functions listed above. These options include but are not limited to the following:

1. A peer to peer review to improve quality control for all areas identified above. This provides the ability to correct data and can serve as a learning tool for providers.
2. Mini-Technical Assistance and Training (TAT) sessions are available to any service provider who wants or needs technical assistance with the cost for these to be absorbed by the Bureau.
3. Statewide technical assistance (TAT) sessions are held yearly to share information and best practices.
4. New Case Manager training is provided periodically by Bureau staff to acquaint case managers with program management and data requirements related to the above functions.
5. Requests to program managers or management information staff for help.

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FISCAL SYSTEM DESIGN

This section is designed to provide the financial and administrative requirements applicable to federally funded programs functioning as required partners in the One-Stop system. This section amplifies the Workforce Investment Act (WIA) and the accompanying regulations, clarifies expectations, addresses issues commonly occurring in the field, and provides suggestions and techniques to ensure compliance. It contains the common requirements for grants and financial management found in **29 Code of Federal Regulations (CFR) Parts 95 and 97** applicable to all ETA grant programs.

A. References

References include the Workforce Investment Act and regulations promulgated by the U.S. Department of Labor; Circulars of the Office of Management and Budget (OMB); Generally Accepted Accounting Principles; Codes of Federal Regulations (CFR); and One-Stop Comprehensive Financial Management Technical Assistance Guide. References can be accessed at http://wsd.dli.mt.gov/wia/wiamanual_coverpage.asp. You may need to copy and paste into your Internet browser.

Agreements and contracts are generally for the purpose of carrying out the intent of grants and fund sources. Service providers are responsible to maintain books and records for each fund source.

This section is designed to provide service providers with fiscal information and forms necessary to comply with the Bureau's fiscal planning and reporting needs for WIA programs.

B. Precedence of Requirements

The Workforce Investment Act and other federal laws take precedence in the event of a conflict of directives to recipients and service providers. Regulations promulgated under the federal law and regulations, provider agreements and this policy manual guide the programs. Any conflicts of directives should be determined based on the reference source having the greatest precedence. The Bureau reserves the right to update, amend and waive any and all policies in this manual.

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COST PRINCIPLES, ALLOWABLE COSTS AND UNALLOWABLE COSTS

There are Federal cost principles that define when and how costs can be charged to grants: 2 CFR 225 (OMB Circular A-87) Cost Principles for State, Local and Indian Tribal Governments; 2 CFR 230 (OMB Circular A-122) Cost Principles for Non-Profit Organizations; and 2 CFR 220 (OMB Circular A-21) Cost Principles for educational institutions. The OMB Circulars are incorporated by reference at 29 CFR 95.27 and 29 CFR 97.22 and further specified in program regulations. Even though the circulars do not address every possible cost, they are the groundwork for all grant financial management, and grantees and subgrantees should rely on their guidance to avoid audit findings and potential liability.

The following general cost principles, as specified in the cost circulars and regulations must be used in determining cost allowability for grants.

A. Costs must be necessary and reasonable.
Any cost charged to a grant must be necessary and reasonable for the proper and efficient performance and administration of the grant. A grantee or subgrantee is required to exercise sound business practices and to comply with its procedures for charging costs.

B. Costs must be allocable.
A grantee or subgrantee may charge costs to the grant if those costs are clearly identifiable as benefiting the grant program. Costs charged to the grant should benefit only the grant program, not other programs or activities. In order to be allocable, a cost must be treated consistently with like costs and incurred specifically for the program being charged. Shared costs must benefit both the ETA grant and other work and be distributed in reasonable proportion to the benefits received.

C. Costs must be authorized or not prohibited under Federal, State, or local laws or regulations.
Costs incurred must not be prohibited by any Federal, State, or local laws.

D. Costs must receive consistent treatment by a grantee.
A grantee or subgrantee must treat a cost uniformly across program elements and from year to year. Costs that are indirect for some programs cannot be considered direct ETA grant costs.

E. Costs must not be used to meet matching or cost-sharing requirements. A grantee may not use federally funded costs, whether direct or indirect, as match or to meet matching fund requirements unless specifically authorized by law.

F. Costs must be adequately documented.
A grantee must document all costs in a manner consistent with GAAP. Examples include retaining evidence of competitive bidding for services or supplies, adequate time records for employees who charge time against the grant, invoices, receipts, purchase orders, etc.

G. Costs must conform to ETA grant exclusions and limitations.
A grantee or subgrantee may not charge a cost to the grant that is unallowable per the grant regulations or the cost limitations specified in the regulations.

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CASH MANAGEMENT

Service providers will use the requisition for cash form to requisition cash under provider agreements. Cash requisitions may be made on a weekly basis, **but no less than once per month,** and must be received by the Bureau by 2:00 pm Friday to guarantee transfer of the funds by the following Thursday. If received later than 2:00 pm, the transfer may be delayed. The Bureau is not responsible for errors made at the State Treasury once the request for funds transfer is initiated, should the error cause the request to be delayed.

Cash requisitions may not exceed the amount authorized in the service provider's Notice of Obligation. No cash payments will be made to a service provider of a grant until the Bureau receives the Federal Notice of Obligation from the awarding Federal agency.

A. Authorized Signature Sheet

An individual authorized by the governing body of the service provider organization or agency completes the Authorized Signature Sheet to verify the signature(s) of individuals authorized to draw cash under the agreement with the State-funding agency. Authorized Signature Sheets are applicable to specific service provider agreements and must be submitted annually at the beginning of the contract period.

A facsimile of the Authorized Signature Sheet can be found in the Forms Section.

B. Method of Payment

Payments to service providers shall be made on a cash requisition basis. The Bureau shall limit payments to actual and immediate cash needs. If a service provider does not comply with the requirement to keep cash requisitions limited to only actual and immediate needs or if they do not follow the grant agreement, the Bureau may, after notice to the service provider, discontinue the cash requisition method and make payments by reimbursement only.

Cash requisitions can be made by FAX, US Postal mail, or email. An authorized representative identified on the Authorized Signature Sheet must sign for all cash requisitions. If the requisitions are emailed, an authorized signatory must email them. The drawdown of funds from one grant for the purpose of funding deficits in other grant programs is prohibited.

A sample Requisition for Cash form can be found in the Forms Section.

Service providers may modify any forms noted in this section as needed. The Bureau must approve all modifications to the form prior to implementation.

C. Documentation Required for Cash Request

The Bureau reserves the right to request further documentation for clarifying purposes prior to sending cash transfer.

1. Requisition for Cash Form
2. Supporting Documentation Summary Form

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EXPENSE GUIDELINES

Service providers are authorized through their provider agreement to incur expenses benefiting the service provider's program. Additional information to clarify service provider responsibility is listed in this section.

A. Accrued Leave

1. Policy
   Service providers must have a policy regarding accrual and use of paid leave by employees. The policy should have a reasonable limitation on the amount of paid leave that can be accrued from year to year.

2. Reference
   Paid leave is allowable provided such costs are absorbed by all organization activities in proportion to the relative amount of time or effort actually devoted to each activity. (Reference 2 CFR Part 230 Section 8)

3. Guidelines
   If an employee is paid from more than one funding source, the service provider may only charge the appropriate portion of the leave pay to the service provider agreement.

   Service providers shall submit a copy of the indirect costs allocation plan to the Bureau's Fiscal Officer.

B. Per Diem and Travel Expense Limitations

Travel costs are expenses for transportation, lodging, subsistence, and related items incurred by employees and others who are on travel status on official business of the organization. Travel expenses must be reasonable and necessary, and for a bona fide business purpose related to the funding source. All supporting documentation must be kept on file. Examples of supporting documentation include agendas and receipts.

Service providers are required to develop and maintain policies regarding compensation for staff and participant travel costs. Meals, lodging, rental cars, airfare, mileage for employee-owned cars, and other travel expenses may be paid for staff and participants who travel as part of their job, training activity or grant purpose. Documentation of the purpose and cost of travel must be maintained. The documentation should include the time of travel in order to compute and verify allowed per diem amounts. No employee may be reimbursed for expenses incurred in going to and from work. Lunches and/or dinners in your home office city outside the scope of an agenda are prohibited.

