Title I Adult and Dislocated Worker Program Policy

Background: The Workforce Innovation and Opportunity Act (WIOA) offers an integrated and comprehensive range of services consisting of workforce development activities benefiting businesses, job seekers and communities. The purposes of WIOA are to:

- Increase, particularly for individuals with barriers to employment, access to and opportunities for the employment, education, training, and support services needed to succeed in the labor market;
- Support the alignment of workforce, education, and economic development systems for a comprehensive, accessible, and high-quality workforce development system;
- Improve the quality and labor market relevance to workforce, education, and economic development efforts to provide individuals with the skills and credentials necessary to secure and advance in employment with family-sustaining wages, and to provide businesses with the skilled workers needed to succeed in a global economy;
- Promote improvement in the structure and delivery of services through the workforce development system to better address the educational and the training needs of workers, job seekers, and business;
- Increase the prosperity of workers and business; the economic growth of communities, regions, and states; and the global competitiveness of the United States; and
- Provide workforce activities, through the state workforce development system, that increases clients’ employment, retention, earnings, and attainment of recognized postsecondary credentials, and as a result, improve the quality of the workforce, reduce dependency on public assistance, increase economic self-sufficiency, meet the skills requirements of business, and enhance the productivity and competitiveness of the nation.

This policy replaces Job Service policy B3.70 Services to Dislocated Workers from the ES Policy Manual.

Scope: This policy applies to all service providers operating WIOA Title I Adult and/or Dislocated Worker, WIOA Title I Adult and Dislocated program manager(s), WIOA fiscal officers and the WIOA monitoring team. This policy is effective (insert date upon SWIB approval.)

Policy:

Adult and Dislocated Worker General Eligibility:
- To receive Title IB Adult or Dislocated Worker individualized career and training services, an individual must:
- Be a U.S. Citizen or Registered Alien; and
- Meet Selective Service Registration requirements, if applicable.

Adult Eligibility Requirements:
- Individuals must be 18 years of age or older and meet at least one of the eligibility priority of services (low-income, public assistance or basic skills deficient). Link General Eligibility Policy
Adult Priority of Service:

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

- Adult Service Priority:

  Priority of individualized career and training services shall be given to individuals with barriers to employment, recipients of public assistance, low-income, and individuals who are basic skills deficient.

- A low-income individual is an individual who:
  - Receives, or in the past 6 months has received, or is a member of a family that receives, or in the past 6 months has received assistance through:
    - SNAP in accordance with the Food and Nutrition Act of 2008;
    - TANF under Part A of Title IV of the Social Security Act;
    - SSI (supplemental security income) established under Title XVI of the Social Security Act; or
    - State or local income-based public assistance. In Montana, this is General Assistance (GA); Refugee Cash Assistance (RCA); and ACA Medicaid.
  - Received an income, or is a member of a family that received a total family income, that did not exceed the higher of:
    - The poverty line; or
    - 70 percent of the lower living standard income level. Montana uses the 70 percent of the lower living standard income level to determine low-income. Insert link to Family Size and Income Determination Policy.
  - Qualifies as a homeless individual as defined in Section 41403(6) of the Violence Against Women Act of 1994; or
  - An individual with a disability whose own income meets the requirements of the poverty level described above, but who is member of a family whose income does not meet this requirement.

- Individuals who are recipients of public assistance (TANF, SNAP, SSI, ACA Medicaid, RCA, or GA) are considered to meet Categorical Income Eligibility and may be automatically income eligible and no further income eligibility and no further income verification is required if the individual has provided acceptable documentation. Acceptable documentation includes:
  - SNAP documentation must be dated within the last 6 months and verifies the applicant receives, has received in the last 6 months, or is a member of a household that is receiving or has received in the last 6 months, SNAP benefits. Example of documentation includes:
    - Letter of Award if the individual is the recipient or documentation that lists the individual is a member of the household receiving SNAP.
  - ACA Medicaid: Medicaid card must be in the applicant’s name.
  - Cash Public Assistance:
    - TANF documentation must be dated within the last 6 months and verifies the applicant receives, has received in the last 6 months, or is a member of a household that is receiving or has received in the last 6 months, TANF payments. Example of documentation includes:
      - Letter of Award if the individual is the recipient or documentation that lists the individual as a member of the family receiving TANF.
  - SSI, RCA and GA are payments made to a single recipient. The individual applying to WIOA must have received a payment dated within the last 6 months. Example of documentation includes:
    - Letter of Award or other authorization notice to receive cash public assistance.

