

Wisconsin

Workforce Investment Act

Policy Manual

August 2012

WORKFORCE INVESTMENT ACT (WIA) POLICY MANUAL

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PREFACE

- A. **SCOPE.** This policy manual contains the basic provisions governing administration of the WIA grants awarded by the DET of Wisconsin's Department of Workforce Development (DWD). Policies in this manual have been written or adapted by DET for application to DET-WIA funded grants in the State of Wisconsin. In the absence of a state policy federal legislation or United States Department of Labor (USDOL) regulations prevail. This manual applies to all grantees receiving WIA funds, either directly or indirectly. All DET grantees and their subgrantees must have local written policies that require compliance with applicable portions of the manual.
- B. **REGULATORY REFERENCES.** DET and its grantees must comply with applicable laws, rules and regulations, whether or not they are specifically incorporated into this manual. Applicable governing sources include but are not limited to those named in this section.

Compliance with the following laws and regulations is mandatory:

1. Federal Laws and Regulations.
 - a. Age Discrimination Act, 42 USCS s. 6101 et seq; 29 USCS s. 621 note and 623.
 - b. Americans with Disabilities Act of 1990. PL 101-366; 42 USC 12101.
 - c. Carl D. Perkins Vocational Education Act, 20 USCS s. 2301 et seq.
 - d. Civil Rights Act, 42 USCS s. 1971, 1975 a - d and 2000 a - h-6.
 - e. Fair Labor Standards Act, 29 USCS s. 201 et seq.
 - f. Hatch Act, 5 USCS s. 1502.
 - g. 29 CFR, DOL Code of Federal Regulations
 - h. Rehabilitation Act, 42 USCS s. 6001 et seq.
 - i. Single Audit Act, 31 USCS s. 7501 et seq.
2. Federal Circulars and Other Publications.
 - a. DOL Administrative Requirements:
http://www.edd.ca.gov/jobs_and_training/pubs/29crfpart97.pdf
(1) Code of Federal Regulations 29 (part 0 - 99), July 1, 1999.
 - b. Government Auditing Standards issued by the U.S. General Accounting Office.
<http://www.gao.gov/govaud/ybk01.htm>
 - c. Office of Management and Budget (OMB) Circulars:
http://www.whitehouse.gov/omb/circulars_default/
(Grants Management section)

(1) A-87 - Cost Principles for State and Local Governments

- (2) A-102 - (Common Rule) - Grants and Agreements for State and Local Governments
- (3) A-110 - Grants and Agreements with Nonprofit Organizations
- (4) A-122 - Cost Principles for Nonprofit Organizations
- (5) A-133 - Audits of State and Local Governments and Nonprofit Organizations
- d. Executive Orders:
 - (1) 1375, Equal Employment Opportunity (EEO)
 - (2) 12549, Debarment and Suspension
- 3. Wisconsin Statutes.
 - a. Administrative Procedure and Review, s. 227, Stats.
 - b. Assistance for DW's, s. 101.27, Stats.
 - c. Fair Employment, s. 111.31 - 111.395, Stats.
 - d. Open Meetings of Governmental Bodies, s. 19.81 - 19.98, Stats.
 - e. Private Interest in Public Contract Prohibited, s. 946.13, Stats.
 - f. Whistle Blower Laws: Employee Protection, s. 230.80 - 230.89, Stats. and Government Employer Retaliation Prohibited, s. 895.65, Stats.
 - g. Contract Compliance Law, s. 16.765, Stats.
- 4. DET Manuals and Related Publications.

DET manuals and other publications as applicable.
- 5. Training and Employment Guidance Letter 36-11 on co-branding of "A proud partner of the American Job Center Network".

CHAPTER 1: ADMINISTRATION AND GOVERNANCE

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A. State WDB

1. State WDB Roles

The roles of the State Board, Governor's Council on Workforce Investment (CWI), are prescribed in WIA:

The State Board shall assist the Governor in:

- Development of the State Plan;
- Development and continuous improvement of statewide system activities that are funded by the Title I, or, carried out through a one-stop delivery system/statewide workforce investment system, including: Development of linkages in order to assure coordination and non-duplication among the programs and activities, and review local plans;
- Commenting at least once annually on provisions in the Carl D. Perkins Vocational and Applied Technology Education Act;
- Designation of WDAs;
- Development of allocation formulae for the distribution of funds for adult employment and training activities and youth activities to local areas;
- 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;
- Preparation of the Annual Report to the U.S. DOL;
- Development of the statewide employment statistics system in Wagner-Peyser Act; and,
- Development of an application for federal incentive grants.

Note: The Governor and Legislature may add functions via Executive Order and/or State Statute.

2. WIA Sunshine Provision

"The State Board must conduct its business in an open manner as required by WIA Section 111(g), by making available to the public, on a regular basis through open meetings, information about the activities of the State Board. This includes information about the State Plan prior to submission of the plan; information about membership; the development of significant policies, interpretations, guidelines and definitions; and, on request, minutes of formal meetings of the State Board."

The Council is also required to provide an opportunity for public comment, including comment by representatives of businesses and representatives of labor organizations, and input into the development of the WIA plan prior to submission of the Plan. The Council must ensure public access (including people with disabilities) to board meetings and information regarding board activities, such as board membership and minutes.

Council members must follow the State statutes concerning conflict of interest prohibitions including but not limited to: (1) taking any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest; and (2) using his or her office or position in a way that produces or assists in the production

of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.

Notice of meetings of the Council, its standing committees, and ad hoc committees shall be given to all members at least seven days prior to the date of the meeting, along with an agenda of items for consideration at such meeting. Mailing by email or surface mail to the member's registered address shall be deemed adequate notice. Public notice as provided under the Wisconsin Open Meeting Law shall be given prior to each meeting.

B. WDBs

1. WIA Roles of WDBs (WIA Section 117 (d))

- a. In Partnership with the Chief Local Elected Officials (CLEO):
 - Create a vision and strategies for the WDA
 - Develop the five-year local Workforce Investment Plan
 - Set policy for the WDA Workforce Investment System
 - Conduct oversight of the One-Stop System
 - Identify the comprehensive Job Centers and other sites
 - Appoint a Youth Council as a subgroup of the WDB and determine its role
 - Select youth providers upon recommendations of the Youth Council
 - Conduct oversight of the youth programs and adult and DW activities (Title I)
 - Identify eligible intensive and training services providers
 - May employ staff
 - May solicit and accept grants and donations from sources other than funds made available under WIA
 - Assist the state in employment statistics system
 - Develop employer linkages
 - Coordinate WIA activities with economic development strategies
 - Promote participation of private sector employers
 - Coordinate Rapid Response activities in conjunction with the State
 - Ensure effective provision of services to assist employers to meet hiring needs
 - Conduct regional planning if the State mandates this effort
- b. With the Expressed Agreement of the CLEO(s):
 - Select OSO
 - Develop and execute Memoranda of Understanding with One-Stop partners which must be consistent with local plan
 - Negotiate performance measures with the State
- c. Subject to the Expressed Approval of the CLEO(s):
 - Develop a budget for the purpose of carrying out the duties of the local board
 - Identify other entities to participate as One-Stop partners
- d. Only With the Expressed Agreement of the CLEO(s) and the Governor and Meets State Requirements:
 - Be a direct provider of Training services with Gubernatorial waiver
 - Be a direct provider of non-training services

- Be designated as a OSO
2. Membership of the Local WDBs (WIA Section 117 (b) (2))
- a. Required Membership:
- (1) Majority of members are business representatives. Members representing business must be individuals who are owners, chief executive officers, chief operating officers, or other individuals with optimum policymaking or hiring authority.
 - (2) Two or more representatives from each of the following categories:
 - Local educational entities
 - Labor organizations
 - Community-based organizations
 - Economic Development organizations
 - Others as deemed appropriate by the CLEO
 - (3) Mandatory One-Stop Service Delivery Partners to serve on Board:
 - WIA activities for Adults; Youth & DWs (Title I)
 - Adult Education and Family Literacy (Title II)
 - Job Service - Labor Exchange such as Job Net (Wagner-Peyser Title III)
 - Vocational Rehabilitation (Title IV)
 - Temporary Assistance to Needy Families/Wisconsin's Wisconsin Works (W-2)
 - Food Share
 - Senior Community Service Employment Program - Older Americans Act
 - Carl D. Perkins Vocational and Applied Technology Education
 - Trade Adjustment Assistance (TAA) and North American Free Trade Agreement-Trade Adjustment Assistance (NAFTA-TAA)
 - Veterans Employment and Training (E & T) Services & local veteran's outreach programs
 - Community Services Block Grants
 - Housing and Urban Development E & T Activities
 - Unemployment Insurance (UI)
 - (4) Representatives from national programs if present in area:
 - Native American Programs
 - Migrant and Seasonal Farm Worker Programs
 - Job Corps
 - Youth Opportunity Grants
 - Veterans
 - (5) Other partners as identified in WIA & considered traditional partners in Wisconsin:
 - National and Community Services
 - Wisconsin Service Corps
 - Conservation Corps
 - Literacy Councils
 - Child Care agencies
 - (6) State policy requires percentages related to the WDA population on female, minority and industry representation. Details are in the link below.

b. Frequency of Recertification: The State, as required, recertifies the WDBs every two years. DET provides instructions and forms for that process. WDBs are required to complete and submit new membership rosters and conflict of interest statements to DET whenever changes occur between the formal recertification process. The link includes the full State policy.

http://dwd.wisconsin.gov/dwdwia/PDF/wia_leo_guide0599.pdf

3. Public Access to Meetings: The WDB must ensure public access (including people with disabilities) to board meetings and information regarding board activities, such as board membership and minutes. The WDB must make available to the public, on a regular basis through open meetings, information regarding the activities of the local board, including information regarding the local plan prior to submission of the plan, and regarding membership, the designation and certification of OSOs, and the award of grants or contracts to eligible providers of youth activities, and on request, minutes of formal meetings of the local board.

C. Youth Council of the WDB (WIA Section 117 (h))

1. A Youth Council is a mandatory subgroup of the WDB.
2. The WDB along with the CLEO determines the role(s) of the Youth Council identified in WIA from purely advisory to the WDB to overall delegation (with ultimate authority still retained at the WDB level). Key roles may include:

Develop youth portion of the local plan.

- Strategically map out how existing community resources are used in creating a comprehensive set of services available to youth
- Determine how to build upon those services and activities already in existence
- Infuse these activities within the one-stop delivery system and/or create effective connections
- Create the comprehensive service delivery system based on sound individual assessments

Subject to Board's approval.

- Recommend youth providers and grant awards
- Conduct oversight of youth services and programs
- Coordinate youth services among all partner programs

a. DOL's Focus on Youth.

A renewed federal focus on youth challenges local communities to achieve a level of collaboration that brings together local workforce training providers, schools, community organizations, business and others in an effort to develop an overall youth training and employment system including improved linkages with local labor market needs. They strongly urge locals to focus on:

- (1) Out-of-School-Youth: local program operators should emphasize assessment and service strategies that address academic, occupational, and "soft skill" deficiencies;
- (2) Youth who attend school: age-appropriate activities that provide career relevant experiences to complement skills learned in the classroom;

- (3) All Youth: both traditional and nontraditional methodologies should be used to create community strategies that address differing learning styles, opportunities for contextual learning, and provide assistance to youth with varying needs and learning barriers.

3. Membership of the Youth Council as Subcommittee to the Local Board.

- a. At least two members from the local boards who have interest or expertise in youth policy (e.g., educators, employers and human service agencies)
- b. At least two members who represent service agencies (e.g., juvenile justice and local law enforcement agencies)
- c. At least two members who represent local public housing authorities
- d. At least two members who are parents of eligible youth seeking Title I services
- e. At least two members who are former participants or representatives of organizations that have experience relating to youth activities
- f. At least two members who represent Job Corps if a Job Corps Center is located in the local WDA
- g. Other individuals, who the WDB chair, in cooperation with the CLEO, determine to be appropriate.

D. Cost Categories and Allowable Activities

Allowable costs for programs funded under DET must be charged against the cost categories found at WIA Section 128(b).

1. Cost Category – Administration – WIA Grants. General administrative costs are that portion of necessary and allowable costs incurred for the overall management and administration of the WIA program and which are not directly related to the provision of services to participants. Costs may be personnel or non-personnel and direct or indirect.
 - a. General allowable costs include, but are not limited, to the following:
 - (1) Accounting, budgeting and cash management functions;
 - (2) Procurement, contracting, negotiating activities;
 - (3) Property management duties;
 - (4) Public relations, personnel systems;
 - (5) Payroll duties;
 - (6) Resolution of audits, monitoring and investigations;
 - (7) Audit services;
 - (8) Grant related legal costs;
 - (9) Developing management and data processing systems (excluding participant related);
 - (10) Performing monitoring duties of administrative activities, including supervision of program staff;
 - (11) Local Board functions.

- b. Costs may be for personnel, goods, services, supplies, equipment, utilities, rent, and travel.
 - c. The only local agencies that will incur costs that are to be reported as administrative are:
 - (1) The local workforce investment board;
 - (2) The local grant recipient, the local chief officials and the local entity represented by that official;
 - (3) A local agency and/or fiscal agent designated to assist in grant administration;
 - (4) The local one stop operator.
 - d. All costs of vendors and subgrantees are program costs. Incidental administrative costs incurred by a subgrantee operating a grant whose main purpose is program services need not identify nor report such costs as administrative. Two exceptions apply to the provision of this subsection: Subgrantees that are one stop operators and subgrantees that operate grants whose main purpose is administrative. These subgrantees are required to identify and report administrative costs.
2. Cost Category – Program – WIA Grants. Allowable costs by function include, but are not limited, to the following:
- a. Personnel and related non-personnel costs for individuals directly engaged in providing direct training. Salaries, fringe benefits, supplies, equipment, space, utilities, services, staff training, and other related costs of personnel directly engaged in providing training.
 - b. Other personnel and related non-personnel costs. Salaries, fringe benefits, and related non-personnel costs of program component supervisors and/or coordinators, and other staff whose time has been properly allocated among benefiting cost categories.
 - c. Miscellaneous allowable costs. Books, instructional materials, other teaching aids used by or for participants; equipment and materials used in providing training for participants; travel; classroom space and utility costs; costs of insurance coverage of participants as allowed, and payments to vendors for goods or services procured for the benefit of program participants in the receipt of direct training services.
 - d. Commercial Training Packages. Commercial training packages may be charged entirely to training.
 - e. Tuition. If an institution of higher learning meets definitions found at s. 120(a) or s.481(b) of the Higher Education Act (HEA) of 1965, tuition charges for training or education provided by the institution, including a proprietary institution of higher education, that are not more than the charges for such education made available to the general public, do not require a breakdown of cost components.
 - f. Wage Subsidies. These include payments to on-the-job training (OJT), work experience and similar employers, but not brokering contractors. Costs incurred under brokering arrangements shall be allocated to all of the benefiting cost categories.

- g. Participant Payment Systems. Allowable costs include supportive services required for participation but which the participant cannot afford and services needed to assist participants to retain employment. These costs may include child care, commuting assistance; job interviewing costs, school, or work related goods, financial and personal counseling and other items.
- h. Other Costs. Costs incurred by the Workforce Investment Board or the grant recipient for preparing program plans and budgets, negotiating MOUs and other agreements, and supervision of program staff.

3. Cost Category Limits. The WIA Title I cost limits are described as follows:

- a. No more than 10 percent of the funds available during a program year may be spent on Administrative Costs (§667.210).
- b. At least 90 percent of the funds available during a program year must be spent on Program Costs (Adult, Youth, and DW funds).
- c. At least 30 percent of Youth funds must be spent on Out of School youth.

E. Availability of Funds

- 1. Funds obligated for adult, DW and youth activities for any program year for programs administered under WIA may be expended during that program year and the succeeding program year. The program year for the adult and DW programs begins July 1. Youth program funding begins April 1. Funds not expended after the end of the two-year grant period will be deobligated for return to DET. DET may issue additional WIA grants to WDBs that have expended all of their funds during the two-year grant period.
- 2. Funds obligated for other activities for any program year for programs administered under WIA must be expended in accordance with the grant agreement.

F. Transfer of Funds

- 1. A WDB may transfer not more than 30 percent of the funds allocated to its local area between adult activities and DW activities. DET must give prior approval to any fund transfers. If the WDB wishes to exercise the waiver approved for Wisconsin by DOL, they may transfer up to 50 percent between the Adult and DW funding streams with DET prior approval. Refer to Administrator's Memo 10-08, WIA Title 1 Waivers, published May 10, 2010, for directions.
- 2. Youth activity grants may not transfer funds into or out of its grant.

G. Oversight and Monitoring

Federal, State and local levels all have responsibilities for the oversight and monitoring of the administrative and program aspects of the WIA and the WIA Regulations.

- 1. Federal Responsibilities. For WIA Title I formula grants, the DOL's monitoring of the States will be conducted primarily at the State level and may include a sample of WIA Title I subrecipients (i.e. WDBs, OSOs or other service providers).

2. General Oversight and Monitoring Requirements. Each recipient (State) and subrecipient (WDB) of WIA funds must conduct regular oversight and monitoring of its WIA activities and those of its subrecipients and contractors in order to:
 - a. Determine that expenditures have been made against the cost categories and within the cost limitations specified in the Act and WIA Regulations;
 - b. Determine whether or not there is compliance with other provisions of the Act and WIA Regulations and other applicable laws and regulations; and
 - c. Provide technical assistance as necessary and appropriate.
3. State Role and Responsibilities
 - a. WIA requires States to develop an annual system and plan to carry out their oversight and monitoring responsibilities. The State monitoring system must meet certain regulatory requirements of the USDOL and WIA. (§667.410).
 - b. As part of this system, DET is required to:
 - (1) conduct annual onsite monitoring of each local area that includes, at a minimum, the monitoring of certain administrative requirements (WIA Section 184 and Uniform Administrative Requirements at 29 CFR parts 95 and 97, as applicable), including the appropriate administrative requirements for subrecipients and the applicable cost principles indicated at Sec. 667.200 for all entities receiving WIA Title I funds;
 - (2) ensure that established policies to achieve program quality and outcomes meet the objectives of the Act and Regulations, including the provision of services by One-Stop Centers, eligible providers of training services, and eligible providers of youth activities;
 - (3) determine if subrecipients and contractors have demonstrated substantial compliance with WIA requirements; and
 - (4) determine whether a local plan will be disapproved for failure to make acceptable progress in addressing deficiencies, as required in WIA Section 118(d)(1).
 - c. WIA provides that the State may require corrective action to achieve compliance with the program and may impose sanctions if a local area does not take corrective actions required by the State.

CHAPTER 2: PERFORMANCE MANAGEMENT

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PERFORMANCE MEASUREMENT – For additional detail, refer to DOL Training and Employment Guidance Letter No 17-05 and 17-05 change 2. (<http://wdr.doleta.gov/directives/attach/TEGL17-05.pdf>) and the DET Performance Technical Assistance Guides. <http://dwd.wisconsin.gov/dwdwia/tags.htm>

A. WIA Performance Measures Policy Overview

Policy Objective: Common measures are an integral part of DOL Employment and Training Administration (ETA) performance accountability system. The value of implementing common measures is the ability to describe in a similar manner the core purposes of the workforce system: how many people found jobs; did they stay employed; and what did they earn.

B. DOL's Common Measures Policy

DOL can authorize state waiver approvals to use common measures for the calculation of the entered employment, employment retention, and earnings measurement in the WIA performance accountability system for WIA Adult, DW, and Youth programs, the Trade Act, Jobs for Veterans Act (38 USC 4102A(f)), and Wagner-Peyser Act program performance measures. Wisconsin has a DOL waiver to use common measures.

1. Introduction to Common Measures Methodologies

The methodologies of the common measures are written as an equation, clearly identifying who is in the numerator and who is in the denominator. In cases where there are conditions that apply to both the numerator and denominator, the condition is represented in italics at the beginning of the measure. For example, the adult entered employment rate is defined as:

Of those who are not employed at the date of participation:

The number of adults who are employed in the first quarter after the exit quarter divided by the number of adults who exit during the quarter.

The condition “of those not employed at the date of participation” applies to both the numerator and denominator as follows: the number of adults *who are not employed at the date of participation* and are employed in the first quarter after the exit quarter divided by the number of adults *who are not employed at the date of participation* and exit during the quarter. In addition, the phrase “who exit during the quarter” is used frequently in the denominators of the measures. This phrase has the same meaning as the term “exit quarter” used in some of the numerators.

2. Adult and DW Measures

Entered Employment

Methodology:

Of those who are not employed at the date of participation:

The number of adult participants who are employed in the first quarter after the exit quarter divided by the number of adult participants who exit during the quarter.

Operational Parameters:

- Individuals who are employed at the date of participation are excluded from this measure (i.e., programs will not be held accountable for these individuals under this measure).
- Individuals who, although employed at the date of participation, have either received a notice of termination of employment or whose employer has issued a Worker Adjustment and Retraining Notification (WARN) or other notice that the facility or enterprise will close, or who are transitioning service members are considered not employed at the date of participation and are included in the performance measure.
- Employment at the date of participation is based on information collected from the individual, not from wage records.

Employment Retention

Methodology:

Of those who are employed in the first quarter after the exit quarter:

The number of adult and DW participants who are employed in both the second and third quarters after the exit quarter divided by the number of adult and DW participants who exit during the quarter.

Operational Parameters:

- This measure includes only those who are employed in the first quarter after the exit quarter (regardless of their employment status at participation).
- Individuals who are not employed in the first quarter after the exit quarter are excluded from this measure (i.e., programs will not be held accountable for these individuals under this measure).
- Employment in the first, second, and third quarters after the exit quarter does not have to be with the same employer.

Average Earnings

Methodology:

Of those adult and DW participants who are employed in the first, second, and third quarters after the exit quarter:

Total earnings in the second quarter plus total earnings in the third quarter after the exit quarter divided by the number of adult and DW participants who exit during the quarter.

Operational Parameters:

- To ensure comparability of this measure on a national level, wage records will be the only data source for this measure. Acceptable wage record sources are a state's UI wage records, federal employment wage records, military employment wage records, and other administrative wage records.
- Individuals whose employment in either the first, second, or third quarters after the exit quarter was determined solely from supplementary sources, and not from wage records, are excluded from the measure.

3. Youth Measures

Placement in Employment or Education

Methodology

Of those who are not in post-secondary education or employment (including the military) at the date of participation:

The number of youth participants who are in employment (including the military) or enrolled in post-secondary education and/or advanced training/occupational skills training in the first quarter after the exit quarter divided by the number of youth participants who exit during the quarter.

Operational Parameters:

- Individuals who are in post-secondary education or employment at the date of participation are excluded from this measure (i.e., programs will not be held accountable for these individuals under this measure).
- Employment and education status at the date of participation are based on information collected from the individual.
- Individuals in secondary school at exit will be included in this measure.

Attainment of a Degree or Certificate

Methodology

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

The number of youth participants who attain a diploma, GED, or certificate by the end of the third quarter after the exit quarter divided by the number of youth participants who exit during the quarter.

Operational Parameters:

- Education refers to participation in secondary school, post-secondary school, adult education programs, or any other organized program of study leading to a degree or certificate.
- Individuals in secondary school at exit will be included in this measure.
- The term diploma means any credential that the state education agency accepts as equivalent to a high school diploma. TEGL 17-05 clarifies that the term diploma also includes post-secondary degrees including Associate's Degrees (AA and AS) and Bachelor's Degrees (BA and BS).
- Diplomas, GEDs, or certificates can be obtained while a person is still receiving services or at any point by the end of the third quarter after the exit quarter.
- Work readiness certificates will not be accepted under this measure.

Literacy and Numeracy Gains – Refer to WIA Policy Update 10-03, Youth Literacy and Numeracy Gains, published June 15, 2010, for further detail.

Methodology

Of those OSY who are basic skills deficient:

The number of youth participants who increase one or more educational functioning levels divided by the number of participants who have completed a year in the youth program (i.e., one year from the date of first youth program service) **plus** the number of participants who exit before completing a year in the youth program.

Operational Parameters:

- In-school youth are excluded from this measure. (Note: determination of in-school or out-of-school status is only made at point of program participation.)
 - It is allowable to use pre-tests that are administered up to six months prior to the date of first WIA youth service, if such pre-test scores are available. If prior pre-tests are not available, administration of the pre-test must occur within 60 days following the date of first youth program service.
 - This measure is based on “date of first youth program service” rather than date of participation because date of participation is defined as earliest date of service from any program if a participant receives services from multiple programs. It is possible for the participation date of a youth to be prior to the date of first WIA youth service if such a youth was served earlier by a different program. Therefore, date of first WIA youth service is used to ensure that this measure is based on a “youth participation date” rather than the initial participation date.
 - Individuals who are determined not to be basic skills deficient based on pre-test results are excluded from this measure (i.e., programs will not be held accountable for these individuals under this measure).
 - When administering assessment tools, individuals with disabilities (as defined in 29 CFR Part 37.4) should be accommodated according to: (1) Section 188 of WIA: 29 CFR Part 37, Section 504 of the Rehabilitation Act of 1973, and Title H of the Americans With Disabilities Act, (2) guidelines associated with the assessment tool used to determine functioning levels, and (3) state law or policies. Further guidance can be found in TEGE 17-05 under *Testing Youth with Disabilities*.
 - The measure includes individuals who are given an initial assessment but, either: (1) do not post-test before exiting the program, or (2) exit before completing a year in the youth program (i.e., one year from the date of first youth program service).
 - To be included in the numerator, a participant must demonstrate on a post-test that he/she has advanced one or more educational functioning levels beyond the level in which he/she was initially placed at pre-test within one year from the date of first youth program service. (Note: the one-year time period is from date of first youth program service, not date of pre-test).
 - All OSY must be assessed in basic reading/writing and math.
- C. Program Participation and Exit Under Common Measures – Refer to WIA Policy Update 06-03, Definition of Participant and Exiter for U.S. DOL Employment and Training Programs, published August 3, 2006, for more detail.
1. Point of Participation for Common Measures Reporting
 - a. Definition of a participant

A participant is an individual who is determined eligible to participate in the program and receives a service funded by the program in either a physical location (One-Stop Career Center or affiliate site) or remotely through electronic technologies.

b. When does program participation occur?

Following a determination of eligibility (if required), participation in a program commences when the individual begins receiving a service funded by the program. This phrase has the same meaning as the “date of participation” used in some of the measures. If the participant receives services from multiple programs, then states and grantees may use the earliest date of service as the “date of participation” when reporting on the measures in each program.

2. Point of Exit for Common Measures Reporting

a. What is the definition of program exit?

The term program exit means a participant has not received a service funded by the program or funded by a partner program for 90 consecutive calendar days, and is not scheduled for future services. The exit date is the last date of service.

3. Planned Gap in Service – Refer to WIA Policy 06-08, Planned Gap In Service Policy, published June 28, 2006 and TEGL 17-05.

A participant should not be considered as exited if there is a gap in service of greater than 90 days in one of the following circumstances;

- Delay before the beginning of training;
- Health/medical condition or providing care for a family member with a health/medical condition; and
- Temporary move from the area that prevents the individual from participating in services, including National Guard or other related military service.

A gap in service must be related to one of the three circumstances identified above and last no more than 180 consecutive calendar days from the date of the most recent service to allow time to address the barriers to continued participation. However, grantees may initiate a consecutive gap in service of up to an additional 180 days for the participant that follows the initial 180-day period to resolve the issues that prevent the participant from completing program services that lead to employment. Grantees must document all gaps in service that occur and the reasons for the gaps in service, including the participant’s intent to return to complete program services. The gap in service should be reported in ASSET Manage Services and an ASSET case note should provide related detail.

4. Exclusions from Common Measures

Occasionally, circumstances arise that are beyond the control of both the participant and the program and are expected to last for an undetermined period beyond 90 days. The intent here is to identify a common list of specific circumstances as to when a participant can be excluded from common measures. A participant in any of the following

categories, either at the time of exit or during the three-quarter measurement period following the exit quarter, may be excluded from common measures:

- *Institutionalized* – The participant is residing in an institution or facility providing 24-hour support, such as a prison or hospital, and is expected to remain in that institution for at least 90 days. The reason does not apply to individuals with disabilities (as defined in 29 CFR 37.4) residing in institutions, nursing homes, or other residential environments; individuals participating in the Responsible Reintegration of Youthful Offenders program; and individuals participating in the Prisoner Reentry Initiative.
- *Health/Medical or Family Care* – The participant is receiving medical treatment or providing care for a family member with a health/medical condition that precludes entry into unsubsidized employment or continued participation in the program. This does not include temporary conditions or situations expected to last for less than 90 days.
- *Deceased* –
- *Reserve Forces Called to Active Duty* – The participant is a member of the National Guard or a military Reserve unit and is called to active duty for at least 90 days.
- *Relocated to a Mandated Program* – For youth participants only, the participant is in the foster care system or another mandated (residential or non-residential) program and has moved from the area as part of such a program. This does not include relocation to a Job Corps center.
- *Invalid or Missing Social Security Number* – Because the measures require grantees to match personally identifiable client records with wage and other administrative data in order to obtain outcome information, grantees may exclude from all the measures those participants who do not voluntarily disclose a valid social security number.

D. Data Sources

1. This section describes data sources and methods to collect data for the common measures. The data source(s) applicable to each measure are as follows:

PERFORMANCE MEASURES	DATA SOURCE
Adult Measures	
Entered Employment	Wage records and supplemental data sources
Retention	Wage records and supplemental data sources
Average Earnings	Wage records Supplemental data sources (<u>only</u> for grantees that do not have access to wage records)
Youth Measures	
Placement in Employment or Education	Wage records and supplemental data sources for placement in employment and military Administrative records for placement in education or training
Attainment of a Degree or Certificate	Administrative records
Literacy and Numeracy Gains	Assessment instrument

2. Wage Records (§666.150)

To ensure comparability of the common measures on a national level, wage records are the primary data source for the employment-related measures (except as noted in this section). DWD follows the confidentiality requirements for wage and education records as required by the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, WIA, and applicable Department regulations.

UI Wage Records

To the extent it is consistent with state law, UI wage records will be the primary data source for tracking the adult entered employment, retention, and earnings measures and the employment portion of the youth placement in employment or education measure. UI wage records include private sector, non-profit sector, and government employer wage reports such as:

- State government employment records;
- Local government employment records;
- Judicial employment records; and
- Public school employment records.

Additional wage record data sources include the following:

- Wage Record Interchange System (WRIS);
- U.S. Office of Personnel Management (OPM);
- U.S. Postal Service;
- U.S. Department of Defense;
- Railroad Retirement System;
- State New Hires Registry; and
- State Department of Revenue or Tax (for individuals who are self-employed, information must be obtained through record-sharing or automated matching of state tax records)

ETA, in collaboration with the Office of Personnel Management, U.S. Postal Service, and the Department of Defense, has created a pilot data exchange system to provide access for all states to federal and military employment wage record information. This program is called the Federal Data Exchange System (FEDES). WDBs may send their Local Program Liaison a participant's name and ASSET PIN number if they wish to have their employment verified on this list.

3. Supplemental Sources of Data (Refer to WIA Policy Update 06-05, Supplemental Employment Data, published August 1, 2006 and Supplemental Employment Data Technical Assistance Guide published April 2008).

Supplemental data will be used for program management purposes and to gain a full understanding of program performance and activities. Although a majority of employment situations will be covered by wage records, certain other types of employment, particularly self-employment, are either excluded from the sources of data identified above or very difficult for grantees to access due to data confidentiality issues (e.g., access to State Department of Revenue or Tax records).

Grantees should not be discouraged from providing entrepreneurial training or assisting the hard-to-serve simply because the subsequent employment is not covered by wage records. Therefore, in order to convey full and accurate information on the employment impact of DOL programs, grantees may use supplemental sources of data to document a participant's entry and retention in employment for those participants not covered by wage records.

Allowable sources of supplemental information for tracking employment related outcomes during the pertinent performance measure quarters include written confirmation from DET verifying FEDES employment data; participant's W-2 form; paycheck stub(s); a letter from an employer verifying participant's employment; verification from professional employment matching services; and various Internal Revenue Service (IRS) forms including 1099, 1040-Schedule C, 1099-B, PRA-012, St-12, IRS 2099-Schedule C-EZ, 1040-Schedule SE, EX-012, and S-220a-Schedule P. All supplemental data and methods must be documented and are subject to audit.

