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PURPOSE OF THE STATE WORKFORCE INVESTMENT ACT POLICY MANUAL

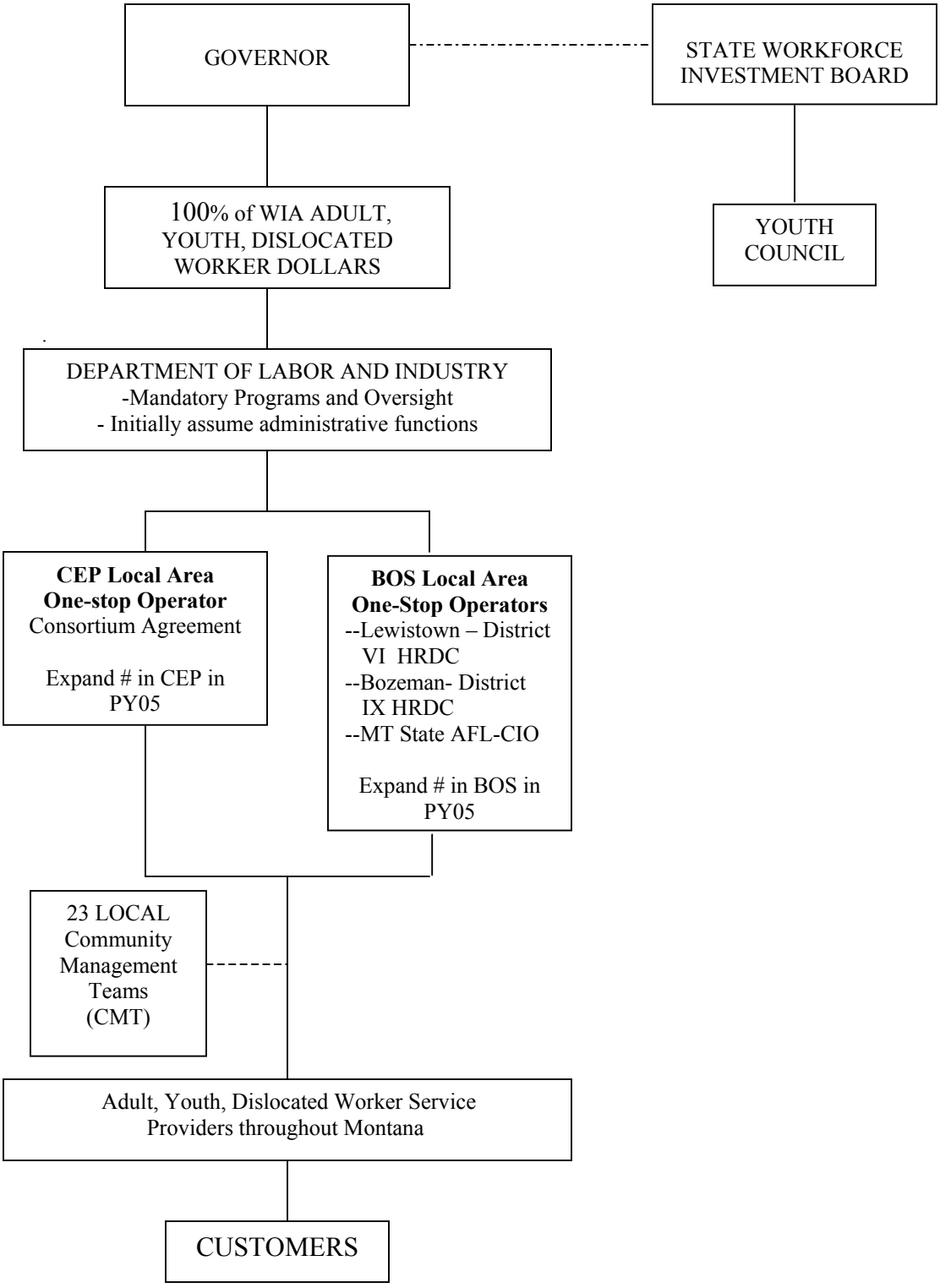
The purpose of the State Workforce Investment Act (WIA) Policy Manual is to provide policy guidance and interpretation of Federal and State workforce laws. Procedural guidance is also provided to assure consistency. The manual is intended for use in conjunction with Federal and State laws and regulations.

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.

SINGLE STATEWIDE PLANNING AREA WORKFORCE SYSTEM ORGANIZATIONAL CHART



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)**

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 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 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. No funds under the Act may be used to support any religious or antireligious activity.
2. Funds may not be spent on the employment or training of participants in sectarian activities. This includes 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 20 CFR Part 37.6(f)(1)

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.
   c. 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.
   d. Whenever a promotional freeze affects non-WIA funded employees it shall apply to WIA participants similarly employed.
   e. No former employees laid off or terminated in anticipation of WIA funding of a position may be rehired under WIA into such a position.

f. 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.
g. 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).
h. 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

1. 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 34

P. Testing and Sanctioning for Use of Controlled Substances

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

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

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 cannot be processed as both a program complaint and as a discrimination complaint.

B. Filing A Grievance

1. Who May File
   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. When Should a Grievance Be Filed
   Grievances must be filed within one (1) year of the alleged occurrence.

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

4. The Grievance Process
   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 thirty (30) days from the date the grievance was filed; and

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

C. Filing a Complaint

1. Who May File
   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 service 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:

State Workforce Investment Act Equal Opportunity Officer
Statewide Workforce Programs and Oversight Bureau
P. O. Box 1728, Helena, Montana 59624
e-mail address: ckinsey@state.mt.us
(406) 444-4571 or 1-800-457-3249 / TTY (406) 444-0532
Fax: (406) 444-3037

OR

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.

A. 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.

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 may conduct monitoring and evaluation of service providers on an annual or biennial basis, or as needed depending on the program. 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
   8. Management Information System (MIS)
      - MontanaWorks (security access, timely and accurate input at provider level)
      - Data Validation
   9. Eligible Training Provider List
   10. 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.

Schedules and Timelines for Monitoring

1. Schedule for monitoring service providers [reserved]

2. Timeline

Date set for onsite review	30 days before review
Onsite review is conducted	
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.

B. 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.

C. 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. 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.

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.

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:

a. Statutory or regulatory requirements of the waiver;
b. Actions taken by the State to remove State statutory or regulatory barriers;
c. Goals of the waiver and expected programmatic outcomes if waiver is approved;
d. Description of how the State will monitor the progress in implementing the waiver;
e. Provide notice of the waiver to the workforce areas affected by the waiver;
f. Provide areas affected by the waiver the opportunity to comment on the waiver request; and
g. Ensure meaningful public comment by business and organized labor.

The State should receive 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:

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

A list of current waivers is contained in the Appendix section of this policy manual.

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 MEASURES

Performance Measure	PY-05 (07/01/05 - 06-30-06)	PY-06 (07/01/06 - 06-30-07)
Adult		
Entered Employment	81	82
Employment & Retention	83	85
Earnings Change	$4,100	$4,200
Employment & Credential	70	71
WIA Dislocated Worker		
Entered Employment	80	81
Employment & Retention	89	90
Earnings Change	$275	$325
Employment & Credential	70	71
WIA Older Youth		
Entered Employment	76	77
Employment & Retention	86	87
Earnings Change	$3,400	$3,500
Employment & Credential	62	63
WIA Younger Youth		
Skill Attainment	89	91
Diploma or Equivalent	63	65
Younger Youth Retention	67	69
WIA Customer Satisfaction		
Participants	84	84
Employers	88	90

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 program operators 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 to WIA Adult, Dislocated Worker and Youth Programs

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 become 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.

SERVICE PROVIDER SELECTION PROCESS
PROVIDER AGREEMENTS

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

INCENTIVES POLICY

[RESERVED]

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

1. 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, in accordance with Executive Order 12549, Debarment and Suspension 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.

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.

20 CFR Part 667.600

REPORTING

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

A. 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 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
   - Service Provider:
   - Program:
   - Report for quarter ending:
   - Discussion of activities, outreach, etc. (based on Scope of Services) and coordination with One Stop Operators, Community Management Teams and others:
   - Data entry issues:
   - Expenditures and enrollments planned versus actual at quarter end. Deficiencies explained.
   - What works?
   - What does not work?
   - 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.

B. Monthly Data (MontanaWorks) Reports

The State MontanaWorks system analyst will run a data entry report for the previous month showing late entries for each service provider. Program managers will review reports and contact service providers regarding late entries as necessary.

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
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 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

[Reserved]

ELIGIBILITY DETERMINATION

Application, Registration, Referral and Confidentiality
MontanaWorks is the data entry system used to maintain and track all services provided through the funding programs in this Manual. Each activity is represented by a tracking code.

A. Application

The application process includes completion of the MontanaWorks application form. Service providers may use the application in the forms section or an in-house application form developed by the service provider. If an in-house application form is used, it must contain a certification statement. The completed application shall be electronically entered in MontanaWorks.

The application process requires evidence of all necessary eligibility documentation regarding citizenship, age, income (eligibility for youth, self-sufficiency for Adult and Dislocated Worker), selective service registration (if applicable), and a standardized basic skills assessment for math and reading levels. Upon completion of eligibility determination, eligible applicants are placed in an applicant pool. Enrollment for services beyond the Core level is based on eligibility criteria, participant need and programmatic considerations.

B. Registration

The next step, WIA Registration, indicates eligibility and priority for service. Individuals who receive services after this point, that is, Core, Intensive and Training funded under Title IB of WIA other than self-service or informational activities, must be registered and determined eligible for Intensive Services.

1. Core Services that require registration: Certain Core services may be provided without registration if staff involvement is routine, brief or short term, or not funded by Title I. However, 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:
   a. Staff-assisted job search & placement including career counseling (Activity Code 20);
   b. Staff-assisted job referrals (Activity Code 20);
   c. Staff-assisted job development (Activity Code 20); and,
   d. Supportive Services (Supportive Service Codes 01-20, 49-51, 60-63, 75-80, and 99).

2. Registration requires the following:
   Equal Opportunity data is collected. (WIA Section 188(a))
   Eligibility determination for Title IB services is completed.
   "Equal Opportunity Is the Law" form is completed.

NOTE: Registration does not necessarily mean the participant is entitled to Title IB

Intensive services, however, registered individuals will count toward performance measures.

3. Applicant Pool
Following initial assessment and eligibility determination, the service provider may enroll the applicant directly into WIA or leave the applicant in the applicant pool. Hard copies of applicant pool records must be maintained for 5 years.

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 for women 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 shall be 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. (WIA.06)

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. (WIA.05) 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.

ADULT and DISLOCATED WORKER PRIORITY FOR SERVICES

I. General Eligibility Requirements

To receive Title I BAdult or Dislocated Worker services, an individual must:

1. Be a U.S. Citizen or Registered Alien;
2. Meet Selective Service Registration requirements, if applicable;
3. Have received the required Gateway services.

Additional Eligibility Requirements for Adults

1. Must be 18 years of age or older.

II. Priority For Service (663.600)

Core Services are not subject to priority requirements. Core services are universally available to ***all*** individuals entering a one-stop system facility.

A. Adult Priority for Service

Priority for intensive and training services shall be given to recipients of public assistance and other low-income individuals. (See Section 3.60 – Family Size and Income Determination) Further consideration may be given individuals who are at less than 80% of self-sufficiency ***and*** have a barrier to self-sufficiency such as:

1. Are older workers (55+); or
2. Face language barriers; or
3. Face cultural barriers; or
4. 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.

Service providers should use good judgment in determining whether or not the funding in the area is limited when making the decision to expand the priority of services to include the group identified above.

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.

C. Veterans' preference priority. [Under development]

III. Self-Sufficiency

Self-sufficiency for adults is defined as:

- Meeting basic expenses (such as housing, transportation, food, clothing, health care, child care, savings, and taxes) without subsidies;
- Independence from federal or state assistance; with
- Access to affordable health care; and
- A wage of at least $9.59 per hour ($19,947 annually) for an individual.

Self-Sufficiency for Dislocated Workers means having a re-employment wage that is equal to the individual's layoff wage or wages and benefits which meet or exceed the Adult Self-Sufficiency definition (see Section 3.10 E), whichever is higher.

IV. Eligibility Verification

Verification of eligibility is used to ensure the reliability of the participant information system 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. 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.

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).