The State-funding agency may reimburse members of boards and councils, consultants, volunteers, service providers, and others for travel expenses incurred for an allowable purpose benefiting the workforce investment system. All travel expenses for State-sponsored purposes are subject to State per diem.

C. Food Purchases

Per ETA Financial Management Bulletin No. 01-10, meals, food and refreshments for employees are prohibited.

DEFINITIONS

- External Customers would normally be considered as program participants and/or employers. Professional colleagues would normally be considered individuals outside of the organizations influence but sharing common interests and goals of the organization.
- Internal Customers are employees, sub-grantees, and board members.
- A trainer is neither an internal customer nor an external customer and cannot be used to determine if food is allowable.

ALLOWABLE COSTS

- Meals that can be paid with ETA funds. Meals that can be a direct charge or charged through an indirect cost allocation plan.
- Meals while employees are in travel status are allowable per agency travel policy.
- Meal costs are allowable when the grantee incurs such costs in the process of conducting meetings or conferences with external customers and other professional colleagues outside of the entity's organization.
- The cost of a "working lunch" with external customers and other colleagues is only considered "reasonable and necessary" when there is adequate documentation on the necessity of having a meeting during a meal time instead of during normal business hours. Documentation should specify what ETA-related subjects were discussed and include a list of participants and dated itemized meal cost receipts.

DISALLOWED COSTS

- Charging costs for meals and refreshments while engaging day-to-day business with employees is disallowed.
- All meals and refreshments at meetings where the attendees are internal customers only are disallowed. This includes but not limited to coffee, bottled water, networking breakfast, lunch and dinner.
- All above meal costs must be paid with non-ETA federal funds and cannot be paid through an indirect cost allocation plan.

D. Procurement, Inventory and Disposal

1. Guidelines
   Service providers may procure equipment, supplies and services under the provider agreement. Items expensed to the provider agreement must be reasonable and serve the primary objective of the agreement. Supportive services are allowable as outlined in Section 4.80 of the WIA Manual.

The purchase or construction of facilities or buildings is unallowable under the Workforce Investment Act, except for certain circumstances.

WIA Regulations 20 CFR Part 667.260

Service providers are delegated authority to make purchases of equipment, supplies and services as described below. Service providers are responsible for ensuring the vendors selected are not debarred or suspended by checking the information on the following federal government website: http://epls.arnet.gov.

a. Small Purchases – under $5,000. All service providers may purchase items with a value of less than $5,000 using any open and fair procurement method that best meets the agency's needs. The method should assist the service provider in obtaining a high quality product for a fair price. Documentation should be maintained of the need for the item and its benefit to the program.
b. Medium Purchases - $5,001 to $25,000. Service providers must maintain a fair and open procurement process meeting the criteria for small purchases. In addition, the service provider must obtain and document prior approval from the Bureau for the purchase, and maintain documentation of the following: bid and rating criteria; advertising and public notice of the bid opportunity; responses received; and reason for the decision.
c. Large Purchases – over $25,000. Large purchases are typically included in the provider agreement as part of the major purpose of the provider agreement, although this is not a requirement. Large purchases are subject to all the requirements of medium purchases, and in addition must use a formal, closed-bid procurement process. Service providers must obtain and document prior approval from the Bureau.

DLI Purchasing Procedures Manual Section VII: Commodity Purchases

2. Inventory

Service providers must maintain an inventory record of assets purchased that have a unit acquisition cost of $5,000 or more. A physical inventory must be taken at least once every two years to verify the presence of items on the inventory list, and an annual reconciliation of books and inventory records must be completed. Closeout of a provider agreement will include reconciliation and a report on office equipment or any other items purchased under the agreement.

Service providers must maintain physical control of the asset to ensure adequate safeguards are in place to prevent loss, damage or theft of property. Adequate maintenance procedures must be in place to keep the property in good condition.

Service providers must retain property records for the time period required in the provider agreement.

3. Disposition
   Service providers may dispose of equipment and supplies according to agency policy when the fair market value of the equipment unit, or the aggregate fair market value of the supplies, is less than $5,000.

   Service providers must notify the Bureau and obtain permission to dispose of items listed above that are valued above $5,000. The State has the following options:
   a. Request the equipment or supplies be returned.
   b. Approve a buy-out of the equipment or supplies by the service provider or another agency.
   c. Approve a sale of the equipment or supplies by the service provider.
   d. Approve State of Montana surplus property requirements if the service provider is a state agency.

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PROGRAM INCOME

Program income is the gross income received by the service provider directly generated by a grant-supported activity, or earned only as a result of the grant agreement during the grant period.

A. Program Income Inclusions

1. Fee for Services: Income from fees charged for services.
2. User or Rental Fees: Income from the use or rental of personal property acquired with grant funds.
3. Sale of Products: Income from the sale of goods constructed under a grant agreement.
4. Revenue in Excess of Expenditures: If an organization earns or receives revenue in excess of its costs under a WIA Title I program (Adult, Youth, Dislocated Workers, Job Corps, Native American, Farmworker and Veterans' programs) that revenue is to be treated as program income.
5. Interest Income: Income earned from the interest paid on WIA Title I program funds is considered program income.

B. Program Income Exclusions

1. Applicable Credits
   Reductions to grant costs as a result of refunds, rebates, credits, discounts, or the interest earned on them.
2. Sale of Property
   Proceeds from the sale of personal property. These requirements are covered at **29 CFR 97.32 and 29 CFR 95.30 through 37**.
3. Royalties, Copyrighted Material, Patents, and Inventions
   This income is considered program income **only if specifically identified as such** in the grant agreement or Federal agency regulations. However, the payment of royalties by WIA and other federally funded grants is an unallowable cost under 2 CFR Part 230. USDOL policy is that Federal funds may not be used to pay royalties for federally developed projects or works.
4. Income Earned after the Grant Period Has Ended
   The grantee is not accountable for income earned after the end of the award period. However, the grantee must report program income expended after the grant period if the income was earned during the grant period.
5. Donations
   Donations and contributions are voluntary and are not generated by the use of grant funds.
6. Profits of Commercial Organizations
   Profits earned by commercial for-profit organizations are not considered program income. Caution – care should be taken to minimize the amount of profit generated by grants.
7. Matching Funds
   Funds provided to satisfy the matching requirements of the grants are not considered program income. Conversely, program income generated through grants may not be used to satisfy any match requirements.

C. Accounting For Revenue And Cost Of Generating Program Income

1. Net Income Method
   With the net income method, the costs incidental to the generation of program income are netted against or deducted from gross program income to determine the amount of net program income. The expenditures and revenues associated with performing the activity that generates program income are tracked separately in the accounting records.
2. Gross Income Method
   With the gross income method, all gross revenues derived from program income activities are accounted for as program income. In turn, the service provider's share of the allocable costs associated with generating that revenue are charged to the appropriate program activities and/or cost categories.

D. Accounting For The Expenditure Of Program Income

1. Separate Accounting
   When using separate accounting, program income is treated as additional funds committed to the grant agreement, for which separately identifiable services are performed, and the expenditure of program income is accounted for separately from the original agreement. For accounting purposes, the program income is treated as if it were a separate (sub)grant or cost objective.
2. Transfer of Expenditures
   When using transfer of expenditures accounting, expenditures are initially recorded in the accounts of the original agreement and are subsequently transferred to the program income account to offset the amount of program income earned. The result is that the program income is accounted for as fully expended, while expenditures charged under the agreement are reduced by the amount of expenditures that have now been applied to program income.

   Regulations require that the net program income be added to the total funds available for the program. Thus, the transfer of expenditures is only applicable should the entity fully expend both the grant and the program income.