DET does not require any local program to obtain supplemental employment data. The decision to obtain and report this information is subject to each local program's discretion and available resources. Gathering this information is labor intensive and the results do not always guarantee improved performance outcomes. The ideal time to obtain supplemental employment data is during follow-up contacts with exited participants. If case managers wait until notified that the data is needed, it may be impossible to get the necessary information because the participant may have exited as long as a year ago. If the WDB, Job Service, Veterans or TAA staff choose to report supplemental employment data, they should complete the ASSET Follow-Up Status screen section entitled "For Supplemental Federal Reporting". If they choose not to report supplemental employment data, they should leave this area blank in ASSET.

4. Administrative Records

Administrative records will be the data source for the education and training portion of the placement in employment or education measure and the attainment of a degree or certificate measure. All data and methods used to determine placement in education and training or attainment of a degree or certificate must be documented and are subject to audit.

a. Placement in Post-Secondary Education or Advanced Training/Occupational Skills Training

The following data sources can be used to determine whether participants in youth programs are placed in post-secondary education and/or advanced training/occupational skills training:

- (1) Case management notes and surveys of participants to determine if the individual has been placed in post-secondary education and/or advanced training/occupational skills training; or
- (2) Record-sharing agreements and/or automated record matching with administrative/other data sources to determine and document that the participant has been placed in post-secondary education and/or advanced training/occupational skills training. These data sources may include:

- State boards governing community colleges;
- State boards governing universities;
- State education associations;
- Integrated post-secondary or higher education reporting units; and
- Training institutions/providers.

b. Degree or Certificate

The following data sources can be used to determine whether participants in youth programs attained degrees or certificates. The data source used must be placed in the participant file.

Case management notes and surveys of participants to determine if the individual has received a degree or certificate; or

(1) Record sharing agreements and/or automated record matching with administrative/other data sources to determine and document that the participant has received a degree or certificate. These data sources may include:

- State boards of education
- State boards governing community colleges
- State boards governing universities
- State licensing boards for private schools
- State education associations
- Integrated post-secondary or higher education reporting units
- State Department of Professional or Occupational Regulation (possibly other units such as health care administration or specific boards like the “Board of Nursing”)
- Professional, industry, or employer organizations or product manufacturers or developers
- Training institutions/providers
- Adult Basic Education providers (GED/equivalent testing agencies)

c. Literacy and Numeracy Gain

Following are allowable data sources for determining whether participants in youth programs attained literacy and numeracy levels. The data source used must be placed in the participant file.

- Records (test, test date(s), total scores and grade levels)

All data and methods used to determine placement in education and training, attainment of a degree or certificate, and literacy/numeracy gain(s) must be documented and are subject to audit per the technical assistance guides on participant case file documentation found at:

http://dwd.wisconsin.gov/dwdwia/PDF/adult_dislocated_documentation083011.pdf

http://dwd.wisconsin.gov/dwdwia/PDF/youth_documentation083011.pdf

E. Distinctions Between Reporting Under the WIA Performance Accountability System and Reporting Under Common Measures

One of the purposes for common measures is to more accurately reflect the true number of individuals who benefit from the One-Stop system. There are significant resources dedicated to ensure that services (including core self-service and informational activities) are available to remote customers who access the workforce investment system via electronic technologies. The following information seeks to distinguish participants who need to be included in performance calculations for WIA and other programs.

1. Who needs to be reported in the common measures participant counts?

ETA's policy requires state's to report, in the appropriate participant counts, all individuals who receive a service, including self-service and informational activities, in either a physical location (One-Stop Career Center or affiliate site) or remotely through electronic technologies.

2. Who needs to be included in the performance measures calculations?

All participants who receive a core, intensive, or training service and who exit the program are to be included in performance measures calculations, except that Section 136 of WIA expressly excludes WIA adult and DW program participants who only receive self-service or informational activities from performance calculations.

Self-Service and Informational Activities

According to §666.140(a)(2), **self-service** and **informational activities** are those core services that are made available and accessible to the general public; that are designed to inform and educate individuals about the labor market, their employment strengths and weaknesses, and the range of services appropriate to their situation; and that do not require **significant staff involvement** with the individual in terms of resources or time.

DOL interprets the critical terms above as follows:

Self-service occurs when participants service themselves in accessing workforce investment system information and activities in either a physical location, such as a One-Stop Career Center resource room or partner agency or remotely via the use of electronic technologies.

Informational activities in a workforce investment setting may include both self-services and staff-assisted core services that are designed to inform and educate a participant about the labor market and to enable a participant to identify his or her individual employment strengths, weaknesses, and the range of services appropriate for the individual. The exception is core services that require significant staff involvement (see below).

Clarification of Significant Staff Involvement

Significant staff involvement is fundamental to determining if a participant will be considered in performance calculations. The critical distinction is determining when a participant has received a level of service that requires significant staff involvement.

Significant staff involvement in a workforce investment setting is any assistance provided by staff beyond the informational activities described above regardless of the length of time involved in providing such assistance. Significant staff involvement includes a staff member's assessment of a participant's skills, education, or career objectives in order to achieve any of the following:

- Assist participants in deciding on appropriate next steps in the search for employment, training, and related services, including job referral;
- Assist participants in assessing their personal barriers to employment; or
- Assist participants in accessing other related services necessary to enhance their employability and individual employment related needs.

A participant who receives this level of service has received a service that involves a significant level of staff involvement; therefore, this participant would be included in the performance measures calculation.

On the other hand, when a staff member provides a participant with readily available information that does not require an assessment by the staff member of the participant's skills, education, or career objectives, the participant is a recipient of informational activities. This includes information such as labor market trends, the unemployment rate, information on businesses that are hiring or reducing their workforce, information on high-growth industries, and occupations that are in demand.

A participant is also a recipient of informational activities when a staff member provides the participant with information and instructions on how to access the variety of other services available in the One-Stop Career Center, including the tools in the resource room.

A participant who only receives this level of service has not received a service that involves a significant level of staff involvement; therefore, he/she is a participant who would be excluded from the performance measures calculation.

3. Inclusion of Participants in Performance Calculations by Program

Although the WIA Adult and DW program participants who access or receive only self-service or informational services are excluded in the WIA performance calculations, these participants should be included in the Wagner-Peyser Act reporting and performance calculations to the degree that Wagner-Peyser Act funds contributed to the core employment and workforce information services received.

In accordance with policy principles articulated here, if a participant is served by a specific funding stream, he/she will be counted as a participant in that funding stream's reporting system and/or performance calculations. For example, Wagner-Peyser Act funds are often used to support and maintain One-Stop Career Center operations, electronic tools, job banks, and workforce information services. In these situations, it would be appropriate to include a participant who accessed or received Wagner-Peyser Act-funded services in the Wagner-Peyser Act performance accountability system.

Where WIA program funds are used in similar ways, participants who receive self-service or informational activities would only be included in the WIA participant and services counts, but would not be counted in the WIA performance measures.

F. WIA Incentives and Sanctions for Local Performance

1. **Incentive Policy.** DWD will use a portion of the funds reserved for Statewide workforce investment activities under WIA sections 128(a) and 133(a)(1) to provide Incentive Grants to local areas for regional cooperation among local boards (including local boards for a designated region, as described in WIA section 116(c)), for local coordination of activities, and for exemplary performance on the local performance measures. The amount of funds used for Incentive Grants and the criteria used for determining exemplary local performance levels to qualify for the incentive grants are determined by the Governor. Per §665.200(d)(2)a, WDB is not eligible for an incentive award if it has failed to execute an MOU with all required partners.
2. **Sanction Policy.** If the local area fails to meet the levels of performance agreed to for the core indicators of performance for a program in any program year, technical assistance must be provided. The technical assistance is provided by the state with funds reserved for Statewide workforce activities under WIA sections 128(a) and 133(a)(1). The technical assistance may include the development of a performance improvement plan, a modified local plan, or other actions designed to assist the local area in improving performance. BWT will provide a template for the performance improvement plan.

If a local area fails to meet the levels of performance agreed to for the core indicators of performance for a program for two consecutive years, the state will take corrective actions. The corrective action may include the development of a reorganization plan which:

- a. Requires the appointment and certification of a new Local Board;
- b. Prohibits use of particular service providers or One-Stop partners that have been identified as achieving poor levels of performance; or
- c. Requires other appropriate measures designated to improve the performance of the local area, which includes a corrective action plan. BWT will provide a template for the corrective action plan.

G. WIA Management Information and Reporting

1. **Explanation of ASSET –** The ASSET is the designated customer reporting and data collection system for WIA. ASSET supports the WIA programs – encompassing the Adult, DW, and Youth programs under WIA Title 1 and the Wagner-Peyser funded labor exchange services (WIA Title 3) including case-managed services to Veterans, Migrant Seasonal Farm Workers (MSFWs), UI Claimants, and Older Workers. ASSET also supports reporting for specialized DW programs such as TAA, Special Response and National Emergency Grants (NEG).

ASSET provides statewide, comprehensive data collection for job seeker registration, case management, and eligibility screening for program and provider services. It is important to track Job Center customer services in ASSET for the following reasons:

- **Federal Reporting for WIA:** ASSET is the sole source of information about our Title 1B and Wagner-Peyser program customers. The registrations and services

reported in ASSET are used to create the mandatory federal reports, which in turn, provide Wisconsin with continued federal funding for these programs.

- **State Program Management:** ASSET information is the sole source of data about individuals eligible for WIA and other programs. DWD uses this information for resource planning, monitoring and evaluation, and general program management.
- **Local Program Management:** Data from ASSET can be used for making decisions on resource allocation, program management, or service options by WDBs and Job Service districts. Additionally, local agency case managers can use ASSET to better serve their customers by giving them a statewide system that tracks customers wherever services are provided.

2. WDB Role in Performance Data – DET is required to submit quarterly reports documenting state and local progress toward meeting negotiated performance levels. WDBs must assure that participant data is kept up to date within the ASSET system. WDBs will:
 - a. Collect and input data in the approved format;
 - b. Work with DET staff to validate and revise data as necessary;
 - c. Generate reports for their customers;
 - d. Maintain standardized records; and
 - e. Ensure that new staff is trained in the use of ASSET. The ASSET Users Manual and training environment can be found at this website: <http://www.dwd.state.wi.us/asset/>
3. ASSET Correction Requests – Refer to WIA Policy Update 04-12, ASSET Correction Requests, published May 16, 2007 for details. The Staff Request function in ASSET is the vehicle for requesting changes to participant records. A request should only be submitted if a change cannot be made to the record by local staff and if the participant has not yet exited from the current program episode. The following steps should be followed:
 - a. Case Manager and WDB staff request data corrections using the Staff Request function in ASSET.
 - b. The WDB-designated approver either denies or approves the change, making the necessary change to the request and saving the screen. The request is then “sent” to DET for review and action.
 - c. When changes are approved, the ASSET Administrators will make the requested changes and mark the request’s status as “Completed”. If a change is disapproved, the request’s status will be changed to “Denied” and the reason for the denial will be entered into the “Description” field on the change request screen. WDB staff and case managers will be able to review the status of their changes and the reasons for change request rejections.

CHAPTER 3: THE ONE STOP (JOB CENTER) DELIVERY SYSTEM

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A. Comprehensive Job Center Requirements and Standards of Service

As established in §662.100(a) of the WIA Regulations, ...the One-Stop delivery system is a system under which entities responsible for administering separate workforce investment, educational, and other human resource programs and funding streams (referred to as One-Stop partners) collaborate to create a seamless system of service delivery that will enhance access to the programs' services and improve long-term employment outcomes for individuals receiving assistance.

Integral to the accomplishment of that goal, the Act establishes Federal, State and Local responsibilities to establish a system of one-stop job centers through out the nation. There must be at least one comprehensive center in each WDA. Each comprehensive one-stop center must provide the following:

Core Services: WIA Section 134(b)(2)

1. Determination of an individual's eligibility to receive assistance from WIA;
2. Assistance in establishing eligibility for programs of financial aid for training and education programs not funded under WIA and available in the local area;
3. Outreach, intake, and orientation to the information and other services available through the Job Center system;
4. Initial assessment of occupational and soft skill levels, aptitudes, abilities, and supportive service needs;
5. Job search and placement assistance, and where appropriate, career counseling.
6. Access to WORKnet and WisCareers, or, provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including--
 - a. job vacancy listings in such labor market areas;
 - b. information on job skills necessary to obtain the jobs described in clause (i); and
 - c. information relating to local occupations in demand and the earnings and skill requirements for such occupations.
7. Access to the State Eligible Training List;
8. Information regarding local area performance measures and any additional performance information for the one-stop delivery system in the local area;
9. Information about and referral to supportive services, including childcare and transportation in the local area;
10. Information regarding filing claims for unemployment compensation; and

11. Make available follow-up services (including counseling) for WIA participants placed in unsubsidized employment, for at least 12 months after the first day of employment.

Access to Intensive Services: WIA Section 134(d)(3)(C)

1. Comprehensive and specialized assessments of the skill levels and service needs of adults and DWs, which may include:
 - a. diagnostic testing and use of other assessment tools; and
 - b. in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.
2. Development of an IEP to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals.
3. Group counseling.
4. Individual counseling and career planning.
5. Case management for participants seeking training services.
6. Short-term prevocational 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.

Access to Training Services: WIA Section 134(d)(4)(D)

1. occupational skills training, including training for nontraditional employment;
2. OJT;
3. programs that combine workplace training with related instruction, which may include cooperative education programs;
4. training programs operated by the private sector;
5. skill upgrading and retraining;
6. entrepreneurial training;
7. job readiness training;
8. adult education and literacy activities provided in combination with services 1-7; and
9. customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

Access to other programs and activities carried out by the One-Stop partners. The One-stop partners are:

WIA Mandatory One-Stop Service Delivery Partners:

- WIA activities for Adults, Youth & DWs (WIA Title I)
- Adult Education and Family Literacy (WIA Title II)
- Job Service (Wagner-Peyser WIA Title III)
- Vocational Rehabilitation (WIA Title IV)
- Welfare-to-Work (No longer a program)
- Temporary Assistance to Needy Families/WI W-2 (Added by WI Governor)
- Food Stamp Employment & Training and Food Stamp Workfare (Renamed as Food Share)
- Senior Community Service Employment Program- Older Americans Act
- Carl D. Perkins Vocational and Applied Technology Education [Renamed as Carl D. Perkins Career and Technical Education Act of 2006]
- TAA and NAFTA-TAA
- Veterans Employment & Training Services & local veteran's outreach programs
- Community Services Block Grants
- Housing and Urban Development Employment & Training Activities
- UI

Representatives from national programs if funding/activities are present in workforce area:

- Native American Programs
- Migrant and Seasonal Farm Worker Programs
- Job Corps
- Youth Opportunity Grants

Other partners as identified in WIA and considered traditional partners in Wisconsin:

- National and Community Services
- Wisconsin Service Corps
- Conservation Corps
- Literacy Councils
- Child Care agencies

The design of the local area's One-Stop delivery system, including the number of comprehensive centers and the supplementary arrangements other service locations, must be described in the local plan and be consistent with the MOU executed with the One-Stop partners.

Each MOU shall contain provisions describing:

1. the services to be provided through the one-stop delivery system;
2. how the costs of such services and the operating costs of the system will be funded;

3. methods for referral of individuals between the OSO and the one-stop partners, for the appropriate services and activities;
4. the duration of the memorandum and the procedures for amending the memorandum during the term of the memorandum; and
5. other provisions, consistent with the requirements of this title, as the parties to the agreement determine to be appropriate and could include:
 - a. requires all signatories strive to meet the service standards
 - b. requires all signatories to participate in center management
 - c. defines roles and responsibilities of signatory agency staff within the center
 - d. center marketing requirements

Standards of Service

The Job Center Service Standards define expectations for serving customers within Job Centers across the State of Wisconsin. The standards will also continue the focus on quality service and ensure consistency of service across the state. The WDB is responsible for ensuring that their comprehensive center(s) and any other service locations meet Service Standards.

The Service Standards are broadly stated to allow flexibility in regional program design and local implementation of services. The Service Standards state “what” is to be done; it is up to local groups responsible for the planning and implementation of Job Center services to decide “how” local activities will meet the Service Standards.

The standards are crafted around two customer groupings: Administrative/Partner, and Employers and Job Seekers.

Administrative/Partner Expectations:

1. The Job Center has a MOU with all partners that clearly delineates roles and responsibilities in the service delivery system.
2. The Job Center meets ADA physical and program accessibility requirements. The Job Center provides equal access to all services and programs (including resource room materials and services) for all customers, including persons with disabilities and limited English-speaking ability.
3. Veterans and qualified spouses shall be given priority over non-veterans in the receipt of any employment, training, and placement services provided in Wisconsin Job Centers. (Administrator’s Memo 10-2)
4. The Resource Room/customer service area of the Center is staffed all hours the Center is open. One person who can triage customer needs and refer to programs as appropriate must be on duty at all times the center is open.
5. Staff at the Job Center will provide access to all other required WIA partner programs.

6. Staff at the Job Center will provide information about available job training and make referrals as needed.
7. The Job Center has a credentialed employment counselor who works with all job seeker customers and is on-site each week.
8. The Job Center addresses the needs of youthful job seekers
9. The Job Center is participating in a continuous improvement program. The Job Center's effectiveness in providing services to job seekers and employers will be available to the public.
10. The continuous improvement program must ensure a trained, competent staff and that staff participates in a credentialing program. Staffs providing services through Job Centers are trained and demonstrate competence in providing consistent, high quality service to business and job seeker customers. Staff possess the following knowledge:
 - a. Knowledge of available community resources.
 - b. Knowledge of referral process to all partner programs and services as appropriate for the customer's needs.
 - c. Knowledge and assistance with all Job Center tools, technologies, Internet, and computer systems.
 - d. Knowledge and assistance with special needs and overcoming barriers to employment, as needed. Understands special employment needs of diverse populations.
 - e. Knowledge of privacy and confidentiality requirements for all customers.
 - f. Knowledge of customer service techniques including maintaining a professional relationship.
11. The Job Center has exterior signage using the "Job Center of Wisconsin, Connecting Wisconsin's Workforce Here" logo. Interior signage ensures that all customers are able to use the Job Center effectively and includes required posters, room locations and directions in English and alternate language(s) as appropriate to customer demographics. [Note: Decals will be provided by DET that will suffice for compliance.]
12. Services are coordinated across programs and not duplicated to improve efficiency and service to the customer.
13. Customers receive services through the Job Center system regardless of race, gender, ethnicity, age, or disability status and in accordance with any other legal protections.
14. Privacy and confidentiality is provided for all customers.
15. All customers are served in a timely manner. (Each WDB will decide what it considers a timely manner for customer service.)

16. The Job Center has a Business Services Team that will provide business services in an integrated, non-duplicative manner and is consistent with the regional *Business Services Plan*.

Employer and Job Seeker Expectations: Every customer using the Job Center should expect:

1. Access to JobCenterofWisconsin.com to make connections between job seekers and employers
2. The level of service provided will be appropriate to individual customer's needs and consistent with program requirements
3. Regularly scheduled financial literacy education and assistance, information about and referral to credit rehabilitation counseling
4. Veterans and qualified spouses shall be given priority over non-veterans in the receipt of any employment, training, and placement services provided in Wisconsin Job Centers. (TEGL # 5-03, 9-6-2004 and vpl1-07 3-19-07)
5. Access to all other required WIA partner programs
6. Information about available job training and receive referrals as needed
7. Access to an employment counselor who works with all job seeker customers and is on-site each week
8. To make informed choices, within available services, and be assisted in determining service options
9. Services are coordinated across programs and not duplicated, to improve efficiency and service to the customer
10. Program information is accessible in various delivery formats to ensure understanding by the customer, e.g., oral/written translation services, interpreter services/sign language, etc.
11. Accommodations are made for customers' special needs (physical and programmatic)
12. Customers receive services through the Job Center system regardless of race, gender, ethnicity, age, or disability status and in accordance with any other legal protections.
13. Privacy and confidentiality is provided for all customers.
14. Staff providing services through Job Centers are trained and demonstrate competence in providing consistent, high quality service to business and job seeker customers
15. All customers are treated with respect and served in a timely manner.
16. Information on education, employment and training services.

17. Information on local services, potential eligibility requirements, and how and where to access those services.
18. Information about support services needed to maintain employment.
19. Initial, comprehensive and specialized assessments as appropriate to the customers' needs and program requirements.
20. Career planning with an emphasis on jobs in the area that provide family-supporting wages and benefits, including nontraditional occupations.
21. Current job openings, the qualifications associated with these openings, and application.
22. Assistance with job search, including resume writing, interviewing, seeking nontraditional employment positions, using labor market information and locating the "hidden job market," career ladders, and high wage, high demand occupations.
23. Information on the UI) filing and claims update processes.
24. Financial literacy training such as the wise use of credit and financial asset building, and credit rehabilitation counseling.
25. Be greeted by some one who can determine customer needs and refer customers programs, as appropriate.

B. One-Stop Delivery System (§662.100)

The Act assigns responsibilities at the local, State and Federal level to ensure the creation and maintenance of a One-Stop delivery system that enhances the range and quality of workforce development services that are accessible to individuals seeking assistance.

1. Coordinated Delivery of Services

- a. Under the One-Stop delivery system, entities responsible for administering separate workforce investment, educational, and other human resource programs and funding streams (referred to as One-Stop partners) collaborate to create a seamless system of service delivery that will enhance access to the programs' services and improve long-term employment outcomes for individuals receiving assistance.
- b. The system must include at least one physical comprehensive center in each local area that must provide the core services specified in WIA Section 134(d)(2), and must provide access to other programs and activities carried out by the One-Stop partners.
- c. The design of the local area's One-Stop delivery system, including the number of comprehensive centers, is described in the Local WIA Plan and is consistent with the MOU executed with the One-Stop partners.

- d. DET requires that the WDBs review the physical and program accessibility of the Job Centers. Administrator's Memo 12-06 DET recommends that the Accessibility Checklist developed by the U.S. DOL, be used as the instrument to conduct the reviews. <http://www.dol.gov/oasam/programs/crc/section188.htm>

DET reviews WDB compliance with this requirement during Annual On-Site Compliance Reviews. All partners in the workforce and education system must ensure the physical, programmatic, and communications accessibility of facilities, programs, services, technology, and materials for individuals with disabilities in the One-Stop system.

- e. Job Center Complaint Coordinator System - Job Center Complaint Coordinator Systems (JCCCS) – Complaint Coordinators refer complaints or act as a conduit to make sure the complainant gets the resources they need, based on the type of complaint or specific program involved. Each Job Center is provided with Complaint Coordinator posters showing English, Spanish, and Hmong translations to display prominently at the sites. The Department monitors the effectiveness of the JCCCS when conducting on-site visits with the WDBs.

2. Delivery of WIA Services

- a. The One-Stop system is the basic delivery system for WIA Title I adult, youth and DW services.
- b. Through this system, adults and DWs can access a continuum of services organized into three levels: core, intensive, and training.
- c. Core services for adults and DWs must be made available in at least one comprehensive One-Stop center in each local WDA. Services may also be available elsewhere, either at affiliated sites or at specialized centers.
- d. Intensive services, as needed, are also made available to adults and DWs through the One-Stop system either by the OSO directly or through contracts with service providers that are approved by the WDB.
- e. Training services, as needed, are made available to adults and DWs primarily through ITAs. The list of eligible training providers contains consumer information, including cost and performance information for each of the providers, so those participants can make informed choices on where to use their ITAs. (ITAs are fully discussed in Chapter 4 of this policy manual.) Other forms of training such as OJT training are discussed under the Adult and DW Section of this policy manual.

3. Responsibilities of the Required One-Stop Partners (§662.230)

All required One-Stop partners must:

- a. Make available to participants through the One-Stop delivery system the core services that are applicable to the partner's programs (WIA Section 121(b)(1)(A));

- b. Use a portion of funds made available to the partner's program, to the extent not inconsistent with the Federal law authorizing the partner's program, to create and maintain the One-Stop delivery system and provide core services (WIA Section 134(d)(1)(B));
 - c. Enter into a MOU with the Local Board relating to the operation of the One-Stop system that meets the requirements of §662.300, including a description of services, how the cost of the identified services and operating costs of the system will be funded, and methods for referrals (WIA Section 121(c));
 - d. Participate in the operation of the One-Stop system consistent with the terms of the MOU and requirements of authorizing laws (WIA Section 121(b)(1)(B)); and
 - e. Serve as a representative on the local WDB (WIA Section 117(b)(2)(A)(vi))
4. Availability of Applicable Core Services by One-Stop Partners §662.250
- a. The WIA Core Services Matrix in Appendix provides a snapshot of the types of services offered by the required One-Stop partners that match, or are substantially similar to, the core services as defined by WIA Title I. Note that the majority of the required One-Stop partners offer most or all of the same types of services as are listed as a core service under WIA Title I. These core services must be made available to individuals attributable to the partner's program who seek assistance at a comprehensive center.
 - b. All WIA Title I adult and DW program providers are required to make all of the core services listed in §662.240 available at a comprehensive center.
 - c. The applicable core services (WIA Title I and partners' core services) may be made available by different means including:
 - (1) the provision of appropriate technology at the comprehensive One-Stop center,
 - (2) by co-locating personnel at the center,
 - (3) cross-training of staff, or
 - (4) through a cost reimbursement or other agreement between service providers at the comprehensive One-Stop center and the partner, as described in the MOU.
 - d. The responsibility of each partner for providing core services must be proportionate to the use of the services at the comprehensive One-Stop center by those individuals attributable to the partner's program. The specific method of determining each partner's proportionate responsibility must be described in the MOU.
 - e. Individuals attributable to the partner's program may include those:
 - (1) who are referred through the comprehensive One-Stop center and enrolled in the partner's program after the receipt of core services;
 - (2) who have been enrolled in the partner's program prior to receipt of the applicable core services at the center;
 - (3) who meet the eligibility criteria for the partner's program and who receive an applicable core service; or
 - (4) who meet an alternative definition described in the MOU.

- f. The provision of applicable core services at a comprehensive center by the One-Stop partner may be supplemented by the provision of such services through a network of affiliated sites and networks of One-Stop partners described in WIA Section 134(c)(2). These kinds of supplementary arrangements are to be described in the MOU.
5. Other One-Stop Partner Services Provided Through the One-Stop Delivery System. (§662.260)
 - a. One-Stop partners must provide access to the other activities and programs carried out under the partner's programs in addition to the provision of core services.
 - b. The access to these services must be described in the local MOU.
 - c. The WIA regulations (§ Part 663) describe the specific requirements relating to the provision of core, intensive, and training services through the One-Stop system that apply to the adult and the DW programs authorized under Title I of WIA.
 - d. Additional requirements apply to the provision of all labor exchange services under the Wagner-Peyser Act. (WIA Section 134(c)(1)(D)).
6. Funding Costs of Services and Operations of the One-Stop System (§662.270)
 - a. The intent of WIA is to create a seamless service delivery system for individuals seeking workforce development services by linking the One-Stop partners in the One-Stop delivery system. While the overall effect is to provide universal access to core services, the resources of each partner may only be used to provide services that are authorized and provided under the partner's program to individuals who are eligible under such program.
 - b. One-Stop partners may not use their funds for individuals who are not eligible for the partner's program or for services that are not authorized under the partner's program; requirements of the partner's program continue to apply.
 - c. The MOU must describe the particular funding arrangements for services and operating costs of the One-Stop delivery system.
 - d. Each partner must contribute a fair share of the operating costs of the One-Stop delivery system proportionate to the use of the system by individuals attributable to the partner's program.
 - e. There are a number of methods, consistent with the requirements of the relevant OMB circulars, that may be used for allocating costs among the partners. Some of these methodologies include allocations based on direct charges, cost pooling, indirect cost rates, and activity-based cost allocation plans.

C. Structure of the One-Stop Delivery System

1. The One-Stop delivery system must include at least one comprehensive physical center in each local area that must provide the core services as specified in WIA Section

134(d)(2) and must provide access to other programs and activities carried out by the One-Stop partners.

2. Each local area must have at least one comprehensive center. In addition, WIA Section 134(c) allows for arrangements to supplement the center.

These arrangements may include the following which are Access Points of Service:

- a. A network of affiliated sites that can provide one or more partner's programs, services and activities at each site;
 - b. A network of One-Stop partners through which each partner provides services that are linked, physically or technologically, to an affiliated site that assures individuals are provided information on the availability of core services in the local area; and
 - c. Specialized centers that address specific needs, such as those of DWs.
3. The number of comprehensive centers and the supplementary arrangements that make up the One-Stop delivery system is described by the WDB in its WIA plan and must be consistent with the MOU executed with the One-Stop partners.
 4. The design of the system and the number of centers in any particular area are determined based on agreements between the WDB, local elected officials (LEO) and the One-Stop partners. They should take into consideration such things as how customers are going to be served across the WDA and the resources available to provide services at multiple sites. WIA also allows for different models of providing services such as "networks of affiliated sites", "networks of One-Stop partners" and "specialized centers".
 5. The WIA local plan describes the WDA's One-Stop delivery system including the number and location of comprehensive centers and any supplementary arrangements.
 6. The applicable core services of each One-Stop partner's program must be made available at the comprehensive One-Stop center. These services must be made available to individuals attributable to the partner's program who seek assistance at the center.
 7. Providers of WIA adult and DW programs are required to make all core services available at the comprehensive center.
 8. The applicable core services may be made available at the comprehensive One-Stop center by different means that include:
 - a. the provision of appropriate technology (UI claims filing by providing customers telephone access to the statewide system of call centers is an example of this in Wisconsin);
 - b. by co-locating personnel at the center;
 - c. cross-training of staff, or

- d. through a cost reimbursement or other agreement between service providers at the comprehensive One-Stop center and the partner, as described in the MOU.
9. Individuals attributable to a particular partner's program may include those:
- a. who are referred through the comprehensive One-Stop center and enrolled in the partner's program after the receipt of core services,
 - b. who have been enrolled in the partner's program prior to receipt of the applicable core services at the center,
 - c. who meet the eligibility criteria for the partner's program and who receive an applicable core service, or
 - d. who meet an alternative definition described in the MOU.
10. The provision of applicable core services at a comprehensive center by a One-Stop partner may be supplemented by the provision of such services through the networks of affiliated sites and networks of One-Stop partners described in WIA Section 134(c)(2).

D. MOU for the One-Stop Delivery System (§662.300)

The MOU is an agreement developed and executed between the Local Board, with the agreement of the CLEO, and the One-Stop partners relating to the operation of the One-Stop delivery system in the local area.

1. Required Provisions

- a. The MOU must contain the following provisions required by WIA Section 121(c)(2) and DWD-DET policy. These provisions cover:
 - (1) services to be provided through the One-Stop delivery system;
 - (2) the funding of the services and operating costs of the system;
 - (3) methods for referring individuals between the OSOs and partners;
 - (4) duration and procedures for amending the MOU;
 - (5) how resources will be used;
 - (6) method for resolving impasses in negotiating the MOU; and
 - (7) other issues as necessary.
- b. The MOU may also contain any other provisions that are consistent with WIA Title I and regulations that are agreed to by the parties.
- c. A single "umbrella" MOU may be developed that addresses the issues relating to the WDA's One-Stop delivery system for the WDB and all partners, or the WDB and the partners may decide to enter into separate agreements between the WDB and one or more partners. Under either approach, the requirements described above and in §662.310 apply. Since funds are generally appropriated annually, financial agreements may be negotiated with each partner annually to clarify funding of services and operating costs of the system under the MOU.

- d. The MOU should include cost allocation plan information and is therefore subject to audit.

2. MOU Outline and Template

DWD-DET has available an outline for the WIA MOU which delineates the required MOU provisions and provides some guidance to WDBs and One-Stop partners in developing the MOU to address those provisions. The MOU Template provides the required format for the WIA MOU.

3. Impasses in Negotiating the MOU

- a. WIA emphasizes full and effective partnerships between local WDBs and One-Stop partners. WDBs and partners must engage in good-faith negotiations to complete the MOU.
- b. WIA provides that WDBs and partners may request assistance in negotiating the MOU from a State agency responsible for administering the partner program, the Governor or other appropriate parties. The WDB and partners must document the negotiations and efforts that have taken place.
- c. The State agencies and the Governor may also consult with the appropriate Federal agencies to address impasse situations after exhausting other alternatives.
- d. Any failure to execute an MOU between a WDB and a required partner must be reported by the WDB and the required partner to the Governor or State Board (in Wisconsin, this is the CWI) and the State agency responsible for administering the partner's program. (WIA Section 121(c)).
- e. In situations where a required partner has not signed an MOU by the date of the State's required submittal of all signed MOUs the procedures that have been developed for the State of Wisconsin per WIA regulations apply.
- f. The consequences of an impasse that has not been resolved through the alternatives available are:
 - (1) the Governor and the responsible state agency must report this to the Secretary of Labor and to the head of any other Federal agency with responsibility for oversight of a partner's program;
 - (2) any partner that fails to execute an MOU may not be permitted to serve on the WDB; and
 - (3) any local area in which a WDB has failed to execute an MOU with all of the required partners is not eligible for State incentive grants awarded on the basis of local coordination of activities under §665.200(d)(2).