Adult Individuals with Barriers to Employment Include the Following Populations:

- Displaced homemakers;
- Low-income individuals;
- Indians, Alaska Natives, and Native Hawaiians;
- Individuals with disabilities, including individuals who are in receipt of Social Security Disability Insurance;
- Older individuals (age 55 and older);
- Ex-offenders;
- Homeless individuals;
- Individuals who are:
English language learners,

- Individuals who have low levels of literacy (an individual is unable to compute or solve problems, or read, write, or speak English at a level necessary to function on the job, or in the individual’s family, or in society), and

- Individuals facing substantial cultural barriers;

- Individuals within two years of exhausting lifetime TANF eligibility;

- Single parents (including single pregnant women); and

- Long-term unemployed individuals (unemployed for 27 or more consecutive weeks).

**Dislocated Worker Eligibility Requirements:**

- A dislocated worker is an individual who:
  - Has been terminated or laid off from their job, or who received a notice of termination or layoff, from their employer;
  - Separating military service members (non-retiree) and military spouses may be enrolled for series as dislocated workers. Recently separated veterans and transitioning service members are considered to have received a notice of termination or layoff from their employer (DD-214);
  - Is eligible for or has exhausted their unemployment payments; or
  - Has been employed for a duration sufficient to demonstrate attachment to the workforce, but cannot get unemployment compensation because of insufficient earnings or having done work for a business not covered under a state unemployment compensation law; or
  - Is unlikely to return to a previous industry or occupation;
  - Has been profiled utilized Montana’s UI profiling and referral process satisfies the criteria necessary to meet category the dislocated worker definition. Claimants who have been referred from UI through 100% or RESEA meet the definition. In such cases, documentation of the referral is sufficient to establish dislocated worker eligibility;
  - 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;
  - Is employed at a facility which the business has made a general announcement that such facility will close within 180 days or for purpose of eligibility to receive services other than training services, career services or supportive services, is employed at a facility at which the business has made a general announcement that such facility will close;
  - 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
  - Is a displaced homemaker; or
  - Is a spouse of a member of the Armed Forces on active duty and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member or is the spouse of a member of the Armed Forces on active duty and is unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.

**Dislocated Worker Priority of Service:**

- Plant closures or significant dislocation events are given priority for Individualized Career and Training services. All other eligible individuals impacted are considered of equal status for receipt of services notwithstanding federal requirements pertaining to priority for covered persons (veterans and eligible spouses).

- The definitions that apply to Service Priority for Dislocated Workers are as follows:
  - Termination of employment:
    | Option 1 | No definition is provided in the current policy |
    | Option 2 | A permanent situation in which the business lays off and does not plan to rehire the individual. For purposes of this policy, the - this would provide consistent guidance for case managers |


The following are not considered terminations of employment:
- Seasonal unemployment;
- An end to an assignment through a temporary employment agency, unless it is paired with a unemployment insurance eligibility notification; or
- A notice of termination that includes a certain or tentative recall date within 180 days of the initial layoff date.

Any non-seasonal layoff projected to last 180 or days is a termination of employment.

determining if a person has terminated employment.
- other suggestions of definition inclusion and exclusion are welcome.

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<tr>
<th>Agency Recommendation</th>
<th>Option 1</th>
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<td>Notice of Termination:</td>
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<td>Option 1</td>
<td>No definition is provided in the current policy</td>
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<td>Option 2</td>
<td>Written notification from the business, naming one or more individuals and indicating that employment will cease for the individual(s) at a specific future date.</td>
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- this would provide consistent guidance for case managers determining what a notice of termination is.
- other suggestions are welcome.

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<td>Public/General Announcement:</td>
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<td>Option 1</td>
<td>No definition is provided in the current policy</td>
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<td>Option 2</td>
<td>An official communication by a business stating intent to close a business at a planned future date. This may be a written or verbal acknowledgement of the fact that the business will close. The closure may include a single site of employment, or none or more facilities or operating units within a single site of employment.</td>
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- this would provide consistent guidance for case managers determining what constitutes a public announcement.
- other suggestions are welcome.