E. Uses Of Program Income

The requirements for using program income are the same as those applied to the grant funds with the exception of the administrative cost limitation. These requirements include:

1. Allowable cost guidelines
2. Cost classification guidelines
3. Inclusion of program income earnings and expenditures in the audit
4. Rules on procurement and selection of service providers
5. Participant records and other record-keeping requirements
6. Sanctions for misuse

29 CFR Part 95.24(a) and WIA regulations specify that program income is to be added to the total grant award and used to provide the same services as the original grant agreement. It is the policy of the Employment & Training Administration (ETA) and the Bureau that program income be wholly expended with the period of availability for WIA grants. Any program income funds remaining would be used to reduce the reported grant expenditures at closeout.

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EXPENDITURE REPORTING

All federal grant expenditure reports shall be submitted to the Bureau on a quarterly basis. All quarterly reports are due to the Bureau by 5:00 p.m. on the twenty-fifth (25) calendar day of the first month after the quarter end date. Quarter end dates are March 31, June 30, September 30, and December 31.

U.S. DOL ETA Financial Report, ETA-9130 form will be used and may be modified to encompass all reporting requirements depending upon the federal grant being submitted. Various examples of the ETA-9130 are located in Forms section. Recipients of grants are required to report expenditures separately for each source of funds cumulatively from the inception of each grant. In order to properly report costs, all grant recipients must establish a reporting system that allow them to incorporate costs at all levels of the system into the Financial Reports (FRs) submitted to the Bureau.

A. Late Reporting

Service providers shall receive one written warning notice concerning late reporting. At the Bureau's discretion, each subsequent late report will result in the withholding of one (1) percent of the service provider's administrative total accrued expenditures to date. If the service provider does not receive administrative funding, one (1) percent of total accrued expenditures to date will be withheld. Consistent late reporting may result in the termination of the grant.

B. Expenditure Limitations

When expenditure limits are set on administrative or other cost categories, those limits will apply to actual expenditures and cannot be exceeded without prior written approval from the Bureau.

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GUIDELINES FOR ONE STOP OPERATOR FISCAL REQUIREMENTS
[RESERVED]

GRANT AGREEMENT CLOSEOUT

Each service provider is responsible for developing and maintaining a system to comply with the closeout requirements specified at 29 CFR Part 97.50 and 29 CFR Part 95.71. To ensure that the Bureau closes out grants in a timely manner to ETA, the following guidelines are established for service providers:

Closeout reports are due to the Bureau by 5:00 pm on the fifteenth (15th) calendar day of the third month following the end date of the grant. For example, if the grant closes on June 30, the reports are due by 5:00 pm September 15. If the due date falls on a weekend, the reports are due the following Monday.

A. Closeout Process

1. The service provider must close and settle its contracts and reconcile all financial activity related to the grant prior to closing the grant with the Bureau.

2. All refunds due to the awarding agency must be made before the closeout OR submitted with the closeout documents.

3. Pending claims or late arriving invoices must be best estimated and identified in the closeout reports. Once the items are received, reconciliation must be done and sent to the Bureau to be attached to the reports. If a refund is due the awarding agency, it must be included with the reconciliation.

4. Any refunds, rebates, or credits received after the closeout must be sent to the Bureau. If stand-in costs were reported, they may be offset by such refunds, rebates, or credits; however, the stand-in costs must have been reported prior to the receipt of the refund.

5. The Bureau reserves the right for further grant adjustments based on audit findings after the closeout reports are submitted.

B. Closeout Package

The closeout package consists of the following forms:

1. Service Provider's Submittal of Closeout Documents
   Include a cover sheet that lists all the documents included in the closeout package.
2. Financial Status Report – Examples of this report are located in the forms section.
3. If necessary, a copy of the approved indirect cost rate.
   If indirect costs have been charged to the grant, a copy of the provisional or final rate may need to be included. If the grant is closed based on a provisional rate and the final rate is lower, the grantee is required to recalculate indirect costs and return all excess indirect costs within 45 days of the final rate approval letter.
4. Grantee's Release
   The grantee certifies the release of the grantor agency from further monetary obligations under the grant. Certain specifically identified claims such as unclaimed wages, Worker's

Compensation claims, or other outstanding claims must be identified and the list attached to the grantee's release.

5. Grantee's Assignment of Refunds, Rebates, and Credits – The grantee waives claim to any refunds, rebates, or credits received after the grant has terminated and assures prompt remittance to the grantor agency.
6. Government Property Closeout Inventory Certification – This form provides for an inventory of all real or personal property purchases acquired with grant funds or received from the Federal government where the DOL reserves the right to take title, or a certification that no such property was acquired with grant funds.

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AUDITS AND RECORD RETENTION

A. Audit Requirements

The Service Provider is responsible for independent annual audits of its Provider Agreement and costs associated therewith. If a Service Provider qualifies under the Single Audit Act amendments of 1996, the Service Provider shall have an audit conducted in accordance with Office of Management and Budget (OMB) Circular A-133 and the applicable audit standards set forth in the Standards for Audit of Governmental Organizations, Programs, Activities, and Functions issued by the Comptroller General of the United States.

If a Service Provider does not qualify under the Single Audit Act amendments of 1996, the Service Provider shall have a limited scope audit conducted of its Provider Agreement and costs associated therewith.

Any audit findings in connection with this Provider Agreement shall be resolved with the Grantor within 120 days of the publication of the final audit report. The Grantor may, in its sole discretion, also require additional audits. The Service Provider will pay these additional costs.

Responsibility for audit costs and for maintaining complete financial records remains with the service provider.

Service providers having A-133 audits conducted are to inform the auditing firm that audits are to be made in accordance with the:

1. Generally Accepted Governmental Auditing Standards (GAGAS)
2. OMB Circular A-133
3. AICPA Generally Accepted Auditing Standards

The audits will include, at a minimum, an examination of:

1. The systems of internal control;
2. Compliance with laws, regulations, contracts/grants;
3. Financial statements and federal awards schedule; and
4. Prior year audit findings

The examinations are to determine whether:

1. There is effective control over and proper accounting for revenues, expenditures, assets and liabilities;
2. Financial statements are fairly presented in accordance with generally accepted accounting principles; and
3. Funds are being expended in accordance with the terms of provider agreements and those provisions of Federal law or regulations that could have a material effect on the financial statements or the awards tested.

Service providers must ensure that the audit work papers and reports are maintained for a minimum of five (5) years, and that the work papers are available to the Bureau.

Service providers will follow the purchasing procedures contained in Section 6.30 for acquiring the necessary audit services.

A copy of the final audit report is due to the Bureau within the earlier of 30 days after publication of the auditor's report, or nine (9) months after the end of the audit period.

B. Audit Resolution Procedure

1. 120 Day Resolution Period
   Any audit findings in connection with this Provider Agreement shall be resolved with the Grantor within 120 days of the publication of the final audit report. The Grantor may, in its sole discretion, also require additional audits. The Service Provider will pay these additional costs.

   a. The service provider will have thirty (30) days from the publication of the final audit report to respond and provide any supporting documentation for costs questioned or recommended for disallowance. The Bureau will accept only written responses. All findings and recommendations are to be addressed by the service provider in their response.

   b. The Bureau will issue a written initial determination within thirty (30) days of receipt of the service provider's first response.

   c. The service provider will then be given the opportunity for informal resolution by having thirty (30) days from receipt of the initial determination in which to respond with any further supporting documentation or information.

   d. The Bureau will issue a final determination within thirty (30) days of receipt of the service provider's response to the initial determination or no later than 120 days after the audit report has become final. The final determination includes:
      (1) Those matters which were not informally resolved;
      (2) Corrective actions which will be necessary; and
      (3) Notice to the service provider of the opportunity to request a hearing. Within thirty (30) days of the receipt of the final determination, the service provider may submit in writing a request for hearing to the Statewide Workforce Programs and Oversight Bureau.

2. Grievance Procedure
   The next step is to go into the regular grievance procedure, where a service provider may choose to request a hearing.

3. Funds Returned
   The Bureau will require the return of all funds that were not expended in accordance with laws and regulations.