- 4. Impasse Procedures - DWD emphasizes full and effective partnerships between local WDBs and Job Center partners. WDBs execute a MOU describing each partner agency's role in addressing the workforce issues identified in the plan. Local areas may request assistance in negotiating the MOU from DWD or the state agency responsible for administering the partner program, the Governor or other appropriate parties. Local negotiation efforts that have taken place must be documented at the time of the request.

In situations where a required partner has not signed an MOU, the following impasse procedures have been developed per WIA regulations:

Process to Resolve Impasse Situations

- **Initial Report of Impasse.** The WDB jointly with the CLEO **and** the affected partner must report in writing that an impasse has occurred to:
 - The state DWD;
 - The state agency responsible for administering the partner's program, and if there is no administering agency at the state level, then to the appropriate federal agency; and,
 - The CWI on behalf of the Governor.
- **Report Requirements.** This written notification must include:
 - Which partner/agency(s) are involved,
 - What WIA services are involved,
 - What the specific issues of disagreement are,
 - Documentation of negotiations and what efforts have taken place to reach agreement that demonstrate a good-faith effort of both parties; and,
 - Written acknowledgement that this notification begins a five-working-day "best efforts" period in which the parties will continue to make good faith efforts to resolve differences. This five-day period will precede active state-level intervention. If an MOU is completed within this period, both parties and the CLEO will notify the parties in "Initial Report of Impasse" above.
- **First Level-- Informal Discussion at the State Level.** Upon initial receipt of the written notification, the involved state agencies will proceed to schedule meetings that would begin after the five-working-day "best efforts" period. DWD will make this the highest priority and a review team will:
 - Request any additional documentation from the local parties and involved state agencies within three working days of receipt of the report.
 - Prepare options for resolution at the first state level meeting with involved partners.
 - Convene meetings and attempt to resolve the impasse.
- **Formal Negotiation at the State Level.** If after five days at the informal discussion level, the impasse has not been resolved, then an impartial entity, such as the Wisconsin Employment Relations Commission, will be enlisted to negotiate between the parties.
- **No Resolution.** Failure to execute an MOU, will result in:
 - The Governor and the responsible state agency must report this to the Secretary of Labor and to the head of any other Federal agency with responsibility for oversight of a partner's program.
 - The involved partner will not be permitted to serve on the WDB, and
 - The local area in which a WDB has failed to execute an MOU with all of the required partners will not be eligible for state incentive grants awarded on the basis of local coordination of activities under §665.200(d)(2).

E. OSO's

1. The OSO – Definition and Roles (§662.400)

- a. The OSO is the entity that performs the role as specified in the WDB local plan and/or agreement(s) between the WDB and the OSO.
- b. That role may range from simply coordinating service providers within the center to being the primary provider of services within the center (WIA Section 121(d)).
- c. The types of entities that may be selected to be the OSO include:
 - (1) A post-secondary educational institution;
 - (2) An Employment Service agency established under the Wagner-Peyser Act on behalf of the local office of the agency;
 - (3) A private, nonprofit organization (including a community-based organization);
 - (4) A private for-profit entity;
 - (5) A government agency; and
 - (6) Another interested organization or entity.
- d. OSO's may be a single entity or a consortium of entities and may operate one or more One-Stop centers. WDBs are encouraged to consider the wide variety of OSO configurations that are possible and to design their system to meet the needs of their WDA.
- e. There may be more than one OSO in a local area.
- f. In the WIA plan for each local area, the WDB describes the roles and responsibilities it has determined for the OSO(s) within the region; how the OSO(s) will be determined (competitive or non-competitive process), and provides detail on the arrangements for each comprehensive center in the WDA.
- g. The roles and responsibilities of the OSO are included in the MOU so that all partners are aware of that role.

2. Selection of the OSO §662.410

OSO's in each local area are designated and certified by the WDB with the agreement of the CLEO. The OSO is designated or certified:

- a. Through a competitive process, or
- b. under an agreement between the Local Board and a consortium of entities that includes at least three or more of the required One-Stop partners identified at §662.200. (WIA Section 121(d))

3. Local WDB as the OSO

- a. The local WDB may be designated or certified as the OSO only with the agreement of the chief elected official (CEO) and the Governor. DWD has provided guidance to local areas on this issue in a policy and procedure which outlines the criteria by

which local areas can seek the Governor's approval to provide direct services. (WIA Policy 02-01)

- b. The designation or certification of the WDB as a OSO or a service provider must be made publicly, in accordance with the requirements of the "sunshine provision" in WIA Section 117(e), and must be reviewed whenever the biennial certification of the Local Board is made under §663.300(a). (WIA Section 117(f)(2))

CHAPTER 4: ITA POLICY

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ITA POLICY

A. Background

The WIA gives participants with ITAs the opportunity to select their own training provider from a State List of Eligible Training Providers. After receiving core and intensive services and in consultation with case managers, WIA training participants with ITAs use the State List to make an informed choice. WIA Section 122 establishes the requirements for creating and maintaining this list.

The State List is cooperatively developed and maintained by local WDBs and the State DWD. It is based on the names and information contained in the 11 local WDB lists. These are submitted to the State according to the process described in this policy. In developing the policy, DWD attempted to minimize the number of barriers training providers would face to be on the list. This was done to encourage a broad participation on the State "shopping" List of Eligible Training Providers.

1. Eligibility to be on the list for the Initial Year differs from Subsequent Years. For the Initial Year, WIA identifies two groups of programs that are automatically eligible to be on the local and State List:
 - a. Postsecondary educational institutions that are eligible to receive Federal funds under Title IV of the HEA of 1965, and also provide a program that leads to an associate degree, baccalaureate degree, or certificate; and
 - b. Entities that carry out programs under the National Apprenticeship Act and are registered under the Act.
2. For all "Other" training providers, the State is required to develop the process for gaining eligibility to be on the Statewide List. This "Other" group includes community-based organizations, private organizations, and postsecondary Title IV agencies that offer programs that may not lead to an associate degree, baccalaureate degree, certificate or technical diploma.
3. The WIA eligibility process for training providers pertains only to ITAs for adults and DWs 18 years and older. Customized training, OJT, and the other training exceptions identified in WIA Section 134(d)(4)(g) are not covered under this process.
4. Training providers may need to obtain approval or accreditation of their training programs for other reasons. The WIA process does not affect these existing approval and accreditation processes. While the approval or accreditation of a provider may be an important consideration for WIA training participants in deciding whether to use their ITA with that provider, the WIA process concentrates on providing participants with information on provider performance. This allows ITA customers to make informed choices on how to use their ITA.
5. The WIA §663.508 define programs of training services for ITAs as:

“(a) One or more courses or classes that, upon successful completion, leads to: (1) a certificate, an associate degree, or baccalaureate degree, or (2) competency or skill

recognized by employers, or (b) a training regimen that provides individuals with additional skills or competencies generally recognized by employers.”

DWD has further defined the policy to say training for a GED is not to be considered for ITA training unless it is a part of job readiness training. Stand-alone GED preparation is allowed as an Intensive Service. (WIA Policy #02-07)

6. Since 2001, there has been a DOL waiver on subsequent training eligibility.

B. Process for the Development of the Statewide Lists

1. Post Secondary Educational Institutions Receiving Title IV HEA Funds

a. Applications

WIA Section 122 allows each local WDB to decide the type of application they want interested training providers, qualifying under this category, to fill out. The Department desires to make the State List of Eligible Training Providers easily accessible to ITA customers and staff through an ITA web-site, it asks local WDBs to use the application required for “Others” and follow the procedures described below. Interested training providers will contact the local WDB where they want to provide training for an application. A sample copy of the application is in Attachment A on the website (<http://www.wisconsinjobcenter.org/itaresources/AttachmentA.pdf>).

Wisconsin Technical Colleges, University of Wisconsin Campuses, and others that receive funding from Title IV are eligible under this category. [Click here](#) for a National Center for Education Statistics listing of Wisconsin schools eligible to receive Title IV funding. For information on training providers approved by the Wisconsin Educational Approval Board (WEAB) click here <http://eab.state.wi.us/>. This WEAB address is a listing of schools required by law to be approved by WEAB. State statutes require the WEAB to grant approval to for-profit schools, in-state, non-profit schools incorporated after January 1, 1992, and out-of-state non-profit colleges.

Per §663.515(a), in order to be considered eligible under this category, a training agency must submit an application to “local board(s) for the local area(s) in which the provider desires to provide training services.” In addition, this section of the Regulations provides a description of each program of training services needs to be provided.

b. Criteria for Local Selection

All training agencies eligible under this category are automatically included on the local list. There are no criteria for selection; however, the local WDB will need to verify that the training program funded with Title IV HEA funds leads to an associate degree, baccalaureate degree, certificate, or technical diploma. If it does not, the agency would fall under the requirements for “Other”.

There are no minimum required performance levels.

2. Apprenticeship Programs Registered Under the National Apprenticeship Act

a. Applications

WIA Section 122 gives WDBs the opportunity to decide the type of application they want interested training providers, qualifying under this category, to fill out. Because of different funding and management requirements, unique to Apprenticeship, DET and the Wisconsin Apprenticeship Council are studying what changes need to be made to the application. The intent is to make the State List of Eligible Training Providers accessible to the 100 apprenticeship councils and the numerous private employers that offer apprenticeship opportunities in their place of work. This will give ITA customers a broader range of choices. DET encourages Registered Apprenticeship partnering with WIA. Administrator's Memo 11-05.

b. Criteria for Local Selection

There are no criteria for selection of this group. They are automatically eligible to be on the local and State List. In addition, all apprenticeship programs in the State of Wisconsin are registered under the National Apprenticeship Act.

There are no minimum required performance levels.

3. "Other" Public or Private Agencies

a. Local Application Process

All training providers in this category are required to submit an application to local WDBs in order to be included on the local training provider list. Attachment A of this document (<http://www.wisconsinjobcenter.org/itaresources/AttachmentA.pdf>) contains a sample copy of the application form. All interested training providers will contact the local WDB where they want to provide training to request an application. Out-of-state training providers and training providers with distance learning courses are acceptable.

Training providers who desire to offer multiple training programs within a WDA will need a separate listing for each of the training programs to be offered. Training providers that offer multiple programs and want them identified on the State List can decide to fill out applications and identify them over a period of time. The intent for Subsequent Years is not to have training providers re-apply with the application in Attachment A (<http://www.wisconsinjobcenter.org/itaresources/AttachmentA.pdf>) for programs already on the State List.

Applications can be submitted continuously.

b. Criteria for Local Selection

Each local WDB will review their submitted applications. They will use the following criteria to determine if the applicant is eligible to be on the local list. A training vendor who meets all of the criteria must be included on the local list.

(1) The application is complete.

- (2) The description of the program of training services is complete.
- (3) The performance information addresses: 1) program completion rates for individuals participating in the program; 2) percent of individuals who obtain unsubsidized employment; and 3) wages at placement in employment.
- (4) The performance information is for the most recent 12-month period.
- (5) The application contains the required cost information.
- (6) The training provider has not violated any conditions of WIA.

In addition, the local WDB will review performance information of training provider applicants in this category to determine if they have met minimum performance levels set by the State.

C. Process for Creation and Maintenance of State List

1. State Acceptance and Verification of Local Lists

Upon receipt of the local list of names and applications, the Department has thirty days to verify the accuracy of the information for the “Other” group of eligible providers. If the State does not verify this group within the thirty-day time period, they will automatically be on the State List unless it is no longer a training program.

If it is determined a training provider in the “Other” category has not met the minimum performance requirements, DWD has the responsibility to remove the provider from the list after it has consulted with the local WDB where the training is to be provided. The rejected training provider has the right to appeal. Training programs covered under Title IV of the HEA and Apprenticeship Act are not reviewed by the State, and they cannot be removed from the State List unless it is no longer a training program.

2. Removal and Appeal Process

Training providers have a right to appeal a local or State decision denying them eligibility or terminating them on the local and Statewide List of Eligible Training Providers. The primary reasons for denial and termination, as cited in the WIA sec. 122 and §663.510, are a training provider: 1) has not met performance standards, 2) has provided inaccurate information, and 3) has “substantially” violated the Act. In all cases, consultation between the State and local WDB(s) must take place before action can be taken against the training provider.

When an eligible training provider is terminated from the list, the following procedures will be followed:

- a. The training provider will be notified in writing of the action to terminate, and the cause for the termination. Depending on the discussion between the local WDB(s) and the State, one of these entities will author the letter. It will be in a prescribed format agreed upon by both entities.
- b. The letter will say that in 60 calendar days from the date the letter was signed, the training provider will be removed from the State List of Eligible Training Providers.
- c. The letter will also inform them of the process they follow to appeal the action.

3. Development of the Statewide List

After verifying eligible training providers in the "Other" category, DWD organizes all application information, including postsecondary Title IV and Apprenticeship, in the Statewide List of Eligible Training Providers. Training seekers who hold ITAs and job center staff can access the Statewide List through the ITA website:

<http://www.wisconsinjobcenter.org/ita/>. The information is sorted by community where the training is provided, the name of the school or organization providing the training, and is searchable by keyword, especially by the type of training. All of the data represented in the applications completed by the training provider is provided to the training seeker and the job center staff. In addition, Consumer Report Card lists organized by the school and the training program are provided which includes performance information.

4. Dissemination

Local WDBs will need to ensure the List of Eligible Training Providers is "widely available" through its One-Stop Delivery system to customers seeking information on training outcomes as well as participants in employment and training activities funded under WIA and other programs. The list must be available to customers whose training is supported by other One-Stop partner agencies. Training seekers and job center and WDB staff and administrators can access the Statewide List through the ITA website: <http://www.wisconsinjobcenter.org/ita/>.

5. Maintenance of the List

DWD will maintain and continuously update the State List of Eligible Training Providers.

D. Summary of State and WDB Responsibilities

1. State Responsibilities

- a. Develops the application.
- b. Notifies the employment and training community of the availability of applications at each local WDB.
- c. Establishes criteria for local WDBs to use in determining eligibility of "Other" training providers.
- d. Establishes the minimum performance levels for training providers under the "Other" category.
- e. Accepts approved applications from WDBs and verifies the accuracy of the "Other" training provider information.
- f. In consultation with local WDBs removes "Other" training providers who do not meet performance levels and takes appropriate enforcement action against providers that intentionally provide inaccurate information and/or "substantially" violate the Act.

- g. Compiles names and information from local lists and puts them in the format of the State List that is available through the Department's ITA web-site.
- h. Facilitates and maintains the appeal process.
- i. Updates the State List continuously.

2. Local WDB Responsibilities

- a. Determines the time and manner all applications are to be submitted and notifies interested training providers.
- b. Distributes and accepts applications.
- c. Determines if postsecondary Title IV training programs lead to an associate degree, baccalaureate degree, certificate, or technical diploma.
- d. Reviews applications of "Other" providers and applies criteria for eligibility found in B. 3., including review of minimum performance levels established by the State.
- e. Compiles a list of names of eligible providers, and submits it with the applications to DWD in the electronic format prescribed by the State.
- f. Ensures the dissemination and appropriate use of the State List through the local One-Stop system.
- g. Consults with DWD in cases where termination of an eligible provider is contemplated because inaccurate information has been provided.
- h. Works with DWD in cases where the termination of an eligible provider is contemplated because of violations of the Act.
- i. Establishes limitations on dollar amount and or duration of ITAs (optional).
- j. See TEGL 1-05 (New Rules Allowing Use of Title I Financial Assistance for Religious Training and Employment, and Making Other Changes to Religion-Related Regulations Governing Recipients of DOL Support Including the One-Stop Career Center Service Delivery System and the Job Corps) for further guidance relating to the provision of sectarian training for WIA participants.

The State List is intended to allow the customer to make an "individual consumer choice" as well as an "informed choice". The WDB is responsible for ensuring that their WIA funds are used for training in local demand occupations. To achieve this, the WDB must provide customers with information about local demand occupations so that the customer can make an "informed choice" about what demand occupation they wish to pursue training in collaboration with their case manager.

CHAPTER 5: ADULT AND DW SERVICES

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A. Introduction and Overview

This Chapter provides information and guidance for implementing programs for adult and DWs under the WIA, Title 1B. Information included here is derived from the WIA legislation (Public Law 105-220), WIA Final Rules and Regulations (§ Part 652 et al.), DWD-DET policy and procedural interpretation and DET Administrator Memo.

The purpose of Title 1B is “to provide workforce investment activities, through statewide and local workforce investment systems, that 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”. These goals are achieved through the workforce investment system. (WIA Section 106.)

WIA provides for a continuum of services to be made available to adults and DWs that, depending on the needs of the individual, includes: core, intensive, and training services. The One-Stop (Job Center) System is the basic delivery system for adult and DW services. Core services for adults and DWs must be made available in at least one Comprehensive One-Stop Center in each local WDA.

The One-Stop centers also make intensive services available to adults and DWs, as needed, either by the OSO directly or through contracts with service providers that are selected by the local WDB.

Through the One-Stop system, adults and DWs needing training are provided ITAs and access to lists of eligible providers of training. This required state list, maintained by DWD in coordination with local WDBs, contains consumer information, including cost and performance information for providers, so that participants can make informed choices on where to use their ITAs.

B. Program Design and Allowable Services

1. Core Services. (WIA Section 134(d)(2); §663.150)

- a. Purpose. One of the guiding principles embodied in WIA is universal access. Universal access to WIA is through core employment-related services which are available to any job seeker including individuals seeking to advance his or her career. Core services are services available in the One Stop system that are accessible to consumers by self-service or limited staff assistance. For further detail on how to distinguish core self-service from core staff-assisted services, refer to the WIA Performance Measurement section of this policy manual. The primary difference is that core staff-assisted services places the WIA eligible participant into the common performance measures.
- b. Availability of Core Services. Core services are available through the one-stop delivery system to individuals who are adults or DWs. These services, at a minimum, include:
 - (1) determinations of whether the individual is eligible to receive assistance under WIA;

- (2) outreach, intake (which may include worker profiling), and orientation to the information and other services available through the one-stop delivery system;
 - (3) initial assessment of skill levels, aptitudes, abilities, and supportive service needs;
 - (4) job search and placement assistance, and where appropriate, career counseling;
 - (5) provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including:
 - (a) job vacancy listings in such labor market areas; and
 - (b) information on job skills necessary to obtain the jobs described in a.; and
 - (c) information relating to local occupations in demand and the earnings and skill requirements for such occupations;
 - (6) provision of performance information and program cost information on eligible providers of training services, provided by program, and eligible providers of youth activities, providers of adult education, providers of postsecondary vocational education activities and vocational education activities available to school dropouts under the Carl D. Perkins Vocational and Applied Technology Education Act; and providers of vocational rehabilitation program activities under the Rehabilitation Act of 1973;
 - (7) provision of information regarding how the local area is performing on the local performance measures and any additional performance information with respect to the one-stop delivery system in the local area;
 - (8) provision of accurate information relating to the availability of supportive services, including child care and transportation, in the local area, and referral to such services, as appropriate;
 - (9) provision of information regarding filing claims for unemployment compensation;
 - (10) assistance in establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under this Act and are available in the local area; and
 - (11) make available follow-up services, including counseling regarding the workplace, for participants in workforce investment activities authorized under WIA who are placed in unsubsidized employment, for not less than 12 months after the first day of employment, as appropriate.
- c. Delivery. Core services must be provided through the One-Stop delivery system. The local WDB may only be a provider of core services when approved by the CLEO and the Governor in accordance with the requirements of WIA Section 117(f)(2) and §661.310 and the WIA Title I-B Local Service Provision by WDBs Policy and Procedures. http://dwd.wisconsin.gov/dwdwia/PDF/policy_update0201.pdf

2. Intensive Services (§663.220)

- a. Purpose. Intensive services are for those persons who are unable to obtain or retain employment through core services only and need more specialized or individualized services. In addition, intensive services are available to employed individuals to assist them to obtain or retain employment to achieve self-sufficiency.
- b. Intensive Services. Intensive services may include the following:
 - (1) Comprehensive and specialized assessments of the skill levels and service needs of adults and DWs, which may include:
 - (a) diagnostic testing and use of other assessment tools; and
 - (b) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.
 - (2) Development of an IEP to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals.
 - (3) Group counseling.
 - (4) Individual counseling and career planning.
 - (5) Case management for participants seeking training services.
 - (6) Short-term prevocational 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.
 - (7) Stand alone GED training. (GED preparation done in conjunction with job skills training is a training service provided through an ITA.)

The list of intensive services in the Act is not all-inclusive and other intensive services, such as out-of-area job search assistance, literacy activities related to basic workforce readiness, relocation assistance, internships, and work experience may be provided, based on an assessment or IEP. In this context, work experience is a planned, structured learning experience that takes place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. A work experience workplace may be in the private for profit sector, the non-profit sector, or the public sector.

The local WDB may only be a provider of intensive services when approved by the CLEO and the Governor in accordance with the requirements of WIA Section 117(f)(2) and §661.310.

3. Training Services (§663.300)

- a. Training services are defined in WIA Title 1 as “one or more courses or classes, or a structured regime, that upon completion, leads to: (a) a certificate, an associate

degree, baccalaureate degree, or (b) the skills or competencies needed for a specific job or jobs, an occupation, occupational group, or generally, for many types of jobs or occupations, as recognized by employers and determined prior to training.”

Training services are the third tier in the WIA Title I continuum of services and are for those individuals who are unable to obtain or retain employment through core and intensive services.

b. Training services may include:

- (1) Occupational skills training, including training for nontraditional employment;
- (2) Programs that combine workplace training with related instruction, which may include cooperative education programs;
- (3) Training programs operated by the private sector;
- (4) Skill upgrading and retraining;
- (5) Entrepreneurial training including micro enterprise development;
- (6) Job readiness training (this can also be an intensive service);
- (7) Adult education and literacy activities provided in combination with any of the training services listed above (this can also be an intensive service);
- (8) Registered apprenticeship;
- (9) Basic English language education as long as it is provided in connection with occupational skills training leading to a job or career for which the individual is preparing;
- (10) Vocational English as a second language training;
- (11) Asset building;
- (12) Financial literacy training
- (13) Other - This list is not all-inclusive and additional training services may be provided with DET approval.

c. Specific non-ITA training services include:

- (1) OJT services;
- (2) Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training Administrator’s Memos 10-07 and 10-06;
- (3) Contracts for training with community based organizations or other private organizations if there are insufficient providers in the area, or, for special populations that face multiple barriers to employment.

- d. Delivery. Training services are provided through “Eligible Providers of Training Services” as identified in accord with WIA provisions and DWD policy and procedures. Training may be made available by means of ITAs, On-the Job Training, Customized Training or to meet exceptional needs of individuals. The Career Pathways model is the preferred method of training delivery.
- e. Consumer choice requirements. Training services must be provided in a manner that maximizes consumer choice in the selection of an eligible provider of such services.

Each local WDB shall make available through One-Stop centers:

- (1) the State list of eligible providers of training services with a description of the programs through which the providers may offer the training services, and the information identifying eligible providers of OJT and customized training; and
 - (2) the performance and cost information relating to eligible providers of training services.
- f. Linkage to occupations in demand. Training services must be directly linked to occupations that are in demand in the local area, or in another area to which an adult or DW receiving such services is willing to relocate, except that a local board may approve training services for occupations determined by the local board to be in sectors of the economy that have a high potential for sustained demand or growth in the local area.
 - g. Non-Traditional Occupation (NTO). Non-traditional employment is defined as “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.” Non-traditional employment can be based on either local or national data, and both males and females can be in non-traditional employment. WIA case managers should discuss NTOs with participants in the context of high-demand occupations for possible training. The case manager should complete the required data fields in ASSET Manage Programs asking if NTO was discussed with the participant and if the participant was interested.
 - h. Providers of Training Services. Training services are provided through eligible providers identified in accordance with WIA Section 122 requirements (“Eligible Providers of Training Services”). See Chapter 4 of this manual for DWD policy on Eligible Training Providers and the process for compilation and maintenance of the State List.
 - i. Balancing “consumer choice” with “informed choice”. WIA requires that customers be given “consumer choice” in selection of their training program and be provided with information to allow them to make an “informed choice”. To ensure the participant makes an “informed choice”, the WDB should provide the participant with information regarding labor market information, demand occupations, self-sufficiency wages, and NTOs. The participant can then use this information in their selection of a training program that has a reasonable expectation of employment, retention, and wages that meet the local WDB’s self sufficiency definition upon completion.

- j. Clarification of Responsibility for WIA Training Costs. Refer to WIA Policy Update 11-04, Clarification of Responsibility for WIA Training Costs, published March 9, 2005, for further detail.
- (1) Intangible Costs - WIA participants who enroll in training, drop out, or never start the training are not responsible for intangible costs such as expenses for a training-required medical exam or for tuition assessed by the training institution. Tuition costs include registration and book fees. Examples of other intangible costs are fees for certificates and licensing. These costs must come out of the sponsoring agency's budget.
 - (2) Tangible Costs - Training related costs that are considered tangible can be recovered from the participants. Tangible items include uniforms and work tools.
 - (3) Local training policies must state the WDB's position on tangible and intangible costs. This should not be confused with situations where participants choose to pay a part of their training costs.
 - (4) WIA gives WDBs authority to set dollar limits on the amount that can be spent for ITAs. It also says WIA participants may select training that is above WDB dollar limits when there are other sources to pay for these costs. These other sources include money from their own pocket, severance pay, and scholarships.
- k. Coordination of WIA Training Funds with Financial Aid. Refer to WIA Policy Update 11-04, Coordination of WIA Training Funds and Tuition Reimbursement, published April 11, 2012, for details.
- (1) The WIA service provider, in cooperation with the Financial Aid Office of the participant's training program, should identify all resources available to support the student, including Pell Grant, WIA and other sources of funding such as TAA, Rehabilitation Act funds, Temporary Assistance for Needy Families (TANF) and other federal and state funds available. Available resources should then be compared with the individual's full cost of training to arrive at a shortage/surplus of resources. This determination should focus on the needs of the participant; simply reducing the amount of WIA funds by the amount of the Pell Grant funds is not permitted (§1087uu).
 - (2) All WIA program participants pursuing training must apply for a federal Pell Grant if it is available for their selected training program.
 - (3) A WIA participant may enroll in WIA-funded training while his/her application for a Pell Grant is pending as long as the WIA service provider has made arrangements with the educational institution and the WIA participant regarding allocation of the Pell Grant, if one is subsequently awarded.
 - (4) In some cases, individuals are already attending school when they become a WIA participant. Where tuition, books, and other fees for a particular semester have been paid prior to WIA program registration, reimbursement of costs to the individual is not allowable. These costs cannot be pro-rated based on the program participant date within the semester. The participant will have to wait until the next semester/episode of training to see reimbursement through WIA.

- (5) If the amount of the Pell grant is greater than the individual's needs (quite unlikely) and WIA funds were used to cover the participant's training, the training provider must refund the appropriate amount of WIA funds to the WIA service provider on behalf of the student and apply the individual's Pell Grant to these costs instead.
 - (6) When a Pell Grant is awarded, the WIA service provider must document in the participant's file the educational institution's determination of the participant's training-related financial assistance needs and how WIA and other grants will combine to meet these needs. The documentation must indicate how the combination of funds will allow the participant to successfully complete the agreed upon program. The participant file should also include documentation of the participant's agreement to abide by the service provider's training policies (including the provision of relevant financial aid information).
- I. State list. DWD-DET, in coordination with local WDBs, will compile and maintain a single list of eligible providers identified from all local areas in the State. This list includes performance information and program cost information and is made available to the one-stop delivery systems within the State and to participants in employment and training activities and others through the one-stop delivery system.

Individuals eligible to receive training services under WIA shall have the opportunity to select any of the eligible providers, from any of the local areas in the State that are included on the list to provide the services. The selection of a course of study and a particular training provider is done in consultation with the participant's case manager and in the context of the individual's IEP. A "course of study" may include one or more courses or classes.

- m. There are three allowable exceptions for training services other than the use of ITAs:
 - (1) OJT is provided through a contract with an employer in the public, private non-profit, or private sector.
 - (2) Customized training is provided through a contract with an employer(s) to meet the special requirements of that employer along with a commitment by that employer to employ, or in the case of incumbent workers, continue to employ an individual on successful completion of the training.
 - (3) Persons with multiple barriers to employment may need different mechanisms for training. The regulations allow this exception only for low-income individuals in the following categories: (a) individuals with substantial language or cultural barriers; (b) offenders; (c) homeless individuals; and (d) other hard-to-serve populations.
- n. OJT and Customized Training. §663.430(a) – Refer to DWD Administrator's Memo 10-07 published 05/10/2010 and Administrator's Memo 10-06 published 05/07/2010. These policies define the parameters of the training, eligibility and selection factors for participants and employers, determining the training duration, requirements of the training contract, employer reimbursement scales and required monitoring and oversight.

OJT and customized training are not implemented through the Eligible Providers of Training system nor are they purchased by means of an ITA. These services are considered to be “contracted services” under WIA. Providers of OJT or customized training shall not be subject to the requirements for other providers of training services.

WIA states that “A OSO in a local area shall collect such performance information from OJT and customized training providers as the Governor may require, determine whether the providers meet such performance criteria as the Governor may require, and disseminate information identifying providers that meet the criteria as eligible providers, and the performance information, through the one-stop delivery system. Providers determined to meet the criteria shall be considered to be identified as eligible providers of training services.”

The USDOL has approved a sliding scale for the statutory employer match based on the State’s waiver request. The WIA provision that is waived is the employer 50 percent match of the cost of the participant’s training. Reimbursement rates authorized by DOL are up to 90 percent for employers with 50 or fewer employees, up to 75 percent for employers with 51-250 employees, and retains the current statutory requirement of up to 50 percent for employers with over 250 employees. WDBs utilizing the sliding scale will be required to submit an annual report to DET documenting usage and impacts.

- o. 35 percent Expenditure Requirement for Training. Refer to DWD Administrator’s Memo 09-06, WIA 35 percent Expenditure Requirement for Training, published 10/28/2009 for further detail. DWD has set a goal for each WDB of spending 35 percent of formula allocated WIA funds for the Adult and DW and Special Response programs, less 10 percent for administration, for training and training supports.

Costs that can be attributed to this goal include any costs or support services relating to training for which there is a verifiable expectation that at the end of the training the participant will have the skills needed to qualify for a job. Costs such as assessment, case management and basic skills services will not count toward meeting the 35 percent requirement. Program staff costs associated with assisting a customer to select or enroll in training or to monitor a participant in training do not count towards the 35 percent goal. Costs can be counted towards the 35 percent goal from the time they are incurred. In other words, a customer does not have to successfully complete the training in order to count the costs toward the 35 percent goal.

4. Permissible Local Employment and Training Activities. (WIA Section 134(e))

The following services are not required, but may be provided by local areas at the discretion of the local WDB. In each case, the local WDB must develop and implement local policy directing the use of WIA funds for these purposes:

- a. Discretionary one-stop delivery activities.
 - (1) customized screening and referral of qualified participants in training services to employment; and
 - (2) customized employment-related services to employers on a fee-for-service basis.

- b. Supportive services (§663.800 – 663.810)
- c. Needs-related payments (§663.815 – 663.840)

C. Registration and Eligibility Determination

1. Registration

Registration is the process for collecting information for supporting a determination of eligibility. This information may be collected through methods that include electronic data transfer, personal interview, or an individual's application. Adults and DWs who receive services funded under WIA Title I other than self-service or informational activities must be registered and determined eligible. EEO data must be collected on individuals during the registration process.

Local areas are responsible for documenting and reporting registration in accord with the processes in the ASSET Users Guide.

Table 1 identifies WIA core, intensive, and training services that require registration and the core informational/self-service activities that do not require registration.

Table 1: Registration for WIA Services

Core Services – Self-Service Informational (no registration required)	WIA Core Services (registration required)	WIA Intensive Services (registration required)	WIA Training Services (registration required)
Determination of eligibility to receive assistance under Title IB	Staff-assisted job search & placement assistance, including career counseling	Comprehensive & specialized assessment, such as diagnostic testing & interviewing	Occupational skills training
Outreach, intake (which may include Work Program Reporting System referrals) & orientation to the One-Stop center	Follow-up services, including counseling regarding the workplace ¹	Full development of IEP	OJT
Initial assessment of skill levels, aptitudes, abilities & need for supportive services	Staff-assisted job referrals (such as testing & background checks)	Group counseling	Workplace training & cooperative education programs

¹ The individual would already be registered to be receiving follow-up services.