Service providers will use the Eligibility Verification Worksheet (WIA XX) for the Adult Program or (WIA XX) for the Dislocated Worker program in determining what eligibility documentation 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 Eligibility Verification Worksheets are in the Forms section of this manual.

YOUTH

I. Eligibility for Title IB Youth Programs

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 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 one or more 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 individual (including a youth with a disability) who has no vocational/employment goal **and** has below average grades **or** has a poor work history (to include no work history) **or** has been fired from a job in the last six calendar months.

Refer to the Youth Eligibility Tables in this section for definitions.

C. 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 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 of 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.

D. 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.

E. Five-Percent (5%) Window Eligibility

Up to five-percent of youth funding may be used for serving participants who are not economically disadvantaged **provided** they meet the selective service requirements and are in one or more of the following categories:

1. Deficient in basic literacy skills;
2. School dropout
3. Homeless or runaway;
4. Pregnant or parenting;
5. Possess one or more disabilities, including learning disabilities;
6. Offender; or
7. Is an individual who has no vocational/employment goal **and** has below average grades **or** has a poor work history (to include no work history) **or** has been fired from a job in the last six calendar months. (SWIB definition)

WIA Regulations 20 CFR Part 664.220

Refer to the Five Percent Eligibility Table in this section for definitions.

F. Youth Eligibility Table

Selective Service Registration (Males Only)	Definition
Applies to all male applicants 18 and older. Youth turning 18 after registration must meet the selective service requirements by their 18th birthday.	See Section 3.80 Determination Procedure.
General Eligibility Item (All Apply)	**Definition**
Citizenship or Eligible to Work	An individual who is a US citizen or is a legal alien authorized to work in the US.
Age	An individual who is between the ages of 14 and 21 at time of enrollment.
Low-Income Note: If not income eligible, participant may be enrolled under the five percent window. Refer to the Five Percent Window Barrier Table	An individual who (a) receives, or is a member of a family that receives, cash payments under a Federal, State, or local income-based public assistance program; (b) received an income, or is a member of a family that 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 Income/Family Size Determination Section 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 a foster child on behalf of whom State or local government payments are made; or (f) 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))*

G. Five Percent Eligibility 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 (WIA XX) in determining what eligibility documentation is required for registered individuals to receive Intensive services. The completed worksheet must be maintained in the individual's file.

STATE DISPLACED HOMEMAKER PROGRAM

The State Displaced Homemaker Program is intended to provide employment and training services to individuals who have been dependent upon someone else for support and who through death or disability of a spouse, or divorce no longer have such support. The program is designed to provide necessary counseling, training, jobs, services and health care for displaced homemakers in order that they may achieve independence and economic security.

24.12.106 ARM
39-7-302 MCA
39-7-303 MCA

A. Eligibility Requirements

In order to meet the eligibility requirements of the State Displaced Homemaker program an individual must be a Montana resident (has resided in the state at least six months), who is 18 years or older: and

1. has experienced a displacement, which might be divorce or death of a spouse, from homemaking activities such as caring for the needs of family members, which has caused them to enter the workplace without marketable skills; **OR**
2. is dependent on public assistance or income of a relative but is no longer supported by that income; **OR**
3. is a parent whose youngest dependent child will become ineligible to receive assistance under the program for Aid to Families with Dependent Children pursuant to Title 53, Chapter 4, Part 2, within two years of the parent's application for displaced homemaker assistance; **OR**
4. is unemployment or underemployed and is experiencing difficulty in obtaining any employment or suitable employment; **OR**
5. is a criminal offender. (**MCA 39-7-303 as Amended)**

B. Allowable Activities

Allowable activities to State Displaced Homemakers may include but are not limited to the following:

1. Job counseling services that consist of developing an Individual Employment Plan (IEP), 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:
   a. Include training and placement programs for jobs in the public and private sectors;
   b. Assist 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. Prepare participants for training and placement into nontraditional careers.

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

4. Supportive Services
   Supportive services may include:
   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 after exit

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

5. Referral
   Referral to other social service agencies includes agencies that provide information and assistance with respect to such items as health care, financial matters, education, nutrition, and legal problems. **24.12.107 ARM**

ASSESSMENT AND PLANNING

A. 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, the participant then completes an Individual Employment Plan (IEP) for adults and dislocated workers or an Individual Service Strategy (ISS) for youth.

1. 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 **(Service Code 03)** that indicates additional services are appropriate 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. The Adult and Dislocated Worker programs utilize **Service Code 30** for comprehensive/specialized assessment.
d. For WIA Title IB Youth programs, Service Code 03 is used for all assessments. However, the assessment should meet the criteria for intensive/comprehensive assessment.
e. Assessments conducted by other human service programs or educational institutions within the past year 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.

2. **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. For basic skills assessment (reading/math) the results identified need to be quantifiable through grade equivalency scores or raw score from criterion-referenced assessment tools. Results of assessment are recorded on the IEP/ISS.

3. **Assessments By Other Programs**
   Assessments conducted by other human service programs or educational institutions within the last six months may be used where appropriate.

B. Basic Skills Assessment Guidelines - Service Code: 03

1. Initial Assessment
   All participants must be assessed for basic skills deficiencies (reading and math) using the Test for Adult Basic Education (TABE) as part of their initial assessment, with the <u>exception</u> of those individuals that can provide other acceptable documentation of reading and math grade scores. A copy of the TABE scoring sheet indicating grade level skill at or below the eighth grade (8.9) is to be maintained in each participant file (WIA 101(4)). The results (reading/math) need to be quantifiable through grade equivalency scores or raw score from criterion-referenced assessment tools (TABE) and recorded on the IEP/ISS.

2. Post Testing/Assessment
   All participants who receive services and tested at or below 8.9 grade levels 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 and be an indication of correct or incorrect program activities. Post-test results will be kept in participant file.

3. Documentation
   <u>Acceptable</u> documentation other than the score sheet from a generally accepted standardized test may be:
   a. General Educational Development (GED) test equivalency certificate attained within the last year;
   b. Standardized test scores entered on report cards;
   c. Other current school records of reading level from a generally accepted standardized test (determined the last 12 months);
   d. Bachelor degree from college/university;

e. Collateral contacts with school/college which include the name and results of the assessment; and
f. If an applicant is unable to read, s/he may be considered to have English reading skills below the 8.9 grade level.

Examples of unacceptable documentation include:
a. High school diploma;
b. Report cards;
c. GED 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 or Individual Service Strategy.

C. Comprehensive Assessment

A comprehensive assessment 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 (fringe benefits);
   e. Immediate food, clothing and shelter;
   f. Transportation;
   g. Child care;

   h. Legal;
   i. Medical;
5. Other:
   a. Needs-related payments (Adult program only, to support participation in a training activity).

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

1. The IEP form shall be the basic instrument, which documents:
   a. Initial and complete 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. Short and long term goal(s);
   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. Twelve- month follow-up services planned and provided to assist the participant in retention in employment

Service providers have flexibility regarding the IEP form they use, provided it includes the elements described above.

C. 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 individual service strategy. 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 complete assessment and the IEP. There is the expectation that if 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 registration in WIA is not 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.

D. Completion

The form may be completed on-line or hardcopy. However, when the form is completed on a hardcopy, the information must be entered into MontanaWorks.

The IEP must be updated at least quarterly to accurately reflect customer activity. Participants concurrently registered in Youth, Adult and Dislocated Worker Programs will require both an ISS and an IEP.

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.

Service providers may use a service strategy, which has been completed by another education or training programs within the last quarter.

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; and
   g. How the program element is being provided, i.e., in-house or through a referral with a specific agency or service listed.

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

Service providers have flexibility regarding the ISS form they use, provided it includes the elements described above.

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.

Service providers may use assessments that have been completed by other education or training programs within the last year. However, the service provider should evaluate the information provided and complete updated assessments if needed for effective WIA program planning and update the ISS appropriately. Objective assessment results should be recorded on the Objective Assessment section of the

Individual Service Strategy. The ISS is in the Form Section of the Manual (WIA.XX).

C. Basic Skills Assessment

All youth participants shall be assessed for basic skill levels (Reading and Math) using the Test for Adult Basic Education (TABE). 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.

Acceptable documentation other than the score sheet from a generally accepted standardized test includes:

1. General Educational Development (GED) test equivalency certificate attained within the last year;
2. Standardized test scores entered on report cards;
3. Other current school records of reading level from a generally accepted standardized test (determined the last 12 months);
4. Bachelor degree from college/university;
5. Collateral contacts with school/college which include the name and results of the assessment; and
6. If an applicant is unable to read, s/he may be considered to have English reading skills below the 8.9 grade level.

Examples of unacceptable documentation are:

1. High school diploma;
2. Report cards;
3. GED obtained longer than one year ago;
4. Teacher or school administration statements not citing specific assessments or test results; and
5. Tests that are not standardized.

Post-Testing: All participants who receive services and tested at or below 8.9 grade levels 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 and be an indication of correct or incorrect program activities. Post-test results will be kept in participant file.

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.

FAMILY SIZE AND INCOME DETERMINATION

A. Family Size

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 considering families, for eligibility purposes, adults in those families must meet the established priority of service requirements.

However, 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. 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. (WIA XX)

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 social security, 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;
8. College or university grants, fellowships, and assistantships;
9. Net gambling or lottery winnings.

EXCLUDE from family income:
1. Unemployment compensation;
2. Child support payments;
3. Welfare payments (including AFDC, SSI, RCA, and GA);
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, 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).

C. Income Table for Adults and Youth

Family Size	Annual Non-Metro Area	6 Months Non-Metro Area
1	$ 9,570*	$ 4,785*
2	$13,230	$ 6,615
3	$18,160	$ 9,080
4	$22,410	$11,205
5	$26,450	$13,225
6	$30,930	$15,465

For families larger than six persons, add the amount equal to the difference between the six and the five person family income levels ($4,480) for each additional person in the family.

EXAMPLE: To calculate family of 7 Income Level:

Family of 6 Level	$ 30,930
Family of 5 Level	- 26,450
	$ 4,480

Family of 6 Level	$ 30,930
Difference	+ 4,480
Family of7 Level	$ 35,410

Explanation of Income Table
The table is a combined listing of seventy 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.

SELECTIVE SERVICE DETERMINATION PROCEDURE

A. Selective Service Registration

All participants enrolled in WIA Intensive and Training and Youth services must be in compliance with Selective Service Registration under the Military Selective Service Act as a condition for participation. **Note:** Enrolled youth who turn 18 following enrollment must comply with Selective Service requirements by their 18th birthday.

In order to be a participant in WIA, male citizens of the United States born after December 31, 1959, who are between the ages of 18 and 26 must be registered with the Selective Service. If a male citizen born after December 31, 1959 is over the age of 26 and has not registered for the Selective Service and has not met certain conditions outlined in this section, the person may no longer register and may not be considered eligible for WIA. (Exceptions to this rule are listed below in B.5.

B. Procedure For Determining Selective Service Compliance

Applicants to the WIA program are required to comply with the U.S. Military Selective Service registration requirements even if the applicant is a veteran of the Armed Forces. The intake counselor should observe the following steps to determine whether male applicants satisfy the Selective Service Registration requirement.

1. Determine date of birth for all males. The requirement is not applicable to males born before January 1, 1960. It is also not applicable to males who have not yet reached their 18th birthday. It is applicable to all other male applicants born after December 31, 1959.
2. For males who have attained age 18 but have not yet attained age 26, verify whether the applicant has complied with the registration requirement by calling the Selective Service Registration Information Office (708-688-2576) or by Internet at http://www.sss.gov/.
3. For males born after December 31, 1959, who are 26 years of age or older, verify registration by calling the number above. If the applicant has complied with registration, no further action is necessary. If the applicant is not registered, the following determination must be made.
   a. Determine whether the applicant has received an honorable discharge from active duty with one of the U.S. military services. Reserve duty and National Guard service are not acceptable.
   b. If the applicant served on military active duty but did not receive an honorable discharge or a release under honorable conditions, a determination must be made in accordance with Paragraph 4 below.
   c. If the applicant served on active duty and received an honorable discharge or release under honorable conditions, and is otherwise eligible, he may participate in WIA programs.
   d. Determine whether the applicant has a disability that would permanently disqualify him from military service. If a man has a physical or mental disability,

no further action is necessary and an otherwise eligible man may participate in WIA. Include documentation of the disability in the individual's file.

