Title I Dislocated Worker Program Policy

Background: The Workforce Innovation and Opportunity Act (WIOA) provides for a customer-centered workforce development system that offers all job seekers access to a continuum of career and job-driven training services. A collaborative effort with local One-Stop delivery system or Job Service Montana offices integrates service delivery across programs to increase, particularly for individuals with barriers to employment, access to an appropriate mix of services needed to obtain, retain, and enhance skills and employment.

Scope: This policy applies to all service providers operating WIOA Title I Dislocated Worker or National Dislocated Worker Grants programs; WIOA Title I Dislocated Worker or National Dislocated Worker Grants program manager(s), WIOA fiscal officers, and the WIOA monitoring team. This policy is effective April 1, 2022.

Policy:

Dislocated Worker Eligibility Requirements:

- To receive Title I Dislocated Worker individualized career and training services, an individual must provide documentation of the following two (2) general eligibility requirements and one (1) of the Dislocated Worker Status requirements:
  - Be a U.S. Citizen or Registered Alien or eligible to work in the United States; and
  - Meet Selective Service Registration requirements, if applicable.

Dislocated Worker Status is defined as the following individuals:

- Terminated or laid off from their job; or received a notice of termination or layoff from employment, including a separation notice from active military service (under other than dishonorable conditions). The individual is eligible for or has exhausted entitlement to unemployment compensation and is unlikely to return to a previous industry or occupation; or
- Employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having worked for an employer that was not covered under a State unemployment compensation law; and is unlikely to return to a previous industry or occupation; or
- Self-employed but is unemployed as a result of general economic conditions in the community in which the individual resided or due to a natural disaster; or
- Displaced homemaker (please refer to Montana’s State Displaced Homemaker Policy); or
- The spouse of an active member of the Armed Forces and who experienced loss of employment as a direct result of relocation to accommodate a permanent change in the duty station of such member; or
• Obtained employment but the new employment wages are 80 percent or less of wage at layoff.

Priority of Service for Covered Persons:
• Also known as Veterans’ Priority of Service is required for Dislocated Workers. Refer to the Veteran Program Policy to determine priority for Veterans and Covered Persons.

Dislocated Worker Eligibility Verification:
• Verification of eligibility is used to ensure the reliability of the participant information in the Management Information System (MIS), to guarantee services are provided to persons most in need, and to avoid potential disallowed costs. Please refer to the Dislocated Worker Verification Worksheet for a complete list of acceptable documentation. No individualized career services may be provided until the participant has furnished proof of eligibility to the enrolling service provider.
  o Copies of all documentary evidence must be maintained in the participant’s file. For those ex-service members without a DD-214, service providers should work with local or state veterans’ staff to obtain a copy. The lack of a DD-214 cannot be used to deny services; it is the responsibility of the provider, in concert with the individual, to obtain a DD-214 in the absence of other allowable documentation.
  • If an applicant is unable to produce the necessary documents to prove eligibility, service providers have two options to determine eligibility:
    o Verify information given via telephone contact using the Telephone Verification Form (WIOA.15) with a business or by document inspection using Verification of Documentation Form (WIOA.53);
    or
    o An Applicant Statement Form (WIOA.18) may be used. However, the case manager must ensure applicant statements and staff verifications are allowable from the perspective of the federal data validation requirements.

Dislocated Worker Initial Assessment:
• All participants must have a complete assessment to evaluate basic skills, experience, the appropriateness for service, and ability to benefit from WIOA. The initial assessment is part of the overall intake process and includes the initial determination of each participant’s employability, aptitudes, abilities, interests, and need for supportive services through interview and testing. When the assessment indicates the Individualized Career Services are appropriate, an Individual Employment Plan (IEP) is completed for dislocated workers.

Comprehensive Assessment Guidelines:
• 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 assessment is a holistic, ongoing process and should not be viewed as a one-time event. It includes a full array of options from which program staff and participant make informed decisions and select the appropriate services that enable the participant to seek and retain long-term, self-sufficient employment.
• Providers will use the assessments and other tools that are most appropriate to determine the needs of the individual participant.

Individual Employment Plan (IEP) Description:
• An IEP is required for Dislocated Worker participants in the WIOA Individualized Career and Training services. The IEP is developed in partnership with the participant. The IEP identifies where the participant is, where the participant wants to be, and the appropriate mix and sequence of services and support to reach a realistic employment goal. The development of the IEP and updates or revisions will be based upon the results of the comprehensive assessment process.
• Service providers must use the IEP Form provided on the Montana Department of Labor and Industry (MDLI) WIOA website.
• A signed copy (signed by program staff and participant) must be maintained in the participant’s file. This signed IEP is the acknowledgement that the participant has read and agrees to the responsibilities; and knows where to file a grievance or complaint.
Once the IEP form is complete and the participant is enrolled in the WIOA Dislocated Worker program, case managers must open a MIS Employment Plan for the participant. The goals, objectives, and potential services, based on the information on the IEP Form, will be recorded in the MIS Employment Plan. In addition, case managers will record on-going, IEP-related services provided in the MIS Employment Plan.

**Dislocated Worker Services and Activities:**

- **Career Services for Dislocated Workers** consist of 3 types: Basic, Individualized and Follow-up. Training and supportive services can be critical to the employment success of many participants enrolled in the Dislocated Worker program.