C. Debt Collection Policy

Debts receivable must be paid within thirty (30) days of establishment of the debt. Repayment of debts established will be in the form of a cash payment unless negotiation between the Bureau and the debtor produce some other method. Cash from a non-federal source is the required method of repayment where there is misuse of funds due to willful disregard of requirements of the Act, gross negligence, or failure to observe accepted standards of administration. Settlements of debts on a non-cash basis will be by exception.

D. Methods of repayment by cash are as follows:

1. Lump Sum
   Payment in full may be made by certified check, money order, cashier's check, or bank draft.

2. Installment Payments
   Cash installment repayment agreements are usually of short-term duration, from three (3) to 12 months, and are limited to 36 months by the Federal Claims Collection Standards. Duration is negotiated based on the size of the debt and the debtor entity's ability to pay.

3. Adjustment in Payments
   When cash repayment in lump sum or in installments is impossible, an agreement may be entered into with the debtor whereby the contract is reduced by the amount of the debt repayment while the program is maintained at an undiminished cost level through nonfederal contributions.

4. Withholding
   This repayment method will involve withholding amounts owed the debtor for past services or for other considerations already provided in satisfaction of the debt owed.

E. Examples of Non-Cash Repayment Methods

These methods must be negotiated with the Bureau **prior** to being considered as a method for debt recovery.

1. Stand-in Costs
   This method is not actually a debt repayment, but is a way of "erasing" the debt. The debtor must identify allowable non-federal costs associated with the contract but not charged to the contract, and substitute those costs for the disallowed costs, thus erasing the debt. These expenditures **must have been reported** to the Bureau with the quarterly financial status report or closeout package for the year the costs were incurred in order to be considered for disallowed costs incurred during that same time period. This method would require negotiation and agreement with the debtor that such costs are subject to audit. Documentation that will establish a clear audit trail must be maintained when such agreements are made.

2. Service in Lieu of Cash
   This method involves a repayment agreement with the debtor whereby additional services above those originally agreed to with the recipient, paid through nonfederal funds, are

received in lieu of cash. When it becomes clear that a debtor cannot repay through any other repayment method, an agreement of this nature may be negotiated. This method requires a written agreement signed by both parties with conditions regarding the type of funds to be used, documentation subjected to audit, and a description of the services rendered.

3. Offset
   This method involves reducing the contract up to the amount of the debt. The Bureau, on behalf of the Governor, may use this option with the approval of the Secretary of Labor.

   If an established debt is not paid within thirty (30) days of the final determination or if established installment payments are more than thirty (30) days late, a letter will be sent stating that payment is due immediately. At forty-five (45) days, another letter will be sent stating the account will be sent to the Attorney General's Office if not paid within fifteen (15) days. At sixty (60) days, the account is turned over to the Attorney General and the Bureau will consider whether to continue to do business with the debtor.

F. Record Retention

This policy provides guidance for proper maintenance of financial and programmatic records. These records must be accessible to authorized Federal and Bureau oversight staff and verifiable for monitoring, reporting, audit, and evaluation.

Length of Record Retention

For both grantees and service providers, records must be retained for **five (5)** years following the date on which the expenditure report containing the final expenditures charged to a program year's allotment or a grant is submitted to the Bureau.

The record retention period does not start over if final expenditure reports are revised, if these revisions are for the following reasons:

1. Revisions resulting from closeout
   Such revisions are considered expenditure adjustments and do not alter the initial time period for record retention. The records must be retained for five (5) years from the original submission date of the final expenditure report.
2. Revisions resulting from litigation, audit/audit resolution, or claims
   Records must be maintained for five (5) years following the submission of the final expenditure report or until all issues resulting from litigation, audit/audit resolution, or claims have been resolved and final action taken, whichever is longer.

G. Other Retention Regulations

1. Real property and equipment records must be retained for five (5) years after final disposition of the property.
2. WIA Title IB Complaint Records
   Actions related to resolving complaints shall be maintained for not less than five (5) years from the date of resolving the complaint. In addition, WIA Title IB grantees and service providers must follow the requirements of 29 CFR Part 37, as these regulations apply to the

entire organization receiving WIA funds. These records should be maintained as a whole record system.

3. Litigation/Audit Records
   These records must be retained beyond the prescribed period if any litigation or audit has begun, or if a claim is instituted involving the grant or agreement covered by the records. The records must be retained until resolution of the litigation, audit, or claim and final action is taken; or until the end of the regular five-year record retention period, whichever is later.
4. Failure To Obtain An Audit
   A failure to obtain and audit extends the record retention requirement indefinitely. A delay in obtaining an audit or in resolving audit findings extends the record retention period until all audit requirements have been satisfied and all findings have been resolved to the satisfaction of the awarding agency.
5. Indirect Cost Records
   Computations or proposals, cost allocation plans, and supporting documentation and records must be retained for five (5) years from the date the indirect cost rate package is submitted for negotiation. If not submitted for negotiation, the records must be maintained for five (5) years from the end of the Program Year that contains the final grant costs.

H. Termination of Relationship

When the relation with a service provider is terminated, the service provider's responsibility for maintenance and retention of records does not end. However, the Bureau may want to take physical custody of the records to assure that they are available if needed in instances where the subgrantee is unable to physically retain them.

I. Record Storage

Records shall be retained and stored in a manner that will preserve their integrity and admissibility as evidence in any audit/litigation or other proceeding. Microfilmed or photocopied records can be substituted for original records because they are generally accepted as admissible for evidentiary purposes. The burden of production and authentication of the records shall be on the custodian of the records. Failure to authenticate the records will deny the custodian the right to use it.

J. Applicable Regulations

29 CFR 97.42 applies to State and Local governmental entities and Indian tribal governments.

29 CFR 95.53 applies to nonprofit and commercial organizations, institutions of higher education, and hospitals.
Both sites apply equally to grantees and subgrantees.

Both sites include financial and program records, supporting documents, statistical records, and other records that are either required to be held by regulation or grant agreement or could reasonably be considered as pertinent to regulation or the grant agreement.

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LOST OR STOLEN/FORGED CHECKS

If a check has been lost or destroyed, the payee must fill out a statement stating the circumstances of the loss or destruction of the check and requesting that payment of the check be stopped. If the check has been mutilated or defaced, it should be forwarded to the issuing agency with the request for re-issuance.

If the payee recovers an original check after he/she has furnished a statement of non-receipt, he/she should notify the issuing agency immediately. In the event the replacement check has been received prior to the recovery of the original check, the original check should be returned immediately to the agency. Under no circumstances should the payee attempt to cash both the original and replacement check.

In the event of a stolen and/or forged check, the payee must file a police report with the local law enforcement and forward a copy of the report along with a statement stating the circumstances of the situation and whether it was endorsed, and also requesting that payment of the check be stopped.

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MANAGEMENT INFORMATION SYSTEM REQUIREMENTS

The WIA portion of MontanaWorks collects and disseminates information on participants and program results. The system was designed using the Workforce Investment Act Standard Record Data (WIASRD), used to provide guidance in completing registration and outcome information.

Information about an individual and their WIA Title 1B experiences is used to:
1. share program results with consumers, taxpayers, Congress, and other program overseers;
2. compare results among WIA service providers, other states, and with other federally funded programs;
3. and evaluate and continuously improve services.

This information is required by legislation. It is confidential and protected by all applicable privacy rules.

The Bureau analyzes the data and prepares reports for the Employment and Training Administration and the State Workforce Investment Board. The Bureau also monitors the effectiveness of the service provider in their MontanaWorks WIA procedures, accuracy and timeliness of their data collection process.

I. Montana Works Data Requirements

A. Required Documentation

Service providers using MontanaWorks are required to maintain documentation of participant data. Service providers will enter the following information into MontanaWorks:

1. Registration information which includes all eligibility information
2. Individual Employment Plan (IEP) for Adult and Dislocated Worker participants or Individual Service Strategy (ISS) for Youth participants
3. An accounting of all services provided to all participants and documented in an IEP or ISS
4. Supportive services provided to participants
5. Case notes to document contact and participant progress
6. Timely outcome data showing the date of exit, reason for exit, and additional information such as employment or attending additional training

B. Deadlines for Entering Participant Data into MontanaWorks

The Bureau requires notification if data entry in MontanaWorks cannot be accomplished within **<u>seven (7)</u> working** days. Data entry is any activity that is to be entered in MontanaWorks and includes participant application data, change in services, funding authorizations and payments for services, and completion of services, employment plans, and enrollments. Any change in goal should be documented on the MontanaWorks Employment Plan, printed, signed by the participant and placed in the participant's file.