4. If an applicant does not have a documented disability that would permanently disqualify him from military service, nor an honorable discharge, and has not complied with Selective Service Registration, a Registration Status Information letter must be obtained from the Selective Service before he may be determined eligible to participate in WIA. Advise the applicant of the following procedures to follow in order to obtain the Registration Status Information letter:
   a. The applicant may send information necessary for a Registration Status Information letter directly to:

      Selective Service System (ADV)
      P.O. Box 4638
      North Suburban, Illinois 60197-4638

   b. Information necessary for Registration Status Information letter may consists of:
      (1) the applicant's name and current address;
      (2) Date of birth;
      (3) SSN (optional, but helpful);
      (4) A statement that the applicant is requesting an advisory opinion under Section 3 of the Military Selective Service Act; and
      (5) The applicant's explanation as to why he failed to register with the Selective Service after reaching age 18 and before reaching age 26.

   Providers should not offer advice or direction to individuals when obtaining a statement from the applicant concerning the reasons why he did not comply with the Selective Service Registration requirement. Simply tell the applicant to state the reason as he believes it to be true.
5. Starting in January 1995, Selective Service is issuing revised Status Information Letters which reflect only the data which is revealed in Selective Service records. Subsequently, no determination is made as to whether the response is favorable.

   It is Selective Service management officials' judgment that the decision for determining the nature of a man's failure to register rests solely with the Agency dispersing benefits, rights or training.

   Upon receipt of a letter from Selective Service, program operators are to determine whether the man was required to register and so complied. The program operator should evaluate the evidence presented by the applicant and make a determination regarding whether or not the applicant’s failure to register with the Selective Service when he was required to register is consistent with the 1986 amendment to P.L. 99-661, §1366, which states that:
   a. A person may not be denied a right, privilege, or benefit under Federal law by reason of failure to present himself for and submit to registration under section 3 [50 U.S.C. App. 453] if:

(1) The requirement for the person to so register has **terminated or become inapplicable to the person**; and
(2) The person shows a preponderance of the evidence that the failure of the person to register **was not a knowing and willful failure to register.**

If after reviewing the evidence, the service provider determines that the preponderance of the evidence shows that a man's failure to register was not a knowing and willful failure and he is otherwise eligible, **services may be granted.** If the determination is that the evidence shows the applicant's failure to register was knowing and willful, **services must be denied.** Applicant denied services should be advised of the grievance procedures available to them under WIA. (USDOL TEGL NO. 8-98, 11/4/98)

C. Status Information Letters

Letter Code	Letter Title	Condition
E1-E7	The applicant's documentation indicates he was not required to register or was exempt for the entire time period (age 18 through 25).	
RR	**REQUIRED TO Register**	The applicant indicates he attempted to register but Selective Service has no record that he registered.
NR	**NOT REQUIRED TO REGISTER - DOB BEFORE 1960**	The applicant was born before 1960 and, therefore, not required to register.
NM	**MILITARY SERVICE -**	The applicant's documentation indicates he was on active NONCONTINUOUS duty military but for only a portion of the period that would exempt him from registering. Therefore, was required to register but did not.
RL	**REQUIRED TO REGISTER (COMPLIANCE LETTER SENT)**	The applicant's documentation indicates he was required to register but Selective Service has no record that he registered. Also, Selective Service records indicate he was sent one or more compliance letter/s requesting his compliance with the regulation requirement during a period when he was required to be registered.
RD	**REQUIRED TO REGISTER**	The applicant did not provide valid reason or (HE STATED HE DID NOT) documentation that he was not required to register. Therefore, he was required to register but did not.

SOCIAL SECURITY NUMBER PROCEDURE

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 (SSN). 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.
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 or Work Experience). They will be tracked through Unemployment Insurance Wage Records for performance measures.

Providers should advise applicants at intake of the use of the SSN. Applicants should also be advised that the SSN is used for 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.

Federal reporting requirements promulgated in the Federal Register on November 12, 1992, and in USDOL Training and Employment Information Notice No. 5-93, dated June 23, 1994, states that: "A valid SSN for such individual 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: the first and last positions of the number should contain alpha characters, and the remaining positions should contain numbers. 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.

SERVICES AND ACTIVITIES

The Workforce Investment Act provides for three levels of services; 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 not subject to priority for service requirements. 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 (MontanaWorks Code 01);
   b. Outreach, intake (which may include worker profiling), and orientation to the information and other services available through the one-stop delivery system (MontanaWorks Code 02);

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 (MontanaWorks Code 03);
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. MontanaWorks Code 04). 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: (MontanaWorks Code 05)
   a. Training services;
   b. Youth activities;
   c. Adult education;
   d. Post-secondary vocational education;
   e. Vocational education activities available to school dropouts under Carl Perkins;
   f. 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 (MontanaWorks Code 06);

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 (MontanaWorks Code 07);

8. Provision of information regarding filing claims for unemployment compensation (MontanaWorks Code 08);

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 (MontanaWorks Code 09);
10. Computer Resources (MontanaWorks Code 10);

11. Resource Room use (MontanaWorks Code 11);

12. Open Workshops (MontanaWorks Code 12);

13. Job search and placement assistance, and where appropriate, career counseling (MontanaWorks Code 20);

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 (MontanaWorks Code 21);

15. Rapid Response – may only be used by Job Service Workforce Center staff or agency that receives Rapid Response funds. (MontanaWorks Code 22).

16. One-Stop Services
    [One stop record under development]

B. 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 and dislocated worker 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: (MontanaWorks Code: 30)
         (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 (MontanaWorks Code: 31);
      c. Group counseling (MontanaWorks Code: 32);
      d. Individual counseling and career planning (MontanaWorks Code: 33);
      e. Case management for participants seeking training services (MontanaWorks Code 34);
      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 (MontanaWorks Code: 35);
      g. Work Experience/Internships (MontanaWorks Code: 36);
      h. Adult Basic Education/Literacy Services (MontanaWorks Code: 37).

C. Training Services

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:
   - Who have met the eligibility requirements for intensive services and who are unable to obtain or retain employment through such services;
   - 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 successfully participate in the selected program of training services;
   - 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
   - Who are unable to obtain other grant assistance for such services, including Federal Pell Grants; or
   - 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, appropriate reimbursement shall be made to the WIA program from such Federal Pell Grant.

   Training services shall be provided through providers listed on the Department of Labor and Industry Eligible Provider List (ETPL). ETPL printout shall be documented in the participant's file.

2. Training services may include:
   - Occupational skills training, including training for nontraditional employment and for training programs operated by the private sector (MontanaWorks Code 50);
   - On-the-job training (MontanaWorks Code 51);
   - Programs that combine workplace training with related instruction, which may include cooperative education programs (MontanaWorks Code 52);
   - Training programs operated by the private sector;
   - Skill upgrading and retraining (MontanaWorks Code 53);
   - Entrepreneurial training (MontanaWorks Code 54);
   - Job readiness training (MontanaWorks Code 55);
   - Adult education and literacy activities provided in combination with services described in any of clauses (i) through (vii) **(**MontanaWorks Code 56);

- Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training (MontanaWorks Code 57).

3. Tuition and Fee Payments
   The service provider must verify and pay tuition and other training fees in accordance with the training provider's documented payment policy or terms.

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

1. Core to Intensive Services
   In order for an **adult** to move from core services to intensive services, individuals must receive at a minimum:
   a. Eligibility Determination; and
   b. an initial Assessment indicating 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:
   a. Eligibility Determination; or
   b. 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.

      For the purpose of moving from core to intensive services the initial assessment shall mean the significant development of an Individual Employment Plan (IEP).

2. Moving From Intensive to Training Services
   To move from intensive services to training services the IEP must indicate that training is necessary for the individual to obtain or retain employment leading to self-sufficiency.

   To move from intensive services to training services individuals must receive, at a minimum:
   a. a completed IEP indicating that training is necessary for the individual to obtain or retain employment leading to self-sufficiency; or
   b. a comprehensive and specialized assessment of skill levels and service needs; or
   c. group and/or individual employment counseling; or
   d. case management and career planning.

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 which shall 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 (MontanaWorks Code 80);
2. Alternative secondary school offerings (MontanaWorks Code 81);
3. Summer employment opportunities directly linked to academic and occupational learning (MontanaWorks Code 82);
4. Paid and unpaid work experiences, including internships and job shadowing (MontanaWorks Code 83);
5. Occupational skill training (MontanaWorks Code 84);
6. Leadership development opportunities, which may include such activities as positive social behavior and soft skills, decision making, team work and other activities (MontanaWorks Code 85);
7. Supportive services (MontanaWorks Code 86);
8. Adult mentoring for a duration of at least twelve (12) months, that may occur both during and after program participation (MontanaWorks Code 87);
9. Follow-up services (MontanaWorks Code 88);
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 (MontanaWorks Code 89).

C. Youth Goals and Training Services

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

1. Basic Skills Goal (MontanaWorks Code 90)
2. Occupational Skills Goal (MontanaWorks Code 91)
3. Work Readiness Skills Goal (MontanaWorks Code 92)
4. On-the Job Training (MontanaWorks Code 93)
5. Customized Training (MontanaWorks Code 94)
6. Work Experience (MontanaWorks Code 36)

WORK EXPERIENCE (WEX)

A. Description

Work Experience is a planned, structured learning experience that takes place in a workplace for a limited period of time. A work experience workplace may be in the private for profit sector, the non-profit sector or the public sector. Work Experience is an authorized Intensive activity for WIA Adult, Dislocated Workers or 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 participation shall be for a reasonable length of time based on the needs of the participant, which shall be documented in the participant's IEP or ISS.

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.

I-9's are required for Work Experience employees. Providers are establishing an employer/employee relationship; therefore, an I-9 is required.

B. Participant Benefits and Hours of Work

1. 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))

   Wages are subject to withholding for Social Security, Federal Income Tax, and Montana State Income Tax. Transportation and/or supportive services if paid are over and above wages and are not subject to tax deduction.

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

   For *authorized holidays*, the participant will be paid if she/he attended the training on the working day before and after the holiday. These wages are subject to the payroll withholding provisions for Social Security and Federal/State Income Taxes.

Injury - Providers who function as employers are to ensure that each Work Experience participant is covered by State Workers' Compensation Insurance or adequate injury insurance.
Wage Credits - Wage credits for Unemployment Insurance cannot be earned on employment funded under Work Experience. Participants are to be provided with Workers' Compensation Coverage (181(b)(4)), but because they are not considered employees, participants cannot earn wage credits for Unemployment Insurance.
Hours of Work - Full-time participation is defined as working 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.

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

C. Worksite Supervision

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.

D. Memorandum of Agreement, Training Summary, Concurrence forms

A Memorandum of Agreement must be completed for each cooperating agency prior to the placement of participants at a worksite. The Memorandum of Agreement sets forth the intent of the activity and occupational summary.

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

Union concurrence is to be completed for each agreement where a collective bargaining agreement covers the occupation the participant(s) are to be placed in.

The provider's copy of the Memorandum of Agreement, Concurrence and the Training Summary must be attached together and kept in the provider's office.

Facsimile and instructions for the Memorandum of Agreement, WEX Training Summary, and Concurrence forms are in the Forms Section of this Manual.

E. Time Limitation

Participation shall be for a reasonable length of time based on the needs of the participant, which shall be documented in the participant's Individual Employment Plan (IEP) or Individual Service Strategy (ISS) for youth.

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 Bureau of Apprenticeship and Training (BAT), 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 are met; 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 up to 50 percent of the wages paid to the participant by the employer.

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. Program operators shall use the OJT Pre-Award Review form (WIA.30) 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

c. Alternate Process for determining length of training:
   The following table will convert the current Specific Vocational Preparation (SVP) Code to the new Job Zone Levels. This table will allow individuals currently participating in an OJT contract to convert the contract to the new Job Zone Levels, if needed. The table will also allow those providers who have not updated to the O*NET system to continue to use the Dictionary of Occupational Titles and SVP codes till they have updated to O*NET.

   SVP Range–Below 4.0 Job Zone 1
   SVP Range–4.0 to <6.0 Job Zone 2
   SVP Range–6.0 to <7.0 Job Zone 3
   SVP Range–7.0 to <8.0 Job Zone 4
   SVP Range–8.0 and above Job Zone 5

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 it will be determined 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. (WIA.XX)

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. (WIA.XX)

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) On-the-Job Training Contract
      (2) Special Terms and Provisions/Assurances and Certifications
      (3) OJT Training Summary
      (4) OJT Pre-Award Review
      (5) Concurrence
      (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. 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.