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<td>Unlikely to return to a prior occupation or industry:</td>
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<td>Option 1</td>
<td>No definition is provided in the current policy</td>
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<td>Option 2</td>
<td>An individual is unlikely to return to a prior occupation or industry if job opportunities in that occupation or industry are significantly diminished for that individual. The case</td>
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- this would provide consistent guidance for case managers determining if an individual is unlikely to
manager must consider any or all of the following in determining likelihood of return:
- Official assessments of market demand for the product or services in that occupation or industry;
- Local labor market conditions for that industry or occupation;
- The evolution of skill requirements in that occupation or industry, and whether the individual’s skills have kept pace over time; and/or
- The impact of technology or trade on the industry or occupation.

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<td>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.</td>
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**Adult and Dislocated Worker Eligibility Verification:**
- Verification of eligibility is used to ensure the reliability of the client information in the Management Information System (MIS), to guarantee services are provided to persons most in need, and to avoid potential disallowed costs. Once an applicant is determined to be eligible, verification of eligibility must be completed using the Adult Verification Worksheet or the Dislocated Worker Verification Worksheet.
- No individualized career services may be provided until the client has furnished proof of eligibility to the enrolling service provider.
- Copies of all documentary evidence must be maintained in the client’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:
  - Verify information given via telephone contact using the Telephone Verification Form (WIOA.15) with a business or by document inspection; or
  - 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.

**Adult and Dislocated Worker Initial Assessment:**
- The 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 clients must have an initial assessment completed to evaluate basic skills, experience and the appropriateness for service and ability to benefit from WIOA. When the initial assessment indicates the Individualized Career Services are appropriate, an Individual Employment Plan (IEP) is then completed for adults and 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 IEP shall be revised on a regular basis and amended, as appropriate, when additional needs are identified or goals are achieved. The assessment is a holistic, ongoing, process and should not be viewed as a one-time event. It shall include a full array of options for the client from which program staff, together with the client, make informed decisions and select the appropriate services, which will best enable the client to seek and retain long-term self-sufficient employment.
Individual Employment Plan (IEP) Description:

- An IEP is required for Adult and Dislocated Worker clients in the WIOA Individualized Career and Training services. It is both a form and a continual process. The IEP is developed in partnership with the client. The IEP identifies where the client is, where the client 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 shall be based upon the results of the comprehensive assessment process.

- Initially the IEP shall be the basic instrument, which documents:
  - That the client has had an initial assessment; and
  - The decisions made regarding the mix and combination of services for the client, including referrals.

- The IEP form shall include a description of:
  - Short and long germ goals(s) and objectives;
  - Appropriate, measurable achievement objectives to meet those goals;
  - Mix and sequence of services and other resources needed;
Adult and Dislocated Worker Services and Activities:

- Career Services for Adults and Dislocated Workers consist of 3 types: Basic, Individualized and Follow-up.

  - **Basic Career Services** are universally available to everyone entering the facility. Other partner sites need only provide the career services appropriate to their clients 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 Adult or Dislocated Worker programs; 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. Topics for orientation include:
      - An introduction to the program – purpose and goals;
      - Rules and regulations of the program;
      - Provider responsibilities;
      - Client 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. Documentation that the clients have received
information regarding the above mentioned procedures in the completed two-part “Equal Opportunity is the Law” client discrimination form. One copy of this document must be maintained in the client file and one must be provided to the client;