Core Services – Self-Service Informational (no registration required)	WIA Core Services (registration required)	WIA Intensive Services (registration required)	WIA Training Services (registration required)
Employment statistics information including job vacancy listings, job skill requirements for job listings, & info. on demand occupations	Staff-assisted job development (working with employer & job seeker)	Individual counseling & career planning	Private sector training programs
Performance info. on eligible training providers	Staff-assisted workshops and job clubs	Case management	Skill upgrading & retraining
Performance info. on the local One-Stop delivery system		Short-term pre-vocational services	Entrepreneurial training
Information on supportive services and referral to supportive services		Make available, follow-up services, including counseling for registrants (those previously receiving intensive/training services) after entering employment	Job readiness training
Information regarding filing for UI			Adult education and literacy activities in combination with training
Assistance in establishing eligibility for welfare-to-work activities and for other training and education programs			Customized training
Resource room usage			
Internet browsing (job, information and training searches)			
Internet accounts (Career Kit, Personnel Kit)			
		Initial development of employment plan	

Core Services – Self-Service Informational (no registration required)	WIA Core Services (registration required)	WIA Intensive Services (registration required)	WIA Training Services (registration required)
Talent referrals (informational, e.g., talent scouts, job fairs, labor exchange referrals of resumes without further screening)			
Workshops and job clubs			

2. General Eligibility for WIA Services

- a. General Eligibility for WIA Services. Individuals are eligible to receive core staff-assisted services authorized under WIA Title IB if they meet the following General Eligibility Requirements:

- (1) an adult 18 years of age or older; and
- (2) eligible to work in the U.S.; and
- (3) registered with the selective service (as applicable). Refer to WIA Policy 12-01, Selective Service Registration Requirements for WIA, published 02/01/2012.

- b. Documentation Requirements: Local areas are responsible for documenting participant eligibility and services. Refer to the Appendix for the following technical assistance guides:

- (1) Guide to WIA Title 1B Eligibility Determination and Documentation
- (2) Adult and DW Programs, Guide to Participant Case File Documentation
- (3) Youth Program Guide to Case File Documentation

3. Eligibility for DW Services (§663.115)

- a. DWs must meet the general WIA eligibility requirements of selective service registration and authorization to work in the U.S. In addition, in order to be eligible to receive DW services, individuals must meet the following state requirements as well as all of the criteria for one of the five federal DW categories:

- (1) Dislocated from employment in the last five years;

- (2) Either previous work history of two years if age 22 or older; previous work history of four years if age 21 or younger or a dislocation that is the result of a permanent plant or facility closing or substantial layoff regardless of work history; and
 - (3) No specific recall date from the employer.
- b. Federal dislocated requirements (WIA Section 101(9)):

A "DW" is an individual who:

- (1) has been terminated or laid off, or who has received a notice of termination or layoff from employment; and
 - (a) is eligible for or has exhausted entitlement to unemployment compensation; or
 - (b) has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center, attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that was not covered under a State unemployment compensation law; and
 - (c) is unlikely to return to a previous industry or occupation.
- (2) 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;
- (3) is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or for purposes of eligibility to receive services other than training services, intensive services or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close.

A general *announcement* is any official announcement of the closing which includes a closing date and is issued in a format such as: a press release, a memorandum from the employer to all employees, a notice posted in the affected facility, notification provided under the provisions of WARN or state law or notification to applicable labor unions or collective bargaining units.

- (4) was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.

An individual who was previously self-employed and is currently either unemployed or is in the process of going out of business due to a natural disaster or general economic conditions in the area. *In the process of going out of business* means the business operations are likely to terminate as evidenced by one or more of the following:

- (a) notice of foreclosure or intent to foreclose on the business entity;
- (b) filing of a petition for bankruptcy or adjudicated bankrupt;

- (c) inability to obtain capital necessary to continue operations; or
- (d) outstanding payments owed on a loan to finance the business operations.

Natural disaster is defined as a hurricane, tornado, storm flood, high water, wind driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snow storm, drought, fire, explosion, or other catastrophe identified by DET.

General economic conditions in the area in which the individual resides means any one of the following:

- (a) failure of one or more businesses to which the individual provides a substantial proportion of products or services;
 - (b) failure of one or more businesses from which the individual obtained a substantial proportion of products or services;
 - (c) large scale layoff(s) from, or permanent closure(s) of, one or more plants or facilities that support a significant portion of the state or local economy;
 - (d) depressed price(s) or market(s) for the article(s) produced by the individual or generally high level of unemployment in the local area.
- (5) is a displaced homemaker (§663.120). A “displaced homemaker” is an individual who has been providing unpaid services to family members in the home and who:
- (a) has been dependent on the income of another family member but is no longer supported by that income; and
 - (b) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment

For purposes of determining the eligibility of displaced homemaker, “underemployment” is defined as follows: The applicant is employed but is either (1) working full-time and has an earned income, which if annualized, would be equal to or below self sufficiency; or (2) working part-time and seeking full-time work. Self-sufficiency is as defined by the WDB in its WIA Plan.

DWs who take new employment can continue to be served until they reach self-sufficiency as defined by the WDB.

4. Eligibility for Core Services (§663.110)

To be eligible to participate in core staff-assisted services an individual must meet the General or DW Eligibility Requirements.

5. Eligibility for Intensive Services

- a. Purpose. Intensive services are the second tier in the WIA continuum of services and are intended to assist those individuals who need services beyond core services to obtain or retain employment. Participation in at least one intensive service is a prerequisite to receiving training services.

- b. Eligibility. (§663.220) Individuals eligible for intensive services through the One-Stop delivery system are adults and DWs:
 - (1) who are unemployed and have received at least one core service and are unable to obtain employment through core services; and who have been determined by a OSO to be in need of more intensive services in order to obtain employment; or
 - (2) who are employed, have received at least one core service, but who are determined by a OSO to be in need of such intensive services in order to obtain or retain employment that leads to self-sufficiency.

The participant's case file must contain a determination of need for intensive services as identified by the initial assessment or the individual's inability to obtain employment through the core services provided.

Within the local population of individuals eligible for intensive services, priority may be given to those individuals that meet the criteria in a "priority of services" policy for the local area as established by the local WDB.

There is no Federally required or State-determined minimum time period an individual must be in core services before they are eligible for intensive services.

- c. "Self-sufficiency". Local Boards must set the criteria for determining whether employment leads to self-sufficiency. At a minimum, such criteria must provide that self-sufficiency means employment that pays at least the lower living standard income level, as defined in WIA Section 101(24). Self-sufficiency for a DW may be defined in relation to a percentage of the layoff wage.
- d. Relationship to Training Services. At a minimum, an individual must receive at least one intensive service, such as development of an IEP with a case manager or individual counseling and career planning, before the individual may receive training services. The individual's case file must contain a determination of need for training services under §663.310, as identified in the IEP, comprehensive assessment, or through any other intensive service received.

6. Eligibility for Training Services

- a. Eligibility. (§663.310) Individuals eligible for training services are adults and DWs:
 - (1) who have met the eligibility requirements for intensive services and who are unable to obtain or retain employment through such services. At a minimum, an individual must have received at least one intensive service, such as development of an IEP with a case manager or individual counseling and career planning, before the individual may receive training services. The individual's case file must contain a determination of need for training services under §663.310, as identified in the IEP, comprehensive assessment, or through any other intensive service received;

- (2) who after an interview, evaluation, or assessment, and case management, have been determined by a OSO or one-stop partner, as appropriate, to be in need of training services and to have the skills and qualifications to successfully participate in the selected program of training services;
 - (3) 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 the adults or DWs receiving such services are willing to relocate;
 - (4) who are unable to obtain grant assistance from other sources to pay the costs of training, including sources such as Federal Pell Grants, TAA, etc. or require WIA assistance in addition to other sources of assistance (e.g. Pell Grants); and
 - (5) who are determined to be eligible in accordance with the priority system, if any, in effect in the WDA.
- b. Within the local population of individuals eligible for training services, priority may be given to those individuals that meet the criteria in a “priority of services” policy for the local area as established by the local WDB in the WIA Plan.
 - c. There is no Federally required or DWD-determined minimum time period an individual must be in intensive services before they are eligible for training services.
7. Concurrent Enrollment of Youth in the Adult/DW Programs (§664.500)

Eligible youth who are age 18 through 21 may also be eligible for the WIA adult or DW programs. Individuals who meet all eligibility criteria for both programs may receive youth and adult or DW services concurrently. The determination of whether to concurrently enroll a participant in the youth and adult/DW programs is made at the local level. Specific services and associated costs must be tracked back to the program, i.e., youth or adult/DW. Youth funds may only be spent on allowable youth activities. For example, youth funds may not be used to pay for an ITA.

Concurrent enrollment offers participants and local programs maximum flexibility. For example, local programs can provide a 19 year old OSY occupational training services under the youth program or training services through an ITA using adult program funds. The appropriate level and balance of youth and adult/dislocated services should be determined for each individual. Individuals who are concurrently enrolled will be counted in both youth, either older or younger depending on when they were registered in the WIA youth program, and adult/DW performance measures.

D. Services for DWs

1. Rapid Response for Worker Dislocations

The Dislocated Worker Unit (DWU) in the Bureau of Workforce Training (BWT) in the DET is charged with carrying out statewide rapid response activities as required and allowable (WIA Section 12(b)(17)(A)(ii), 133 (a)(2)(A) and (WIA Final Rules, §665.300 - 665.320).

Wisconsin reserves the maximum allowable 25 percent of its total DW program allotment for rapid response activities. These funds support statewide rapid response activities, including staffing the State's DW Unit which is located within DET. Approximately 80 percent of the rapid response funds are set aside and made available to the WDBs through Special Rapid Response (SRR) and Start-Up grants which provide funding for core, intensive, and training services to workers from dislocation events affecting 25 or more.

Two full-time Rapid Response Coordinators within the DW Unit are responsible for overseeing and carrying out required and allowable statewide rapid response activities for dislocation events affecting 50 or more employees ("State Rapid Response"). Dislocation events affecting fewer than 50 employees ("Local Rapid Response") are managed by the WDB serving the area where the affected employer is located. It is the number of affected workers – not whether written layoff notice was or should have been provided – that determines whether rapid response is overseen locally or by the state. Each WDA describes the provision of Local Rapid Response services in the WIA Local Plan addressing how local rapid response is conducted, the services provided, the local partners involved and how rapid response is coordinated for groups that are TAA certified.

a. Outreach to Affected Employers and Workforces

The DW Unit relies on a variety of sources to identify dislocation events, including but not limited to written notice pursuant to the federal Worker Adjustment and Retraining Notification Act (WARN Act) and/or Wisconsin's Business Closing Mass Layoff law.

Once it has been determined that a facility closure or layoff will occur, rapid response services are initiated. These services include, at a minimum:

- Outreach to the employer, including an initial meeting;
- Outreach to the affected workforce, including informational meetings on services available to DWs;
- Development and implementation of a plan to transition the affected workforce to new employment

Upon receiving notice of a State Rapid Response event, the state rapid response coordinators timely notify appropriate WDB staff or its designee(s) of the dislocation event and extend outreach to the affected employer and, if applicable, union(s). The state rapid response coordinators make every reasonable attempt to schedule an initial meeting as soon as possible. Attendees at the meeting include appropriate employer and union representatives, a state rapid response coordinator, and a WDB representative. Other key stakeholders may be invited if appropriate. The purpose of the initial meeting is to gather additional information about the layoff event, educate the employer and union representatives about rapid response services, and begin devising a service delivery plan. A list of the affected workforce, including contact information should be requested from the employer.

b. Rapid Response Service Delivery Plan

For each State Rapid Response event, the state rapid response coordinator and appropriate WDB representative(s) work in concert to facilitate the development of the service delivery plan, promoting active involvement from the employer, union, and any other key stakeholders during the planning and decision-making processes. The service delivery plan is tailored to address the circumstances of each layoff event. The purpose of the plan is to:

- (1) leverage state, local, employer, union, and community resources;
- (2) identify key services that will be offered to help employers efficiently and effectively manage the transition; and
- (3) identify key services that will be offered to affected employees that will help them prepare for job loss and minimize the duration of unemployment.

The service delivery plan should be flexible and periodically assessed, evolving when necessary to appropriately address the employer's, employees', and union's needs/desires. The service delivery plan will depend largely on the circumstances of the dislocation event – e.g., the period of time prior to layoffs, the needs of the employer and affected workforce, the ability to successfully coordinate with the employer.

At minimum, the plan will include on-site informational sessions for the affected workers which cover UI filing and eligibility, healthcare considerations, the local DW program, One-Stop Center services, veteran benefits, and community resources. When feasible, the plan should incorporate enhanced pre-layoff services such as workshops (e.g. résumé writing, interviewing, utilization of online job search tools, and financial planning), peer advising training, formation of a worker transition committee, job fairs with local employers, and tailored written materials/resources. The DW Unit's goal is to offer enhanced services for all State Rapid Response events where the state receives at least 60 days advance notice of the layoffs. Consistent with that goal, the State contracts with a service provider, selected through a competitive procurement process, to assist with the provision of enhanced rapid response services.

c. DW Survey

Surveying the affected workforce to determine its characteristics, needs and interests is a critical component of the service delivery plan. DWD has implemented a common DW Survey for statewide use (Administrator's Memo 12-01, Policy for State DW Survey, published 02/01/12). This survey is to for all dislocation events, whether lead by the state or by the WDA, for the collection and analysis of information from DWs threatened with layoffs or recently laid off as a result of permanent workforce reduction or business closure. The survey may not be modified, but local areas may supplement the survey with additional questions to meet their particular needs. The survey is typically administered at the one-site worker informational sessions. The survey is available on the DWD Staff and Partners webpage http://dwd.wisconsin.gov/dwd/staff_partners.htm. Select "public forms" and search

by form number (17123) or name (DW Survey). The survey is available in English, Hmong, Somali, and Spanish.

At present, survey information is primarily used to assess projected needs of a particular group of workers for purposes of pursuing additional funding streams – e.g., SRR and Start-up grants as well as NEGs.

2. Programs and Funding for DWs

There are two primary sources of funding for DW services – WIA Title 1 of and the Act (TAA).

WIA Title 1 funds DW services through the local formula funded DW program, Special Response Grants and NEGs.

Special Response Grants are a Wisconsin program funded by a portion of the 25 percent of the State's WIA DW allocation set aside for rapid response activities and rapid response additional assistance. The purpose of these grants is to make additional funds available to WDAs that have experienced mass layoffs (events affecting 25 or more workers) and which exceed the capacity of the WDA to serve within its local formula funded DW program. Applications are accepted quarterly. Funding requests are reviewed and recommended by the DW Subcommittee of the state's CWI. Grants are made on a program year basis. In addition to the quarterly application cycle, WDAs may request a Start-Up Grant of no more than \$25,000 to initiate services to an affected workforce at any time. Rapid response services, including surveying the workforce, are required to apply for Special Response Grant funding. Exceptions may be made in cases where no advance notice of a dislocation was provided and the WDA can demonstrate a need and interest in services on the part of the affected workforce.

NEGs are Title 1 WIA funded grants made at the discretion of the US Secretary of Labor. In cases of closure or mass layoffs that cannot be supported by local and Special Response funds, DWD may apply for a NEG on behalf of one or more WDAs. Requests to apply for NEG funds are made through the DW Program Coordinator in the DET-Bureau of Workforce Training. Final determination as to whether Special Response funds will be used or a NEG will be made by the DWU in consultation with the WDA.

The TAA Act provides services to eligible workers who are laid off or threatened with lay off as a result of international trade. The USDOL determines whether or not an affected workgroup meets the eligibility requirements for the program. That process, which includes an investigation by USDOL is initiated when an employer, a group of workers, a union (or other employee representative) or a one-stop partner files a petition with USDOL. As part of the rapid response process the company and/or union should be encouraged to file a petition in cases where dislocations are occurring due to impacts (or suspected impacts) of foreign trade. USDOL determines group eligibility to apply for benefits and services through the TAA program. Workers in a certified group must be individually determined eligible for the TAA program. The eligibility determination process for the TAA program is managed by the DET Bureau of Job Service and the DWD Division of UI.

As a rule, a DW eligible for the TAA program will also be eligible for the WIA program. Each program provides benefits and services that the other does not. Therefore, it is

important that the two programs be closely coordinated in order to provide the most comprehensive and non-duplicative services. In almost all cases a DW will be eligible for WIA services before they are determined eligible for the TAA program. Therefore, WIA is the initial point of contact and services for DWs. Typically, DWs will be expected to receive at least assessment and employability plan development services through WIA. Training services may be provided by WIA prior to or while eligibility determination for TAA is pending. Once TAA eligibility is determined it is expected that TAA programs resources will be used for any training. The TAA program provides for more extensive training benefits than WIA. Other services available under TAA, but not WIA, include Trade Adjustment Allowances, access to Health Coverage Tax Credits and Reemployment Adjustment Assistance services for older workers. Services available only through the WIA program include follow-up services and some supportive services such as childcare.

Additionally information on the TAA program and services is available through these websites: <http://dwd.wisconsin.gov/dislocatedworker/staff.htm> and <http://dwd.wisconsin.gov/uiben/tra.htm>

E. Special Populations and Priority for Services (§663.600)

1. Establishing Priority for Services

Section 134(d)(4)(E) of WIA provides, that in the event that funds allocated to a local area for adult employment and training activities are limited, priority for intensive and training services funded with WIA Title IB adult funds must be given to veterans/eligible spouses who are low income or recipients of public assistance. The next priority is non-veterans/eligible spouses who are low income or the recipients of public assistance. Funds allocated for DWs are not subject to this requirement.

a. For the purpose of establishing a priority of service the WIA definition of low-income individual applies:

- (1) Meets the income criteria established in WIA Section 101(25)(B). That is, the individual received an income, or is a member of a family who has received an income for the 6-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, public assistance payments, old-age and survivors insurance benefits received under section 202 of the Social Security Act, and other family income sources listed in DWD's Guide to WIA Title 1B Eligibility Determination and Documentation Guide, published August 2011), that does not exceed the higher of (a) the poverty line for an equivalent period; or (b) 70 percent of the lower living standard income level for an equivalent period, or
- (2) receives, or is a member of a family that receives, cash payments under a Federal, State or local income-based public assistance program; or
- (3) is a member of a household that receives (or has been determined within the 6 month period prior to application for the program to be eligible to receive) food stamps; or
- (4) qualifies as a homeless individual; or

- (5) an individual with a disability whose own income meets the requirements of (1) or (2) above but is a member of a family whose income does not meet these requirements.

Each local WDB may make the determination whether funds allocated to a particular WDA are limited. The local WDB includes the process and criteria for determining that funds are limited in the local WIA Plan and must use the local policy approved by DET for priority of service implementation.

- b. State Policy and Guidance. The final determination of whether funds allocated to a local area are adequate to meet the intensive and training service needs of the population is made at the local level.

State policies and requirements to assist WDBs in this determination include the following:

- (1) Identification of the types and amounts of resources available to provide intensive and training services to adults. Resources to identify include, but are not limited to; TANF, Vocational Rehabilitation, Community Services Block Grant, Carl Perkins and Adult Education Acts, student financial aid and other local resources that are available to provide intensive and training services to public assistance recipients and low income individuals.
- (2) Identification of the needs of specific groups within the local area. Specific groups may include disabled individuals, individuals with cultural or language barriers, offenders, homeless individuals, older workers and others. Local areas should estimate the number of individuals who can be included in these groups.
- (3) Comparison of the needs of individuals identified under 2. above and their eligibility for services under other categorical funding sources such as those listed under paragraph 1.

2. Veterans Priority for Services

Refer to DWD Administrator's Memo 10-02, Implementation of Priority of Service for Veterans and Eligible Spouses, published February 10, 2010, for further information. This policy states that the Jobs for Veterans Act created a priority of services requirement for eligible veterans and spouses receiving services in any of the qualified USDOL job training programs. It provides crucial DOL guidance information including legal references, scope of the requirement, definition of veteran and eligible spouse, what it means to provide priority of service, when to identify veterans and eligible spouses, when to obtain verifying status, and how to apply priority of service.

Veterans/eligible spouses must be provided with the following:

- a. The workforce system, including the one stop center, virtual job sites, and all program operators must enable veterans and eligible spouses to identify themselves at the point of entry to the system or program.
- b. They must be given the opportunity to take full advantage of the priority.

- c. They must be informed about their entitlement of priority of service.
- d. They must be informed about the full array of employment, training, and placement services available.
- e. They must be informed about applicable eligibility requirements for programs and services.
- f. To achieve the above requirements, job center reception areas/resource rooms can provide the above information by having banners, posters or flyers prominently displayed around the job center announcing priority of service. Receptionists and resource room staff can ask visitors if they are veterans/eligible spouses as they enter the job center and provide either a verbal or written description of services within the job center.

If funds become limited, the WDB may need to limit the amount of services it can provide. In these situations, WDBs must ensure that veterans are given priority for services as required by federal law. Under WIA, the order of services follows:

- a. Current participants continuing in services contained in their Employment Plan.
- b. Veterans/eligible spouses who are low income or the recipients of public assistance.
- c. Non-covered persons (not veterans/eligible spouses) who are low income or the recipients of public assistance.

If additional barriers for eligibility are identified by the WDB, they must ensure that veterans/eligible spouses with those barriers are given priority over non-covered persons with the same barriers. To ensure the individual meets the definition of veteran/eligible spouse under this law, a DD-214 or other official documentation should be checked at the time of eligibility determination.

WDBs should have a process in place to ensure that WIA participants are tracked by key elements such as WIA registration date, veteran/eligible spouse status, and identified barriers. Should funds become limited and a priority of services policy has to be implemented by the WDB, they will have a tracking mechanism in place to ensure the priority of services is correctly applied.

The State of Wisconsin Department of Veterans Affairs (WDVA) offers job retraining grants to recently employed or underemployed veterans. To apply for these funds, interested veterans are required to complete a Retraining Grant Application. The application requires veterans to obtain financial aid information and sign-off from the WIA and Trade Adjustment Act (TAA) programs. These programs must determine if the veteran is eligible for their respective programs, provide information on funds available or not available, and sign off and date the form. WIA and TAA funds cannot be delayed or withheld from the veteran with the belief that they can get a WDVA retraining grant instead. The concept of WIA being the "last payer of choice" does not apply to veterans because they qualify for priority of services. Completion and sign-off of the Retraining Grant Application by the WIA and TAA Program will be coordinated by the one-stop center's Local Veterans' Employment Representative (LVER). In one stop centers without LVERs, coordination of the application will be provided by the Disabled Veterans'

Outreach Program specialist. Refer to WIA Policy Update 10-02, WDB Completion of WDVA Retraining Grant Applications, published October 28, 2010, for further detail.

3. Eligibility of Individuals with a Disability.

An individual with a disability is considered a low-income individual, even if the family of a disabled individual does not meet the income eligibility criteria, if the individual's own income:

- a. Meets the income criteria established in WIA Section 101(25)(B). The individual has received an income for the 6-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, public assistance payments, and old-age and survivors insurance benefits received under section 202 of the Social Security Act (42 USC 402)) that, in relation to a family comprised only of the disabled individual does not exceed the higher of (a) the poverty line for an equivalent period; or (b) 70 percent of the lower living standard income level for an equivalent period, or
- b. Meets the income eligibility criteria for cash payments under any Federal, State or local public assistance program.

F. Displaced Homemakers

1. Eligibility and Coordination of Services

- a. Coordination with Displaced Homemaker Programs funded by the Wisconsin Technical College System with General Purpose Revenue or Carl Perkins funds is required in order to maximize services available to displaced homemakers. Coordination should include, but not be limited, to the following:
 - (1) how displaced homemakers will be made aware of the services available to them;
 - (2) how their specific issues such as the loss of a loved one, becoming a single parent, or dealing with the illness or disability of a spouse will be addressed; and
 - (3) how to assess the transferable skills of a homemaker to the workforce.
- b. In order to be eligible as a DW under WIA, two criteria for displaced homemakers (individual who was providing unpaid services to family members in the home) have to be met:
 - (1) The individual was dependent on the income of another family member but is no longer supported by that income; and
 - (2) The individual is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
- c. Individuals who have been dependent on public assistance are not eligible as a DW/displaced homemaker but may be served in the adult program.

2. Title I Services for Displaced Homemakers

Displaced homemakers may be eligible to receive assistance under Title I in a variety of ways, including:

- a. Core services provided by the One-Stop partners through the One-Stop delivery system;
- b. Intensive or training services for which an individual qualifies as a DW/displaced homemaker;
- c. Intensive or training services under the Title IB adult or DW program for which an individual is eligible;
- d. Statewide employment and training projects conducted with reserve funds for innovative programs for displaced homemakers, as described in §665.210(f). Presently there are no such projects identified in Wisconsin.

G. Provision of Services to Incumbent Workers

An incumbent worker is an individual who is employed but does not necessarily meet the eligibility requirements for intensive and training services for adults and DWs (§665.220).

TEGL 26-09 issued May 12, 2010, addresses the provision of services to incumbent workers through a DOL-approved waiver allowing the use of a portion of the WIA Title 1B adult and DW formula allocation for incumbent worker training. Wisconsin has such a waiver. Under the state's waiver, WDBs must submit a local waiver plan subject to DWD approval in order to use WIA Title 1B funds for incumbent worker training. Under such an approved local waiver a WDB may use up to 10 percent of local Adult funds and up to 10 percent of local DW funds for incumbent worker training only as part of a documented lay-off aversion strategy serving only low-income/economically disadvantaged adults. Training is restricted to skill attainment activities. The purpose is to expand the flexibility of the WDBs to address the skill upgrade needs of job seekers to meet the requisite skills for current employers and anticipated emerging industries.

H. IEP

The development of the IEP is an intensive service under WIA. The IEP is an ongoing strategy jointly developed, signed and dated by the participant and the case manager. The IEP documents and describes:

1. the participant's employment goals;
2. appropriate achievement objectives;
3. the determination of the need for training; and
4. the appropriate combination of services for the participant to achieve the employment objectives.

The IEP is a part of the participant's case file. It must be reviewed periodically and updated as needed (a minimum of every six months is recommended).

I. Supportive Services

Funds may be used to provide supportive services to adults and DWs who are participating in core, intensive or training services; and who are unable to obtain such supportive services through other programs providing such services. Supportive services for adults and DWs are defined at WIA Section 101(46) and 134(e)(2) and (3). They include services such as transportation, child care, dependent care, housing and needs-related payments, that are necessary to enable an individual to participate in activities authorized under WIA Title 1.

J. Needs Related Payments

Funds allocated to a local area for adults and DWs may be used to provide needs related payments and for the purpose of enabling such individuals to participate in programs of training services.

K. Follow-Up Services (§663.150)

Follow-up services must be made available, as appropriate, for a minimum of 12 months following the first day of employment, to registered participants who are placed in unsubsidized employment. The goal of follow up services is to ensure job retention, wage gains and career progress.

Follow-up services may be provided beyond 12 months at the local WDB's discretion. The intensity and type of follow-up services is determined at the local level and should be based on the needs of the individual as well as the goals and objectives for the local workforce investment system. Examples of follow-up services include: contact with the participant's employer, assistance with work-related problems, peer support groups and referral to supportive services. Refer to WIA Policy Update 06-06, WIA Follow-Up Services, published 08/11/06.

L. Program Outcomes and Exits

The objective of the WIA program for adults and DWs is the acquisition and retention of employment that results in economic self-sufficiency. This section of the Policy Manual discusses how outcomes under the program are achieved and how program completions are determined for the purpose of "exiting" individuals from WIA-funded services.

All individuals registered in the WIA program will have an IEP developed in conjunction with program staff. Ideally, program completion occurs when the individual has completed the plan of service as included in the IEP and enters appropriate employment.

Participants are to exit the WIA program when:

- they are employed at a level that meets the local definition of self-sufficiency;
- they have not received any WIA-funded or WIA-partner funded services for a period of 90 days and no services are scheduled.
- they are exited under one of the exclusions: institutionalized/incarcerated, family and family care, health/medical conditions, deceased, reserve forces called to active duty,

relocated to a mandated program (youth only), or invalid or missing social security number.

Participants who exit WIA services to unsubsidized job placement are required to have 12 months of follow-up services made available after exit.

1. Entering Employment

There is no required minimum number of hours of work or earnings for an “entered employment”. An individual earning more than zero in the quarter after exiting WIA services is considered “employed”.

The participant must be working and earning wages not subsidized or reimbursed by WIA. If the placement is with the same employer that provided the WIA training, the participant enters employment the first day that the job was no longer subsidized by, or the wages reimbursed with, WIA funds.

All exit-based measures for adults and DWs take effect after the participant has exited all WIA Title I and partner services.

2. Interim Employment

Participants may be employed during the time they are involved in WIA services so that they can meet their living expenses. This particular employment may not necessarily be the participant’s “goal” employment, and it may not meet the local standard for “self-sufficiency”. In these cases, participants should not be exited from the program.

3. Point of Exit for Counting Outcomes

The participant is considered exited when they have not received a service funded by the program or funded by a partner program for 90 consecutive calendar days, and are not scheduled for future services. The exit date is the last date of service. All participants who exit WIA services are included in the WIA performance measures except individuals that are exited under one of the following conditions: institutionalized/incarcerated, family and family care, health/medical conditions, deceased, reserve forces called to active duty, or invalid or missing social security number.

CHAPTER 6: YOUTH PROGRAM

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A. Introduction and Overview

The WIA of 1998 reformed Federal job training programs and created a new, comprehensive workforce investment system. The reformed system is customer focused, helps young people access the tools they need to manage their careers through information and high quality service, and helps businesses find skilled workers.

B. Purpose for Youth Participants

1. Provide youth seeking assistance in achieving academic and employment success with effective and comprehensive activities including a variety of options for improving educational and skills competencies and for providing effective connections to employers;
2. Ensure on-going mentoring opportunities in the workplace and the community with adults who support such opportunities;
3. Provide opportunities for training;
4. Provide incentives for recognition and achievement;
5. Provide opportunities to participate in activities related to leadership development, decision-making, citizenship, and community service;
6. Provide continued supportive services;
7. Preparation for postsecondary educational opportunities;
8. Provide strong linkages between academic and occupational learning;
9. Prepare for unsubsidized employment; and
10. Build effective connections to intermediaries with strong links to the job market and local and regional employers.

C. Vision

OSY (and those most at risk of dropping out) are an important part of the new workforce “supply pipeline” needed by businesses to fill job vacancies in the knowledge economy. WIA-funded youth programs provide leadership by serving as a catalyst to connect these youth with quality secondary and postsecondary educational opportunities and high-growth and other employment opportunities.

To achieve this vision, a strategic approach focuses on four major areas:

1. Focus on alternative education;
2. Meeting the demands of business, especially in high-growth industries and occupations;
3. Focus on the neediest youth; and

4. Focus on improved performance.

D. Eligibility Requirements – An eligible youth is defined under WIA Section 101(13) and §664.200.

1. Not less than 14 and not more than 21 years of age at registration;
2. Low income individual, as defined in WIA Section 101(25) and WIA Policy Update 07-03; and
3. 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; or
 - f. Is an individual (including a youth with a disability) who requires additional assistance to complete an educational program, or to secure and hold employment. (This is known as the 6th criterion, and is defined at the local level). Refer to WIA Policy Update 08-03 for additional details.

E. Eligibility for Disabled Youth (§664.250)

A disabled youth may be eligible for WIA Title I-B services even if the family of the disabled youth does not meet income eligibility criteria.

A disabled youth may be considered a low income individual if the youth's own income:

1. Meets the income criteria established in WIA Section 101(25)(B); or
2. Meets the income eligibility criteria for cash payments under any federal, state or local public assistance program. WIA Section 101(25)(F).

F. OSY

1. Youth are considered to be out-of-school if they meet the following criteria: (WIA Section 101(33) and §664.300)
 - a. School dropout as defined by WIA Section 101(39); or
 - b. Received a high school diploma, or its equivalent, but are basic skills deficient, unemployed, or underemployed.
2. A youth who is attending an alternative high school at the time of registration into WIA Title 1-B youth program is not a school dropout. (§664.310)

3. At least 30 percent of WIA Title 1-B youth program funds must be spent on OSY. (§664.320)

4. An individual who is an OSY at the time of registration and subsequently placed in an alternative school may be considered an OSY for the purposes of the 30 percent expenditure requirement for OSY. (§664.310)

G. Five Percent Window of Eligibility – as defined in WIA Section 129(c)(5), and WIA Policy Update 08-03. (§664.220)

1. Not more than five percent of youth participants served in the WIA youth program may be eligible under this window.

2. The five percent window allows youth that do not meet the low income eligibility criterion to still be eligible to receive WIA Title IB services if they are in one or more of the following categories:

a. School dropout;

b. Basic skills deficient;

c. Are one or more grade levels below the grade level appropriate to the individual's age;

d. Pregnant or parenting;

e. Possess one or more disabilities, including learning disabilities;

f. Homeless or runaway;

g. Offender; or

h. Face serious barriers to employment as identified by the local board. WIA Section 129(c)(5)(H).