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 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.

CUSTOMIZED SKILLS

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. Employers may be reimbursed by the WIA program for up to 50 percent of the costs incurred in providing the training including staff/instructor time or training materials.

Customized Skills Training provided to participants must be identified on the Customer Skills Training Plan/Reimbursement Form. (WIA.XX)

Customized Skills Training is skills training targeted to a specific industry and is designed to provide individuals with the introduction of new technologies, introduction to new production or service procedures, upgrading to new job skills that require additional skills or workplace literacy.

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. 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 employer must make a commitment to hire the participant(s), or in the case of incumbent workers, continue to employ the participant(s), who successfully complete the training.
3. The training activity may take place at the worksite or in a classroom setting. The training should be for a specified length of time. The employer or an intermediary may provide the training.
4. The service provider will negotiate the reimbursement rate up to 50 percent with the employer prior to commencement of training.
5. Customized Skills Training of incumbent workers is limited to individuals who are not earning a self-sufficient wage.

C. Documentation Requirements

Service providers should provide employers with 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 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.

INDIVIDUAL TRAINING ACCOUNTS (ITA)

A. Description

Individual Training Accounts are established on behalf of the participant. WIA Title IB Adult and Dislocated Worker participants will use ITAs to purchase training services from eligible providers they select in consultation with the case manager, counselor or coordinator. Individual Training Accounts are not authorized for WIA Title IB Youth programs.

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.

B. Limitations

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

1. Are unable to obtain grant assistance from other sources (Federal Pell Grants) to pay the cost of their training; or
2. Require assistance beyond that available under grant assistance from other sources (Federal Pell 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.
4. Participants may enroll in ITA funded training while their application for a Pell Grant is pending provided that the service provider has made arrangement with the training provider and the participant regarding the allocation of the Pell Grant, if it is subsequently award. If a Pell Grant is awarded, the training provider must reimburse the service provider the ITA funds used to underwrite the training for the amount the Pell Grant covers. Reimbursement is not required from the portion of Pell Grant assistance disbursed to the participant for education-related expenses.

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 ITAs may select a training institution/program from the Montana Eligible Provider List (EPL) or from another State, provided that the training institution/program is listed on that State's Eligible 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 must 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. These costs 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, including that the provider is on the ETPL at time of payment and that the payments are supported by appropriate documentation.

Financial responsibility for ITAs remain 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 with the case manager, counselor or coordinator 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.

ELIGIBLE TRAINING PROVIDERS

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

In accordance with WIA 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 application located in the Forms Section of the State WIA Policy Manual.
- 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.

When a provider 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.

B. Application Process

Programs not meeting the requirements listed in Paragraph 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 4.70 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.

C. Performance Information

Montana has received a waiver from the US Department of Labor on the collection of Eligible Training Provider performance through June 30, 2007.

D. 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.

E. Procedures for Submission

All applications are to be submitted to:

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

F. 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. Tuition and fees for an ITA (MontanaWorks Code 50 – Occupational Skills Training)

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 participants 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.

G. Short-term Training

Short-term 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.

H. Waiver Request

Montana's waiver of the time limit on the period of initial eligibility of training providers was approved by USDOL in 2005. The waiver extension will allow Montana to better determine the most effective and efficient method of collecting training provider performance data, as well as alleviate provider concerns with the types and amount of information being requested. The waiver expires on June 30, 2007.

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.

CREDENTIALS

A. Adult, Dislocated Worker, Older Youth:

Participants who enter unsubsidized employment, and participated in one or more of the following training activities, may be considered for a credential attainment for performance measure attainment: 35 – Pre-vocational training; 37 – ABE/Literacy Services; 50 – Occupational Skills Training; 51 – On-the-Job Training; 52 – Combined Workforce Training with related instruction; 53 – Skill Upgrade & Training; 54 – Entrepreneurial Training; 55 – Job Readiness; 56 – ABE/Literacy combined with training; 57 – Customized Training; and 58 – Job Coaching.

WIA Sec. 136(b)(2)(A)(IV); 20 CFR Part 666.100(a)(2)(iv))

B. Younger Youth, Older Youth:

Youth participants, who enter post-secondary education, advanced training or unsubsidized employment, and participated in one or more of the following training activities, may be considered for a credential attainment for performance measure attainment: 80 – Tutoring/High School Study Skills; 81 – Alternative Secondary School; 84 – Occupational Skills Training; 93 – On-the-Job Training; and 94 – Customized Training.

WIA Sec. 136(b)(2)(A)(IV); 20 CFR Part 666.100(a)(3)(ii)(D)

C. Definition of Credential

Credentials are defined as a high school diploma, GED or other recognized equivalent, post-secondary degrees/certificates (institutions of higher learning), licensure or industry-recognized certificates (i.e., ASE car repair, Hazmat, CNA, CDL, Boiler Operator, Flag Person, Heavy Equipment Operator, etc). For short-term, non-credit training, an awarded certificate meets the definition of credentials.

D. Documentation

Service Providers should obtain a copy of the credential (diploma, certificate, school transcript which indicates degree attained, etc.) and place the document in the participant's file.

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)**

Supportive Service Payments are also defined as needs-related payments, subsistence payments, temporary subsistence payments, or any other type of payment not directly paid for instructional or educational services.

B. Supportive Services

Supportive Services are services, which 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 basis. Limited Supportive Services may be provided to individuals receiving Core Services, however, such individuals must be registered as a WIA participant and are subject to performance outcomes.

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.

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

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).

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 objective assessment and documented in the participant's 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.

A participant may waive WIA payments (except for 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.

To be eligible for any WIA financial assistance payments, a participant must have been determined WIA eligible and:

- must have been enrolled as a participant in a program for which payments have been authorized. Limited supportive services may be provided to eligible applicants, before they are enrolled as participants, to permit participation in assessment activities; and
- must have complied with program regulations and policies during the period of training and/or enrollment.

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 the hard-to-serve population to participate in longer-term interventions. The provision of supportive services must be determined on an individual basis. Limited supportive services may be provided to eligible applicants, before they are enrolled as participants, to permit participation in assessment activities.

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

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

Supportive services directly paid to a participant cannot exceed $500 for any one participant, unless the Bureau grants a waiver.

Unallowable Supportive Services

Payments are not allowed for titled or deeded items or when recovery of the expense is anticipated. Such items include:

1. Rent deposits or housing deposits;
2. Mortgage payments;
3. Car payments;
4. Purchase of vehicles; and
5. Fines.

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. 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 state rate for the highway mileage shown on the State Highway Department map as the distance between the two points. 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.
      (3) A description of the repairs needed and provided must be maintained in the participant's file.
   d. Automobile insurance may be covered for up to two quarters of annual liability coverage. Liability coverage should be at a minimum the coverage required by State law.

4. **Temporary Subsistence (meals and lodging)**
   In a case where a program participant must leave his/her place of residence in order to participate in a WIA activity, and the training site is not within commuting distance, participants may be paid for meals and lodging for the duration of the training. Temporary subsistence requests will be paid at rate determined appropriate by the provider not to exceed federal per diem.

   For the purpose of job interviews, meals and lodging may be provided to participants on a temporary basis at the rate determined appropriate by the provider not to exceed federal

per diem. The approval must have been given prior to the interview and must be for a reasonable, limited duration.

5. **Legal Services**
   Cost for legal services may be covered when the law, courts and related situations interfere with the participant's ability to continue training or seek employment.

6. **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.

   The tools may become the property of the participant upon satisfactory completion of the WIA training as outlined in the participant's IEP. If the participant fails to complete the prescribed WIA training, the tools remain the property of WIA. An agreement attesting to the above must be signed by the participant and maintained in the participant file.

7. **Housing**
   Housing assistance includes supportive service payments for rent. When supportive service funds are used to pay this expense, a copy of the rental or lease agreement must be in the participant's file. 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.

8. **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. Work clothing (includes clothing for interviews);
   d. Financial counseling or assistance;
   e. Application fees and GED fees;
   f. Union dues or initiation fees;
   g. Auxiliary aides and services for participants with disabilities; and
   h. Business licenses

C. Needs-Related Payments

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) and 20 CFR Part 663.815

Payments based on need may be provided to individual participants in cases where such payments are necessary to enable individuals to participate in a WIA training program.

Needs-related payments are intended to meet the needs of a participant to attend training. These needs may include, but are not limited to meals, transportation and training subsistence allowances.

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

1. Guidelines

a. Meals

Payment for meals may be made*, up to current State per diem rate for each meal*, for only those meals that fall during the participant's training. (i.e. if training lasts from 3:00 p.m. to 9:00 p.m., an evening meal may be paid for.)

b. Transportation

Payments for transportation may be made only for transportation necessary to get to and from the training facility. This payment may include the purchase of a monthly bus pass, a set dollar amount to assist with the daily bus fare if no pass is available, taxi fare, or mileage reimbursement of personal auto (using either state mileage or agency reimbursement rate).

c. Subsistence Allowance

In a case where a program participant must leave his/her place of residence in order to participate in a job training program, and the training site is not within commuting distance, participants may be paid for lodging for the duration of the training however, they cannot be reimbursed for travel or subsistence if they return to their place of residence on the weekends or for breaks.

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 or ISS.

d. Needs-related payments

WIA Dislocated Worker funds may be used to provide needs-related payments to participants as appropriate. Such payments shall be provided to an eligible dislocated worker only in order to enable such worker to participate in training or education programs. To be eligible the worker:

- must be unemployed and no longer qualify for unemployment compensation. Participants who do not qualify for unemployment compensation must be participating in a training or education program.
- must have been enrolled in a training or education program by the end of the thirteenth week of the worker's initial unemployment compensation benefit period, or, if later, by the end of the eighth week after an employee is informed that a short-term layoff will in fact exceed six months.

  “Enrolled in a training or education program" means that the worker's application for training has been approved and the training institution has furnished written

notice that the worker has been accepted in the approved training program beginning within thirty calendar days.

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. The level of needs-related payments to an eligible dislocated worker in programs under this part shall not exceed the higher of:

- the applicable level of unemployment compensation
- the economically disadvantaged income level.

FOLLOW-UP SERVICES

I. Adult and Dislocated Worker Follow-up Services

Follow-up Services must be made available, as appropriate, to WIA participants after exit to unsubsidized employment for a minimum of 12 months following the first day of employment.

Follow-up services are provided to ensure job retention, wage gains and career progress for participants who have obtained unsubsidized employment.

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:

- 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; and
- referral to supportive services available in the community.

II. Youth Follow-up Services

All WIA Youth participants must receive some form of follow-up services for a minimum duration of 12 months. The types of services provided and the duration of services must be determined based on the needs of the youth. Input this information on the follow-up tab of the WIA registration.

Youth follow-up services may include: (1) The leadership development and supportive service activities listed in 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.

PERFORMANCE REPORTING REQUIREMENTS

The Bureau will conduct quarterly and annual performance reporting requirements.

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 and the Wage Record Interchange System (WRIS) to gather data from other states' Unemployment Insurance systems.

The Bureau staff will incorporate updated performance levels, weights for customer satisfaction, and reporting periods for performance measures. The Bureau will submit performance reports to ETA as well as provide monthly individual performance reports to each service provider.

II. Annual Report

The Bureau will produce the annual Workforce Investment Act Standardized Record Data (WIASRD) report and tables required for the Annual Report on a timely basis.

III. Data Validation

The Bureau is required to conduct an annual "Data Element Validation" for WIA Title 1B Adult, Dislocated Worker, Older Youth, and Younger Youth programs. The validation is conducted at each service provider location.

Data element validation evaluates the accuracy of participant data used to generate annual WIA performance reports. The process compares source documentation in participant files, such as eligibility documentation, to selected information pulled from a sample of exited participant records. Data element validation is critical to ensure that performance results of Montana's WIA program are reasonably accurate.

Several specific requirements include the following:

- Social Security Numbers (SSN) must be documented with the following sources:
  - Social Security Card
  - SSN verification from Social Security Administration
  - DD-214
  - Passport
- Veteran status for participants who exit after November 1, 2004 must be documented with the following sources:
  - DD-214
  - Veteran status verification from the Veterans Administration

- Selective Service registration documentation must be placed in participant files for any male participant born after January 1, 1960:

- Youth program service providers need to devise a tickler system to remind them to collect Selective Service documentation when youth participants turn 18 years of age.