Bureau program managers will track data entry on a periodic basis. If concerns arise related to late data entry, the program managers can initiate immediate actions to correct the problem, assure that concerns are addressed, and require the service provider to report on corrective action in the next quarterly report.

C. Report Generation
MontanaWorks Case Management Search provides reports including summaries of exiters and demographics for the service provider. The Case Management Search has tools on the Additional tab that can help identify problems with participant records. The Bureau suggests strongly that case managers use these tools to prevent some problems commonly found during monitoring.

D. Forms
The WIA Application form and eligibility verification worksheet must be used to collect participant data.

E. Quarterly and Year-end Reports
Based on the due dates imposed on the Montana Department of Labor and Industry, service providers must ensure that they keep MontanaWorks WIA forms and data up-to-date and error free throughout the year.

Due dates:

First Quarter:	Due approximately November 15
Second Quarter:	Due approximately February 15
Third Quarter:	Due approximately May 15
Fourth Quarter:	Due approximately August 15
Annual Report:	Due October 1

F. Back-up Procedure
Montana Department of Labor and Industry performs daily back-up procedures.

II. MontanaWorks Overview

An applicant is an individual who applies to participate in a WIA program, but eligibility determination has not been completed. An individual must be informed that it is necessary to provide all eligibility documentation when applying. The application process may not be completed until eligibility documentation is received. All information on the application screen must be completed unless otherwise noted in the following instructions.

A. WIA Application
The WIA Application has been designed to collect all data necessary to meet Federal, State and Board reporting requirements and to determine applicant eligibility. All fields on the application need to be completed. A signed copy of this information becomes part of the participant record and is subject to document retention requirements. The application should be maintained for at least five (5) years following the participant's exit date, or three years following the application date for the applicant who is ineligible for the program or, for other reasons, was not enrolled in the program.

The applicant is required to sign and date the application form certifying the accuracy of information and the understanding that falsification may result in termination from the program and/or prosecution. The application form **will be handwritten** using appropriate intake forms, and signed by the intake person and the applicant. The form must be clearly printed in ink. Forms filled out in pencil or corrected with "white out" are not acceptable. To correct the document, cross out the wrong information and enter correct information. Corrections must be initialed. The signed application form must be maintained in the applicant's file, whether or not the applicant was enrolled into the program.

Verification of eligibility is used to ensure the reliability of MontanaWorks and to guarantee services are provided to persons most in need. Once an applicant is determined to be eligible, verification of eligibility must be completed using the Eligibility Verification/Priority for Service Worksheet (see Section 3.00). No services may be provided until the participant has furnished proof of eligibility to the enrolling agency.

The primary responsibility for providing documentary evidence rests with the applicant/potential participant. Copies of all documentary evidence must be maintained in the participant's file.

The following are examples of documentary evidence that may be used for adult, youth, and dislocated worker programs:

1. **Citizenship**: Hospital record of birth, Birth Certificate, US Passport, Public Assistance Record, etc. (Required for all eligible youth and for all WIA participants receiving intensive services);
2. **Age**: Birth Certificate, US Passport, DD-214, Alien Registration Card, Native American Tribal Document, etc.;
3. **Selective Service**: Acknowledgement Letter, DD-214, S.S. Verification Form, Selective Service Registration Card, etc. The Selective Service Registration Card is required for all male applicants born on or after January 1, 1960;
4. **Dislocated Worker Status**: Employer notice of termination or layoff, Employer's public statement of pending layoff or closure, UI benefit record, UI notice of exhaustion of benefits, etc.;
5. **Social Security Number (SSN)**: Social Security card, DD-214, ***Household Summary from public assistance showing the participant's SSN.***

B. WIA Registration

The term participant means an individual who is determined eligible to participate in the program and receives a service funded by the program in a physical location.

Operational Parameters:

1. The criteria that are used to determine whether an individual is eligible to participate will be based on the guidelines for the program.
2. The term "service" does not include a determination of eligibility to participate in the program, self-directed job search that does not result in a referral to a job, services

and activities specifically provided as follow-up services or regular contact with the participant or employer to only obtain information regarding his/her employment status, educational progress, need for additional services, or income support payments (except for trade readjustment allowances and other needs-related payments funded through the TAA program or National Emergency Grants (NEGs)).

3. Individuals who visit a physical location for reasons other than its intended purpose (e.g., use of restrooms or asking staff for directions) are not participants.

Program participation occurs following a determination of eligibility and commences when the individual begins receiving a service funded by the program. This phrase has the same meaning as the "date of participation" used in some common measures.

1. Valid Enrollment Timeline
   If the enrollment date is more than **45 days** after the application date, a new application must be completed.
2. Ineligible Non-citizens
   If an applicant indicates that he/she is not an eligible non-citizen, that applicant is ineligible for services through these programs.
3. Social Security Number
   In accordance with the Privacy Act of 1974 an applicant may not be denied any right, benefit, or privilege provided by law because of the individual's refusal to disclose his/her Social Security Number. However, disclosure of an individual's Social Security Number pursuant to the Internal Revenue Code where it is used as the identifying number for the purposes of a return, statement or any other document under the Code (i.e., for payment of wages for OJT, Work Experience, etc.) may be properly required.

   Providers should advise applicants at intake of the use(s) of disclosing the Social Security Number. Applicants should also be advised that the Social Security Number is used for the payment of wages and allowances, even though at intake it may not be possible to determine the form of payment, if any, the applicant will receive.

   Providers should assist the applicant in obtaining a Social Security Number from the Social Security Administration. Once the number is obtained, notify the MontanaWorks administrator so the file can be updated.

   If the applicant does not have a Social Security Number, a pseudo-number should be assigned using the

   button in MontanaWorks. If no Social Security Number is obtained, the participant will not be included in performance.

4. MontanaWorks
   The MontanaWorks database is used to enter or view WIA applicant and WIA participant data into the system. For adults and dislocated workers, individuals who receive core services (other than informational and self-service activities), intensive services or training services must be registered. All youth who receive youth activities must be registered.

5. Contact information
   The applicant is required to complete both the first and second contact information sections of the application, listing the most reliable contact as the first contact. Do not use a parent, spouse or other family member in the same household as an alternate contact because of possible relocation of the entire family. Use the name, address, and telephone number of a relative or friend that can be contacted if the participant cannot be located. An in-state telephone number is preferable, but an out-of-state number may be used if necessary. Use the case manager name only if other contact information is not available.

C. Updating Participant Contact Information
If your office is aware of a change of address, telephone number, contact persons, etc. update the necessary information and contact the other providers that may be serving that participant. This will enhance the coordination of services to the participants.

D. Adding Services and Support
Only one employment plan should be open for each WIA participant. The original employment plan should be used for participants who are placed in follow-up. Participants co-enrolled in multiple programs and participants being served by multiple service providers should only have one employment plan open.

Services should not be opened on the Employment Plan until the time they will be provided. Services should remain open only during the time they are being provided.

All active employment plans must include the following services: case management, eligibility and IEP (individual employment plan) or ISS (individual service strategy) for youth. Once a participant is in follow up, employment plans must include the following services: case management and follow up services. Other services may be opened in follow-up as appropriate.

Please refer to the Objectives and Services Definitions for more specific guidance on opening services.

E. Ending Services and Enrollments
Services must be closed upon completion of the provision of services.

Participation in WIA programs will be ended automatically in MontanaWorks after 90 days **if no services that extend participation are provided.** Service providers can self-monitor by running a “no services for 80 days” report in the Case Management Search section in MontanaWorks. Any funding provided on a participant’s behalf after the participation period has ended may be considered disallowed costs.