4. Local boards are required to review and monitor youth participation and take corrective action as necessary to ensure compliance with the five percent window.

H. Eligibility Documentation

Appropriate documentation is required to ensure that WIA funds are used only for eligible participants and that services are provided in accordance with Federal law and policy. For guidance on acceptable eligibility documentation, use the *Guide to WIA Eligibility Determination and Documentation*. *The Guide to Participant Case File Documentation for Youth Programs*, which outlines requirements for documenting non-eligible participant information and program services. Both guides are available in the Appendix and on the DWD website containing technical assistance guides:

<http://dwd.wisconsin.gov/dwdwia/tags.htm>

I. Design Framework

Design framework is the period of time when the WIA-mandated activities of registration, assessment, and development of the ISS are provided. If a youth only receives design framework activities they will not be counted in performance measures.

The design framework of local youth programs must: (WIA Section 129(c)(1)(A)(B)(C) and §664.405)

1. Provide an objective assessment of each registered youth, and includes a review of the academic and occupational skill levels, as well as service needs, of each youth;
2. Develop an ISS for each participant that identifies an employment goal (including, in appropriate circumstances, nontraditional employment), appropriate achievement objectives, and appropriate services for the participant taking into account the objective assessment, except that a new service strategy for a participant is not required if it is determined it is appropriate to use a recent service strategy developed for the participant under another education or training program; and
3. Provide preparation for postsecondary educational opportunities, provide linkages between academic and occupational learning, provide employment, and provide effective connections to intermediary organizations that provide strong linkages to the job market and employers.

Additional information is available in WIA Policy Update 04-09.

J. Registration (§664.215)

Registration is the first activity in the design framework process. All youth must be registered. Registration is the process of collecting information to support a determination of eligibility.

Local programs must determine whether the individual is required to register for the selective service, and whether the requirement has been met. Registration for selective service can be done on-line at <http://www.sss.gov/>. Refer to WIA Policy 12-01 for additional detail.

Participation in youth programs and activities is open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, lawfully admitted refugees and parolees, and other individuals authorized by the Attorney General to work in the US. However, citizenship is not required for WIA eligibility.

K. Additional Requirements

1. Information and referrals – Local Boards must ensure that the referral requirements for youth who meet the minimum income criteria are met, including:
 - a. Providing these youth with information on the full array of applicable or appropriate services available through the local board or other eligible providers, or One-Stop partners; and

- b. Referring these youth to appropriate training and educational programs that have the capacity to serve the participant either on a sequential or concurrent basis.

In order to meet the basic skills and training needs of registered youth who do not meet eligibility requirements or who would not benefit from the program, local boards must ensure these youth are referred for further assessment, as necessary, and referred to appropriate programs and services that would benefit them.

If an individual is determined eligible, local boards may choose to make the youth a participant. Participant means – An individual who has been determined to be eligible to participate in the program and receives a service (except follow-up services) funded by the WIA youth program in either a physical location (One-Stop Career Center) or affiliate site or remotely through electronic technologies.

L. Assessment

The second activity in the design framework process is ensuring registered youth receive an objective assessment. Assessment results are the foundation for developing the ISS.

Local youth programs must provide an objective assessment of each registered youth which includes a review of the academic levels, skill levels, and service needs of each participant. The assessment must 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 each participant. A local board does not need to do an objective assessment of a participant if the board determines it is appropriate to use a recent assessment (such as one used to assess a youth with disabilities) conducted by another education or training program. (WIA Section 129(c)(1)(A) and §664.405(a)(1))

M. Informal and Formal Assessments

Two types of assessments can be used to obtain the required assessment information informal and formal. An effective, comprehensive assessment process will include both informal and formal assessments. It will be an on-going process with assessments during the registration process, embedded in activities and instructions, and administered after delivery of services to determine progress and results.

1. Informal assessments tend to be easier to use, and in many cases require less specialized training than formal assessments. Informal assessment tools include structured questioning, observation, and self-assessment checklists. Informal assessments may be most helpful in obtaining information about life goals, strengths, interests, feelings, perceptions, family and peer interaction, prior work experiences, challenges, and supportive service needs. The use of informal assessment tools may be less intimidating and more enjoyable, but they should be selected and used carefully as part of a larger assessment strategy that also includes formal assessment procedures.

When using informal assessments keep the following three considerations in mind:

- a. Informal assessments are subjective;

- b. Informal assessments sometimes require more time to administer, or to customize, than formal assessments, and
 - c. When used properly, informal assessments demand thoughtful interpretations.
2. Formal assessments are tests that have been developed professionally according to scientific principles of test construction and have written instructions for administration and interpretation. Formal standardized assessment tools may be of greater assistance in obtaining information regarding reading, math, aptitudes, work readiness and occupational skills.

N. OSY Assessment Tools

All registered OSY must be assessed for basic skills to determine if they will be included in the Literacy/Numeracy performance measure. Local Boards are required to use one of the following assessment tools when assessing OSY.

1. Test of Basic Adult Education (TABE) forms 9 and 10 (valid through 2/2/17);
2. Wonderlic – General Assessment of Instructional Needs (valid through 2/2/13, but may continue to be used during a transition period ending on 6/30/14);
3. Comprehensive Adult Student Assessment System (CASAS) (valid through 2/2/17);
4. WorkKeys (valid through 2/2/13, but may continue to be used during a transition period ending on 6/30/14); or
5. Massachusetts Adult Proficiency Test (valid through 2/2/17).

If an OSY is Limited English Proficient, WDBs must use one of the following assessment tools:

1. CASAS (valid through 2/2/17);
2. Basic English Skills Test (BEST) Plus (valid through 2/2/13, but may continue to be used during a transition period ending on 6/30/14);
3. BEST Literacy (valid through 2/2/17); or
4. TABE Complete Language Assessment System – English (valid through 2/2/17).

Additional information is available in WIA Policy Update 10-03.

If the OSY is determined to be basic skills deficient, the same assessment tool must be administered to the participant for pre-testing and post-testing.

Pre-tests administered up to six months prior to participation may be used to establish the baseline for the literacy and numeracy gains measure. If no pre-test was administered before the youth was referred to the WIA youth program, the OSY must take a pre-test within 60 days following the date they receive their first WIA-funded service.

O. Testing Youth with Disabilities

Reasonable accommodations must be provided when assessing youth with disabilities. The term disability means, with respect to an individual;

1. A physical or mental impairment that substantially limits one or more of the individuals' major life activities;
2. A record of such impairment; or
3. Being regarded as having such impairment.

Accommodations for assessing youth with disabilities generally fall into the following categories:

1. Changes to the methods of presentation of the test used as the assessment tool, (e.g., providing Braille versions of the test, interpreter, large print, visual cues, repeating directions, or reading aloud).
2. Changes to the methods of Response to the test questions, (e.g., having the person administering the test point to a response, mark answers in book, use reference aids, calculator, tape recorder, word processor, or computer administration).
3. Changes to the Setting in which the test is provided, (e.g., permitting the test to be taken at home, in a small group, separate room, or special lighting).
4. Changes to the Timing/Scheduling of the test, (e.g., permitting frequent breaks, extending the amount of time generally provided for completion of the test, or giving the test over several days).

In some instances, use of alternative assessment tools, even with appropriate accommodations, may not provide a valid or reliable evaluation of the literacy and numeracy skills of the participants with one or more disabilities. When this occurs, local boards may use an alternative assessment tool to measure literacy and numeracy gains, as long as they have received prior permission from DWD.

P. ISS

1. The third activity in the design framework process is to develop an ISS for each participant.
2. The ISS is the basis for the entire case management strategy. It serves as a planning tool and should be developed in partnership with the participant, case manager and if possible, a parent or legal guardian. The ISS should reflect the needs indicated by the objective assessment and the expressed interests and desires of the participant. The ISS is the framework for justifying decisions concerning the appropriate mix and sequence of services.
3. The ISS should be reviewed and updated periodically to reflect the participant's progress in meeting the objectives of the ISS including program in acquiring basic and occupational skills and the adequacy of the supportive services provided. The youth's

ISS is the key tool used to track skill attainment and the successful completion of short and long-term goals.

4. The ISS should include the following:
 - a. An age-appropriate career goal based on the information gathered during the assessment process. Consideration should be given to nontraditional occupations.
 - b. Achievement objectives including skill attainment goals.
 - c. Services to be provided, including who will provide the service, location, service times, and expected completion dates.
 - d. Authorization to release information.

Q. Skill Attainment Goals (only for 14-18 year olds and are required to be recorded in ASSET, but not used for performance)

1. Skill attainment goals must be based on the assessment and include basic skills, work readiness skills, or occupational skills.
2. A target date for accomplishing each skill attainment goal must be set for no later than one year from the date the goal is set.
3. Skill attainment goals must be reported in ASSET and documented in the participant file including the date the goal was set, the type of goal (basic, work readiness, or occupational) , what the goal is, and the date attained.
4. Younger youth (14-18) who are in school, at a minimum, must have one skill attainment goal set per year.
5. Younger youth (14-18) who are in school or out of school and are determined to be basic skills deficient must have a basic skill goal set.
6. WDBs are strongly encouraged to set skill attainment goals for older youth (19-21), who based on objective assessment, need to attain basic skills, work readiness skills, or occupational skills.

R. Goal Setting – WIA Policy Update 04-06

Effective goal setting starts with a thorough review of the information obtained during the objective assessment. Participants need to be actively involved in the goal-setting process from the very beginning and feel ownership for the goals that are developed.

Goals should be:

- (S)** Specific;
- (M)** Measurable;
- (A)** Attainable;
- (R)** Realistic; and
- (T)** Timely

Goals identified through the objective assessment process may be categorized in a number of ways. Each type of goal identified is equally important to the development, effectiveness, and the overall performance of the participant. Goals should lay the groundwork for completing secondary school, preparing the participant for post-secondary educational opportunities, and unsubsidized employment, and becoming a responsible, caring adult.

The different types of goals include:

1. Personal Goal – These are goals a youth may set for themselves or may be specific to the youth and/or the youth’s family.

Example: The youth will volunteer at a homeless shelter.

2. Employment Goal – These are goals a youth may set in terms of a specific job or particular field.

Example: The youth will explore jobs in the health care industry.

3. Education Goal –These are goals related to academic achievement, as well as developing life-long learning skills important for success. Education goals may also include improving school attendance, becoming a tutor or enrolling in self-development classes.

Example: The youth wants to attend college and graduate from a four-year university.

4. Career Goal – These are goals a youth may set in terms of what they want to do when they finish their formal education.

Example: The youth wants to have a career in the health care industry.

5. Skill Attainment Goal – These are goals a youth may set in terms of specific skills they want to obtain.

The following are the three types of skill attainment goals.

1. Basic;

Example: The youth will increase one grade level in math.

2. Occupational; and

Example: The youth will successfully complete certified baby sitting class.

3. Work Readiness.

Example: The youth will attend a class on grooming for employment.

Basic Skills Goal

Basic skills goal reflect a measurable increase in basic education skills including:

- Reading;
- Math computation;
- Writing;
- Speaking;
- Listening;
- Problem-solving; and
- Reasoning.

Occupational Skills Goal

Primary occupational skills encompass 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;
- Recordkeeping and paperwork formats;
- Tools;
- Equipment and materials; and
- Breakdown and clean-up routines

Example: Successfully complete pre-apprenticeship training in construction.

Work Readiness Skills Goal

Work readiness skills include:

- World of work awareness;
- Labor market knowledge;
- Occupational information;
- Values clarification and personal understanding;
- Career planning;
- Decision-making;
- Job search techniques (resumes, interviews, applications, and follow up letters); and
- Survival/daily living issues skills such as:

1. Using the phone;
2. Telling time;
3. Shopping;
4. Renting an apartment;
5. Opening a bank account; and

6. Using public transportation.

Example: Attend a workshop on safety procedures in the workplace.

Short-Term Goals

Series of incremental, interim, measurable milestones usually attained in less than one year.

Long-Term Goals

- Set around educational attainment;
- Placement in employment and/or education;
- Education; and/or
- Training;
- Exit-oriented; and
- Address desirable outcomes that set criteria for deciding when the participant needs no additional services other than follow-up.

S. Program Elements – WIA Section 129(c)(2) and §664.410

The WIA Title IB youth program must include all of the following program elements. Local programs have discretion in determining which specific program elements will be provided to individual youth participants. The services provided to a youth participant are to be based on the results of the assessment and are to be outlined in the ISS. In some cases the service will be provided through a provider other than the WIA Title IB provider. In those instances, referral systems and coordination strategies must be in place to ensure the needs of the youth are efficiently met.

1. Tutoring, study skills training, instruction leading to completion of secondary school, including dropout prevention strategies – includes summer education activities, summer academic activities to attain basic skills or achieve higher standards. Includes after-school activities either at the school or another community-based setting, which are designed to assist youth with academic achievement and stress the importance of staying in school. Dropout prevention strategies may include, but are not limited to, pregnancy prevention activities and drug and violence prevention activities. Education programs supported with WIA funds must be consistent with applicable state and local educational standards.
2. Alternative secondary school services – include services provided at alternative secondary school sites. This program element may also include activities for which a youth can earn high school credit. Education programs supported with WIA funds must be consistent with applicable state and local educational standards.
3. Summer employment opportunities – are to link academic and occupational learning. This program element is not intended to be a stand-alone program. Youth may be enrolled in summer employment opportunities and exit at the end of the summer, however, this is to be the exception. Youth who participate only in summer activities must have follow-up services provided for a minimum of 12 months. These youth may also be included in the performance measurements. Most youth are to have summer

employment opportunities included as part of their year-round service strategy. The intensity of services may increase during this time.

4. Paid and unpaid work experiences – including internships, job shadowing and OJT are to provide youth with an opportunity to develop work place skills. Work-based learning may also be included in this program element. WIA funds may be used to pay wages and related benefits for work experiences in the public, private, for-profit or nonprofit sectors when the objective assessment and the ISS indicate that work experiences are appropriate.

- a. Work experiences

- (1) Are planned, structured learning experiences that take place in a workplace for a limited period of time. Local programs determine the length of time a youth may participate in work experience. A formal work experience agreement must be developed with the worksite.
- (2) May be paid or unpaid. WIA funds can be used to pay wages and related benefits for work experiences in the public, private, for-profit or nonprofit sectors. Paid work experience must, at a minimum, meet minimum wage requirements.
- (3) Are designed to enable youth to gain exposure to the working world and its requirements.
- (4) Are to help youth acquire the personal attributes, knowledge, and skills needed to obtain a job and advance in employment. The purpose is to provide the youth with the opportunities for career exploration and skill development. Work experience also provides youth with exposure to various work environments and should assist the youth in their career development.
- (5) May be subsidized or unsubsidized and may include the following elements which provide an opportunity for youth to learn and practice skills needed to succeed in the workplace;
 - (a) Instruction in employability skills or generic workplace skills such as those identified by the USDOL Secretary's Commission on Achieving Necessary Skills;
 - (b) Exposure to various aspects of an industry;
 - (c) Progressively more complex tasks;
 - (d) Internships and job shadowing;
 - (e) Integration of basic academic skills into work activities;
 - (f) Supported work, work adjustment, and other transition activities;
 - (g) Entrepreneurships;
 - (h) Service learning;
 - (i) Paid and unpaid community service; and
 - (j) Other elements designed to achieve the purpose of work experience.

- b. OJT is an allowable activity for youth under exceptional circumstances. (§664.460(d)) However, the appropriateness of this activity is to be determined at the local level. Requirements for OJTs for youth are the same as the requirements for OJTs for adults and DWs. See Administrator's Memo 10-07 for further guidance.

- c. Job Shadowing – Provides career exploration opportunities.
 - d. Internships/Externships – May be paid or unpaid.
 - e. Refer to Chapter 7 – Conditions of Employment and Training for provisions related to participants placed in paid work experience or OJT.
5. Occupational skill training – Primary occupational skills encompass 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.
- a. Training may be in occupational clusters or for a specific occupation. Training in occupational clusters involves teaching a fairly standardized set of competencies which are generally applicable to a wide range of work settings. Training for a specific occupation or individual job prepares participants in an in-depth fashion using specific job specifications. Local programs may conduct either customized job skills training to meet the specifications of individual employers or occupational settings, or to teach more general transferable skills. Because the specific skills required for some jobs are quite complex and extensive, program operators might opt to train participants for a sequence of jobs within a career area ranging from less skilled to more skilled, rather than cover the total set of competencies. Skill clusters can be divided into basic entry level, intermediate and advanced skills.
 - b. Job specific skills programs can be modified for special needs youth by:
 - (1) Adjusting instructional methods and the speed at which new material is introduced;
 - (2) Providing opportunities for additional practice under close supervision;
 - (3) Using more step-by-step explanations and demonstrations; and
 - (4) Furnishing more frequent and focused performance feedback.
 - c. Employer involvement is important on several levels in the development of job specific skills:
 - (1) Identification of current and projected skill training needs;
 - (2) Determination of entry level competencies for new employees;
 - (3) Establishment of performance criteria for entry level hiring;
 - (4) Assistance in curriculum design, instructor preparation and development of training materials;
 - (5) Provision of worksites, and occasionally classrooms, as well as hiring commitments at the completion of training;

- (6) Donation of training equipment, space and supplies; and
 - (7) Development of criteria to measure competency.
- d. Skills Attainment and Proficiencies – When job site training is used to teach occupational skills, the program operator may wish to have written competency statements which identify the skills to be learned, the proficiency level to be attained, and how they will be evaluated. These statements should be included in a written training plan which is shared with the trainer/supervisor. These statements may be developed through joint planning with the job site supervisor, by using the O*Net, the Dictionary of Occupational Titles or some other reference source for identifying general occupational skills, or by individual job task analysis. Proficiency levels are to be established based on the requirements (current and anticipated) of the local labor market. Levels should at a minimum reflect the entry level requirements for a specific job or occupational cluster.
 - e. NTO's – Occupational training is to include opportunities for training in NTOs. An occupation is considered to be non-traditional when employment in the occupation or field of work for which individuals of the participant's gender comprise less than 25 percent of the individuals employed in such occupation or field of work. Both males and females can be in nontraditional employment.
6. Leadership development opportunities – are activities that provide youth with the opportunity to take on new roles and responsibilities. They encourage responsibility, employability and other positive social behaviors. Examples of leadership development opportunities include, but are not limited to:
- a. Exposure to post-secondary educational opportunities;
 - b. Community and service learning projects;
 - c. Peer-centered activities, including peer mentoring and tutoring;
 - d. Organizational and team work training, including team leadership training;
 - e. Training in decision-making, including determining priorities;
 - f. Citizenship training, including life skill training such as parenting, work behavior training; budgeting of resources; and
 - g. Other activities which lead to positive social behavior. Positive social behaviors are outcomes of leadership opportunities, often referred to as soft skills. Positive social behaviors focus on areas that may include the following:
 - (1) Positive attitudinal development;
 - (2) Self esteem building;
 - (3) Openness to working with individuals from diverse racial and ethnic backgrounds;

- (4) Maintaining healthy lifestyles, including being alcohol and drug free;
 - (5) Maintaining positive relationships with responsible adults and peers;
 - (6) Contributing to the well being of one's community, including voting;
 - (7) Maintaining a commitment to learning and academic success;
 - (8) Avoiding delinquency;
 - (9) Postponed and responsible parenting; and
 - (10) Positive job attitudes and work skills.
7. Supportive services – are to be provided to youth who need support to ensure successful participation. Supportive services may include, but are not limited to:
- a. Transportation;
 - b. Child care;
 - c. Work related expenses;
 - d. Housing;
 - e. Linkages to community services; and
 - f. Referrals to medical services.
8. Adult Mentoring – is to be available to youth program participants for the period of participation and a subsequent period, for a total of *not less than 12 months*. The long-term connection to a caring adult is an important element to positive youth development. Mentor relationships can be:
- a. Employment based;
 - b. School based; or
 - c. Community based.
9. Follow-up services – all youth participants must receive some form of follow-up services for a *minimum of 12 months after exit*. Exit, and therefore follow-up, occurs once the youth is no longer active in any WIA-funded or partner services included in the ISS. Follow-up services may be provided beyond 12 months at the local board's discretion. The intensity and type of follow-up services is determined at the local level and should be based on the needs of the youth as well as the goals and objectives for the local workforce investment system. Examples of follow-up services include: job shadowing; adult mentoring and tutoring; leadership development activities; supportive services and work related follow-up activities. (§664.450) Additional information is available in WIA Policy Update 06-06.

10. Comprehensive guidance and counseling – which is appropriate to the needs of the individual youth. This may include career counseling and guidance, as well as drug and alcohol abuse counseling primarily provided to assist a youth in achieving employment-related success. Counseling may be provided by appropriately trained program staff or through referrals to other entities within the community.

T. Exiting

The term “program exit” means a participant has not received a service funded by the program or funded by a partner program for 90 consecutive calendar days and is not scheduled for future services. The exit date is the last day of service.

Participants that have a **planned gap in service** of greater than 90 days **should not** be considered exited if the gap in services is due to a delay before the beginning of training, a health/medical condition or providing care for a family member with a health/medical condition; and temporary move from one area that prevents the individual from participating in services, including National Guard or other related military service.

A gap in service must be related to one of the three circumstances identified above and last no more than 180 consecutive calendar days from the date of the most recent service to allow time to address the barriers to continued participation. However, you may initiate a consecutive gap in service of up to an additional 180 days for the participant that follows the initial 180 day period to resolve the issues that prevent the participant from completing program services that lead to employment. You must document all gaps in service that occur and the reasons for the gaps in service, including the participant’s intent to return to complete program services.

A participant in any of the following categories, either at the time of exit or during the third-quarter measurement period following the exit quarter, may be excluded from common measures.

- Institutionalized;
- Health/Medical or Family Care;
- Deceased;
- Reserve Forces Called to Active Duty;
- Relocated to a Mandated Program; or
- Invalid or Missing Social Security Number.

U. Concurrent Participation (§664.500)

Each youth participant that is 18 – 21 years old may also be eligible for the WIA adult/DW programs. Individuals that meet all respective eligibility criteria may participate in youth and adult programs concurrently. The determination of whether a participant should receive services from the youth and adult programs is to be made at the local level. Concurrent participation requires that the participant be registered in both the youth and adult programs. Specific services and associated costs must be tracked back to the program, i.e., youth, adult, or DWs.

Youth funds may only be spent on allowable youth activities, for example, youth funds may not be used to pay for an ITA.

Concurrent participation offers participants and local programs maximum flexibility. For example, local programs may provide an eligible 19 year old OSY occupational training services as a youth program element using youth funds or as a training service through an ITA using adult program funds. The appropriate level and balance of youth and adult services is to be determined for each participant. Individuals that are participating in both programs will be counted in both WIA youth program and adult/DW performance measures.

V. Youth Service Providers

Local boards shall identify eligible providers of youth activities by awarding grants or contracts on a competitive basis, based on criteria contained in the State plan, to the providers to carry out the activities, and shall conduct oversight with respect to providers in the local area. WDBs are required to provide an annual list of their youth service providers for posting on DWD's WIA website. The URL listing these providers is:

http://dwd.wisconsin.gov/dwdwia/youth/youth_counties.htm

W. Job Center Services for Youth

Local WDBs administering the WIA Youth Program are required Job Center partners. As a result of this partnership, local boards and job center operators should ensure that information about youth services and programs are available at Wisconsin's Job Centers. Local boards are also encouraged to provide access through Job Centers to other youth services to the extent possible.

The following are suggestions local boards should consider to ensure youth have access to WIA Title IB services through Job Centers.

Refer to WIA Policy Update 04-01: Accessibility to Title 1 Youth Services through Job Centers.

- Include provisions for assisting youth programs in the MOUs of one-stop partners;
- Use resource mapping, focus groups, meetings and youth or community summits to gather information on the needs of young people in the community;
- Build and maintain a network of people, agencies, schools, and faith-based organizations in the community that are committed to serving youth;
- Provide a separate area in the resource center specifically for youth where youth-related information can be available, i.e., workshops, trainings, job openings, post secondary school opportunities, after school programs, health services, tutoring, mentoring, etc.; and
- Ensure resource rooms have materials/information/resources appealing to youth.

CHAPTER 7 - ASSURANCES AND CERTIFICATIONS

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ASSURANCES AND CERTIFICATIONS

This chapter contains the assurances and certifications for all grants awarded by the DET of Wisconsin's DWD. All DET grantees and subgrantees must have local written policies that require compliance with applicable portions of this chapter.

A. Signatory Authority

The grantee assures that it possesses the following legal authority to participate in a grant:

1. **Signatory Official.** The grantee assures that the designated signatory official holds the legal authority to accept these funds.
2. **Grantee Authority.** The grantee assures that it possesses the legal authority to participate in this grant. A resolution, motion or similar action has been duly adopted as an official act of the grantee's governing body authorizing participation in DET-issued grants. The grantee is required to direct and authorize the person identified, as the grantee's official representative to act in connection with the grant and to provide such additional information as may be necessary.

B. Compliance Statement

In carrying out the terms of its grant, the grantee assures that it will comply with any and all applicable laws, rules and regulations and with the provisions of its grant document. The grantee assures compliance with the following specific requirements:

1. **Wisconsin WIA State Plan.** Grantee programs must be responsive to the applicable requirements of any State Plans related to the grant.
2. **DET Policies.** The grantee must comply with applicable DET Policies and Procedures Manuals.
3. **Policy Distribution.** The DET grantee must designate certain individuals to obtain applicable manuals. This manual and other resources are also available on the DWD program website.

C. Nondiscrimination and Equal Opportunity Requirements

The grantee assures that it will avoid discrimination and follow EEO practices in the administration and delivery of services and benefits to eligible participants and applicants of DET-funded programs and that it will comply with the following provisions of nondiscrimination and EEO:

1. **Applicable Laws and Other Requirements.** The grantee must comply with the Civil Rights Act of 1964 as amended, Titles VI, VII and the Education Amendments to Title IX; the Rehabilitation Act of 1973 as amended, ss. 503 and 504; the Age Discrimination Act of 1975 as amended; the Americans with Disabilities Act of 1990, as amended; the Vietnam Veterans Readjustment Assistance Act of 1974, the WIA Sections 181 and 188; the U.S. Executive Order 11375; the Wisconsin Fair Employment Act s. 111.31-111.395, Stats.; Wisconsin Contract Compliance Law, s. 16.765, Stats.; the Wisconsin

Administrative Code DWD 816.11; this section of the Workforce Programs Guide and all other applicable laws. Such requirements include but are not limited to the following:

- a. **Prohibition of Discrimination.** No participant, staff person or administrator may be discriminated against, denied benefits, denied employment or excluded from participation in connection with any DET-funded program on the basis of race, color, religion, sex, national origin (ethnic status), age, disability, marital status, offender status, sexual orientation, 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 a DET financially assisted program or activity, arrest or conviction record (unless specifically exempt by grant regulations), or refusal to submit to sexual contact or sexual intercourse.
 - b. **Citizenship/Authorized Alien Status Requirements for Program Participation.** Participation in DET programs shall be open to citizens and nationals of the US, lawfully admitted permanent resident aliens, lawfully admitted refugees and parolees and other individuals authorized by the US Attorney General to work in the US.
 - c. **Encouragement of Nontraditional Employment.** The grantee must make appropriate efforts to overcome sex stereotyping, including the encouragement of nontraditional employment for DET-funded staff and participants.
 - d. **Limited English Proficiency Populations.** The grantee must identify limited English proficiency populations in areas where it operates DET-funded programs; ensure that information about its programs is available in a manner understood by the populations identified; and ensure that no individual is denied DET-funded services because of an inability to communicate in English.
 - e. **Reasonable Accommodations.** The grantee must ensure that reasonable accommodations are made to the known physical or mental limitations of an otherwise eligible applicant, employee or participant unless it can be demonstrated that the accommodations would impose an undue hardship on the operation of the program.
 - f. **Additional Assurances.** The grantee must adhere to all other assurances as specified in the specific grant regulations and grant agreement.
2. **Assurance of Subgrantee Notification.** The grantee assures that each organization to which it subgrants funds is notified of the terms and conditions of applicable nondiscrimination and EEO provisions, including potential consequences for noncompliance, and agrees to abide by them as a condition of receiving grant funds.
 - a. **Subgrant Agreement.** The grantee of DET funds must state in each subgrant agreement that failure to comply with applicable nondiscrimination and equal opportunity provisions will require corrective action to eliminate violations within a prescribed timeframe or otherwise incur specified sanctions.
 - b. **Wisconsin Contract Compliance Law, s. 16.765, Stats.** Each WDA administrative entity that receives federal financial assistance from the federal Department of Health Human Services and the Department of Agriculture shall submit a written affirmative action plan within fifteen (15) working days after the date the

contract/grant is awarded. The affirmative action plan shall meet the minimum requirements specified in section 50.05 of the Wisconsin Administrative Code (Adm. 50.05 Affirmative Action Plan).

<http://www.legis.state.wi.us/rsb/code/adm/adm050.pdf>

3. New Participant and Employee Orientation. Any grantee who either operates or subcontracts DET-funded programs for participants shall, during each presentation to orient new participants or new employees to its DET-funded program or activity, include a discussion of participants' and/or employees' rights under the nondiscrimination and equal opportunity provisions of applicable grants and 29 CFR, Part 37 including the right to file a complaint of discrimination with the Division or the Director of the Civil Rights Center (CRC) of DOL.
4. Equal Opportunity Public Information Statements. In recruitment brochures and other materials ordinarily distributed to the public which describe the DET-funded program or requirements for participation, the statement shall appear; "As a condition to the award of financial assistance from the DOL under the applicable program, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws: Section 188 of the WIA of 1998 (WIA), 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 citizenship, status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I - financially assisted program or activity; Title VI of the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, the Age Discrimination Act of 1975, as amended, Title IX of the Education Amendments, as amended. The grant applicant also assures it will comply with 29 CFR part 37 and all other regulations implementing the laws listed above. Where such materials indicate that the grantee may be reached by telephone, the materials shall also state the telephone number of the Telephonic Device for the Deaf or relay service used by the grantee."

D. Adequate and Documented Systems

The grantee assures that it has adequate and documented systems for administrative, personnel, financial and program management. The systems must include policies, procedures and controls necessary to ensure the effective and efficient use of funds for delivery of program services, including the following:

1. We are responsible for maintaining complete, accurate, and timely financial statements and have submitted to DWD the most recent audited financial statements.
2. We have disclosed to the auditor and DWD the following:
 - a. the methods and significant assumptions used in preparing the financial statements including changes to these methods of accounting and reporting and/or assumptions from the previous year.
 - b. all amounts questions and all known noncompliance with the direct and material compliance requirements of state and federal grants and/or contracts.
 - c. the current status of any unresolved disallowances and potential disallowances

- d. any communications from grantors and pass-through entities concerning possible noncompliance with the direct and material compliance requirements.
 - e. all transactions with any entity in which a WDB member or executive has greater than a 5 percent equity interest.
 - f. all WDB staff and staff direct family members receiving assistance under WDB directed programs funded by state and/or federal grants or contracts.
3. We are responsible for complying with the tax laws of the United States and the State of Wisconsin. We will submit a copy of the agency tax return to DWD at the same time it is submitted to the IRS.
4. As part of our oversight of our WIA designated OSO, we have received, reviewed, and submitted to DWD a copy of the OSO's most recent federal tax return where the OSO is not a consortium of public agencies.
5. We are responsible for understanding and complying with the requirements of laws, regulations, and the provisions of contracts and grant agreements related to all grants and contracts issued by DWD. We have assigned costs to federal grants consistent with the requirements of OMB Circular A-87 and A-122.
6. Federal grants do not include any costs which are unnecessary, do not directly benefit the programs, or are unallowable under the applicable Federal cost principles (e.g., public relations, bad debts, entertainment costs, fines and penalties, general government expenses, interest).
7. We will prepare and submit to DWD a full copy of the A-133 audit including the related Schedule of Federal Financial Assistance.
8. We are responsible for establishing and maintaining, and have established and maintained, effective internal control over compliance for all state and federal programs that provides reasonable assurance we are managing state and federal awards in compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a material effect on each of DWD's programs.
9. We are responsible for the design and implementation of programs and controls to prevent and detect fraud.
10. We have informed subrecipients of the appropriate state and federal award and compliance requirements.
11. We have monitored all subrecipients to determine that the subrecipient has expended financial assistance in accordance with applicable laws and regulations.
12. We have disclosed to DWD any and/or all political contributions.
13. We have no knowledge of any fraud or suspected fraud involving:
 - a. Management;

- c. Employees who have a significant role in internal control;
- c. Others where the fraud could have a material effect on the audit financial statements or the Schedule of Expenditures of Federal Awards.