The Bureau will produce a data extract for data element validation. This file is based on exited participant data and ensures that Montana's data is being correctly reported to USDOL-ETA.

IV. Performance Report Due Dates

Due dates for Federal 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
Data Validation:	Due February 1

V. 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 entered employment, retention, and earnings increase measures and the employment portion of the youth placement in employment or education measures.

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.

VI. Definitions

Employed at Registration - An individual who, during the 7 consecutive days prior to registration, did any work at all as a paid employee, in his or her own business, profession or farm, worked 15 hours or more 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.

Not Employed at Registration - An individual who does not meet the definition of employed at registration.

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.

Date of Dislocation - The last day of employment at the dislocation job. If there is no date of dislocation, date of registration will be used instead.

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; 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.

Credential - nationally recognized degree or certificate or State/locally recognized credential. Credentials include, but are not limited to, a high school diploma, GED or other recognized equivalents, post-secondary degrees/certificates, recognized skill standards, and licensure or

industry-recognized certificates. States should include all State Education Agency recognized credentials. In addition, States should encourage establishment of certificates to recognize successful completion of the training services listed above that are designed to equip individuals to enter or re-enter employment, retain employment or advance into better employment.

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.

Basic skills goal is a measurable increase in basic education skills including reading comprehension, math computation, writing, speaking, listening, problem solving, reasoning, and the capacity to use these skills.

Occupational skills goal is a primary occupational skill, which encompasses the proficiency to perform actual tasks and technical functions required by certain occupational fields at entry, intermediate or advanced levels. Secondary occupational **skills entail familiarity with** and use of set-up procedures, safety measures, work-related terminology, record keeping and paperwork formats, tools, equipment and materials, and breakdown and clean-up routines.

Work readiness skills goal is work readiness skills including world of work awareness, labor market knowledge, occupational information, values clarification and personal understanding, career planning and decision making, and job search techniques (resumes, interviews, applications, and follow-up letters). They also encompass survival/daily living skills such as using the phone, telling time, shopping, renting an apartment, opening a bank account, and using public transportation. They also include positive work habits, attitudes and behaviors such as punctuality, regular attendance, presenting a neat appearance, getting along and working well with others, exhibiting good conduct, following instructions and completing tasks, accepting constructive criticism from supervisors and co-workers, showing initiative and reliability, and assuming the responsibilities involved in maintaining a job. This category also entails developing motivation and adaptability, obtaining effective coping and problem-solving skills, and acquiring an improved self image.

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/Bureau of Apprenticeship and Training (BAT) 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.

CUSTOMER SATISFACTION

I. Obtaining Customer Satisfaction Outcomes

Section 136 of WIA specifies that each State is responsible for obtaining customer satisfaction outcomes for registered participants who exit the program and for employers who received substantial services through One-Stop systems. TEGL 7-99 states that WIA Title I-B participants in the Adult, Dislocated Worker, and Youth (Older Youth 19-21 and Younger Youth 14-18) 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. In addition, it has been used twice in the past four years to assess customer satisfaction for the USDOL Employment & Training Administration's Quality Initiative, the Workforce Excellence Network. 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

TEGL 7-99 states that participant and employer customer satisfaction responses must be collected by telephone interviews. 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 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, are 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 or Wagner-Peyser (Job Service Workforce Center) 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.

D. Montana Negotiated Performance Levels for Customer Satisfaction

Performance Measure	**PY-05 (07/01/05 - 06-30-06)**	**PY-06 (07/01/06 - 06-30-07)**
WIA Customer Satisfaction		
Participants	84	84
Employers	88	90

PERFORMANCE MEASURES

The WIA Quarterly Report 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

For Program Year 2005, Common Measures are tracked in addition to the current for Adult, Dislocated Worker, and Older Youth WIA Core Indicators, as mentioned below. Younger Youth common measures will be measured in Program Year 2006.

Training and Employment Guidance Letter (TEGL) 28-04 outlines the Common Measures policy from USDOL-Employment and Training Administration. See Appendix XX, TEGL 28-04. Also see Appendix XX for Frequently Asked Questions on Common Measures.

I. Adult, Dislocated Worker Performance Measures

For Adult and Dislocated Workers registered in intensive and training services, the following performance measures apply:

A. **Entered Employment Rate**
This measure provides information about participants in unsubsidized employment after exit for those participants who were previously unemployed. TEGL 28-04 Common Measures Definition

B. **Employment Retention Rate**
This measure provides retention information for participants for at least a six-month period after exit from the program. **TEGL 28-04 Common Measures Definition**

C. **Six Months Earnings Increase**
This measure provides a comparison of pre- and post-program earnings by looking at participant earnings six months after entry into employment after exit, compared to two quarters prior to registration. **TEGL 28-04 Common Measures Definition**

D. **Employment and Credential Rate**
This measure provides information on participants who attain a recognized credential relating to achievement of educational skills, which can include a secondary school diploma or equivalent, or occupational skills for participants who enter unsubsidized employment. A credential is defined as a high school diploma or equivalent, postsecondary degree or certificate, licensure or industry-recognized certificates.

II. Older Youth Performance Measures

For Older Youth ages 19-21 registered in intensive and training services, the following performance measures apply:

A. **Entered Employment Rate**
This measure provides information about participants in unsubsidized employment after exit for those participants who were previously unemployed.
TEGL 28-04 Common Measures Definition

B. **Employment Retention Rate**
This measure provides retention information for participants in postsecondary education, advanced training, or employment for at least a six-month period after exit from the program. **TEGL 28-04 Common Measures Definition**

This measure provides a comparison of pre- and post-program earnings by looking at participant earnings six months after entry into employment after exit, compared to two quarters prior to registration. **TEGL 28-04 Common Measures Definition**

C. Six Months Earnings Increase
This measure provides a comparison of pre- and post-program earnings by looking at participant earnings six months after entry into employment after exit, compared to two quarters prior to registration. **TEGL 28-04 Common Measures Definition**

D. Employment and Credential Rate
This measure provides information on participants who enter postsecondary education, advanced training, or unsubsidized employment.

III. Younger Youth Performance Measures

For Younger Youth ages 14-18 registered in intensive and training services, the following performance measures apply:

A. **Skill Attainment Rate**
This measure provides information on participants who attain basic skills, work readiness, or occupational skills while participating in the Youth program.

B. **Attainment of a Degree or Certificate**
This measure provides information on participants who attain secondary school diplomas or their recognized equivalents, such as a GED.

C. **Placement in Employment or Education**
This measure provides information on participants who exit and enter postsecondary education or advanced training, or enter employment, military service, or qualified apprenticeships.

D. **Youth Retention**
This measure provides information on participants who exit and enter employment, military service, or qualified apprenticeships, or other non-Title IB training.

IV. Youth Common Measures

The Youth Common Measures will be measured for Program Year 2006 (July 1, 2006).

A. **Literacy and Numeracy Gain**
This measure provides information on the increase in the skills of participants through use of a common assessment tool administered at program entry and at regular intervals thereafter. **TEGL 28-04 Common Measures Definition**

B. **Placement in Employment or Education**
This measure provides information on youth who successfully enter employment, the military, or postsecondary education after participation in WIA Title IB programs.
TEGL 28-04 Common Measures Definition

C. **Attainment of a Degree or Certificate**
This measure provides information on youth who are enrolled in education that attain a diploma, GED, or certificate. **TEGL 28-04 Common Measures Definition**

V. 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	**74%**
Wage at Placement	**$8.00**

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.

VI. Performance Levels

Performance Measure	PY-05 (07/01/05 - 06-30-06)	PY-06 (07/01/06 - 06-30-07)
Adult		
Entered Employment	81	82
Employment & Retention	83	85
Earnings Change	$4,100	$4,200
Employment & Credential	70	71
WIA Dislocated Worker		
Entered Employment	80	81
Employment & Retention	89	90
Earnings Change	$275	$325
Employment & Credential	70	71
WIA Older Youth		
Entered Employment	76	77
Employment & Retention	86	87
Earnings Change	$3,400	$3,500
Employment & Credential	62	63
WIA Younger Youth		
Skill Attainment	89	91
Diploma or Equivalent	63	65
Younger Youth Retention	67	69
WIA Customer Satisfaction		
Participants	84	84
Employers	88	90

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 www.doleta.gov/sga/pdf/finaltag_august_02.pdf . 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.

COST PRINCIPLES, ALLOWABLE COSTS AND UNALLOWABLE COSTS

There are Federal cost principles that define when and how costs can be charged to grants: OMB Circular A-87 Cost Principles for State, Local and Indian Tribal Governments; and A-122 Cost Principles for Non-Profit Organizations. 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.

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 n the regulations.

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

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 OMB Circular A-122, Section 7.f.)

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

1. Guidelines
   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. 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. 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 (reference section 667.260 of the regulations).

   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.

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 any 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.

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 **OMB Circular A-122**. 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.

EXPENDITURE REPORTING

All federal grant expenditure reports (except for National Emergency Grants) 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.

Standard Form (SF) 269 will used and may be modified to encompass all reporting requirements depending upon the federal grant being submitted. Various examples of the SF 269 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 Status Reports (FSRs) submitted to the Bureau.

A. Late Reporting

Service providers shall receive one written warning notice concerning late reporting. 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.

C. **National Emergency Grant Reporting**

Because USDOL authorizes National Emergency Grants on an incremental funding basis, and each increment must be **80% spent before the next increment can be requested**. The reporting periods will be **monthly** for National Emergency Grants.

National Emergency Grant reports will be reported on federal Standard Form SF 269 and are due to the Bureau by 5:00 p.m. on the twenty-fifth (25) calendar day after the month end date. Month end dates are the last calendar day in each of the twelve months; July 31 through June 30.

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 must 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.

AUDITS AND RECORD RETENTION

A. Audit Requirements

Every recipient and subrecipient organization that expends $500,000 or more in Federal financial assistance funds (received from all Federal sources combined) during its fiscal year to operate one or more programs must undergo an audit in accordance with OMB Circular A-133. A recipient, whether a State or Local Area that passes down funds to a service provider must ensure that the entity receiving the funds has an audit conducted if the entity meets the $500,000 expenditure threshold.

Service providers that expend **less than** $500,000 a year in Federal awards are exempt from Federal audit requirements for that year, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and General Accounting Office (GAO).

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:

- Generally Accepted Governmental Auditing Standards (GAGAS)
- OMB Circular A-133
- AICPA Generally Accepted Auditing Standards

The audits will include, at a minimum, an examination of:

- The systems of internal control;
- Compliance with laws, regulations, contracts/grants;
- Financial statements and federal awards schedule; and
- Prior year audit findings

The examinations are to determine whether:

- There is effective control over and proper accounting for revenues, expenditures, assets and liabilities;
- Financial statements are fairly presented in accordance with generally accepted accounting principles; and
- 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 years, and that the work papers are available to the Bureau.

Service provider 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
   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 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.

1. 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:
   a. 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 three years from the original submission date of the final expenditure report.

   b. Revisions resulting from litigation, audit/audit resolution, or claims
      Records must be maintained for five years following the submission of the final expenditure report or until all issues resulting from litigation, audit/audit resolution, or claims have bee resolved and final action taken, whichever is longer.

G. Other Retention Regulations

1. Real property and equipment records must be retained for five 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 three 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 years from the date the indirect cost rate package is submitted for negotiation. If not submitted for negotiation, the records must be maintained for three 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.

G. 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.

H. 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.

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:

- share program results with consumers, taxpayers, Congress, and other program overseers;
- compare results among WIA service providers, other states, and with other federally funded programs;
- 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

Service providers using MontanaWorks are required to maintain documentation of participant data. Service providers will enter the following information into MontanaWorks:

- Registration information which includes all eligibility information
- Individual Employment Plan (IEP) for Adult and Dislocated Worker participants or Individual Service Strategy (ISS) for Youth participants
- An accounting of all services provided to all participants and documented in an IEP or ISS
- Supportive services provided to participants
- Case notes to document contact and participant progress
- Timely outcome data showing the date of exit, reason for exit, and additional information such as employment or attending additional training

A. Deadlines for Entering Participant Data into MontanaWorks

All participant application data, change in services, and exit information shall be entered into MontanaWorks WIA within **three (3)** working days of completion of the form. Any change in service and exit information should be documented in the participant's file (IEP) in MontanaWorks.