- Initial assessment of skill levels, aptitudes, abilities and supportive service needs;
- 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 clients in every program. LMI will encompass four major areas:
  - 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.).
- LMI can be obtained from Montana Department of Labor and Industry’s Research and Analysis Bureau web page and through career awareness programs such as Montana Career Lab.
  - 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 regarding how the area is fulfilling performance measures and any additional performance information with respect to the one-stop delivery system in the area;
  - Provision of information relating to the availability of supportive services including child care, child support, medical or child health assistance, SNAP, Earned income tax credit, TANF and transportation available in the area and referral to such services, as appropriate;
  - Provision of information regarding filing claims for unemployment compensation;
  - 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.
- **Individualized Career Services** are available to Adults and Dislocated Workers who are members of a priority group and must be made available if determined to be appropriate in order for an individual to obtain or retain employment.
  - Individualized career services include:
    - Comprehensive and specialized assessments of the skill levels and service needs, which may include:
      - Diagnostic testing and use of other assessment tools; and
      - In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
    - Development of an IEP to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the client to achieve the employment goals;
    - Group counseling;
    - Individual counseling;
    - Career planning;
    - Case management for clients seeking training services;
    - 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;
    - Work Experience/Internships;
    - Adult Basic Education;
    - Financial Literacy Services; and
    - Out of area job search assistance and relocation assistance.
- **Follow-up Services** must be provided, as appropriate, including counseling regarding the workplace, for Adults or Dislocated Workers placed in unsubsidized employment, for up to twelve months after the first day of employment.
While follow-up services must be made available, not all of the Adults and Dislocated Workers who are registered and placed into unsubsidized employment will need or want such services.

Clients placed in follow-up services must be contacted by the case manager at least once per quarter to see if they need assistance in job retention, wage gains and career progress.

Follow-up services include, but are not limited to:
- Additional career planning and counseling;
- Contact with the client’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 such as needs-related payments are not an allowable follow-up service.

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

Training services may be provided to Adults and Dislocated Workers:
- Who have met the eligibility requirements for individualized career services;
- 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.

Training services may be provided to individuals who otherwise meet the requirements while an application for a Federal Pell Grant is pending, except that if such individual is subsequently awarded a Federal Pell Grant, the training provider must reimburse the service provider the WIOA funds used to pay the tuition portion of the training costs from the Pell Grant. Tuition is the sum charged for instruction. Fees, books, supplies and other training related expenses are not considered tuition.

Training services shall be provided through providers listed on the 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.

Training services may include:
- Occupational skills training, including training for nontraditional employment and for training programs operated by the private sector; (requires ETP)
- Incumbent Worker Training (IWT); (does not require ETP)
- On-the-Job training; (does not require ETP)
- Programs that combine workplace training with related instruction, which may include cooperative education programs; (requires ETP)
- Training programs operated by the private sector; (requires ETP)
- Transitional Jobs; (does not require ETP)
- Skill upgrading and retraining; (requires ETP)
- Entrepreneurial training; (requires ETP)
- Job readiness training; (does not require 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)
- Short-term pre-vocational training that is generally one week (40 hours) or less which does not provide certification or a credential upon completion. (does not require ETP)

WIOA funding may be used for training that lead to a goal of self-employment.

Training Payments
The service provider must verify and pay tuition and other training costs in accordance with the training provider’s documented payment policy or terms. WIOA funding may be used for any expenses considered to be part of the Cost of Attendance than cannot be met from 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 client’s training needs are met and there is no duplication of services. WIOA funding shall always be a supplement to other grant assistance.

Case Management and Career Planning

- Career planning is the provision of a client centered approach in the delivery of services designed to:
  - Prepare and coordinate comprehensive IEP’s, such as service strategies, for clients 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;
  - Maintaining consistent contact with clients as appropriate; and, if unable to make contact after repeated attempts in a 90-day period, closing all services and enrollments effective the date the services were last provided;
  - Developing and continually updating of an IEP;
  - Determining if client 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 clients in their approved plan;
  - Recording all program services and case notes in MWorks within the required timelines and as service/contact occurs, reflecting any significant issues or changes;
  - Maintaining the client file;
  - Ending the client’s services and program enrollment when services are no longer being provided; and
  - Ensuring that clients are aware of their responsibilities.

- A significant failure to meet these case management responsibilities based on program monitoring may result in formal corrective action if there is no improvement from one year to the next.

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

Administrative Requirements:

- The WIOA Title I Adult and Dislocated Worker program manager(s) shall provide technical assistance to case managers.

Monitoring and Evaluation:

- A formal monitoring will be conducted on an annual basis by the entity designated by SWIB.

References:

- Violence Against Women Act of 1994
- 20 CFR 680 Adult and Dislocated Worker Activities