E. Prohibition of Fraud and Abuse

In carrying out DET programs, the grantee assures that it is aware of and shall comply with the prohibition of fraud and abuse described as follows:

1. Conflict of Interest. A conflict of interest may exist when a person has a direct personal, organizational or financial relationship to an organization, and if that person is in a position to influence, or appears to influence the actions of another organization for the benefit of themselves or an organization with which they have such relationship.

The grantee, each subgrantee and related local boards must comply with the following provisions regarding conflict of interest:

- a. Conflict of Interest Requirements Applicable to Local Boards and to each grantee. The local boards and each grantee shall develop written policies and procedures governing conflict of interest that apply to board members, grantees and staff.

The policies and procedures shall apply to the local board and its by-laws, related agreements and personnel policies. Conflict of Interest Statements shall be signed by each WDB member annually.

- (1) Written Policies. The local board and each grantee must have written policies that conform to this Conflict of Interest Policy.
- (2) Written Code of Conduct. The local board and each grantee must maintain a written code of conduct that will govern the performance of its officers, employees or agents involved in any official actions within any grant process. This includes contracting or procuring supplies, equipment or services with DET funds. The section of the code dealing with Conflict of Interest shall include but not be limited to the following:
 - (a) Maintain the Public Trust. The code of conduct shall assign to the local board, its employees and grantees the responsibility to maintain the public trust for the use of federal and state funds for the purpose of carrying out program requirements, including the responsibility to maintain the reputation and integrity of the program.
 - (b) Conform to Requirements. The code of conduct shall conform to state regulations applicable to public contracts and all other requirements in this subsection.
 - (c) Specific Issues or Situations. The code of conduct shall include but not be limited to the following potential issues or situations:
 - (i) Members voting on or being involved in discussions on proposals or agreements for organizations which they or immediate family members have ownership in or are employed.

- (ii) Members voting on or being involved in discussions on proposals or agreements for organizations for which they maintain membership on a governing board, interlocking directorate or other relationship.
 - (iii) Local board members or employees shall be prohibited from using their positions for a purpose that gives the appearance of being motivated by a desire for private gain for themselves or those with whom they have family, business, or other relationships.
- (3) Responsibility. Each member of the local board is responsible for ensuring the grantee, its staff and applicants for grants maintain the reputation and integrity of the programs. Conflict of interest issues need to be addressed as they arise, and duly recorded in minutes of meetings.
- (4) Addressing "Appearance." The best method of addressing "appearance" concerns is full and open public discussion and resolution and duly recorded in minutes of meetings.
- (5) Provisions for Public Officers and Employees. Procedures must be developed to ensure those provisions of s. 946.13, Stats. and any valid Attorney General's opinion governing conflict of interest for public officers and employees are not violated. Applicable Attorney General opinions and s. 946.13 Stats. provide the following:
- (a) Any public officer or public employee is guilty of a Class E felony when in the capacity as such officer or employee, participates in the making of a contract to which there is a private financial interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion.
 - (b) Subsection (1) of s. 946.13 does not apply to the following:
 - (i) Contracts in which any single public officer or employee is privately interested which do not involve receipts and disbursements by the State or its political subdivision aggregating more than \$7,500 in any year (s. 946.13(2)(a)).
 - (ii) Contracts involving the deposit of public funds in public depositories.
 - (c) A contract entered into in violation of s. 946.13(3) is void and the State or the political subdivision in whose behalf the contract was made incurs no liability thereon.
 - (d) In s. 946.13(4), "contract" includes a conveyance.
 - (e) Subdivision (a) does not apply to a public officer or public employee by reason of his/her holding not more than 2 percent of the outstanding capital stock of a corporate body involved in such contract.
- (6) Resolution of Allegations. A detailed written process must establish the procedure for handling conflicts and potential conflicts of interest when they arise. The procedures shall include but not be limited to the following in a timely manner:
- (a) Immediate and priority attention;
 - (b) Open and full examination of the allegations;
 - (c) Prompt and timely decisions;
 - (d) Full disclosure of the resolution.

- b. Organizational and Personal Conflict of Interest. The local board and personnel of each grantee must avoid organizational and personal conflict of interest and the appearance of conflict of interest to the extent possible.

(1) Organizational Conflicts of Interest.

- (a) A board member serves on the board of a grant applicant.
- (b) A board member assists in preparing a proposal for an agency in which s/he has an interest and which will be applying for funds.
- (c) A board member has personnel responsibilities for a local business that is receiving OJT contracts.

(2) Personal Conflicts of Interest.

- (a) A board member's spouse or other family member serves as an officer or on the board of a grant applicant.
- (b) A board member has a financial investment in a business receiving funds from the grantee.
- (c) Voting Conflict of Interest. No member of any local board, advisory council, or committee thereof shall discuss or cast a vote on the provision of services by that member (or any organization of which that member is an owner, manager, employee, or agent) or vote on any matter which would provide direct financial benefit to that member or any organization of which that member is an owner, manager, employee, or agent. The board, advisory council or committee may require members to leave the room during discussions and voting on issues with which they have a conflict of interest. This requirement does not preclude board members or their businesses from participating in training contracts.
- (d) Conflict of Interest Involving the Prospect of Private Gain. The grantee shall prohibit its employees from using their positions for a purpose that is or that gives the appearance of being motivated by a desire for private gain for themselves or those with whom they have family, business or other relationships.
- (e) Conflict of Interest of Public Officers or Employees. The grantee shall comply with s. 946.13, Stats. under Wisconsin's criminal statutes and any valid Attorney General's opinion governing conflict of interest for public officers or employees. Any contract entered into in violation of federal or state statutes is void, and the state or the political subdivision in whose behalf the contract was made incurs no liability thereon.
- (f) Disclosure. Each board shall have on file a disclosure form that is signed by each board member and staff, a representative for the Administrative Entity and each grantee. The disclosure form shall be reviewed and updated at least annually and shall be reviewed for each grantee at the time of application. Affiliations that become a conflict of interest but were not identified in the disclosure statement shall be reported immediately to the grantee. The disclosure statement must include but not be limited to the organizational and fiduciary affiliations of the individual or the individual's immediate family that may present a potential conflict of interest for that individual. DET will issue sample disclosure statement formats upon request.
- (g) Technical Assistance. DET may be contacted for advice when questions or allegations occur that are not covered by policy.

2. Kickbacks. No officer, employee or agent of the grantee may solicit or accept gratuities, favors or anything of monetary value from any person in return for preferential treatment.
3. Commingling of Funds. The grantee must maintain accounting records that adequately identify separate deposits and expenditures for each DET grant.
4. Charging of Fees. The grantee must ensure that no individual is charged a fee for being referred to training or placed in DET-funded employment.
5. Nepotism
 - a. Hiring, Promotions, and Salaries. No board member, LEO or employee of the grantee may effectively recommend or decide to hire, promote or establish the salary of another person when the person affected is a member of his or her immediate family.
 - b. Supervision and Management. No board member, LEO or employee of the grantee may give preferential treatment in the supervision or management of another employee who is a member of his or her immediate family.
6. Child Labor. All grantees must comply with applicable federal, state and local child labor laws.
7. Political Patronage
 - a. Rewards. The grantee may not select, reject or promote a participant or staff person based on the participant's or staff person's political affiliation or beliefs or as a reward for political services or as a form of political patronage.
 - b. Referrals. The grantee may not refer participants to DET programs nor select subgrantees based on political patronage or affiliation.
8. Political Activities. DET-funded programs may not involve partisan or nonpartisan political activities.
 - a. Participation. No program participant may engage in partisan or nonpartisan political activities during the time for which the participant activity is funded with DET funds.
 - b. Representation. No participant may engage in either partisan or nonpartisan political activities in which they represent themselves as a spokesperson for the DET-funded program.
 - c. Location of Employment or Outstation. No participant may be employed or located in any of the following:
 - (1) In the office of a member of congress or a state or local legislator or any staff of a legislative committee;
 - (2) In the immediate offices of any chief elected executive official of a state or a unit of general local government unless it is clearly documented that the position is entirely nonpolitical;

- (3) In positions involving political activities in the offices of other elected executive officials (nonpolitical positions in such offices are permissible with documentation as to the nonpolitical nature of the position).
- d. Hatch Act. The provisions of the Hatch Act, 5 USCS s. 1502 apply to:
 - (1) All individuals whose employment is DET-funded and who work for the state, a state or local agency (such as a county) or an Administrative Entity, whether that entity is a county, a local board or a nonprofit agency.
 - (2) All individuals whose employment is DET-funded and who work in a non-governmental agency required to comply with the Hatch Act because of provisions governing other federal funding that they receive. Some federal funding sources specify that grant recipients are considered "local agencies" for purposes of 5 USC, s. 1502.
9. Sectarian Activities. DET funds may not be used to attempt to support either religious or anti-religious activities. Grants that are issued to 'faith based' organizations must document the nonsectarian nature of the activity.
10. Unionization Activities/Work Stoppages. The grantee shall comply with the provisions of union activities described as follows:
 - a. Promotion or Opposition to Union Activities. DET funds may not be used in any way to promote or oppose unionization.
 - b. Union Membership. No individual may be required to join a union as a condition for enrollment in training unless such training involves individuals employed under a collective bargaining agreement containing union security provisions.
 - c. Positions Affected by a Labor Dispute. No participant shall be placed in or remain working in any position affected by a labor dispute involving a work stoppage or strike.
 - d. Union Dues or Services Fees. Employers are not precluded from deducting union dues or service fees under applicable collective bargaining agreements or state laws.
 - e. Existing Contracts or Collective Bargaining Agreements. No DET-funded program may impair existing contracts for services or collective bargaining agreements. An exception to this is that any DET grant that would be inconsistent with the terms of a collective bargaining agreement can only be undertaken with the written concurrence of the labor organization and employer concerned.
 - f. Consultation with Labor Organizations. Services to a substantial number of members of labor organizations are to be provided only after full consultation with the labor organization involved.
11. Maintenance of Effort. The grantee must comply with the maintenance of effort provisions described as follows:

- a. Displacements. DET programs must comply with the following.
 - (1) DET programs must result in an increase in employment and training opportunities over those that would otherwise be available in the area.
 - (2) DET programs may not result in the total or partial displacement of currently employed workers or reduction in hours of non overtime work, wages, or employment benefits.
 - (3) DET programs may not impair existing contracts or grants for services nor substitute federal funds to pay for services that would have been funded by other sources.
 - b. Supplanting Funds. DET grants must be used for activities that are not otherwise available in the area.
 - c. Hiring Freezes. DET-funded participants may not be hired into or remain working in any position when the same or a substantially equivalent position is vacant due to a hiring freeze.
 - d. Layoffs and Recalls. DET-funded participants may not be hired into or remain working in any position when one of the following applies to any person who is not DET-funded:
 - (1) A person is on layoff from the same or a substantially equivalent job in the same organizational unit of the same employer; or,
 - (2) A person is on layoff or has been bumped and has recall or bumping rights to that position according to a personnel code or practice or a collective bargaining agreement of the same employer.
 - (3) For purposes of this paragraph, a layoff is in effect until the expiration of the period required by a recall list, or if no recall list or reemployment rights exist, for a period of one year from the last layoff or until the next operating year of the affected organizational unit in the company or department, whichever occurs later.
 - e. Promotions. No jobs shall be created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.
12. Criminal Provisions. Any officer, director, agent or employee of any organization receiving DET funds who commits any of the following acts shall be prosecuted to the full extent of the law:
- a. Enrollment of Ineligibles. Knowingly hiring or enrolling an ineligible individual;
 - b. Misapplication or Theft of Funds. Embezzling, willfully misapplying, stealing, or obtaining by fraud any money, funds, assets or property that is funded by a DET grant;

- c. Inducements or Threats. Inducing another person to give up money or something of value to a person or grantee agency by threat of dismissal or refusal to renew an employment grant in connection with DET-funded grants;
- d. Obstructing or Impeding Investigations or Inquiries. Willfully obstructing or impeding (or attempting to obstruct or impede) an investigation or inquiry into activities relating to DET-funded grants when those activities are alleged to be criminal or a violation of the regulations in this document;
- e. Promising Special Consideration. Directly or indirectly promising any employment, position, compensation, contract, appointment or other benefit involving DET funds as special consideration, favor or reward for any political activity; or
- f. Coercion. Coercing another individual into making a political contribution by denying (or threatening to deny) employment or benefits under a DET-funded grant.

13. Responsibility for Preventing Fraud and Abuse. The grantee shall:

- a. Establish and Utilize Management Procedures. Each grantee shall establish and use internal program and fiscal management procedures sufficient to prevent fraud and program abuse.
- b. Maintain Sufficient and Adequate Records. Each grantee shall ensure that sufficient, auditable and otherwise adequate documentation is maintained which support the expenditure of all DET funds. Such records shall be sufficient to allow the DET, the State or the federal government to audit and monitor the programs.
- c. Establish Procedures and Conduct Monitoring. The grantee shall establish monitoring procedures and conduct annual on-site monitoring in compliance with requirements for monitoring identified in this Guide.
- d. Report Allegations or Complaints/Grievances. Grantees that become aware of any allegation or complaint/grievance about possible fraud, malfeasance, or nonfeasance, misapplication of funds, gross mismanagement and employee or participant misconduct involving DET grants or operations should report such incidents to DET within one day in accordance with the appropriate procedures.

14. Debarment and Suspension. Applicants for non-mandatory awards of DET funds shall submit a completed certification regarding debarment and suspension with their proposal. Debarment or suspension by one federal agency results in suspension or being barred from doing business with all federal agencies. Organizations making an award may rely on current certification statements used for Public Service Employment submitted to them with funding proposals. The form supplied by DOL for use by grantees applying for funding which (1) is awarded at or below the state level and (2) is non-mandatory (not formula allocated) has been reprinted by the DET for grantee use and is available upon request. (Executive Order 12549, 12689; 29 CFR Part 98; 20 CFR Part 627.424; DOL. TEIN No. 21-88)

- a. Procurement Threshold. Procurement of goods or services of less than \$25,000 is exempt from the certification requirement unless the transaction is for procurement of audit, investigative, or legal services.

- b. Certification. A certification may be relied on when received until the end of the period covered by the agreement with the successful proposer unless the awarding agency becomes aware of debarment or suspension by a federal agency. Written language in the agreement shall terminate the funding in the case of subsequent debarment or suspension during the life of the agreement.
15. Lobbying. Recipients of DET grants or contracts in excess of \$100,000 shall file a certification form regarding lobbying requirements with the awarding organization. Grants or contracts in excess of \$100,000 will be referred to as "covered actions" in the remainder of this subsection. The proper certification form should be completed for submission with proposals. Use of appropriated federal funds for lobbying the executive or legislative branches of the federal government in connection with a specific contract or grant is prohibited. DOL Standard Form LLL (disclosure report) shall also be filed with the awarding organization if the proposer engages in lobbying activity utilizing other than federally appropriated funds.
- a. Record Management
 - (1) Certifications. Certifications shall be retained by the awarding organization.
 - (2) Disclosure Reports. Disclosure reports shall be forwarded to the DET and ultimately to the appropriate ETA Grant Officer.
 - b. Filing Frequency.
 - (1) Proposals, New Grants, New Contracts. A current certification and disclosure report (where applicable) shall be filed with each proposal, grant, or contract which is submitted for a covered action.
 - (2) Disclosure Reports. Disclosure reports for covered actions shall be amended and submitted to the awarding organization within the Program Year quarter if one of the following occurs:
 - (a) a cumulative increase of \$25,000 or more in the amount paid or expected to be paid for influencing or attempting to influence a covered federal action (29 CFR 93.110(c)(1));
 - (b) a change in the person(s) or individual(s) influencing or attempting to influence a covered federal action (29 CFR 93.110(c)(2));
 - (c) a change in the officer(s), employee(s), or members contacted to influence or attempt to influence a covered federal action (29 CFR 93.110(2)(3)); or
 - (d) any change in the content of the disclosure report which is not covered by (a), (b), or (c) above.
 - (3) Program Year Change. A new certification and disclosure report (where applicable) shall be filed with the awarding organization when a Program Year change occurs during the life of a covered grant.

The required forms shall be filed with the awarding organization before July 1 of each year to avoid a DOL funding end. The DET is the awarding organization for local boards and other direct grantees.

16. No Contracts with ACORN or ACORN Affiliated Agencies

All grantees, contractors and sub-recipients of ETA funds with any procurement or funding agreement with ACORN or its affiliates must immediately seek to suspend performance of any obligations under such agreement, including suspension of the payment of Federal funds. If your organization determines such an agreement(s) exist, you must immediately contact your Grant or Contracting Officer.

F. Insurance Requirements

1. **Liability Insurance.** The DOL, the State or the DET assumes any liability with respect to bodily injury, illness or any other damages or losses, or with respect to any claims arising out of any activities undertaken under a DET grant whether concerning persons or property in the grantee's organization or third parties. The grantee must insure or otherwise protect itself with regard to activities under the grant or agreement. Examples of protective insurance include the following:
 - a. **Directors' and Officers' Legal Liability Insurance.** Directors' and officers' legal liability insurance provides protection against expenses such as legal fees, court costs and judgments arising from suits relating to discrimination, wrongful dismissal of employees, acts beyond granted authority, failure to verify facts in official documents, insufficient administration resulting in loss of funds or false and misleading reports. It generally applies to civil rather than criminal litigation. Directors' and officers' legal liability is an allowable cost chargeable to the administration cost category.
 - b. **General Liability Insurance.** General liability insurance provides protection against losses arising from unintentional bodily injury or property damage. Coverage may include personal injury, automobile, fire and others. General liability is an allowable expense charged to the administration cost category.
2. **Bonding.** The grantee must comply with the bonding provisions described as follows:
 - a. **Fidelity Bonding.** Fidelity bonding is an allowable cost chargeable to the administration cost category. The fidelity bond protects an organization against loss caused by dishonesty by individuals who are part of the organization. It covers forging or alteration of checks, counterfeit currency, embezzlement, and theft in transition and safe deposits. Coverage may be for all members of the organization or it may be limited to certain individuals. Federally-funded programs generally require bonding for individuals who are directly involved with authorizing or processing financial transactions.
 - b. **Bonding Coverage.** The grantee must provide bonding coverage for every officer, director, agent or employee authorized to receive or deposit DET funds in program accounts or to issue financial documents, checks or other instruments of payment for grant costs. The amount of bonding shall be the lower of either (1) the amount of \$100,000; or (2) the amount of the highest monthly expenditure planned for the present grant year.
 - c. **Bonding Cancellation.** The grantee must immediately notify the DET if the bond is cancelled or reduced.

3. Worker's Compensation. To the extent that Wisconsin's worker's compensation law is applicable, worker's compensation benefits in accordance with such law shall be available with respect to injuries suffered by participants. Grantees must secure insurance coverage for injuries suffered by participants who are not covered by existing worker's compensation. Contributions to a reserve for a self-insurance program are allowable to the extent that the type and extent of coverage and the rates and premiums would have been allowed had insurance been purchased to cover the risks.
4. UI. All DET grantees, program operators and work sites shall comply with requirements regarding UI coverage for participants in subsidized employment unless the exemption referenced elsewhere in this subsection applies. (Wisconsin statutes Chapter 108). The UI Division of DWD has determined that the exemption at s. 108.02(15), Stats. may be applied to DET-funded participants enrolled in work experience and summer employment except "Tryout Employment" (UCD 1800-85-3, Supplement 1). Participant wages in exempt programs are not subject to UI taxes and employers are not liable for claims filed which are based on employment in an exempt program.
 - a. Employer Designation. Under normal circumstances, the work site will be the employer for UI purposes, without regard to the organization that selected the participant or provides payments to the participant. Wisconsin s. 108.02(12), Stat. defines "employee" as "any individual who is or has been performing services for an employing unit, in an employment whether or not the individual is paid directly by such employing unit."
 - b. Responsibility for Payment. The employer (usually the work site) is responsible for making all UI payments, either UI taxes (where the employer is using the tax basis) or the direct UI reimbursement (where the employer is using the reimbursement basis).
 - c. Employment Record. Wisconsin s. 108.21, Stats. requires each employer of one or more persons in Wisconsin (whether subject to Chapter 108 or not) to maintain an employment record for each individual employed. The employment record is to include the employee name, address, social security number and such other information that will allow the department to determine the weekly wages paid to the employee. The required information should be maintained by the employer (usually the work site) and, by law, must be available for inspection by DWD upon request. To the extent fringe benefits constitute taxable wages, such information is also subject to the record keeping requirements of s. 108.21. Where the employer does not pay the wages, the employer's ability to comply with the statutory record keeping requirements will depend upon timely and accurate reporting of wages paid by the grantee or other payroll agent to the work site employer.
 - d. Exemptions. A number of employment situations described in the UI law are exempt from UI coverage, such as employment of work study students by a school (s. 108.02(15)(i), Stats.). Employment situations such as these, which are otherwise exempt from UI coverage, do not become covered employment by virtue of their being subsidized; these situations are still exempt. In addition, some statutory nonprofit organizations are not subject to Chapter 108 because they have fewer than four employees on a day in 20 different weeks of either the current or preceding year. Where this criterion is met based on employment of non-DET-funded

employees, DET-funded participants cannot be used in a count of employees to establish subjectivity of such an employer.

- e. Financing. Two methods of financing UI benefit costs for nonprofit organizations and governmental units exist:
 - (1) Tax Financing, where the employer pays a quarterly tax based on a percentage of the taxable payroll; the percentage to be paid is based on the employer's "experience rating"; and
 - (2) Reimbursable Financing, where the employer pays no tax but is billed directly for benefits paid to claimants who were former employees, at 100 percent of the cost of the benefits.

The Tax Financing method is the only one available to the private for-profit sector.

- f. Government Units. Section 108.15 of the UI law describes the requirements for a government unit to elect a tax basis instead of a reimbursement basis; Section 108.151 provides for election of reimbursable basis for nonprofit employers. Neither section includes any provisions for a partial election.
- g. Eligibility. Eligibility for benefits is a complex issue. It is described in the UI law at 108.04, and further detailed in DWD ss. 126, 127, 128, and 129 of the Wisconsin Administrative Code. Although a participant may be ineligible for benefits based solely on their federally subsidized employment, they may be eligible based upon a combination of employment which includes the federally subsidized position.
- h. Benefit Rights. DWD s. 120.01 of the Wisconsin Administrative Code describes requirements for all employers to post notice of benefit rights in the work place. In addition to these requirements, DET-funded participants must be informed of all benefits to be provided on the job during their orientation at time of enrollment and/or placement on a worksite.
- i. Allowable DET Costs. All the costs related to providing UI coverage to DET participants are allowable.
 - (1) Where an employer is using a tax basis for coverage, the quarterly payment on behalf of DET-funded participants is an allowable cost. This amount can be determined by multiplying the employer's tax rate by the wages paid to participants.
 - (2) Where an employer is using a reimbursement basis, the amount paid into the fund on behalf of a participant who collects benefits is an allowable cost. This amount is usually charged to the period in which payment is actually made. For funds to be available for this cost when the participant was in a grant that has been closed, the potential UI liability must have been identified in the closeout package, and there must be unspent funds in the grant (and funds available to the DET) to cover the expense. When the participant was in a grant that has not been closed, the grantee has the choice of whether or not to cover the expense.

- j. Tax Financing. The process for grantees using the tax method for financing UI depends on the relationship between the payroll agent and the employer. The payroll agent may or may not be the employer.
- (1) Where the employer is NOT the payroll agent, the following process should be used:
 - (a) The employer must report all hours worked by participants to the payroll agent.
 - (b) The payroll agent must report to the employer all wages paid to participants.
 - (c) The employer must determine the amount of UI liability to be paid to DWD's UI Division and pay that amount directly to DWD's UI Division.
 - (d) The employer may submit a claim to the payroll agent for reimbursement of UI taxes paid.
 - (e) The payroll agent may reimburse the employer for UI taxes paid.
 - (f) All worksite agreements must specify who has UI liability and the procedures, if any, for reimbursements from DET funds.
 - (2) Where the employer and payroll agent are one and the same, the payroll agent must report and pay all UI taxes to DWD's UI Division at the appropriate tax rate for the payroll agent's organization.
- k. Reimbursement Financing. The process for grantees using the reimbursement method for financing UI follows. Only nonprofit agencies and governmental units may use the reimbursement method for financing UI benefits. Agencies must guarantee payment of required reimbursements pursuant to Wisconsin s. 108.151(4), Stats. As with those on the tax-based system, the employer is liable for financing of UI benefit reimbursements.
- (1) The following process should be followed where the payroll agent is NOT the employer:
 - (a) Whenever a former participant has a claim against an employer using the reimbursement method, the employer will be notified by DWD. This notification will include the maximum payment amount that is possible for the claim in question.
 - (b) The employer should notify the payroll agent (and, depending upon the agreements reached, the WDA or other grantee) of the claim at that time.
 - (c) DWD will send, to the employer, periodic statements of the actual benefit check(s) written to the former participant. This is the amount that is an allowable charge to DET grants, and the amount that may be reported to the payroll agent for reimbursement.
 - (d) The payroll agent may reimburse the employer.
 - (e) In addition, DWD will send monthly notices to the employer notifying them of any payments due. The employer will be responsible for making the proper payments to DWD.
 - (2) Where the payroll agent and the employer are the same, the employer/payroll agent is responsible for making reimbursements to DWD.

- (3) In cases where UI benefit payments continue past the end date of a grant, the following requirements must be met:
- (a) The program operator must establish a system to ensure all UI liabilities incurred by employers are paid in accordance with UI law even if such liability continues past the end of the grant period.
 - (b) Program operators may not establish a contingency fund to meet UI reimbursement requirements (Pursuant to Wisconsin s. 108.151(5)d, Stats., the employer may at any time make other payments to be credited into its reimbursement account, in anticipation of future benefits, but such payments would not be allowable charges to DET grants).
 - (c) UI liabilities incurred which continue past the closeout date of a grant with the DET may be paid if the following conditions are met:
 - (i) The grant closeout package has been appropriately filed with the DET.
 - (ii) Costs for the potential liability have been identified in the closeout package.
 - (iii) There are unspent funds in the grant.
 - (iv) The DET has funds available to pay the costs.

G. Liability

The grantee assures that it shall comply with these provisions:

1. Claims against DET, Other State or Federal Agencies. The grantee will hold the DET, the state of Wisconsin, and the federal government harmless against any claims except that claims between a grantee and state agency subrecipient are not precluded by this document. This requirement does not apply to agreements between the DET and other state of Wisconsin agencies.
2. Liability for Disallowed Costs. The grantee will assume liability for any costs disallowed by the DET or DOL because of violations of provisions in applicable laws, regulations and rules promulgated by the federal government, the State of Wisconsin and the DET, this manual or the individual contract. The DET reserves the right to withhold payment of costs from current or subsequent DET grants if the grantee fails to comply with the provisions of its grant agreement.
3. Ultimate Liability for Use of DET Funds. The DET will hold grantees, including WDBs, responsible for DET funds received through the grant(s), and may ultimately hold the units of local government which constitute the WDBs responsible for such funds. Specific grant requirements may hold other entities liable for DET funds.

H. Public Notice and Open Meetings

The grantee assures that it shall comply with the provisions for public notice and open meetings described as follows:

1. Open Meetings and Notice. All meetings of the WDBs, advisory councils, or consortia of LEOs, including meetings of their committees or subcommittees, shall be open meetings that are given appropriate public notice except as noted in subsections 4 and 5 of this section.

2. Time of Notice. Meetings of the WDBs and LEOs must be given appropriate public notice as described in Open Meetings of Governmental Bodies, s. 19.81-98, Stats., at least 24 hours before the meeting is to begin.
3. Meetings Regarding Expenditure of Funds. All WDB and LEO meetings regarding discussion, deliberation, recommendations or decisions about the expenditure of funds must be held in open session with public access.
4. Closed Sessions. WDB and LEO meetings or portions of meetings may be held in closed session only under conditions allowed in s. 19.81-98, Stats.
5. Requirements of Closed Sessions. All closed sessions require advance notice and must be convened first as open meetings. Moving to a closed session requires a majority vote based on the quorum present at the beginning of the meeting with individual votes recorded in the minutes of the meeting.
6. Additional Information about Wisconsin's Open Meetings Law
 - a. Subjects Addressed. Wisconsin state statutes, Chapter 19, Subchapter IV, contains 13 separate laws: ss. 19.81-19.98. The section on open meetings includes such matters as the policy, definitions, public notice, exemptions, ballots and votes, use of recording equipment, penalties, and enforcement provisions.
 - b. Applicability. Generally, all governmental and quasi-governmental bodies must abide by the law. As it relates to DET grants, the law covers the CWI, WDBs and their committees.
 - c. Definition of Meeting. Section 19.82(2), Stats. defines a meeting as the convening of members of the body for the purposes of exercising the responsibilities, authority, power, or duties delegated to or vested in the body. If one half or more of the members are present, it is presumed to be a meeting of the body.
 - d. Public Notice. Section 19.84, Stats. identifies the specific requirements, and subsection three states every meeting will be preceded by a public notice at least 24 hours prior to the meeting.
 - (1) Section 19.84(2), Stats. requires the public notice to include the time, date, place, and subject matter of the meeting. Publishing a properly prepared agenda satisfies the requirements.
 - (2) There are no specific requirements about location except that proper public notice must be given and the meeting room must be open and reasonably accessible to the public. A meeting could be held even in a private home of an official if proper public notice is given and the home is reasonably accessible to members of the public, including individuals with disabilities, when the meeting is in progress.
 - e. Telephone Conference. A telephone conference meeting may be considered "reasonably accessible to the public" if the public and news media can effectively monitor it. This can be accomplished by speakers which give the public the same access to the discussions as each member of the body participating in the

conference call. The Attorney General cautions, however, that meetings which encourage public testimony or require visual aids may not be best suited for conference call meetings.

- f. Agenda. If the agenda is properly prepared it is permissible to place on the agenda an item such as "miscellaneous business" giving public notice that other items may be considered. As a matter of policy, topics of importance or of wide public interest should be postponed until specific notice can be given. If there is knowledge that certain items need to be taken up at the meeting, the agenda should properly include them as part of the public notice.
- g. Interpretation of Statute. Section 19.81(4), Stats. states that the law shall be liberally construed to achieve the purposes of maintaining open meetings. Wisconsin has a long tradition of open government and public participation as well as a reputation for clean government. It is sound public policy to act in an open, public arena rather than to give the appearance of doing the public's business behind closed doors.
- h. Closed vs. Open Meeting. A closed meeting is one that limits public access. An open meeting allows for public access, but not necessarily public participation. Discussion can be limited to council members during an open meeting. A closed meeting requires proper notice and must be convened first as an open meeting. A duly constituted vote is necessary to move into closed session. Specific guidelines are provided in s. 19.85(1), Stats. This section of the state law also identifies specific purposes for which a meeting may be closed; primarily for personnel or collective bargaining purposes.

I. Conditions of Employment and Training

In serving participants in DET-funded programs, conditions of employment and training will be maintained which are appropriate and reasonable for the type of work, the geographic region and the proficiency of the participant. This section includes the required provisions for training-related employment provided in DET-funded programs.

- 1. Orientation. All participants must be provided with an orientation to nontraditional careers during their participation in DET-funded programs.
- 2. Job Seeking. Participants who are not assured of placement in unsubsidized employment at the end of their training will be provided a reasonable amount of time for job seeking.
- 3. Participant Rights in DET Program-Funded Employment. Each participant enrolled will receive a written statement of her/his program rights and responsibilities as stated in this section, including conditions of employment/training, job duties, benefits and complaint/grievance procedures of the contractor/employer, subgrantee/service provider and the DET.
 - a. Wages. Participant wages in activities authorized by DET-funded programs may not be less than the highest of (1) the federal minimum wage as determined by the Fair Labor Standards Act, 29 USCS s. 201 et seq.; (2) the state minimum wage; or (3) the prevailing rates of pay for individuals employed in similar occupations by the same employer.