Bureau program managers will track data entry on a monthly 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.

B. Report Generation

MontanaWorks WIA reports include summaries of exiters and demographics for the service provider.

C. Report Validation and Verification

Service providers are required to print quarterly reports for verification of participant information and participant count. Each service provider is responsible for ensuring data validity. Reports should be carefully verified and all errors corrected in a timely manner.

D. Forms

The application form and eligibility verification worksheet or an in-house application may be used to collect participant data. Information can be collected and entered into MontanaWorks while visiting with participants. If an in-house application is used, it has to contain an adequate certification statement, required data elements, and has to be signed by the applicant.

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 for whom eligibility determination has been made. 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. Application

The Application has been designed to collect all data necessary to meet Federal, State and Board reporting requirements and to determine applicant eligibility. 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 may be printed or handwritten using appropriate intake forms, and signed by the intake person and the applicant. If handwritten, 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 registered 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: Social Security card, DD-214, or passport

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).

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 (e.g., a One-Stop career center).

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, participation in a program 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 a citizen or 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 block or pseudo-number should be assigned. If the applicant does not have a Social Security Number a block or pseudo-number should be assigned using the following formula: the first and last positions of the number should contain alpha characters, and the remaining positions should contain numbers.

If no Social Security Number is obtained, the participant will not be included in performance.

4. Registration Screens
   WIA registration screens are 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
   For purposes of reaching the performance measure "Customer Satisfaction Response Rate", 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.

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C. Updating Participant 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 Costs

An active participant is a customer who is currently receiving WIA or partner agency program services. As these services are provided, information about these services is added to the Services and Cost tabs.

E. Ending Services vs. Exiting

Each program serving the participant is responsible for ending the services listed on the service tab. The last provider serving the individual is responsible for entering the exit information into MontanaWorks.

F. Exiting

The term program exit means a participant does not receive a service funded by the program or funded by a partner program for **ninety (90)** consecutive calendar days and is not scheduled for future services.

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 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 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 planned gap in service, 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 Planned Gap in Services: Participants should not be considered as exited if there is a planned 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.
4. Participants who are exited from services because they are incarcerated, deceased, or have a health/medical condition that prevents the individual from participating in services, should 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 planned gap in service or the planned gap in service is for reasons other than those specified above, that participant has exited WIA for the purposes of performance measurement.

Service providers should document any gap in service that occurs with a reason for such a gap in service.

TEGL No. 28-04 Common Measures Policy

G. Vendor Codes

The Bureau has the responsibility to assign vendor, employer, and Eligible Training Provider codes. These codes are used in conjunction with services provided by vendors, on-the-job training (OJT) contracts with employers, and training, work experience (WEX), provided by Eligible Training Providers. Name, address, phone number, contact information, and start date are the elements to assign new vendor or employer codes.

III. Confidentiality Agreement

All service provider staff 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.

GLOSSARY OF TERMS AND DEFINITIONS

Acronyms – Words formed from the initial letters or parts of words.

Act – Means the Workforce Investment Act of 1998(WIA) or Public Law (PL) 105-220. A new, customer focused comprehensive workforce system (One-Stop System) to help Americans access the tools they need to manage their careers through information and high quality services, and to help U. S. companies find skilled workers.

Adult – An individual who is age 18 or older. (PL 105-220)

Adult Basic Education (ABE) -- Education for adults whose inability to read, write or speak English or to effectively use mathematics is a barrier to their ability to get or keep employment. ABE is designed to improve their ability to benefit from training and improve their opportunities for employment and to meet adult responsibilities.

Adult Secondary Education Skills -- Education for adults consisting of courses in mathematics, reading, history, science, government, language arts, and other courses and classes that lead to a high school diploma or a General Education Development (GED) Certificate.

Core Services: Core services are not subject to priority requirements. Core services are universally available to all adults entering a one-stop system facility.

Intensive and Training Services: WIA says that in the event that funds allocated to a local area for adult employment and training activities under 133(b) are limited, priority shall be given to recipients of public assistance and other low-income individuals for intensive services and training services. **WIA Sec. (134(d)(2)(E)**

Affirmative Action – Specific results-oriented policy and procedures through which an agency commits itself to every good faith effort to correct deficiencies in the equitability with which it serves significant segments of its eligible population.

Alternative Education programs – is defined as a separate program within a K-12 public school district or charter school established to serve and provide youth a choice or option whose needs are not being met in the traditional school setting. The goal of an alternative school should be to:

1. Facilitate academic growth through career exploration and cross-curricular activities within a diverse learning community;
2. Encourage students to attend by choice;
3. Be responsive to unmet local needs; and
4. Ensure the student body reflects the racial and soci-economic mix of the community.

Some examples of schools include:

- Alternative high schools
- specialty boarding schools
- residential treatment centers for substance abuse
- behavior modification centers
- wilderness treatment schools
- juvenile boot camp schools

Americans with Disabilities Act (ADA) – A federal law providing for comprehensive civil rights protection to individuals with disabilities in areas of employment, public accommodations, state and local government services and telecommunications. (PL101-336).

America's Job Bank (AJB) -- A website where job seekers can post their resumes and search for job openings. Employers can post job listings in the nation's largest online labor exchange, create customized job orders, and search resumes.

Application - The process which requires the physical attainment of all necessary eligibility documentation regarding citizenship, age, income, selective service registration (if applicable) plus basic skills assessment for math and reading levels. Upon completion of eligibility determination, and signing of the application, eligible participants are placed into the applicant pool for consideration for enrollment into intensive services.

Apprenticeship Training -- A program combining on-the-job training with related instruction that enables workers to master the practical and technical skills required for a skilled occupation.

Architectural Barriers – Physical conditions of a building or a facility which reduce the accessibility to or usefulness of such a building or facility to individuals with physical disabilities.

Asian -- A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Barriers to Employment -- Conditions that may make employment difficult for certain individuals. Individuals with such barriers may include: single parents, displaced homemakers, youth, public assistance recipients, older workers, substance abusers, teenage parents, veterans, ethnic minorities, and those with limited English speaking ability or a criminal record or with a lack of education, work experience, credentials, transportation or child care arrangements.

Basic Literacy Skills -- Reading, writing, mathematics, problem solving and interpersonal skills training that enable adults to communicate in English, use math, obtain a high school diploma or GED and become productive, employable citizens.

Basic Skills Deficient – An individual has English reading, writing, or computing skill at or below the eighth grade level on a generally accepted standardized test or a comparable score on a criterion-referenced test.

Case Management – A client-centered approach in delivery of services, designed to:

1. Prepare and coordinate comprehensive employment plans, identifying barriers to participation and employment; devise service strategies for participants to ensure access to workforce investment activities and supportive services, using, where feasible, computer-based technologies; and
2. Assist in the enrollment of participants into allowable activities designed to enhance employability (i.e. motivation, assessment, job preparation workshops, educational classes and/or training, and/or employment services), providing job development and placement

services, and assisting individuals and families in accessing community services, addressing emergency assistance and crisis intervention and immediate needs (i.e. food, housing, clothing, and transportation); and

3. Provide job and career counseling during program participation and after job placement.

Chief Elected Official – The chief elected executive officer (or the individuals designated) of a unit of general local government in a local area.

Community Based Organization (CBO) -- A non-profit organization that originates and is developed locally to serve the needs of the community in which it is based. Services provided are varied and can include health, education, housing, and employment training.

Collocate – Several partner agencies located in a single customer friendly, functionally integrated site intended to provide customers with seamless access to WIA core, intensive and training services, and access to other services.

Client-centered – Services and improvements to the system are made based on customer feedback.

Community or Community System – The area surrounding and including one or more cities and towns that service providers residing in that area have historically served.

Community Management Team (CMT) – Group of One-Stop partners cooperatively planning WIA services in a community system.

Community-based Organization (CBO) – A private nonprofit organization that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce investment.

Core Services – Services available to all customers (universal access) of the One-Stop Center or affiliate partner agency. Core services include self-help services and services requiring minimal staff assistance as described under section 134 (d) (2) of the Act. **Note:** When staff assistance is required to provide supportive services to Core service participants, registration is required and counted for performance measurement purposes.

Core Training -- Employment-focused interventions which address basic vocational skills deficiencies that prevent the participant from accessing appropriate jobs and/or occupations.

Counseling – Staff provision of information and advice to a customer for the purpose of helping the customer make wise choices about education, training, and career services.

Credentials - Credentials are defined as a high school diploma, GED or other recognized equivalent, post-secondary degrees/certificates (institutions of higher learning), licensure or industry-recognized certificates i.e., ASE car repair, Hazmat, CAN, CDL, Boiler Operator, Flag person, Heavy Equipment Operator, etc. For short-term, non-credit training, a certificate meets the definition of credentials if the training is competency based and includes an assessment of skills attainment upon completion.

Customer - Under WIA (Workforce Investment Act) definitions, a Customer is any person seeking assistance to find employment or training, whether employed or unemployed, and employers who need qualified workers for their company or training for the workers who are already employed with them.

Customized Training

1. Training that is designed to meet the special requirements of an employer (including a group of employers);
2. Training that is conducted with a commitment by the employer to employ an individual on successful completion of the training; and
3. Training for which the employer pays for not less than 50 percent of the cost of training.

The training may occur at the employer's site or may be provided by a training vendor able to meet the employer's requirements. Such training usually requires a commitment from the employer to hire a specified number of trainees who satisfactorily complete the training.

Disabled Veteran -- A veteran who is entitled to compensation under laws administered by the Veterans Administration, or an individual who was discharged or released from active duty because of service-connected disability.

Disadvantaged Adults -- Educationally or skills disadvantaged adults are those persons who score below 8th grade level on standardized tests. They required educational assistance to bring their basic skills to a level that would make them eligible for secondary (high school) education or to hold a job with basic English and math skills.

Dislocated Worker – 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, to the appropriate entity at a one-stop center referred to in section 134(c), attachment to the workforce, but can not 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 described in section 134(d)(4), intensive services described in section 134(d)(3) 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 (see State Displaced Homemaker WIA definition. (WIA Section 101(9))

Displaced Homemaker (for Dislocated Worker Purposes) – An individual who has been providing unpaid services to family members in the home and who - -

1. Has been dependent on the income of another family member but is no longer supported by that income; and
2. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Displaced Homemaker (State-funded Program) – Refer to manual Section 3.30.

DOL, USDOL – The U.S. Department of Labor, including its agencies and organizational units.

Economic Development Agencies – Local planning and zoning commissions or boards, community development agencies, and other local agencies and institutions responsible for regulating, promoting, or assisting in local economic development.

Eligible Provider – The term "eligible provider", used with respect to:

1. Training services, means an organization, such as a public or private college and university, or community-based organization whose application has been approved for the State list of training services as identified under section 122 (e) (3) of the Act;
2. Intensive services, means a provider who is identified or awarded a contract as described under section 134 (d) (3) (B) of the Act;
3. Youth activities, means a provider who is awarded a grant or a contract under section 123 of the Act; or
4. Other workforce investment activities, means a public or private entity selected to be responsible for such activities, such as a one-stop operator designated or certified under section 121 (d) of the Act.

Eligible Training Provider List (ETPL*)* –A statewide collection of providers that are approved to give services through the One-Stop system. These lists contain consumer information, including cost and performance information for each of the providers, so that participants can make informed choices on where to use their **Individual Training Accounts**.

Employment and Training Activity – An activity described in section 134 of the Act that is carried out for an adult or dislocated worker.

Employment Service -- The state level organization or public labor exchange system connected with **DOL's** United States Employment Service.

Employed (Status at registration) – An employed individual is currently working as a paid employee or who works in his or her own businesses or profession or on his or her own farm, or works 15 hours or more per week as an unpaid worker on a farm or in an enterprise operated by a member of the family, or is one who is 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. (WIA WISARD, Item 115)

English as a Second Language (ESL) – English language education for adults whose inability to understand, speak, read, or write the English language is a barrier to their ability to get or keep employment. This also has effects on their real ability to function in society or successfully complete the citizenship application process.

ETA, DOL -- Employment and Training Administration, the part of DOL with direct responsibility for WIA programs.