Each service provider serving the participant is responsible for closing appropriate services as the services are completed. The last service provider serving the participant is responsible for closing remaining services and ending applicable enrollments in MontanaWorks.

For participants in follow up, leave employment plans open until all quarters of follow up have been completed.

Please refer to the Objectives and Services Definitions (Form WIA 49) for more specific guidance on closing services.

F. Follow-up Activities
Follow-up activities are conducted to ensure positive outcomes and to give credit for outcomes. Obtaining supplemental data to determine if the individual is employed in the four calendar quarters following exit to unsubsidized employment is a follow-up activity. Follow-up activity should be recorded in MontanaWorks on the Progress-Follow-Up tab. A comment is required for each quarter's follow-up activity. To be considered valid, a comment should be entered in the Comments section on the Follow-Up tab for each follow-up contact. The comment should state the employer name, address, phone number, and job title if the participant is employed. If the participant is in some type of training after being exited, a brief description should be entered in the Comments section.

G. Exiting
The term program exit means a participant has not received a service funded by the program or funded by a partner program for **ninety (90)** consecutive calendar days, ***has no Temporary Gap in Services open on the Employment Plan,*** and is not scheduled for future services.

H. Operational Parameters:
1. Service: The term "service" does not include a determination of eligibility to participate in the program, self-directed job search that does not result in a referral to a job, services, and activities specifically provided as follow-up ***contact*** or regular contact with the participant or employer to only obtain information regarding his/her employment status, educational progress, need for additional services, or income support payments (except for trade readjustment allowances and other needs-related payments funded through the TAA program or NEGs).
2. Not Scheduled for Future Service: The phrase "and is not scheduled for future services" does not apply to participants who voluntarily withdraw or dropout from the program. In these circumstances, once a participant has not received any services funded by the program or a partner program for 90 consecutive calendar days and has ***no Temporary Gap in Services open on the Employment Plan***, the date of exit is applied retroactively to the last day on which the individual received a service funded by the program or a partner program.
3 Temporary Gap in Services: Participants should not be considered as exited if there is a gap in service of greater than 90 days in one of the following circumstances:
   (a) Delay before the beginning of training;
   (b) Health/medical condition or providing care for a family member with a health/medical condition; or

(c) Temporary move from the area that prevents the individual from participating in services.

Temporary Gap in Services can be opened on the Employment plan in cases related to one of the three circumstances identified above. The gap in service can last no more than 180 consecutive calendar days from the date of the most recent service to allow time to address the barriers to continued participation. Case managers must document all gaps in service that occur and the reasons for the gaps in service, including the participant's intent to return to complete program services. Case managers may initiate a consecutive gap in service of up to an additional 180 days for the participant that follows the initial 180-day period to resolve the issues that prevent the participant from completing program services that lead to employment.

4. Participants whose services have ended because they are a reservist called to active duty, a youth under mandatory relocation, institutionalized, deceased, or have a health/medical condition or family care situation that prevents the individual from participating in services will be excluded from performance measures.
5. Once a participant has not received any WIA funded or partner services for 90 days, and there is no Temporary Gap in Services open on the Employment Plan or the gap in service is for reasons other than those specified above, that participant's enrollment in WIA has ended for the purposes of performance measurement.

I. Vendors

The Bureau has the responsibility to set up vendors (including employers and Eligible Training Providers) in MontanaWorks. Payments for services provided by vendors, on-the-job training (OJT) contracts with employers, training provided by Eligible Training Providers, and work experience (WEX) cannot be made until vendor information has been entered. A completed W-9 form with a request identifying which service(s) are being provided are necessary to set up a new vendor. The W-9 and request can be submitted via email using a .pdf attachment or fax.

If the vendor does not have an assigned FEIN number and instead uses their Social Security number for their identification number on their W-9, please ensure the Social Security number is not visible on the W-9 prior to emailing or faxing. Please ask the staff person entering the information to call you to obtain the Social Security number.

J. Purging Participant Records

Until notified otherwise by the Bureau, service providers should not purge any WIA or TAA files due to the "common exit" policy. The common exit policy was implemented by the Bureau in 2010, as required by the Employment and Training Administration (ETA). The common exit is defined as follows:

An exiter from the workforce system is defined as a participant who has not received a countable service funded by the program, or funded by a partner program (such as WIA or Wagner Peyser) for 90 consecutive calendar days, and is not scheduled to receive future services.

This definition supports the integrated service philosophy of the workforce system, and acknowledges that a program exit is really an exit from the system. The exit date is applied retroactively, after a 90 day period without countable services, to the last day on which the individual received a qualifying service provided by any program, i.e. the date the last qualifying service was completed in the system. Individuals who are participating in more than one program will have a single common exit date.

The program completion date may or may not coincide with the system-derived actual exit date. This is particularly true if subsequent countable services from another program are provided prior to the end of the 90-day period. If a participant is doing job searches on the internet on a continuous basis, they are considered as still active and are not considered an exiter.

This "common exit" date has a direct bearing on when program files should be purged. Enrollments for participants can be ended, but participants are not actually exited until there is a break of 90 days in all countable services in all programs.

At this time, there is no easy way to tell without looking at each participant's record individually, whether a file can be purged. Records are required to be kept at least five (5) years after exiting from a program, but the retention period may extend beyond the five year period depending on the case. Bureau staff will create a report on an annual basis to inform offices which records can be purged. The report will come out at the end of the program year (sometime late in June or July).

III. Confidentiality Agreement

All service provider staff (non-state) that will have access to MontanaWorks is required to sign the Confidentiality Agreement. The signed Confidentiality Agreements will be maintained in the Workforce Services Division. A sample Confidentiality Agreement is in the Forms Section.

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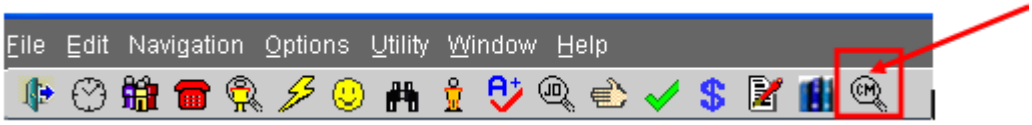
STAFF CHANGES – MONTANAWORKS INACTIVATION

For security reasons, MontanaWorks access needs to be inactivated as soon as possible for case managers no longer working with WIA programs.

Before access to MontanaWorks can be inactivated, all cases assigned to a case manager need to be reassigned to other staff. The following processes should be followed to reassign these cases.

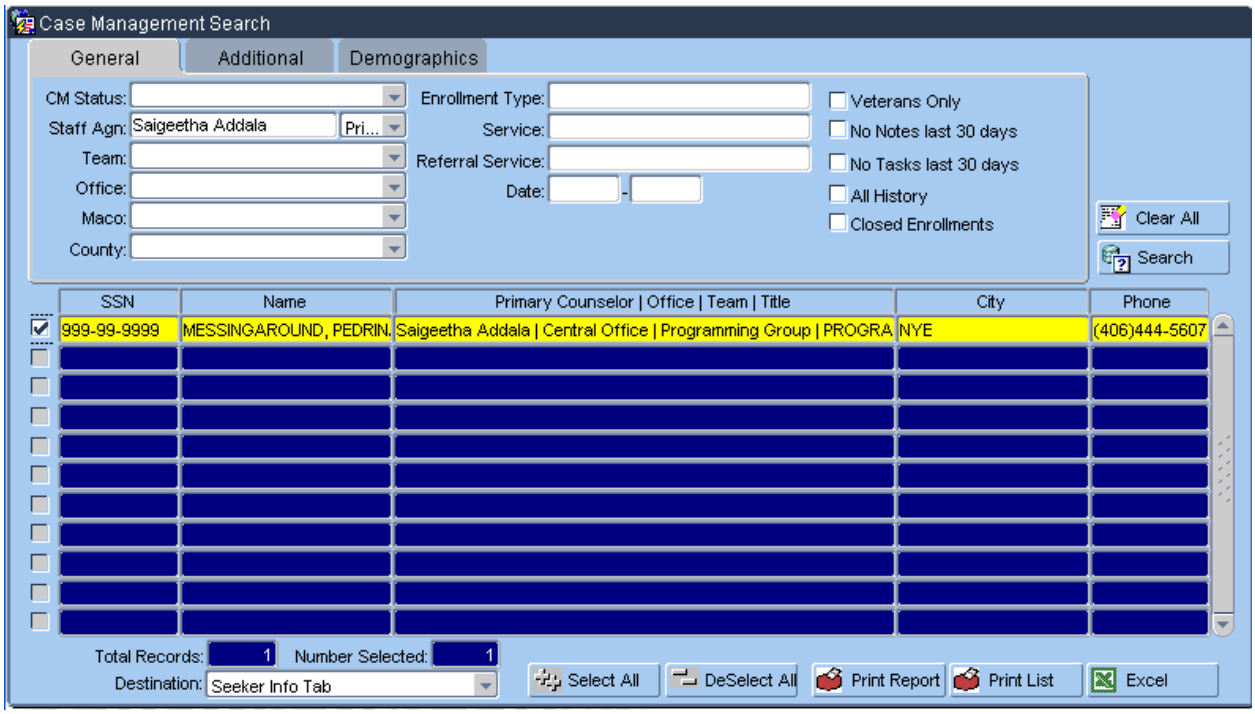
A. Reassigning Participants to New Case Manager