- b. Wage Rate. Calculation of the appropriate wage rate for compliance with paragraph a. may not use a training wage exemption from the federal minimum wage.
- c. OJT Wages. Participant OJT wages are to be paid by the employer at the same rate, including periodic increases, as similarly situated employees but not less than required wages under paragraphs a. and b. of this subsection.
- d. Benefits.
 - (1) Requirement. Participants employed in training-related DET program funded jobs shall be provided benefits and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.
 - (2) Prohibition. No DET program funds may be used for contributions to a retirement system or plan on behalf of any program participant.
- 4. Participant Training Payments. A participant may not receive payments for training activities in which s/he fails to participate without good cause.
- 5. Health and Safety Standards. Appropriate standards of health and safety in work and training situations shall be maintained and participants under 18 years of age shall not be assigned to work in any occupation found to be hazardous for youth under 18 by the Fair Labor Standards Act, 29 USCS s. 201 et seq.
- 6. Worksite Agreements. A written agreement is required for each worksite (including OJT, Work Experience and Internships) at which a trainee is placed. Worksite agreements must include the following:
 - a. Agreement for Terms and Signature. The worksite agreement is considered an official "agreement" when both the program operator and the worksite's authorized signatory have reviewed it, agreed to the terms and signed and dated it (prior to the trainee starting the job).
 - b. Provision of Signed Copies. A signed copy of the agreement shall be provided to each trainee and worksite supervisor.
 - c. Minimum Content of Agreement. All agreements shall include the following:
 - (1) The trainee's job title; immediate supervisor's name; place of employment; hours assigned; wages and benefits agreed upon.
 - (2) A clearly written job description. Job descriptions are needed for several reasons. Trainees need to know what the job duties are; what s/he is responsible for doing; and how s/he appears to "fit" into the employer's work environment.
 - (3) A training plan. The training plan should identify the specific skills to be learned, the method of teaching them, who is responsible for teaching them, and how skill acquisition will be evaluated.
 - (4) The number and names of trainees to be trained.

- (5) Specification of trainee wage rates.
 - (6) The beginning and ending dates of the agreement.
 - (7) The applicable worksite rules, including the procedure and maintenance of adequate time, attendance, payroll and other records.
 - (8) The program, fiscal, participant and other reporting requirements.
 - (9) The process and authority for contract changes/modifications.
 - (10) Assurance that the employer will comply with DET-funded program regulations.
 - (11) A termination clause of nonperformance.
 - (12) Special health or safety equipment or precautions required, if any.
 - (13) Special tools or uniforms required, if any, and whether or not the employer will supply them.
 - (14) Assurance that adequate supervision will be provided at all times while the trainee is on the job site.
- d. Additional Requirements for OJT. Also refer to Administrator's Memo 10-07 OJT Policies and Procedures. The following are additional requirements that apply specifically to the OJT program:
- (1) A training plan which includes the following elements: list of skills and/or learning objectives to be achieved; the number of training hours, planned start and end dates for each skill listed; the training method; the mechanism to evaluate the trainee's progress in mastering the skills/objectives; and a place for the signature and signing dates of the trainee, trainer and/or supervisor. The training plan should also identify any other separate classroom training that may be provided.
 - (2) The method and maximum amount of reimbursement for the OJT.
 - (3) Payments to employers for OJT shall be no more than 50 percent of the wages paid by the employer to such participants, and payments in such amount shall be deemed to be in compensation for the extraordinary costs associated with training participants and in compensation for the costs associated with the lower productivity of such participants. (WIA Section 101(31)(B))
 - (4) Reimbursement for OJT must be limited to the period of time required for a participant to become proficient in the occupation for which the training is being provided (WIA Section 101(31)(C)).
- e. Provisions of Worksite Agreements. The following provisions apply to all worksite agreements. These provisions should be incorporated into worksite agreements or may be part of an employer handbook. If they are part of an employer handbook provided by the subgrantee/service provider to an employer, the worksite agreement

must contain a statement by the worksite that they have received and agree to comply with these provisions.

- (1) Funds 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) Funds will not be used to relocate an establishment or part thereof at a new or expanded location, if such relocation has resulted in the loss of employment for any employee of the establishment at the original location.
- (3) During hours of work covered by this agreement, no trainee shall engage in partisan or nonpartisan political activities.
- (4) A trainee shall receive no payments for training activities in which the trainee fails to participate without good cause.
- (5) Trainee wages must be paid by the employer at the same rates as similarly situated employees but not less than the state or federal minimum wage, whichever is greater.
- (6) The employer must comply with applicable health and safety standards established under applicable state and federal laws.
- (7) Trainees must be provided benefits and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work. This will include unemployment compensation coverage where the employer is normally required to provide such coverage to employees. The employer must also secure worker's compensation or other insurance coverage for work-related injury or illness of trainees.
- (8) No funds may be used for contributions on behalf of any trainee to retirement systems or plans.
- (9) This agreement may not result in the displacement of currently employed workers or reduction in hours, wages or employment benefits of currently employed workers.
- (10) The employer must obtain a written union concurrence statement if a collective bargaining agreement is in effect for the trainee's position.
- (11) No trainee shall be employed or job opening filled (a) when any other individual is on layoff from the same or any substantially equivalent job, or (b) when the employer has terminated the employment of any regular employee or otherwise reduced its workforce with the intention of filling the vacancy so created by hiring a trainee whose wages are subsidized with federal funds.
- (12) No jobs shall be created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.
- (13) Funds may not be used in any way to assist, promote, or deter union organizing.

- (14) No program under this Act shall impair: (a) existing contracts for services; or (b) existing collective bargaining agreements, unless the employer and the labor organization concur in writing with respect to any elements of the proposed activities which affect such agreement.
- (15) No trainee shall be required to join a union as a condition for employment unless the training involves individuals employed under a collective bargaining agreement containing union security provisions. (Wisconsin Statute s. 111.06(1)(c)(1)).
- (16) Every employer who hires trainees and receives DET funds must operate or establish and maintain a grievance procedure relating to the terms and conditions of employment.
- (17) The employer must maintain records and provide access to records as necessary for the grantee, DWD and DOL to assure that funds are being expended in accordance with the purposes and provisions of the agreement.
- (18) The employer must comply with civil rights law and regulations, including nondiscrimination.
- (19) No trainee, staff person or administrator shall be discriminated against, denied benefits, denied employment or excluded from participation in connection with any DET-funded program on the basis of race, color, religion, sex, national origin (ethnic status), age, disability, marital status, offender status, sexual orientation, political affiliation or belief, arrest or conviction record or refusal to submit to sexual contact or sexual intercourse. (WI Fair Employment Act, 111.31 - 111.395, stats.)
- (20) Trainees shall not be employed on the construction, operation, or maintenance of any facility used for sectarian instruction or as a place of worship.
- (21) The employer must comply with applicable child labor laws if the participant is under 18 years of age.
- (22) No officer, employee or other agent of the employer shall recommend hiring, decide hiring, establish salary/wage rate, or provide preferential supervisory treatment with respect to a trainee who is a member of the officer's, employee's or agents' immediate family.
- (23) No trainee shall be placed in or remain working in any position affected by a labor dispute involving work stoppage or strike.

J. Intellectual Property Rights

The Federal Government reserves a paid-up, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use for federal purposes:

- i) the copyright in all products developed under the grant, including a subgrant or contract under the grant or subgrant; and

- ii) any rights of copyright to which the grantee, subgrantee or a contractor purchases ownership under an award (including but not limited to curricula, training models, technical assistance products, and any related materials).

Such uses include, but are not limited to, the right to modify and distribute such products worldwide by any means, electronically or otherwise. Federal funds may not be used to pay any royalty or licensing fee associated with such copyrighted material, although they may be used to pay costs for obtaining a copy which are limited to the developer/seller costs of copying and shipping. If revenues are generated through selling products developed with grant funds, including intellectual property, these revenues are program income. Program income is added to the grant and must be expended for allowable grant activities.

If applicable, the following needs to be on all products developed in whole or in part with grant funds:

This workforce solution was funded by a grant awarded by the ETA. The solution was created by the grantee and does not necessarily reflect the official position of the U.S. DOL. The DOL makes no guarantees, warranties, or assurances of any kind, express or implied, with respect to such information, including any information on linked sites and including, but not limited to, accuracy of the information or its completeness, timeliness, usefulness, adequacy, continued availability, or ownership. This solution is copyrighted by the institution that created it. Internal use by an organization and/or personal use by an individual for non-commercial purposes is permissible. All other uses require the prior authorization of the copyright owner.

CHAPTER 8 - FISCAL REQUIREMENTS

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This chapter contains the administrative requirements for all grants awarded by the DET of Wisconsin's DWD. In order to promote consistency with other federally assisted programs the requirements of applicable OMB circulars and DOL administrative requirements have been taken into consideration in developing these requirements. All DET grantees must ensure that both they and their grantees have local written policies in place which require compliance with the applicable portions of this chapter.

A. Access, Retention and Custodial Requirements for Records

The grantee shall comply with the provisions for the access, retention and custody of records described as follows:

1. Access to Records

- a. Access and Assistance. The grantee must maintain records and provide access to them as necessary for DET to assure that funds are being expended in accordance with the purposes and provisions of agreements and to assist DET in determining the extent to which the program meets the requirements of the applicable legislation.
- b. Right to Examine. The grantee shall give the DOL, State of Wisconsin and DET, through any authorized representative, the access and right to examine all records, books, papers or documents related to its DET contracts, including the records that relate to DET contracts of its subgrantees and contractors.
- c. Cooperation with Reviews. The grantee shall cooperate with monitoring, auditing and evaluation activities regarding its DET-funded programs, including unannounced monitoring reviews conducted by DET or the DOL.
- d. Public Records. The grantee shall retain and make available to the public all records pertaining to grants and contracts. The grantee is subject to the Wisconsin Open Records statute and the federal Freedom of Information Act to the same degree as DET.

(1) Applicable Statutes.

- (a) Wisconsin Open Records Statute (ss. 19.31-19.39, Stats.; ss. 16.61 Records of State Officers and Other Public Records).
- (b) Federal Freedom of Information Act (5 USC s. 552).

(2) Exceptions.

- (a) The grantee is not required to disclose the home address or home telephone number of program participants.
- (b) The grantee may not release any individuals' social security number.

2. Retention of Records. This requirement applies to all records pertinent to grants and agreements funded by DET including financial, statistical, property, and participant records. The following requirements must be complied with:

- a. Retention Period. The grantee must retain financial, statistical, and property records for **three** years (plus additional time beyond three years until any applicable litigation,

audit findings or claims have been resolved). The grantee must retain participant records for seven years after the participant exits from USDOL funded programs. (Refer to WIA Policy Update 07-05, USDOL-Funded Program Participant Records Retention, published May 24, 2007).

- (1) All records pertinent to each participant's enrollment in programs funded under the agreement, including dates of entry and termination in each activity. The retention period begins on the last day of the participant's enrollment in the program.
 - (2) All records pertinent to applicants that have been determined eligible, but not served.
 - (3) All records pertinent to each agreement. The retention period will begin on the date of submission the settlement or closeout reports.
 - (4) All records pertinent to complaints/grievances, appeals, and resolutions. The retention period will begin on the day the complaint/grievance is closed following final settlement of the case.
- b. Equipment. The grantee must retain records of equipment acquired with DET funds until three years after its disposition (plus additional time beyond three years until applicable litigation, audit findings or other claims have been resolved).
 - c. Applicants Determined Ineligible, Refused Certification, or Otherwise Not Served. The grantee shall retain all pertinent records of each applicant who is determined ineligible. The grantee shall maintain a file with records of each affected applicant for three years from the date of determining ineligibility/refusal. The records shall indicate the reason for ineligibility/refusal.
3. Custody of Records. Each grantee shall designate a records manager whose duties shall include safeguarding records while allowing appropriate access and ensuring timely, authorized disposal. The following are additional requirements for the custody of records:
- a. Transfer. DET may request transfer of certain records to its custody from recipient organizations if the organization is no longer able to maintain custody of those records.
 - b. Discontinuance. The grantee must provide DET with 30 days advance notice if it intends to discontinue maintenance of its records before the end of the mandatory retention periods indicated above.
 - c. Record storage. Records shall be retained and stored in a manner that will preserve their integrity and admissibility as evidence in any audit or other proceedings. The burden of production and authentication of the records shall be on the custodian of the records.

B. Standards for Financial Management Systems

1. **Written Procedures.** Each grantee must establish written procedures documenting its financial management system.
2. **Systems Required.** Each grantee must have a financial management system that provides for the following:
 - a. **Generally Accepted Accounting Principles (GAAP).** Fiscal control and accounting procedures that are in accordance with GAAP. Additional guidance can be found at OMB A-102, OMB A-110 and DOL Regulations at 29 CFR95 (20) & (21).
 - b. **Records and Source Documentation.** Accounting records that adequately identify the source and application of DET funds and are properly supported by source documentation. These records must contain information pertaining to DET awards, authorizations, revenues, expenditures, assets, obligations and unobligated balances. The records must be sufficient to permit the:
 - (1) Preparation of required expenditure reports;
 - (2) Tracing of funds to a level of expenditure adequate to establish that funds have not been used in violation of the applicable restrictions on the use of such funds;
 - (3) Tracing of program income, potential stand-in costs, and other incurred costs that are otherwise allowable except for funding limitations.
 - (4) Preparation of required match expenditure and other reports.
 - c. **Internal Controls.** Effective internal controls that provide for the following:
 - (1) Safeguarding assets from waste, fraud and abuse and from unauthorized purposes and inefficient use;
 - (2) Promoting accuracy and reliability in the accounting records; and
 - (3) Encourage and measure compliance with this document, and other federal, state and local laws and regulations where applicable.
 - d. **Actual and Planned Expenditures.** Comparison of actual expenditures with budget amounts for each grant.
 - e. **Cost Determination.** Procedures for determining the reasonableness, allowability and allocability of costs in accordance with the provisions found in Part 2, Chapter 1.B.2. of this document and the terms of the grant or other agreement.
 - f. **Reports.** Accurate, current and complete disclosure of the financial results of each grant in accordance with the reporting requirements set forth in Section C. of this chapter. DET requires reporting on an accrual basis. The grantee is not required to establish an accrual accounting system but shall develop such accrual data for its reports on the basis of an analysis of available documentation.

- g. Performance and Cost Data. Development of financial information that relates to performance and unit cost data when necessary.
- 3. Failure to Meet Standards. If the grantee's financial management system fails to meet the standards set forth in this section, DET will require corrective action by a specific date. Grantees who fail to take corrective action in the time given are subject to having costs withheld or disallowed.
- 4. Subgrantee Systems. Each grantee must ensure that the financial management systems of their subgrantees meet the above listed standards.

C. Reporting Requirements

1. FSR

- a. Monthly Due Dates. Grantees must submit the FSR for all grants on a monthly basis. The FSRs must be received by DET within 30 days of the end of the reported month.
- b. Accrued expenditures. The FSR must be prepared on an accrual basis. Accruals may consist of, but are not limited to the following:
 - (1) Wages and salaries earned but not paid;
 - (2) Invoices received but not paid;
 - (3) Subgrantee accrued expenditure reports received but not paid;
 - (4) Nonrefundable tuition and fees for a student who is enrolled in and is attending class(es) but the subgrantee has not yet invoiced the grantee;
 - (5) Payments earned on an OJT contract as of the end of a month but not yet due or paid to the employer.

At the end of the grant period the grantee shall make necessary adjustments to convert accrued expenditures to actual.

2. Procedures for Closeout

- a. Timely and Accurate Data. The grantee must submit accurate and timely data to DET according to the following deadlines:
 - (1) All DET grantees must submit a closeout report to DET for receipt within 60 calendar days after the grant funding authority expires, unless the grant agreement specifies otherwise.
 - (2) Grantees may request an early closeout by notifying DET at the time the grant funds are fully expended and preparing a closeout report at that time.
- b. Closure of Grant Accounts. Upon submittal of the closeout report the grantee should remove the closed grant from its financial status report. If a closeout report is not

accepted, DET will notify the grantee. Upon submittal of the closeout report, the grantee should close the accounts for the affected grant. No further entries to the accounts will be allowed without prior written approval by DET.

3. Late and Inaccurate Reports. If required reports, including the closeout report, are not accurate or are not submitted on a timely basis, DET may withhold payment of the grantee's costs incurred under the current grant or subsequent active grants until the required reports are received.
4. Additional Reports. The grantee may be required to submit additional reports requested by DET for the performance of its legal responsibilities. Reports may include:
 - a. Participant Reports.
 - b. Performance Award Calculation.
 - c. Match Reports.
 - d. Other reports as requested.

D. Cash Management Standards

1. Grant Payments

- a. Basic Standard. Grantees are generally paid on a reimbursement basis only. In all cases, cash balances must be limited to the actual immediate disbursement needs in carrying out the DET program.
- b. Advance Payments. Advance payments are not awarded, except for the amounts of cash draws made during the month while the monthly report is pending.
- c. Non-Grant Cash Receipts. The grantee must disburse cash received as a result of program income, rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional grant cash payments.
- d. Cash Depositories.
 - (1) Grantees are encouraged to use women-owned and minority-owned banks (a bank that is at least 50 percent owned by women or minority group members).
 - (2) The grantee is not required to maintain a separate bank account but must separately account for DET funds on deposit.
 - (3) Deposits of DET funds must be made in account insured by the FDIC, if possible.
 - (4) Funds must be kept in interest bearing bank accounts unless:
 - (a) Under \$120,000 is received annually; or
 - (b) Under \$250 of interest income is anticipated annually; or
 - (c) Minimum balance/service fees would offset interest income.

- e. Interest Earned on Advances. Grantees must account for interest earned on advances of DET funds as program income, as provided at Section F.1.e. of this Chapter.
- f. Excess Cash. Excess cash is the average daily cash balance maintained that exceeds the greater of \$10,000 or three days average expenditures. The grantee must develop procedures to maintain cash balances below these amounts. Grantees may reduce cash balances by: reducing the amount of the request, requesting cash more frequently, minimizing the time elapsing between the receipt and disbursement of DET funds and by returning excess cash to DET. If the grantee fails to operate within this requirement and accumulates excess cash and related interest income, the following may be required:
 - (1) DET may require corrective action to minimize or eliminate excess cash if the grantee consistently fails to conform to these guidelines.
 - (2) DET may charge the grantee a penalty assessment based on the amount of interest income earned. The grantee may pay this amount from the account where the interest earned on the excess cash was credited. Otherwise, the payment must be from non-DET funding sources.
 - (3) In the event of serious abuse, as determined on a case-by-case basis, DET may seek recovery of funds.

E. Procedures for Invoicing DET for Cash Advance or Reimbursement

- 1. Invoice Preparation. Grantees must submit invoices to the DWD/Administrative Services Division (ASD) on the appropriate form, using the instructions provided. DET may issue additional instructions for invoice preparation. Requests must be based on actual cash expenditures to date. Forms are located on the DET website at: <http://dwd.wisconsin.gov/core/forms>.
- 2. Invoice Processing Timeframes. DET processes invoices and issues checks weekly. Invoices received and approved by DWD/ASD by 4:30 p.m. on Thursday will result in a deposit directly to the grantees bank account on The following Tuesday.
- 3. Holiday Schedule
 - a. Schedule. Each state holiday that falls within the regular workweek (M-F) usually delays the processing timeframes by one day.
 - b. Holiday List. State holidays are as follows:
 - (1) January 1st
 - (2) The third Monday in January
 - (3) The last Monday in May
 - (4) July 4th

- (5) The first Monday in September
- (6) The fourth Thursday in November
- (7) December 24th, 25th, and 31st

Holiday schedules and timing are posted on the CORE website.

F. Program Income

Program income means income received by the grantee and (1) directly generated by grant supported activity or (2) earned only as a result of the grant (PS 97-300 s.141(m)); (2.0 CFR 627.450).

1. Income Included:

- a. Fees. Income from fees for services performed and from conferences. Examples include fees received from another entity for certifying applicant eligibility and entering participant data into a participant information system.
- b. Rent. Income from use or rental of real or personal property acquired with grant funds.
- c. Sale of Commodities. Income from sale of commodities or items produced under a grant.
- d. Produced under a grant. Income earned by a governmental or private nonprofit service provider in excess of costs under either a fixed price or reimbursable agreement.
- e. Interest Income. Interest income earned on advances of grant funds.

2. Income not included:

- a. Rebates, Credits & Refunds. Rebates, credits and refunds, since these should be offset against related expenditures.
 - b. Government Revenues. Taxes, special assessments, levies, fines and other such government revenues raised by a grantee.
 - c. Royalties & License Fees. Income from royalties and license fees for copyrighted material or patents.
3. Property Sale Proceeds. Proceeds from the sale of property must be accounted for in compliance with §627.465.
4. Program Income Defined as Net. The total amount of program income generated by an activity and reported to DET must be calculated by deducting costs incurred from the gross income received.

5. Program Income Use

- a. General. Program income may be added to grant funds to expand the program objectives by extending the activity period, increasing the number of participants served, or improving the quality of the program. Funding an additional project with program income earned could also further grant objectives.
- b. Restrictions. Program income must be added to the amount of grant funds committed to the title and grant under which it is earned and be used for allowable grant expenses. The use of program income funds is bound by the administrative cost category limitations.
- c. Match. Program income earned from federal sources cannot be used to fulfill match requirements. Program income earned from non federal sources can be used to fulfill match requirements, unless prohibited in the grant agreement.
- d. Time Limits. Program income must be used prior to submission of the final report for the funding period of the program year to which the earnings are attributable. The maximum allowable time period will be stated in the grant agreement.
- e. Transfer. If the grantee that earned the program income cannot use it for grant purposes the grantor may permit another entity to do so.
- f. Forfeit. If the program income is not utilized within the timeframe allowed the program income must be returned to DET.
- g. Post-program Use.
 - (1) Rental fees on real property or equipment acquired with grant funds continue to be program income in post funding periods and must be used in compliance with the requirements of subsection 5. (the current subsection.)
 - (2) Other program income acquired after the end of the funding period must be used in accord with the grant agreement.

6. Reporting Requirements. Grantees must report program income earned and used in its regular fiscal reports.

G. Subgrantee Monitoring

The grantee must comply with the following provisions for subgrantee monitoring:

1. Monitoring Plan Requirements. The grantee shall develop a monitoring plan that addresses the scope, frequency and subgrantee performance standards. This monitoring plan must be included in the grant plan.
2. Grantee General Requirements. The grantee must conduct annual on-site monitoring of subgrantee program, financial, compliance, nondiscrimination and EEO to ensure that all terms of their agreement and the appropriate laws and regulations are complied with. The grantee must also ensure that all subgrantees conduct on-site monitoring of all work/educational sites to ensure that program objectives have been met.

3. Compliance Monitoring. The grantee must monitor the performance of its contractors and subgrantees to ensure compliance with appropriate laws, regulations, DET policy and the terms and conditions of the agreement.
4. Systematic Reviews. The grantee must systematically, through desk review and on-site review, monitor performance based on established criteria.
5. Report. The grantee must document any findings and issues in written reports to the subgrantee.
6. Corrective Action. The grantee must comply with the following provisions for corrective action and sanctions:
 - a. Corrective Action for Noncompliance. The grantee must attempt to resolve noncompliance issues by:
 - (1) Notifying the subgrantee of the identified monitoring findings; and
 - (2) Either requiring or providing a corrective action plan that provides a resolution within a specific timeframe; and includes the sanctions if the corrective action is not implemented.
 - b. Notification of Sanctions. The grantee must provide written notification to the subgrantee of sanctions to be invoked if:
 - (1) The subgrantee refuses to submit or agree to adhere to the plan; or
 - (2) The monitoring finding continues after corrective action is required.

The notification shall provide the rights to an appeal and hearing process in accordance with this Guide.
 - c. Severity of Sanctions. The sanctions must reflect the severity of the monitoring finding and shall take into consideration conditions in Chapter IV.D. of this Guide. The grantee must inform DET, in writing, of any sanction imposed or any referral to other agencies for prosecution. Other sanctions may result due to referral from the appropriate governmental agency, referral from law enforcement agency for prosecution or other action as provided by law.
 - d. Monitoring of Corrective Action Results. The grantee must monitor the corrective action plan to ensure that the results and timeframes specified are achieved.
7. Records. The grantee must maintain written records to verify that required monitoring, corrective action, follow-up and resolution have occurred.
8. Results. Monitoring findings must be considered in subsequent program planning and in the selection of contractors and subgrantees.
9. Grantor Monitoring. The grantee must participate in monitoring reviews conducted by any State or Federal agency. The grantee must provide monitors with all program, participant and fiscal records that are requested.

H. Procurement Standards

The following standards apply to the procurement of property, facilities, supplies, equipment, professional services including consultants and other services including the program-specific services of program operators. These standards are applicable for all types of agreements including grants, contracts, and purchases of services, memos of understandings and other legally binding procurement documents. Standards pertaining to the selection of service providers are included in Subsection 10.

1. Written Procedures. Each grantee must establish and use its own written procurement procedures which reflect applicable Federal, State and local laws and regulations and that provide for the following standards to the maximum extent practical:
 - a. Avoidance of Unnecessary or Duplicative Facilities, Goods, or Services. Procurement of unnecessary or duplicative facilities, goods, or services from Federal, State, or local sources must be avoided unless DET-funded alternative facilities, goods, or services would be more effective or likely to achieve performance goals.
 - b. Lease/purchase Analysis. Where appropriate, an analysis must be made of lease and purchase alternatives to determine which would be the most economical and practical procurement.
 - c. Required Conditions. Solicitations for goods and services must provide for all of the following.
 - (1) A clear and accurate description of the technical requirements for the material, product or service to be procured. In competitive procurements, such a description shall not contain features that unduly restrict competition.
 - (2) Requirements that the bidder/offeror must fulfill and all other factors to be used in evaluating bids or proposals.
 - (3) A description, whenever practicable, of technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards.
 - (4) The specific features of "brand name or equal" descriptions that bidders are required to meet when such items are included in the solicitations.
 - (5) The acceptance, to the extent practicable and economically feasible, of products and services described in the metric system of measurement.
 - (6) Preference, to the extent practicable and economically feasible, for products and services that conserve natural resources, protect the environment and are energy efficient.
 - d. Competition. Procurements must be conducted in a manner that provides for full, open and nonrestrictive competition. The procedures must ensure that solicitations identify all requirements that the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

- (1) Each grantee must ensure that all qualified lists of persons, firms, or other organizations which are used in acquiring goods and services are current and include sufficient numbers of qualified sources to ensure maximum open and free competition.
 - (2) A grantee that develops specifications, the statement of work, an invitation for bids (IFB), a request for proposals (RFP) or evaluates or recommends such proposals may not be eligible to compete for the procurement. This applies to all types of agreements.
 - e. Consideration of Price. The proposal prices from contractors offering to meet specifications in the procurement of goods and services must be considered. Price analysis shall be done in accordance with the requirements located in Subsection 4.
 - f. Consideration of Demonstrated Ability. Responsible organizations possessing the demonstrated ability to perform successfully under the terms and conditions of a proposed subgrant or contract must be considered. A determination of demonstrated ability shall be done in accordance with the requirements located in Subsection 10.
 - g. Consideration of Small, Minority-Owned and Women's Businesses. Small businesses, minority-owned businesses, and businesses owned by women must be considered. Grantees must take all of the following steps:
 - (1) Ensure that small businesses, minority-owned firms, and businesses owned by women are used to the fullest extent practicable.
 - (2) Make information on forthcoming opportunities available and arrange timeframes for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and businesses owned by women.
 - (3) Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms, and businesses owned by women.
 - (4) Encourage contracting with consortiums of small businesses, minority-owned firms and businesses owned by women when a contract is too large for one of these firms to handle individually.
 - (5) Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Wisconsin Economic Development Corporation Minority Business Development Agency in the solicitation and utilization of small businesses, minority-owned firms and businesses owned by women.
 - h. Review of Compliance. Each grantee's or contractor's compliance with the terms of the grant or contract must be reviewed.
2. Code of Conduct. Each grantee must maintain a written code of conduct that provides standards governing the performance of its officers, employees or agents engaged in the

awarding and administration of contracts and grants using DET funds. These standards must provide the following:

- a. Conflict of Interest. The standards must provide procedures for identifying and dealing with conflict of interest (Chapter II.E.1. of this Guide).
- b. Nepotism. The standards must prohibit nepotism (Chapter II.E.5. of this Guide).
- c. Gratuities and Favors. The standards must forbid the solicitation or acceptance of gratuities, favors, or anything of monetary value from actual or potential vendors/contractors/grantees.
- d. Penalties. To the extent permitted by State or local law or regulations, such standards must provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee's officers, employees, or agents, or by contractors or their agents.

3. Types of Procurement

- a. Methods. Each grantee must use one of the following methods of procurement, as appropriate for each procurement action:

- (1) Small Purchase Procedures. Simple and informal procurement methods are for securing services, supplies, or other property not in excess of \$5,000. Grantees must not divide one purchase into several purchases merely to be able to use small purchase procedures. Price or rate quotations must be documented from an adequate number of qualified sources.

Subparagraph (2) and (3) are types of Request-For-Proposals and must be used for all competitive procurements in excess of \$5,000.

- (2) Sealed Bids (Formal Advertising). Bids are publicly solicited procurements for which a firm, fixed-price award (lump sum or unit price) or other fixed-priced arrangement is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the IFBs, is the lowest in price. IFBs must be publicly advertised, and bids must be solicited from an adequate number of organizations.

- (3) Competitive Proposals. Normally conducted with more than one source submitting an offer and either a fixed-price or cost-reimbursement type award is made. A methodology for technical evaluations and award to the responsible offeror whose proposals are most advantageous to the program with price, technical, and other considered factors must be established and documented.

- (4) Noncompetitive Proposals (Sole Source). Procurement made when soliciting a proposal from only one source, the funding of an unsolicited proposal, or when competition is determined inadequate. Such procurements must be minimized to the extent practicable and, in every case, be justified and documented. There is no dollar threshold applicable to noncompetitive procurement. Sole source may be used only when the award is infeasible under (1), (2), or (3) above and one of the following circumstances applies:

- (a) The item or service is unique and/or available only from a single source;
 - (b) The public exigency or emergency need for the item or service does not permit a delay resulting from competitive solicitation.
 - (c) It is necessary that the needed items are manufactured by a certain source in order to be compatible and interchangeable with existing equipment;
 - (d) After solicitation of a number of sources, competition is determined inadequate;
 - (e) OJT contracts, except OJT brokering contracts which shall be selected competitively;
 - (f) Enrollment of individual participants in classroom training occurs.
 - (g) Data is unavailable for competitive procurement; or
 - (h) DET authorizes noncompetitive proposals.
 - (i) The services are deemed to be appropriate to a Job Center and its partners, one of which is the grantee. In addition, the following conditions apply:
 - (i) There must be an advance agreement between the Job Center partners that these services will be coordinated between partner programs and that such services will be provided by the partner(s).
 - (ii) Where certain Job Center related common costs are to be shared by the partners, there must be an advance agreement between the partners that identifies such costs and describes the methods of cost sharing.
 - (iii) The agreement must be in writing.
- b. Pass Through. The procurement rules do not apply to pass through of funds from any unit of State or local government (or WDA) to other such units, such as a local education agency. To qualify as a pass through, the receiving entity must either further pass through the funds to another such entity or procure services in accordance with the procurement rules.
- c. Independent Agreements. Generally, agreements between organizations are made independently. Such agreements include grant and contract agreements. In some cases agreements may not be made independently. This may occur when one party to the agreement is able to substantially control or influence the actions of the other. Such agreements are allowable, although no contract or grant is deemed to exist.
- (1) Less than independent agreements within an organization may include (a) agreements between sub units of an organization; or (b) agreements between an organization and a director, trustee, officer or key employee of the organization or his/her immediate family (either directly or through corporations, trusts or similar arrangements in which they hold a controlling interest).
 - (2) Less than independent agreements between organizations may include (a) agreements between organizations under common control through common officers, directors or members; (b) agreements between an individual on the board of directors of one organization and an immediate family member on the board of directors of another organization; or (c) agreements between an individual who is an officer or key employee of one organization and him/herself as a member of the board of directors of another organization.

4. Cost/Price Analysis

- a. Standards and Procedures. Each grantee must establish standards and procedures on the performance of cost/price analysis.
- b. Performance of Analysis. Each grantee must perform a price analysis (and, in some instances, a cost analysis) in connection with every procurement action, including modifications (except for modifications determined not to have a fiscal impact). The method and degree of analysis depends on the facts surrounding the particular procurement and pricing situation.

(1) Independent Estimates. The grantee must make independent cost or price estimates before receiving bids or proposals.