Exit – The term program exit means a participant does not receive a service funded by the program or funded by a partner program for **ninety (90)** consecutive calendar days and is not scheduled for future services.

Faith Based Organization (FBO) -- Organization whose founding, governance, or membership is derived from a religious institution or religiously-affiliated entity.

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

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

Family Literacy Services (FLS) -- Services that are sufficient to make lasting changes in a family, and that integrate all of the following activities: (1) literacy activities between parents and their children; (2) training for parents regarding how to be the primary teacher for their children and full partners in the education of their children; (3) parent literacy training that leads to economic self-sufficiency; and (4) an age-appropriate education to prepare children for success in school and life experiences.

Families Achieving Independence in Montana (FAIM) – The Welfare Reform Project in Montana administered by the Montana Department of Health and Human Services (DPHHS) which began in February, 1996.

FAIM Coordinator – The employee of the County Office of Public Assistance who will determine eligibility for Pathways, help participants develop the Family Investment Agreement (FIA), monitor those agreements and make referrals to other appropriate programs.

Follow-up -- The tracking of what happens to participants when they leave the WIA program for a period of 180 days after first job placement. The reporting requirements include the following information: employment status (number of Entered Employments/Placements at 180 days after program has ended), average hourly wage (earnings change at 180 days after program has ended), and job retention (of those enrolled in training, provide number of those still employed in trained occupation at 180 days after program has ended.

GED -- General Equivalency Diploma. A high school equivalency diploma, which is obtained by passing the General Educational Diploma Equivalency Test that, measures skills and knowledge generally associated with four years of traditional high school instruction.

Governor – The chief executive of a state.

Grant – An award of WIA financial assistance by the U.S. Department of Labor to an eligible WIA recipient.

Grantee – The direct recipient of grant funds from the DOL. A grantee may also be referred to as a recipient.

Hispanic or Latino/a -- A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

Individual Employment Plan (IEP) - A plan developed by an adult or dislocated worker program participant and the case manager to identify the participant's employment goals, the appropriate achievement objectives, and the appropriate combination of services for the participant to achieve the employment goals.

Individual with a Disability

1. In general. An individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12`02)).
2. Individuals with Disabilities. More than one individual with a disability.

Individual Service Strategy (ISS) – An agreement of skills and goals decided between a WIA Youth participant and WIA Youth staff counselor (usually a case manager), that sets out a plan for the participant to make progress towards his/her educational and employment goals.

Individual Training Accounts (ITA) – An expenditure account established on behalf of an eligible participant in WIA Title IB adult and dislocated worker programs to purchase training services from eligible providers they select in consultation with the case manager, counselor or coordinator.

Initial Assessment – To determine whether the program can benefit the individual (suitability) and identify activities and services that would be appropriate, an assessment of the participant is necessary. Initial assessment is part of the overall intake process and includes the initial determination of each participant's employability, aptitudes, abilities and interests, through interviews, testing and counseling.

Intake - The process of collecting basic information which is commonly collected by all program partners (e.g., name, address, phone number, SSN) and all required activities up to the decision of eligibility or ineligibility for an individual program.

Intensive Services – Services available to adults and dislocated workers who have completed one or more Core Services and are still unable to gain employment OR who are employed and have been determined in need of services to get a better job in order to gain self-sufficiency. Intensive Services include individual career planning, resume preparation, job clubs, career counseling, internships, and comprehensive assessments. Basic education, ESL, and basic computer literacy are also sometimes considered Intensive **Note:** All participants in intensive services must be registered and are counted for performance measurement purposes.

Job Development -- The process of marketing a program participant to employers, including informing employers about what the participant can do and asking for a job interview for that individual with the employer.

JobLINC - The common identifier and 'logo' selected for use in marketing under the One-Stop Implementation grant. The system name which the local areas have agreed to adopt and operate under. To display the JobLINC registered logo, locations must participate in the Community Management Team (CMT) in their communities and, at a minimum, commit to provide core informational services from the location where the logo is displayed.

Job Placement Services – Services that specifically assist participants find jobs that may involve activities such as job search assistance, training, or job development.

Job Retention -- The ability to keep a job for a certain period of time, usually 90 or 180 days or more, which shows that a worker has the skills to fit into the workplace and succeed in a job.

Labor Exchange -- Services provided to job seekers and employers by the State Employment Service Agencies. Services to job seekers may include assessment, testing, counseling, provision of labor market information and referral to prospective employers. Employer service may include accepting job orders, screening applicants, referring qualified applicants and providing follow-up.

Labor Force -- The total of all civilians classified as employed and unemployed and members of the Armed Forces stationed in the United States. (Bureau of Labor Statistics Bulletin 2175).

Labor Market Area – an economically integrated geographic area within which individuals can reside and find employment within a reasonable distance or can readily change employment without changing their residence. Such an area shall be identified in accordance with criteria used by the Bureau of Labor Statistics of the Department of Labor in defining such areas or similar criteria established by a Governor.

Labor Market Information – Labor Market Information (LMI) must be provided to participants in every program. LMI generally involves four major areas of information, which include national job trends (including supply and demand), local job opportunities, education and skill requirements for jobs, and job seeking skills (writing resumes, job interview techniques, etc.).

Life Skills -- Those skills which are included in adult literacy dealing with such topics as consumer economics, government and law, occupational knowledge, community resources, and health that are included into an educational agency's basic literacy skills course of study.

Limited English Proficiency (LEP) -- An individual with LEP is one who has limited ability in speaking, reading, writing or understanding the English language **and**
(a) whose native language is a language other than English **or**
(b) who lives in a family or community environment where a language other than English is the dominant language

Literacy -- An individual's ability to (1) read, write, and speak in English, and (2) compute and solve problems, at levels of proficiency necessary (at or above the 8th grade level as measured on a generally accepted standardized test) to function on the job, in the family, and in society.

Local Area – The local workforce investment area(s) designated by a Governor for delivery of WIA services.

Local Board or Local Workforce Investment Board (LWIB) – The local workforce investment board established in each local area of a State.

Lower Living Standard Income Level – The income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary.

Low-income Individual – The term "low-income individual" means a person who:

1. receives, or is a member of a family that receives, cash payments under a Federal, State, or local income-based public assistance program;
2. received an income, or is a member of a family that received a total family income, for the 6-month period before application for the program involved (besides unemployment compensation, child support payments, payments described in subparagraph (A), and old-age and survivors insurance benefits received under section 202 of the Social Security Act (42 U.S.C. 402) that, for their family size, is not more than the higher of—
   (i) the poverty line, for an equivalent period; or
   (ii) 70 percent of the lower living standard income level, for a similar period;
3. belongs to a household that receives (or has been decided within the 6-month period before application for the program to be eligible to receive) food stamps according to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);
4. is a homeless person, as defined in subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302);
5. is a foster child for whom State or local government payments are made; or
6. in cases permitted by rules decided by the Secretary of Labor, is a person with a disability whose own income meets the requirements of a program described in subparagraph (1) or of subparagraph (2), but who is a member of a family whose income does not meet such requirements.

Migrant or Seasonal Farm Worker (MSFW) -- A migrant farm worker, a migrant processing worker, or a seasonal worker.

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

Needs-Related Payments – Payments established in WIA 134(e)(3) for WIA Title IB Adult participants who are:

1. Unemployed
2. Do not qualify or ceased receiving Unemployment Insurance (UI)
3. Enrolled in training services (WIA 134(d)(4)(D))

Needs-related payments are provided to individual participants in cases where such payments are necessary to enable individuals to participate in a training program funded by the Workforce Investment Act and further defined in this policy manual.

Nepotism – Refer to Section 1.30 of this manual.

Nontraditional Employment – Refers to occupations or fields of work for which individuals from one gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

North American Free Trade Agreement (NAFTA) -- Establishes Transitional Adjustment Assistance (TAA) for workers in companies affected by imports from Mexico or Canada or by shifts of U.S. production to those countries.

Occupational Skills Training -- Includes both (1) vocational education which is designed to provide individuals with the technical skills and information required to perform a specific job or group of jobs, and (2) on-the-job training.

Offender -- Any adult or youth who has been involved in the criminal justice process for whom services under this Act may be helpful or who needs assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

O*NET **– The Occupational Information Network for use matching the title of an occupation with its 5 or 6-digit occupational code (http://online.onetcenter.org/).**

Offender – Any adult or juvenile:
1. Who is or has been subject to any stage of the criminal justice process, for whom services under this Act may be beneficial; or
2. Who requires assistance in overcoming artificial barriers to employment from a arrest or conviction.

Older Individual – An individual age 55 or older.

On-site Industry-specific Training -- This is training which is specific to the needs of a particular employer and/or industry. Participants may be trained according to requirements developed by an employer for a job site. There may be an agreement to hire participants who have successfully completed training.

One-Stop Career Center -- Under the **Workforce Investment Act**, every local System must have at least one One-Stop Career Center. A One-Stop Center is a facility that makes a wide range of the system's services available at a single site, through self-service or with staff help. The number of centers, the services offered and the manner in which they are given will vary from one area to another, according to local needs and resources.

One-Stop Operator – One or more entities designated or certified under section 121(d) of the Act. One-stop operators are responsible for the operations and the coordination of all activities in a one-stop center.

One-Stop Partner – The term "one-stop partner" means:
1. An entity described in section 121(b) (1) of the Act; and
2. An entity described in section 121(b) (2) of the Act that is participating, with the approval of the local board and chief elected official, in the operation of a one-stop delivery system.
3. Any entity/individual participating in the activities of a Community Management Team (CMT).

One-Stop System -- The network of **workforce** products and services that meets business and jobseeker needs in whatever manner and location is most effective and convenient for the customer. Customers can choose to use the system's products and services in different ways. They may call a toll-free number or connect through a personal computer at home or in a neighborhood library. They may receive individualized assistance in a community-based agency, an educational institution, or a one-stop career center. The One-Stop System is often described as a "seamless system of service delivery". Information and access to services are available to customers regardless of which partner site is entered. All partners have an obligation to provide the core informational services so that individuals may access the One-Stop System regardless of where they enter, including information regarding access or linkages to intensive services, training services and the programs and activities carried out by all of the One-Stop partners.

On-the-job Training – Training by an employer that is provided to a paid participant while
1. Engaged in productive work in a job that:
2. Provides knowledge or skills essential to the full and adequate performance of job;
3. Provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, for the extraordinary costs of providing the training and the additional supervision related to the training; and
4. Is limited in duration as appropriate to the occupation for which the participant is being trained; taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

Out-of-school Youth – The term "out-of-school youth" means:
1. An eligible youth who is a school dropout; or
2. An eligible youth who has received a secondary school diploma or its equivalent is basic skills deficient, unemployed, or underemployed.

Outreach – An effort by program staff to encourage individuals in the service delivery area to use the program services. Outreach efforts also involve the collection, publication and dissemination of information on program services available in the community system to assure universal access to core services including eligibility information for services beyond core services.

Participant – An individual who has been determined to be eligible to participate in and who is receiving services (except follow-up services authorized under this title) under a program authorized by this title. Participation shall be deemed to commence on the first day, following determination of eligibility, on which the individual began receiving subsidized employment, training, or other services provided under this title.

Pathways – A time-limited cash assistance program designed to provide families with opportunities leading to self-sufficiency. Eligibility is generally limited to 24 months of assistance.

Pattern of OJT Contract Failure – Any employer who has had two or more WIA funded OJT contracts that have failed to provide the OJT participant with continued, long-term employment with wages and working conditions at the same level and to the same extent as other similarly situated employees shall be ineligible to enter into further WIA OJT contracts. Dismissal of OJT participant for 'just cause' or due to economic factors that impact the employer or additional employees shall not constitute a pattern of failure.

Placement -- The act of obtaining unsubsidized employment for or by a participant.

Pre-apprenticeship Training -- Any training designed to increase or upgrade specific academic, or physical skills required as a condition for entry into a specific type of work.

Pre-enrollment Assessment -- A process to determine the employability and training needs of participants before enrolling them into the program. Individual factors considered during pre-enrollment assessment include: a judgment of vocational interests, abilities, previous education and work experience, income requirements, and personal circumstances.

Postsecondary Educational Institution – An institution of higher education, as defined in section 481 of the Higher Education Act of 1965 (20 U. S. C. 1088).