The first step in reassigning participants to a new case manager is running a Case Management Search report for the departing case manager. Click on the Case Manager icon on the top toolbar in MontanaWorks.

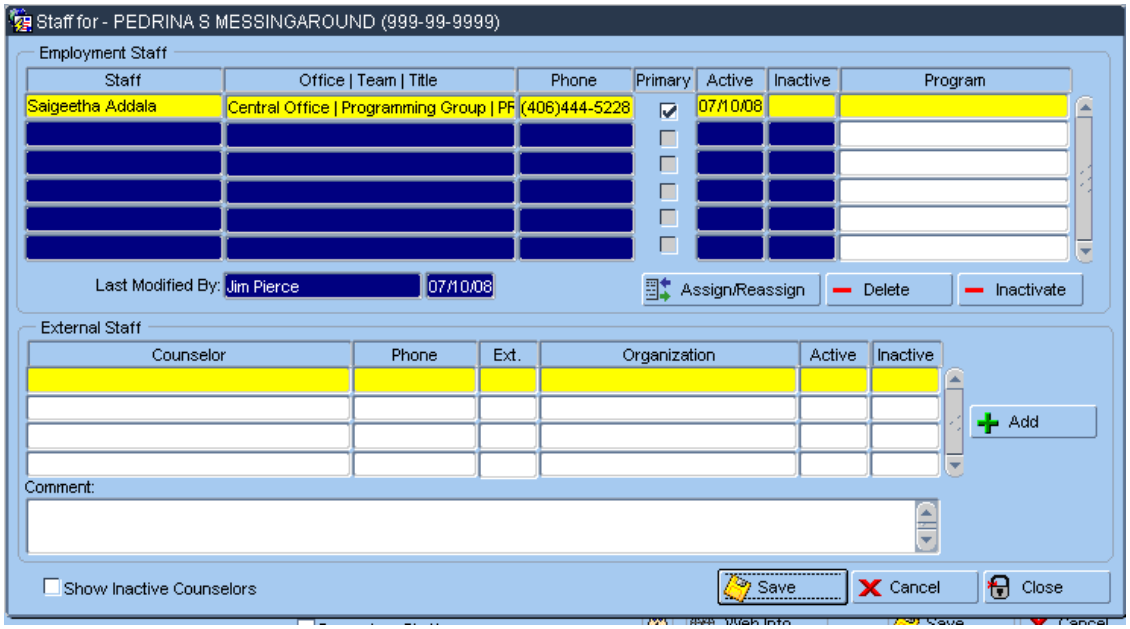


Enter the case manager's name in the Staff Agn: box, then click on

. A list of participants assigned to that case manager will then appear on the screen.

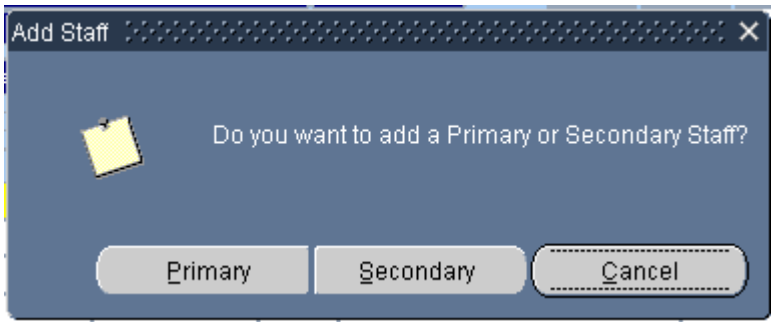


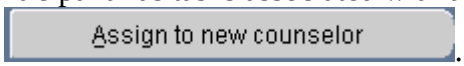
To reassign case managers, double click on the participant's name. This will bring up the Seeker Screen. Then choose Options, Staff Information.



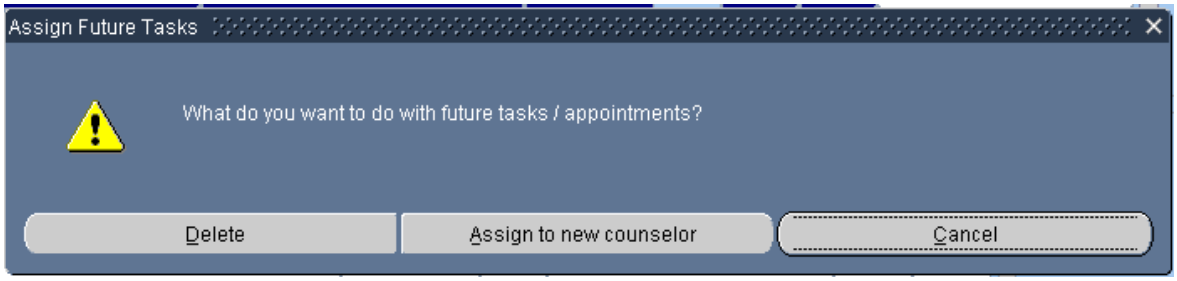
Click on the

button. The following popup screen will display. Choose Primary.

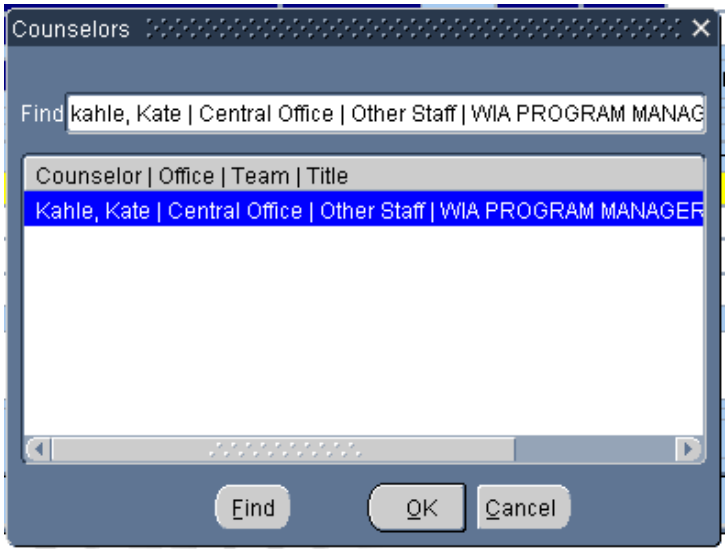


If the participant has tasks associated with their record, the following screen will appear. Choose 