- **Basic Career Services** are universally available to everyone entering the facility. Other partner sites need only provide the career services appropriate to their participants and funding source. Basic Career Services include:
  - All self-help services and basic career services requiring minimal staff assistance including:
    - Determination of eligibility to receive assistance from the Dislocated Worker program; and
    - Outreach, intake, and orientation to the information and other services available through the one-stop delivery system;
  - Orientation – all individuals entering, or re-entering services are to be oriented to the program. Orientation topics include:
    - An introduction to the program – purpose and goals;
    - Rules and regulations of the program;
    - Provider responsibilities;
    - Participant responsibilities;
    - Program resources and supportive services available;
    - Job-related injury procedures; and
    - Wage and pay information;
  - Orientation must include:
    - Information and documented acknowledgement of procedures for complaints, grievances, and discriminatory practices.
    - Assessment of skill levels, aptitudes, abilities and supportive service needs;
    - Provision of performance information and program cost information on eligible providers of education, training and workforce services by program and type of providers;
    - Provision of information relating to the availability of supportive services in the area and referral to other services, as appropriate;
    - Assistance in establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under WIOA and are available in the local area;
    - Rapid Response – may only be used by designated staff or agency that receives Rapid Response funds; and
    - One-stop resource room and workshop services;
    - Labor Market Information related to their employment goal.

- **Individualized Career Services** are available to Dislocated Worker participants who are enrolled in the program and will be provided in order for an individual to obtain or retain employment.

- **Follow-up Services** must be provided to Dislocated Worker participants who exit to self-employment or agricultural, railroad, or federal government employment for a minimum of 4 quarters.
  - Participants placed in follow-up services must be contacted by the case manager at least once per quarter to obtain wage data.
  - Follow-up services include, but are not limited to:
    - Additional career planning and counseling;
    - Contact with the participant’s employer, including assistance with work-related problems that may arise;
    - Peer support groups;
Information about additional educational opportunities, and referral to supportive services available in the community; and
Case management administrative follow-up.
Financial assistance is not an allowable follow-up service.

- **Supportive Services** are available to enable an enrolled Dislocated Worker to participate in WIOA activities when a participant is unable to obtain the services through other programs. Please refer to MDLI’s Supportive Services Policy for details.
- **Training Services** may be provided to enrolled Dislocated Workers, following the guidelines below:
  - Participants 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.
  - To help determine what financial assistance is needed, the service provider must assist the participant in applying for financial aid and make the necessary referrals.
  - Participants who are able to obtain a Federal Pell Grant must utilized the full Pell Grant toward training costs and WIOA funds may assist with any need after the Pell is applied.
  - Service providers may utilize WIOA funding to assist a participant whose training costs must be paid in order to begin training while the application for a Federal Grant is pending.
  - If the individual is subsequently awarded a Federal Pell Grant, the training provider must reimburse the service provider for the WIOA funds used to pay the training costs.
  - Training services will be provided through providers listed on the Montana Eligible Training Provider List (ETPL) unless noted otherwise in the following list of training services. Further information regarding the ETPL may be accessed in the EPTL Policy.
  - May be WIOA or non WIOA-funded.
    - Non WIOA-funded training does not require ETP.
  - Training services may include:
    - Occupational skills training, including training for nontraditional employment and for training programs operated by the private sector; (requires ETP)
    - Training programs operated by the private sector; (requires ETP)
    - Skill upgrading and retraining; (requires ETP)
    - Entrepreneurial training; (requires ETP)
    - Adult education and literacy activities provided in combination with services described in any clauses (i) through (vii) of WIOA Section 134 (d)(4); (does not require ETP)
    - Customized training conducted with a commitment by a business or group of business to employ an individual upon successful completion of the training; (does not require ETP)
    - On-the-Job training; (does not require ETP)
    - Registered Apprenticeship or other programs that combine workplace training with related instruction.

  - WIOA funding may be used for training that leads to a goal of self-employment.
  - The service provider must verify and pay tuition and other training costs in accordance with the training provider’s documented payment policy or terms. WIOA funding may be used for any expenses considered to be part of the Cost of Attendance that cannot be funded by the Pell or other grant assistance. In situations of co-enrollment with other WIOA or non-WIOA programs (e.g. TAA, etc.), the case manager will coordinate with the training provider and other programs to ensure the participant’s training needs are met and there is no duplication of services. WIOA funding will always be a supplement to other grant assistance.
  - WIOA training funds may be used to assist with training that builds upon the participant’s current education level in the quickest route possible. For the purpose of post-secondary training, WIOA funds will not pay for any degree beyond a Bachelor’s.

**Case Management and Career Planning**

- Career planning is the provision of a participant-centered approach in the delivery of services designed to:
Prepare and coordinate comprehensive IEP’s, such as service strategies, for participants to ensure access to necessary workforce investment activities and services, using where feasible, computer-based technologies; and

- Provide job, education, and career counseling during program participation and after job placement.

- Case Management responsibilities include:
  - Providing testing of basic skills, comprehensive assessment and testing;
  - Co-enrolling in all applicable programs as appropriate;
  - Monthly contact with participants; and, if unable to make contact in a 90-day period, closing all services effective the date the services were last provided.
  - Developing and continually updating of an IEP;
  - Determining if participant requests for training services and supportive or other services are allowable, appropriate and able to be funded;
  - Coordinating joint training plans and employment services as appropriate;
  - Monitoring the progress of participants in their approved plan;
  - Recording all program services and case notes in MIS within the required timelines and as service/contact occurs, reflecting any significant issues or changes;
  - Maintaining the participant file;
  - Ending the participant’s services and program enrollment when services are no longer being provided; and
  - Ensuring that participants are aware of their responsibilities.

Administrative Requirements:
- The WIOA Dislocated Worker program manager will provide technical assistance to case managers.

Monitoring and Evaluation:
- A formal monitoring will be conducted by the entity designated by SWIB.

References:
- Violence Against Women Act of 1994
- 20 CFR 678.430 Career Services
- 20 CFR 680 Adult and Dislocated Worker Activities
- TEGL 19-16 Adult and Dislocated Workers Services
- TEGL 12-19 National Dislocated Worker Grant Program