Poverty Line – The poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U. S. C. 9902 (2)) applicable to a family of the size involved.

Provider Agreement – The contractual agreement between the Statewide Workforce Programs and Oversight Bureau and providers of services for WIA and other funds and activities of which the Bureau is the administrative entity.

Public Assistance – Federal, State or Local government support provided to families for which eligibility is determined by a needs or income test. Includes childcare, work subsidies, and allowances or other cash payments to meet living expenses.

Rapid Response Activity – Early intervention services provided by the state or by an agency chosen by the state in case of a factory closing, a natural or other disaster that causes job loss for large numbers of workers, in order to assist **dislocated workers** in obtaining reemployment as soon as possible. Rapid response is an activity provided by the State, or by an entity designated by the State under section 134(a) (1) (A) of the Act, in the case of a permanent closure or mass layoff at a plant, facility, or enterprise, or a natural or other disaster, that results in mass job dislocation, in order to assist dislocated workers in obtaining reemployment as soon as possible, with services including:

1. The establishment of onsite contact with employers and with employee representatives:
   a. Immediately after the state is notified of a current or projected permanent Closure or mass layoff; or
   b. In the case of a disaster, immediately after the state is made aware of mass Job dislocation as a result of such disaster;
2. The provision of information and access to available employment and training activities;
3. Assistance in establishing a labor-management committee, voluntarily agreed to by labor and management, with the ability to devise and implement a strategy assessing the employment and training needs of dislocated workers and obtaining services to meet such needs;
4. The provision of emergency assistance adapted to the particular closure, layoff, disaster; and
5. The provision of assistance to the local community in developing a coordinated response and in obtaining access to state economic development assistance.

Recipient – An entity to which a WIA grant is awarded directly from Department of Labor to carry out a program under Title I of WIA. The State is the recipient of funds awarded under WIA sections 127(b)(1)(C)(I)(II), 132(b)(1)(B) and 132(b)(2)(B). The recipient is the entire legal entity that received the award and is legally responsible for carrying out the WIA program, even if only a particular component of the entity is designated in the grant award document.

Registration – The process for collecting information for supporting a determination of eligibility.

1. Adult: Adults who receive services funded under Title I.B. of WIA other than self-service or informational activities must be registered and determined eligible for Intensive Services. The process of registration is designed to signal when an individual is counted against core measures of performance in Title I programs. Programs do not need to register participants until they receive a core service beyond those that are self-service or informational. This point in time also corresponds to the point where participants are counted for performance measurement purposes. When staff assistance is required to provide supportive services through core services, registration in core services is required.

2. Dislocated Worker: The same as Adult registration with the addition of Rapid Response. Individuals who participate in Rapid Response may be registered if they complete an initial assessment that indicates intensive services are necessary. Rapid Response meets the requirement for gateway services.
3. Youth: The first step is to determine if the participant is eligible after providing the participant with necessary eligibility information, eligibility documentation has been provided, the application process has been completed, and the individual has been determined eligible to participate.

Rehabilitation services -- Services provided by a licensed or authorized professional in accordance with an individualized plan of care intended to improve or maintain a client's quality of life and optimal capacity for self-care. Services include physical and occupational therapy, speech pathology, and low-vision training.

Remedial Education -- Educational instruction, particularly in basic skills, intended to raise an individual's general competency level in order to succeed in vocational education, or skills training programs, or employment.

Release of Information - State and federal privacy laws were enacted to safeguard an individual's privacy from the misuse of federal and state records and to provide individuals access to their records. Access to files should be granted on a "need to know" basis. If other agencies, prospective employers, or other individuals request access to information in a file, authorization of release for the information should be obtained from the participant. Access to the records from other agencies may also require authorization for release of information.

Reverse Referral – An employer may refer individuals to service providers for consideration of developing an OJT contract with the following criteria: (1) Individual is eligible for WIA intensive and training services; (2) Individual's IEP assessment demonstrates OJT as an appropriate training activity; (3) Service Provider assess all current WIA participants for referral to OJT employer; and (4) Employer understands that they may or may not see the individual they referred, and that the service provider may refer additional WIA participants for the employer's consideration for hire under the OJT program.

Resume -- The basic document that shows a job candidate's employment and academic qualifications, and history of employment. It is a requirement to apply for most jobs and an opportunity to show why the candidate is best suited for the job being applied for.

Retention -- Continuing or keeping a job, usually for at least 90 days or more.

School Dropout – An individual who is no longer attending any school and who has not received a secondary school diploma or a General Equivalency Diploma (GED).

Self Certification – An individual's signed attestation that the information he/she submits to demonstrate eligibility for a program under Title I of WIA is true and accurate.

Self-Sufficiency – The ability to earn enough money to support oneself. The SWIB defined Self-Sufficiency for adults as:
1. Meeting basic expenses (such as housing, transportation, food, clothing, health care, savings, and taxes) without subsidies;
2. Independence from federal, state and local government assistance, with access to affordable health care;

3. A wage of at least $9.90 per hour ($20,589 **check this out** annually for an individual based on the northwest policy center "living wage" study and adjusted for inflation which will occur annually). Higher wages are necessary for families to become self-sufficient.

Social Security Number (SSN) – The 9-digit identification number assigned to an individual by the Social Security Administration under the Social Security Act.

Subsidies -- Cash assistance or similar payments for transportation, housing, food or other basic expenses.

Substance Abuser -- An individual dependent on alcohol or drugs, whose dependency results in a significant barrier to employment.

State Adjusted Level of Performance – The term "State adjusted level of performance" means a level of performance as defined in WIA Section 136(b) (3) (A)(iii) or (v).

Subgrant - An award of financial assistance in the form of money, or property in lieu of money made under a grant by a grantee to an eligible subgrantee. The term includes financial assistance when provided by contractual legal agreement, but does not include procurement purchases, nor does it include any form of assistance which is excluded from the definition of *Grant* in this part.

Subrecipient – An entity to which a subgrant is awarded and which is accountable to the recipient (or higher tier subrecipient) for the use of funds provided. DOL's audit requirements for States, local governments, and non-profit organizations provide guidance on distinguishing between a subrecipient and a vendor at 29 CFR 99.210.

Supplemental Security Income (SSI) **–** A type of public assistance authorized pursuant to a state plan approved under the Social Security Act, Title XVI. It is a federal income maintenance program for the aged, blind and disabled, and it is based on need.

Supportive Services (fringe benefits) – Services that are needed to help a person to participate in job training or job search. Supportive services may include transportation, health care, financial assistance, drug and alcohol abuse counseling and referral, individual and family counseling, special services and materials for individuals with disabilities, job coaches, child care and dependent care, temporary shelter, financial counseling, and other reasonable expenses required for participation in the program and may be provided in-kind or through cash assistance.

In addition to providing supportive services during a participant's participation in WIA activities, they may also provided for up to 12 months while participant is receiving follow-up services.

TANF -- Temporary Assistance to Needy Families is a federal program providing cash, medical or food assistance for parents and children.

Trade Adjustment Assistance (TAA) -- Trade Adjustment Assistance service and allowances provided for achieving reemployment of adversely affected workers, including TRA, training, and other re-employment services, and job search allowance and relocation allowances.

Trade Readjustment Allowance (TRA) -- A weekly allowance payable to an affected worker with respect to such worker's unemployment.

Training Services - The education and employment training services to be offered at no cost to One-Stop system customers who have been unable to get a job after having received one or more

core services and one or more intensive services (see also **Individual Training Account -- ITA**). **Note:** All participants in training services must be registered and are counted for performance measurement purposes.

Unemployed Individual – An individual who is without a job and who wants to and is available for work. The determination of whether an individual is without a job shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed.

Universal Services--Services available to every individual through the One-Stop system without regard to any specific eligibility criteria, including information about job vacancies, career options, employment trends, job search techniques, resume writing, and access to the employment training provider lists.

Unsubsidized Employment -- A job for which wages are paid directly by the employer and that is not subsidized through any government program.

Unobligated Obligations – The portion of funds authorized by the Federal agency that has not been obligated by the grantee and is determined by deducting the cumulative obligations from the cumulative funds authorized.

Vendor – An entity responsible for providing generally required goods or services to be used in the WIA program. These goods or services may be for the recipient's or subrecipient's (i.e., service providers) own use or for the use of participants in the program.

Veteran – Related definition - -

1. Veteran - An individual who served in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable.
2. Recently **Separated Veteran** – Any veteran who applies for participation under this title within 48 months after the discharge or release from active military, naval, or air service.

Vocational Exploration Training -- A process to find out, by testing or counseling, what job occupations will best fit a customer's abilities and needs.

Wagner-Peyser – Employment Service programs – Employment Service basic labor exchange and other services funding source. Employment Services are provided in the Montana Job Service Workforce Centers located across the State.

Welfare and/or Public Assistance recipient -- A person who, during the course of the program year, receives or is a member of a family who receives cash welfare or public assistance payments under a Federal, State, or local welfare program.

Work Experience – A temporary activity (six months or less) which provides a person with the opportunity to gain the skills and knowledge necessary to perform a job, including work habits and behaviors, and which may be combined with classroom or other training. Work experience is an authorized activity for WIA Adult, Dislocated Workers or Youth participants.

Workforce Investment Act (WIA) of 1998 – An Act of the United States Congress to establish programs to prepare youth and unskilled adults for entry into the labor force and to give job training to those economically disadvantaged individuals and other individuals who face serious barriers to

employment and who are in need of such training to obtain prospective employment. Workforce Investment titles include:

Title I	Adult, Youth and Dislocated Worker services
	IB – Adult, Dislocated Workers, Youth
	IC – Job Corps
	ID – Native American, Migrant and Seasonal Farmworker, Veterans, etc.
Title II	Adult Basic Education
Title III	Wagner-Peyser (Employment Service)
Title IV	Vocational Rehabilitation
Title V	General Provisions

Workforce Investment Activity – The array of activities permitted under Title I of WIA, which include employment and training activities for adults and dislocated workers, as described in WIA section 134, and youth activities as described in WIA section 129.

Workforce Investment Board (State) – The State Workforce Investment Board (SWIB) established under section 111 of the Act. The State Board serves as an advisory to the Governor and develops the State plan and oversees how it is carried out.

Youth – In the WIA program, any young person, between the age of 14 and 21 years of age, who may be in school or out-of-school, and whose family income is within the WIA Low Income Guidelines:

Eligible youth -- Except as provided in subtitles C and D, means an individual who:

1. Is not less than age 14 and not more than age 21;
2. Is a low- income individual; and
3. Is an individual who is one or more of the following:
   a. Deficient in basic literacy skills.
   b. A school dropout.
   c. Homeless, a runaway, or a foster child.
   d. Pregnant or parenting.
   e. An offender or
   f. Is an individual (including a youth with a disability) who has no vocational/employment goal **and** has below average grades **or** has a poor work history (to include no work history) **or** has been fired from a job in the last six calendar months.

Youth Activity – An activity described in section 129 of the Act that is carried out for eligible youth (or as described in section 129(c) (5)).

Youth Council – The term "youth council" means a council established under section 117(h) of the Act.

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**
AJB ..... **America's Job Bank**
ASL ..... **American Sign Language**
BOS ..... **Balance of State Workforce Investment Area**
CAC ..... **Community Advisory Council (for the WoRC program)**
CDBG ..... **Community Development Block Grant**
CBO ..... **Community-Based Organization**
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**
EDP ..... **Employability Development Plan**
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 Accounting Office**
GED ..... **General Equivalency Diploma**
HRDC or HRC ..... **Human Resource Development Council**
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**
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**
PCWA ..... **Project Challenge: Work Again (Provides services to dislocated workers)**
POP ..... **Project Operating Plan**
PY ..... **Program Year for WIA the program year is from July 1 to June 30**
R&A ..... **Research and Analysis Bureau, Workforce Services Division**
RFP ..... **Request for Proposal**
SCSEP ..... **Senior Community Services Employment Program**
SDH ..... **State Displaced Homemaker**
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**
TAT ..... **Technical Assistance and Training**
TDD ..... **Telecommunications device for the deaf**
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**
WIA ..... **Workforce Investment Act of 1998**
WIB ..... **Workforce Investment Board**
WEX ..... **Work Experience**
WFC ..... **Workforce Center**
WIASRD ..... **Workforce Investment Act Standardized Record Data (WIA reporting system)**
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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