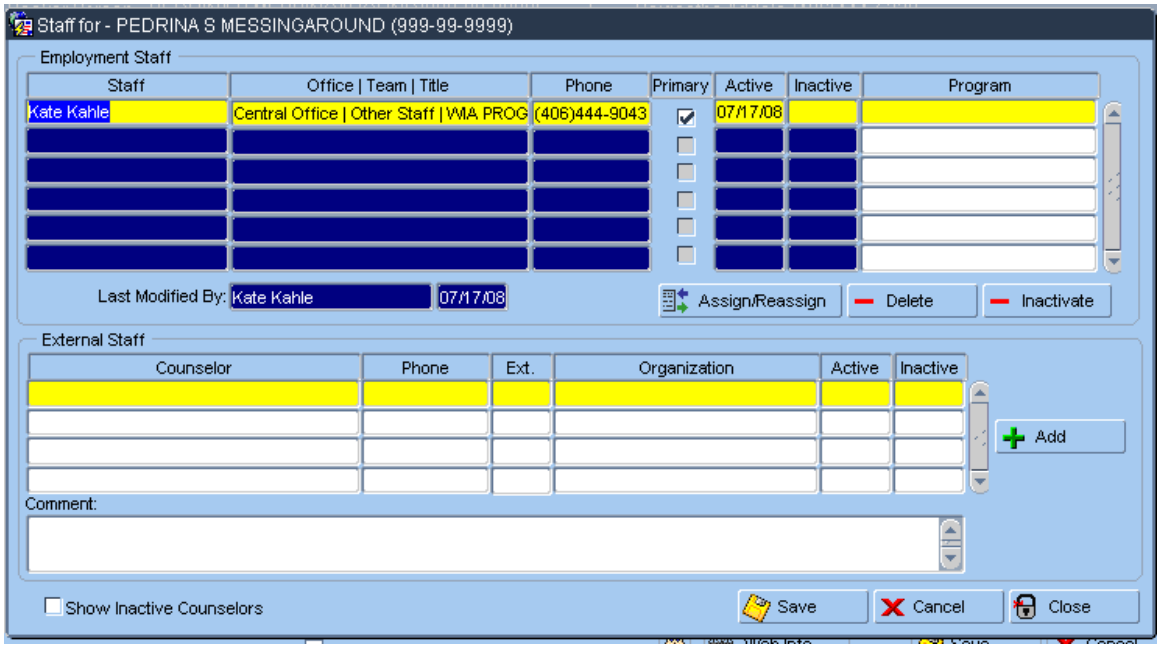
.



A list of case managers will appear. Reassign the participant to a new case manager.



This screen shows that the case manager has been reassigned for this record:



When the case manager has been reassigned to the correct staff person, hit

. The participant has now been reassigned to a new case manager.

B. Notification of Case Manager Changes and Inactivation

Notification should be provided to the Bureau **immediately** upon learning of staff changes. Participants should be reassigned to new case managers before the departing staff member leaves their WIA employment. This allows MontanaWorks access inactivation to be done in a timely manner.

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LIST OF ACRONYMS

AA ..... **Affirmative Action**
ABLE ..... **Adult Basic and Literacy Education**
ADA ..... **Americans with Disabilities Act**
ADR ..... **Alternative Dispute Resolution**
AFDC ..... **Aid to Families With Dependent Children (Replaced with TANF)**
ASL ..... **American Sign Language**
BOS ..... **Balance of State Workforce Investment Area**
CAC ..... **Community Advisory Council (for the WoRC program)**
CBO ..... **Community-Based Organization**
CDBG ..... **Community Development Block Grant**
CEO ..... **Chief Elected Official**
CEP ..... **Concentrated Employment Program**
CFR ..... **Code of Federal Regulations**
CMT ..... **Community Management Teams (within One-Stop system)**
CRC ..... **Civil Rights Center**
CRT ..... **Classroom Training**
CS/CI ..... **Customer satisfaction/Continuous Improvement**
CSP ..... **Community Service program; the final program component of FAIM that provides assistance to families who have fully used their Pathways benefits but have not yet achieved self-sufficiency**
DLI/DOLI ..... **(Montana) Department of Labor and Industry**
DOL ..... **(U.S.) Department of Labor**
DPHHS ..... **(Montana) Department of Public Health and Human Services**
DW ..... **Dislocated Worker**
EEO ..... **Equal Employment Opportunity**
EER ..... **Entered Employment Rate**
EO ..... **Equal Opportunity**
ES ..... **Employment Services (Wagner-Peyser)**
E&T ..... **Employment and Training**
ETA ..... **Employment and Training Administration USDOL**
FMLA ..... **Family Medical Leave Act**
FY ..... **Fiscal Year**
GAO ..... **Government Accountability Office**
GED ..... **General Equivalency Diploma**
HRDC or HRC ..... **Human Resource Development Council**
HSE ..... **High School Equivalency**
HUD ..... **(US Department of) Housing and Urban Development**
IEP ..... **Individual Employability Plan (for WIA Title IB adult and dislocated worker program participants)**
IFB ..... **Invitation for Bid**
ISS ..... **Individual Service Strategy (for WIA Title IB Youth program participants)**
ITA ..... **Individual Training Account**
JSWC ..... **Job Service Workforce Center**
LD ..... **Learning Disabilities**
LEA ..... **Local Education Agency**
LEO ..... **Local Elected Official**
LEP ..... **Limited English Proficiency**
LMA ..... **Labor Market Area**
LMI ..... **Labor Market Information**
LWIA ..... **Local Workforce Investment Area**
LWIB ..... **Local Workforce Investment Board**

MACo ..... **Montana Association of Counties**
MCA ..... **Montana Codes Annotated**
MIS ..... **Management Information System (Data)**
MOA ..... **Methods of Administration (Relating to Equal Opportunity & Nondiscrimination)**
MOA ..... **Memorandum of Agreement**
MOU ..... **Memorandum of Understanding**
MSFW ..... **Migrant Seasonal Farm Workers**
NAWB ..... **National Association of Workforce Boards**
NACo ..... **National Association of Counties**
NAWDP ..... **National Association of Workforce Development Professionals**
OCHE ..... **Office of the Commissioner of Higher Education**
ODEP ..... **Office of Disability Employment Policy (USDOL)**
OIG ..... **Office of Inspector General**
OJT ..... **On-the-Job Training**
OMB ..... **Office of Management and Budget**
OPI ..... **Office of Public Instruction**
PATHWAYS ..... **A time-limited cash assistance program designed to provide families with opportunities leading to self sufficiency**
POP ..... **Project Operating Plan**
PY ..... **Program Year for WIA the program year is from July 1 to June 30**
RCA ..... **Refugee Cash Assistance**
R&A ..... **Research and Analysis Bureau, Workforce Services Division**
RFP ..... **Request for Proposal**
SCSEP ..... **Senior Community Service Employment Program**
SDH ..... **State Displaced Homemaker**
SNAP……..**Supplemental Nutrition Assistance Program**
SFY ..... **State Fiscal Year**
SP ..... **Service Provider**
SSI ..... **Supplemental Security Income**
SSDI ..... **Social Security Disability Insurance**
SWIB ..... **(Governor's) State Workforce Investment Board**
TA ..... **Technical Assistance**
TAA ..... **Trade Adjustment Assistance**
TANF ..... **Temporary Assistance to Needy Families (Replaced AFDC)**
TAT ..... **Technical Assistance and Training**
TDD ..... **Telecommunications device for the deaf**
TEGL ..... **Training and Employment Guidance Letter**
TEN ..... **Training and Employment Notice**
TTY ..... **Teletypewriter (Communications device for the deaf)**
UI ..... **Unemployment Insurance**
USDOL ..... **United States Department of Labor**
V0C-ED ..... **Vocational Education**
VR/Voc-Rehab ..... **Vocational Rehabilitation**
WEX ..... **Work Experience**
WIA ..... **Workforce Investment Act of 1998**
WIASRD ..... **Workforce Investment Act Standardized Record Data (WIA reporting system)**
WIB ..... **Workforce Investment Board**
WoRC ..... **Work Readiness Component: replaced the JOBS (Job Opportunities and Basic Skills Act) as the employment component of welfare reform.**
WOTC ..... **Work Opportunity Tax Credit**
WSD ..... **Workforce Services Division**

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