(2) Price Analysis. A price analysis must be used when price reasonableness can be based on:

- (a) Adequate price competition;
- (b) An established catalog or market price of a commercial product sold in substantial quantities to the general public; or
- (c) Prices set by law or regulation (including situations involving inadequate price competition and sole source procurements where a price analysis may be used in lieu of a cost analysis).

(3) Cost Analysis. A cost analysis is necessary:

- (a) When the offeror is required to submit the elements of the estimated cost (e.g., as in the case of subrecipient relationships);
- (b) When adequate price competition is lacking; or
- (c) For sole source procurements, including modifications.

Cost analysis is not required when price reasonableness can be adequately determined under any of the situations noted in Subparagraph (2) above.

(4) Certification and Adjustments. When a cost analysis is necessary and there is inadequate price competition, the offeror must certify that to the best of its knowledge and belief, the cost data are accurate, complete, and current at the time of agreement of price. Awards or modifications negotiated in reliance on such data should provide the awarding agency a right to a price adjustment to exclude any significant sum by which the price was increased because the awardee had knowingly submitted data that were not accurate, complete, and current as certified.

(5) Reasonableness of Costs in Procurement of Services. Grantees must establish written procedures that provide the selection process and procurement with the ability to determine and justify the reasonableness of proposed contract costs before being awarded. The procedures must emphasize the methods of cost/price analysis to be used and documentation of evidence. The procedures must address and require the following:

- (a) RFP. Clear and precise RFPs must be prepared to obtain competitively priced responses. All legal and administrative restrictions, requirements, and options must be included in the RFP.
- (b) Rating Process. An RFP must have an equitable rating process so that proposed cost/price components are analyzed and applied to all prospective contractors.
- (c) Analysis and documentation of cost/price evidence. Grantees must determine the needed forms of written documentation to justify the reasonableness of a particular contract.

The grantee has the burden to prove reasonableness of costs.

(6) Types of Acceptable Cost or Price Analysis.

- (a) Projected costs. Prospective contractors could be required to submit a budget that estimates costs in line item detail. Each line item is then reviewed for reasonableness. Costs for certain items that appear excessive or insufficient can then be revised in the final contract. Inclusion of line item costs in the bid is particularly important if the contractor is the only bidder or never provided training services before.
- (b) Historical cost/price. A comparison of the cost/price in the contract with the cost/price of previous contracts for the same services would provide useful documentation in support of a funding decision. Cost data on a previous grant performed by the contractor for the same training could be used as a means for determining cost reasonableness on a current contract.
- (c) Market price. This written documentation would compare the price sought by the contractor to the rate at which others in the geographical area offer the same service.
- (d) Performance standard application. This involves applying the standard for cost per entered employment to the contract cost.
- (e) Risk of loss. This involves documenting indicators of predictable obstacles in achieving results due to local conditions beyond the contractor's control, such as unemployment rates.

(7) Cost or Pricing Data Records. Any organization receiving a contract, grant or modification for which cost or pricing data is required must maintain records that relate to such cost or pricing data for three years from the date of final payment. The agency books and records may be subject to audit to the extent that such books and records relate to such cost or pricing data.

- c. Excess Program Income or Profit. Procurements must not permit excess program income (for nonprofit and governmental entities) or excess profit (for private for-profit entities). If profit or program income is included in the price, the grantee must negotiate profit or program income as a separate element of the price for each procurement in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit or program income, consideration shall be given to the:

- (1) Complexity of the work to be performed;
- (2) Risk borne by the awardee;

- (3) Offeror's investment;
 - (4) Amount of subcontracting/subgranting;
 - (5) Quality of the offeror's record of past performances;
 - (6) Industry profit rates in the surrounding geographical area for similar work; and
 - (7) Market conditions in the surrounding geographical area.
- d. Cost Allowability. Each grantee must charge to the agreement only those costs that are consistent with the allowable and allocable cost provisions of this document.
 - e. Cost Plus. The cost, plus a percentage of cost method of contracting, must not be used.
5. Oversight
- a. Ensure Compliance. Each grantee must conduct and document oversight to ensure compliance with the procurement standards, in accordance with the requirements of Section G, Monitoring.
 - b. Contract Administration. Each grantee must maintain an administration system that ensures that vendors and subrecipients perform in accordance with the terms, conditions, and specifications of their awards.
6. Transactions Between Units of Government
- a. Cost Reimbursement Basis. Except as provided in Paragraph b., procurement transactions between units of government, or any other entities organized principally as the administrative entity for WDAs must be conducted on a cost reimbursement basis. Cost plus type awards are not allowable.
 - b. Transactions with Schools. In the case of procurement transactions with schools that are a part of these entities, such as State universities and secondary schools, tuition charges and/or entrance fees do not have to be broken out by items of cost when the charges or fees are:
 - (1) Not more than the school's catalog prices,
 - (2) Necessary to receive specific training,
 - (3) Charged to the general public to receive the same training, and
 - (4) For training of participants.
7. Standard Grantor Award Agreement Provisions. Each grantor award agreement with a grantee (subgrantee/vendor) must include the following:
- a. Written Agreement. The agreement must be in writing.

- b. Specification of Deliverables and Payment Basis. The agreement must clearly specify deliverables and the basis for payment.
- c. In the case of awards to subgrantees, contain clauses that provide for:
 - (1) Assurance of compliance with grant regulations;
 - (2) Assurance of nondiscrimination and equal opportunity as found in 29 CFR §34.20, assurance required; duration of obligation and covenants.
- d. In the case of awards to vendors, contain a clause that provides for: Access by the grantor, DET, and the DOL to any records (including computer records) of the contractor that support costs to the program in order to conduct audits and examinations and to make transcripts and photocopies; this right also includes timely and reasonable access to contractor's personnel for the purpose of interviews and discussions related to such documents.
- e. Subrecipients vs. Vendors.

The WIA regulations, OMB circulars and other regulations apply to subrecipients, but not to vendors, so the distinction between if an award is a grant or a purchase is significant. A vendor is an entity that is providing the goods or services being purchased at a set cost to any purchaser. Examples would include office supplies or a seat in a class. The same entity can be both a vendor in one case, and a subrecipient in another case. An entity that has any role in determining the selection or eligibility of a participant must be a subrecipient, not a vendor, and is subject to all of the WIA and related regulations. Additional guidance on this distinction is provided in the One-Stop Comprehensive Financial Management Technical Assistance Guide on the DOL ETA website.

- f. In the case of awards to both subgrantees and vendors, contain clauses that provide for:
 - (1) Administrative, contractual, or legal remedies in instances where contractors/subgrantees violate or breach agreement terms, which shall provide for such sanctions and penalties as may be appropriate;
 - (2) Notice of 29 CFR Part 97.34 requirements pertaining to copyrights (agreements which involve the use of copyrighted materials or the development of copyright materials);
 - (3) Notice of requirements pertaining to rights in data. Specifically, the awarding agency and DOL shall have unlimited rights to any data first produced or delivered under the agreement (agreements which involve the use/development of computer programs/applications, or the maintenance of databases or other computer data processing program, including data input);
 - (4) Termination for cause and convenience by the awarding agency, including the manner by which the termination will be effected and the basis for settlement;
 - (5) Notice of awarding agency requirements pertaining to reporting;

- (6) Payment conditions and delivery terms;
- (7) Process and authority for agreement changes;
- (8) Provision against assignment;
- (9) Audit Language. Any grant agreement or contract funded with a unit of government or a nonprofit entity must contain the language found in (a) and (b) regarding audit procurement.
 - (a) The grantee must have a single, organization-wide (or grant specific) financial and compliance audit performed by a qualified independent auditor if required to do so under Federal law and regulations.
 - (b) The audit must be performed in accordance with Government Auditing Standards (1994 revision) and OMB Circular A-133 (1996 revision), and, when applicable, the State Single Audit Guidelines, issued by the Wisconsin Department of Administration (DOA).
 - (c) Commercial organizations receiving more than \$300,000 in Federal funds per year are required to have an organization-wide or grant-specific audit.
- (10) Debarment and Suspension.
 - (a) A signed certification regarding debarment and suspension must be incorporated into this agreement.
 - (b) Funding must be terminated upon debarment or suspension of the grantee (or contractor) during the life of the agreement.
 - (c) No agreement shall be made with organizations named on the federal government's Debarment and Suspension list.
- (11) Lobbying. (Byrd Anti-Lobbying Amendment)
 - (a) A signed certification regarding lobbying must be incorporated into this agreement, accompanied by a copy of the disclosure report (where applicable) which must be forwarded to DET.
 - (b) At a minimum the certification and the disclosure report must be updated annually in accordance with requirements.
- (12) Requirements regarding linkages with Pell eligible educational institutions and other federally funded employment and training programs.
 - (a) Use of DET funds to enable a participant to enroll in a Pell-eligible training program must be limited by this agreement to amounts determined to be a necessary supplement to Pell grants and financial aid available from non-DET funding sources.
 - (b) The Pell-eligible educational institution named in this agreement must provide the grantor with a copy of the Student Aid Report received from the US Department of Education and other documents pertinent to determination of financial aid available from non-JTPA funding sources.
- (13) Clean Air Act and the Federal Water Pollution Control Act. For agreements in excess of \$100,000, a provision requiring compliance with applicable standards

must be present. The standards for the Clean Air Act are at 42 U.S.C. 7401 et seq. and for the Federal Water Pollution Control Act are at 33 U.S.C. 1251 et seq., as amended.

(14) Requirements that the agency is current on filing required tax returns.

- g. Additional Clauses. The grantor may establish additional clauses, if necessary, for grantee award agreements. These may include, but are not limited to statement of work, record retention, conflict of interest, documentation of progress and evaluation during training, trainer qualifications, program income, participant selection/eligibility, performance standards and maintenance of effort.

8. Disputes

- a. Protest Procedures. Each grantee must have protest procedures to handle and resolve disputes relating to their procurements. A protester must exhaust all administrative remedies with the grantee before pursuing a protest at a higher level.

9. Records

- a. Maintenance. Each grantee must maintain records sufficient to detail the significant history of a procurement. These records must include, but are not necessarily limited to the following:
 - (1) Rationale for the method of procurement;
 - (2) The selection of agreement type;
 - (3) Awardee selection or rejection;
 - (4) Basis for agreement price.
- b. DET Monitoring. DET may annually conduct on-site monitoring of each WDA to ensure compliance with the procurement standards.

10. Selection of Service Providers

- a. Primary Consideration. The primary consideration in selecting agencies to deliver services shall be based on demonstrated performance in terms of meeting performance goals, cost, quality of training, characteristics of participants, and making available appropriate supportive services.
- b. Competitive Based Selections. Each grantee, to the extent practicable, must select service providers on a competitive basis, in accordance with the preceding procurement standards.
- c. Grantee Self Selection. Grantees may operate its own programs only if allowed by applicable regulations and if permitted by DET. The WIA Service Provider Policy may be used as a reference in determining if self selection is appropriate.

- d. **Determination of Demonstrated Performance.** Awards are to be made to organizations with the demonstrated ability to perform successfully under the terms and conditions of a proposed subgrant or contract. Where comparable proposals have been received from an offeror which has demonstrated performance and also from a high-risk subrecipient (§627.423), and a determination has been made that both proposals are fundable, the award should be made to the offeror which has demonstrated performance, unless other factors dictate otherwise. Determinations of demonstrated performance must be documented in writing, completed prior to the award of an agreement, and take into consideration such matters as whether the organization has:
- (1) Adequate financial resources or the ability to obtain them;
 - (2) The ability to meet the program design specifications at a reasonable cost, as well as the ability to meet performance goals;
 - (3) A satisfactory record of past performance, including demonstrated quality of training; adequate retention rates from past programs; where applicable, the ability to provide or arrange for appropriate supportive services; retention in employment; and earning rates of participants. Such performance measures as retention in training, training completion, job placement, and rates of licensure must also be considered.
 - (4) The ability to provide services that can lead to the achievement of competency standards for participants with identified deficiencies;
 - (5) A satisfactory record of integrity, business ethics, and fiscal accountability;
 - (6) The necessary organization, experience, accounting and operational controls; and
 - (7) The technical skills to perform the work.
- e. **Educational Services.** Appropriate education agencies in the WDA must be provided the opportunity to provide educational services, unless alternative organizations would be more effective or would have greater potential to enhance the participants' continued educational and career growth.
- (1) In order for WDAs to select an agency other than an educational agency to provide educational services, the specific procedures and criteria must be described to determine that the alternative agency would be more effective or would have greater potential to enhance the participant's continued educational and career growth.
 - (2) When contracting with a private for-profit proprietary school to provide training for participants, the administrative entity must determine that the school and the program proposed by the school have been approved by the WEAB. Approval by the Board is necessary before a for-profit school may legally operate training programs in Wisconsin.

- f. State Education Coordination. Service providers under agreements to conduct projects must be selected in accordance with the requirements of this Subsection.
- g. Amounts for Service Providers. Each grantee must ensure that, for all services provided to participants through contracts, grants, or other agreements with a service provider, such contract, grant, or agreement must include appropriate amounts necessary for administration.
- h. Awarding Points. When a grantee has a policy of awarding additional points to proposals received from such organizations as minority or women owned business enterprises, and this policy is generally applicable to its other funds, the grantee may apply this policy to its DET grant funds. If the policy to provide additional rating points applies only to DET grant funded programs, this policy cannot be continued any longer.
- i. Public Information. Grantees must describe in the plan the process used by the administrative entity to inform the public of the procedures, including public hearings and times, used to select service providers and the appeal procedures available to the public and other agencies not selected.

I. Property Management Standards

The grantee must comply with property management standards described as follows (Admin Memo 04-33 issued 12/27/04):

- 1. Property Acquisition. Real or personal property is not to be purchased with DET funds. Any property acquired under prior programs must be used for purposes authorized. All such property must be properly maintained and safeguarded against loss, theft or damage.
 - a. Title of Property Acquired Under Prior Grants. WDAs were given reversionary title to all property that was purchased by grantees with DET funds.
 - b. Status of Property Acquired Under Prior Grants. WDAs were given the option of retaining or disposing of such property. Retained property must be used for employment and training programs. Disposed property must be done so in accord with subsection 3.
 - c. Record Retention. Property management and disposition requirements in this section apply to all federally funded property to which WDA administrative entities retain title rights. Records of options chosen under paragraphs a. and b. of this subsection are the responsibility of each affected WDA administrative entity.
 - d. Acquisitions. Prior DET approval is required for the purchase or lease-purchase of equipment with a unit acquisition cost of \$5,000 or more, and is allowed only if charged to a single program.

Acquisition of real property with WIA funds is not allowed.

- e. Property Title and Conditions. Title/ownership of property acquired with DET funds or transferred from federally funded programs is determined as follows:
 - (1) Ownership. The grantee can assume title/ownership of personal property (equipment and supplies).
 - (2) Reversionary Rights. DWEDET retains reversionary rights to equipment with a unit acquisition cost of \$5,000 or more.
 - (3) Copyrights. The copyrighting of any material developed with DET funds is forbidden without written DET approval.
 - (4) Use. Equipment cannot provide services to non-federal organizations at below market rates.
 - (5) Insurance. Equipment must be insured by the grantee if other non-federally funded equipment is insured.
 - f. Federal Property Program. Grantees that are state agencies, units of local government, Indian tribes or tax-exempt nonprofit organizations may be eligible to acquire surplus property at low cost from the federal property program.
 - g. Composite Unit Reporting. If items of equipment are to be used together and cannot function separately, the items are considered one unit of equipment. Equipment can be considered one unit even if the units are of different brands or were purchased separately.
 - h. Software Reporting. Computer related software programs normally must be reported as equipment. DET has no reversionary rights to software programs if the vendor and/or licensing agreements prohibit its transfer. The grantee is required to maintain a record of its software programs.
 - i. Property acquired by commercial subrecipients. Title to property acquired or produced by a subrecipient that is a commercial organization shall vest in the awarding governmental agency. Prior approval of the awarding agency is needed to acquire property.
2. Property Control. Each grantee must establish procedures to adequately safeguard all property. Grantees shall provide the following for all DET purchased equipment costing at least \$5,000:
- a. Register. Maintain a register showing the following:
 - (1) Description of the property;
 - (2) Serial number/model number;
 - (3) Inventory tag/identification number;
 - (4) Date received;

- (5) Acquisition source (commercial supplier, federal surplus property, transfer);
 - (6) Unit acquisition cost;
 - (7) Award number purchased under;
 - (8) Location of the property;
 - (9) Condition of the property;
 - (10) Percentage of federal cost;
 - (11) Whether title vests in grantee or Federal Government;
 - (12) Ultimate disposition data including date and sales price.
- b. Inventory. Conduct an annual physical inventory documenting the process and results;
 - c. Identification Tags. Attach identification tags to all such property; and
 - d. Reconciliation of Records. Periodically (no less than annually) reconcile property records to the general ledger, making appropriate adjusting entries to make the general ledger equal to the detailed property register.
3. Property Disposition. The following are the requirements for disposition of property:
- a. Unit acquisition cost of \$5,000 or more. Prior DET approval is required for the disposition of equipment with a unit acquisition cost of \$5,000 or more. This includes property that was purchased with DET funds or transferred from other programs. These requirements apply to such property whenever the grantee discontinues operation of DET program, has no further use for the property, intends to use it for a purpose other than a DET program, wants to trade the property or needs to dispose of unusable property. Before any such property is disposed of, the grantee must comply with the following requirements:
 - (1) The grantee must be sure that all relevant records are up to date.
 - (2) The grantee must submit the following information in writing to the appropriate DET program manager for all property to be disposed of:
 - (a) The description;
 - (b) The acquisition source;
 - (c) The unit acquisition cost;
 - (d) The quantity;
 - (e) The condition;
 - (f) The funding source under which it was acquired;
 - (g) The reason for disposition; and
 - (h) The proposed disposition (include what will be done with any money resulting from disposition).

- (3) Written authorization from DET must be obtained.
 - (4) The sale of equipment that is no longer needed shall be an action of last resort. Before a sale is made, the grantee shall take the following steps, which are listed in priority ranking:
 - (a) Transfer the equipment to other DET-funded programs of the grantee;
 - (b) Transfer the equipment to similar DET-funded programs of other grantees within the state. In transferring equipment to similar programs, WDAs should first offer the equipment to the other WDAs, then to non-WDA grantees within the WDA. Non-WDA grantees should offer their equipment to other non-WDA grantees within the WDA. Departures from this sequence must be justified in writing; or
 - (c) If no such program is found, the equipment may be sold.
 - (5) Where property was purchased only partly out of DET funds and the unit acquisition cost of the equipment was \$5,000 or more, the same disposition standards will apply. The amount of reimbursement to DET shall be computed by applying the sales proceeds with the percentage of DET funding in the original cost.
- b. Unit Acquisition Cost of less than \$5,000. The provisions for the disposition of property with a unit acquisition cost of less than \$5,000 are as follows:
 - (1) Prior approval from DET is not required.
 - (2) The sale of such equipment that is no longer needed shall be an action of last resort. Before such sale is made, the grantee shall take the following steps that are listed in priority ranking:
 - (a) Transfer the equipment to other DET-funded programs within the WDA;
 - (b) Transfer the equipment to other DET-funded programs in other WDAs within the state; or
 - (c) If no such program is found, the equipment may be sold.
 - c. Proceeds from Disposition of DET-funded Property. Funds received from the sale of any DET funded property are program income and shall be subject to requirements of program income in Section F. of this chapter.
 - d. Documentation. The disposition of all DET property and property transferred from other programs must be fully documented.
4. Real Property. Grantees are not allowed to purchase real property for grant purposes, unless specifically authorized by that funding source. Real property is defined in Chapter I.C. The following provisions shall apply:
 - a. Grantees must obtain written approval from DET and DOL prior to purchasing real property.
 - b. Title to real property shall vest in the grantee.

- c. Disposition of real property shall follow written instructions of DET.
- d. Grantees must provide DET with the location of the real property and the federal share of the acquisition cost.
- e. Allowable costs relating to real property must be in accordance with limitations in current federal standards.

J. Audit and Audit Resolution

The grantee shall comply with the provisions for audit and audit resolution described as follows:

1. Audit. The following requirements apply to audits of grantees:

- a. Scope. At a minimum, DET grantees shall be subject to preliminary fiscal reviews and financial and compliance audits. DET reserves the right to conduct other audits and investigations in accordance with applicable federal and state laws or regulations.

(1) New grantees contracting with DET must have a preliminary fiscal review to determine the adequacy of a grantee's accounting system, controls and procedures. DET will conduct these reviews. Grantees must conduct similar reviews of new subgrantees.

(2) Grantees that are units of government or nonprofit organizations shall have an audit that:

- (a) Is on an annual basis, coinciding with the grantee's normal fiscal year. DET may authorize a biannual audit period; and
- (b) Is completed within nine months after the end of the period covered by the audit and submitted to DET upon completion. DET may authorize an extension of the submittal date; and
- (c) Is an agency-wide audit that includes financial and compliance coverage of the DET program within its scope; and
- (d) Complies with US General Accounting Office's Government Auditing Standards (1994 revision); and
- (e) Complies with State Single Audit Guidelines issued by the Wisconsin DOA for grantees that receive federal grant funds; and
- (f) Complies with OMB Circular A-133 (1996 revision) for grantees that are nonprofit organizations, institutions of higher education or units of State and local governments. Compliance Supplements must also be used, if applicable.

(3) Grantees that are commercial organizations shall have an audit that:

- (a) Is usually performed annually, but not less frequently than every two years; and
- (b) Is completed within nine months after the end of the period covered by the audit and submitted to DET upon completion; may authorize an extension of the submittal date; and

- (c) Is either a grant-specific audit or an agency-wide audit. This audit must include coverage of the DET program within its scope. The audit must be conducted and prepared in accordance with generally accepted government auditing standards.
 - (4) DET may, at its option, waive audit requirements for grantees receiving under \$300,000 of federal funds annually.
 - (5) Compliance with the audit requirements listed in this paragraph do not limit the ability of authorized state or federal agencies to make or contract for additional audits, evaluations or reviews, including regular monitoring of program activities.
 - b. Procurement of Audit Services. A competitive procurement process in accordance with the WDA's procurement procedures and Section H. of this Guide must be used to select the auditor.
 - c. Audit Costs. The DET grantee shall be responsible for the cost of the audit.
2. DET Audit Resolution. The following are the requirements of grantee audit resolution:
- a. Audit Report. Prior to DET's audit resolution process, the audit must be completed through the final report. This report is a public document.
 - b. Audit Resolution Process for Grantees. The final audit report initiates DET's audit resolution process as follows:
 - (1) The grantee must submit its audit report to DET within 9 months after the end of the audit period. DET may authorize an extension of the submittal date.
 - (2) Upon receipt of the audit report, DET will issue a letter to the grantee requesting a review of the report and a reply indicating the corrective action to be achieved. The grantee will have 30 days in which to respond to this request.
 - (3) Based on the grantee's response to the audit report, DET will issue a Statement of Findings and Determinations. This also is a public document. Debts due to audit disallowance are established at this point.
 - (4) A grantee that wishes to contest these findings may enter into the formal complaint/grievance procedure by filing a written complaint/grievance or appeal with DET according to Section S. of this Chapter.
3. Subgrantee Audit Resolution. The audit and audit resolution process for subgrantees is independent of the process between DET and grantees. The following are the requirements that grantees shall perform for subgrantee audit resolution:
- a. Audit Register. The grantee must maintain an audit register indicating:
 - (1) The subgrantees that are required to submit an audit report to them.
 - (2) The grant number, award amount, audit year, findings, audit resolution status and other relevant data for each subgrantee.

- b. Audit Resolution Process for Subgrantees. The final audit report initiates the grantee's audit resolution process as follows.
 - (1) The grantee must obtain the subgrantee's final audit report within 9 months after the end of the subgrantee's audit period. The grantee may authorize an extension of the submittal date.
 - (2) The grantee must resolve all findings related to its programs within 6 months of receipt of the final report. The resolution documents must include:
 - (a) A written corrective action plan.
 - (b) A schedule of disallowed costs.
 - (c) Appeal procedures.
 - (3) The grantee may coordinate the resolution process with the subgrantee's cognizant agency. If the cognizant agency has completed all of the steps in paragraph (3.b. and c.) the grantee may obtain the resolution documentation rather than repeat the process. The grantee must also ensure any required action concerning its programs has been or will be performed, such as the implementing a corrective action plan or the collection of disallowed costs.
 - (4) The subgrantee audit reports must be formally resolved in writing, even if no findings or questioned costs exist.
- c. In cases where the grantee is acting as the cognizant agency for the subgrantee, the following additional steps must be done:
 - (1) Review the entire audit report to determine if it meets requirements and is acceptable.
 - (2) Coordinate the resolution of all audit findings. Other funding sources are to be contacted, as necessary, to resolve the audit report.
- d. Grantees must develop and implement debt collection procedures applicable to its subgrantees. The audit resolution and debt collection procedures must be in writing.

K. Debt and Debt Collection

The grantee shall comply with the provisions of debt and debt collection described as follows:

- 1. Local Collection Procedures. Grantees must develop written debt collection procedures. These procedures are to provide for timely collection of debts or attainment of waivers from DOL in coordination with DET.
- 2. Establishment of Debt. A debt to DET is established when costs are disallowed in writing by one of the following. Debt can be established for contracts as well as individual participants or vendors
 - a. Audit. An audit resolution findings and determinations letter;

- b. Ruling. A complaint and appeal ruling;
 - c. Report. A report of an investigation;
 - d. Closeout. A grant closeout report;
 - e. Monitoring. A monitoring report.
3. Collection of Debt. Collection options available to DET include but are not limited to the following:
- a. Cash Repayment. Requiring cash repayment from non federal sources;
 - b. Withholding Funds. Withholding from current grant costs an amount equal to the disallowed costs to offset the debt;
 - c. Noncash Repayment. Requiring repayment with the use of stand-in costs. Stand-in costs are costs paid from non-federal sources that a grantee proposes to substitute for disallowed costs. In-kind contributions do not qualify as stand-in costs. To be valid substitutions, the proposed stand-in costs must:
 - (1) Have been reported as uncharged program costs under the same title and program year as were the disallowed costs;
 - (2) Have been incurred in compliance with laws, regulations and contractual provisions governing expenditures;
 - (3) Be accounted for in the grantee's financial system records; and
 - (4) Not result in a violation of cost limitations.
4. Waiver of Sanctions Relating to Debt. A waiver of all or a part of the sanctions relating to a grant debt can be obtained. If DOL determines that the grantee and the state have demonstrated substantial compliance with the applicable requirements, sanctions against the state may be waived. The state may transfer this waiver to the grantee. All waiver requests must be processed through DET. The grantee must request the waiver and must demonstrate it has established an adequate subcontracting system that included timely monitoring and audit resolution activities. Waivers will only be issued by DOL if the misexpenditure of grant funds:
- a. Occurred at the subgrantee level;
 - b. Was not due to willful disregard, gross negligence, failure to observe accepted administrative standards or did not constitute fraud; or
 - c. If fraud did exist, it was perpetrated against the grantee and its appeal and debt collection process has been exhausted with no repayment rendered. No waiver will be granted unless DOL determines that further collection action would be inappropriate or would prove futile.

- d. A waiver request must be accompanied by the resolution reports that established the debt. If the ETA Grant Officer is resolving the finding, a request for waiver shall be made prior to the conclusion of the informal resolution period, normally 60 days from the date of the ETA Grant Officer's Initial Determination letter.
5. Disposition of Collected Debts. Disallowed costs that are due to serious violations or illegal acts must be remitted to ETA. Remit these funds to DET, for submission to ETA. In other cases the recovered amounts may be reprogrammed. Documentation relating to the repayment of the liability and reprogramming of the funds should be maintained for review and audit.
6. Other Actions. In accordance with legislation and regulations, nothing in this section shall prevent the following:
 - a. Responsibility for Subgrantees. The SDA being responsible for the actions of the subrecipient;
 - b. Interest Charges. The grantee being charged interest on the debt at the rate set by DET beginning 30 days after the debt is established;
 - c. Direct Sanctions by DOL. The DOL imposing sanctions directly on the grantee.

L. General Principles Affecting Allowability of Costs

Cost allowability guidelines are stated in OMB A-87, OMB A-122 and Federal Register vol. 65, no.124, dated June 27, 2000. To be allowable, grantee costs must meet the following general criteria:

1. Necessary and Reasonable. Be necessary and reasonable for proper and efficient administration of the grant programs, be allocable thereto under these principles and, except as specifically provided herein, not be a general expense required to carry out the overall responsibilities of the grantee;
2. Authorized or Not Prohibited. Be authorized or not prohibited under federal, state or local laws or regulations;
3. Conform to Limitations or Exclusions. Conform to any limitations or exclusions set forth in these principles or other governing limitations as to types or amounts of cost items;
4. Consistent with Grantee Activity. Be consistent with policies, regulations and procedures that apply uniformly to other activities of the agency of which the grantee is a part;
5. Consistent with Accepted Accounting Principles. Be accorded consistent treatment through application of GAAP appropriate to the circumstances;
6. Conform to Cost Sharing or Matching Requirements. Not be included as a cost or used to meet cost sharing or matching requirements of any other federally financed program in either the current or a prior period unless specifically authorized;
7. Net of Credits. Be net of all applicable credits; and

8. Documented. Be adequately documented.

M. Allocation of Joint Costs

The grantee shall comply with the provisions of allocating joint costs described as follows:

1. Allocable Costs. Costs are allocable to grants according to the following:
 - a. Relative Benefits and Consistent Treatment. A cost is allocable to a particular cost objective, such as a title, program activity or cost category in accordance with the relative benefits received. A cost is allocable to a grant if it is treated consistently with other costs incurred for the same purpose in similar circumstances and if the following applies:
 - (1) The cost is incurred specifically for the grant.
 - (2) The cost benefits both the grant and other work and can be distributed in reasonable proportion to the benefits received.
 - (3) The cost is necessary to the overall operation of the organization although a direct relationship to any particular cost objective cannot be shown.
 - b. Avoiding Deficiencies or Restrictions. Any cost allocable to a particular grant or other cost objective under these principles may not be shifted to other federal grants to overcome funding deficiencies or to avoid restrictions imposed by law or by the terms of the grant.
2. Direct Costs. Direct costs must be charged directly to a particular grant and cost objective.
3. Joint Costs (direct shared). The allocation method used to distribute joint costs must be based on a reasonable measurement of benefit received by each cost objective and shall be supported by a written cost allocation plan which includes all grantee funding whether or not it originates as a DET grant. Cost allocation plans must distribute costs based on actual activities. Budget estimates do not qualify as support for final charges. However, the effort required distributing the cost should not be disproportionate to the amount of costs charged.
4. Cost Allocation Plans. Costs shall be allocated according to the following provisions:
 - a. Written Support. For audit purposes, a written plan for allocation of costs related to all funding sources is necessary to support the distribution of any joint costs related to the grant. Accounting records must support the final charges allocated by the plan.
 - b. Content. The allocation plan of the grantee shall cover all joint costs, including costs to be allocated under plans of other organizational units which are to be included in the costs of DET programs. The cost allocation plan shall be presented in a single organization-wide document. The allocation plan shall contain, but not necessarily be limited to, the following:

- An organization chart of the agency.
 - A listing of all programs administered by the agency.
 - A description and explanation of the activities/services performed by the agency.
 - The procedures used to identify and a listing of all allocated costs.
 - The methods and justification used in distributing costs, including examples of the allocation.
 - If a governmental agency, description and basis of services provided.
 - Certifications that the plan is in accord with OMB A-87.
 - Other data as required by the grant agreement.
- c. Methodology. The cost allocation methodology must be consistent with GAAP and applicable OMB Circulars and be accepted by the grantee's independent auditors.
5. Administrative Cost Pool. Administrative costs may be pooled according to the following provisions:
- a. Amounts Pooled. Grantees may choose to pool all of their administrative funds. Where this is done, the administrative cost pool must include all of the costs of administration for DET programs. Only actual allowable, not budgeted, administrative costs may be charged to the administrative cost pool.
 - b. Distribution to Fund Source. Where an administrative cost pool is used, the pool must be distributed among the various funding sources for reporting purposes. While the method of distribution need not meet the normal criteria for cost allocation, the method used shall be in writing and shall be applied consistently from period to period.
 - c. Distribution to Programs. For federal reporting purposes, administrative costs, which are initially charged to an administrative cost pool, must be allocated based on the benefits received by each program.

N. DET Policy on Indirect Cost Rates

The grantee must comply with DET policies on indirect cost rates described as follows:

1. For All DET Grantees Other than WDAs. DET-funded State agencies and other grantees will often have indirect cost rates or methods already approved by a cognizant federal agency. In these cases, DET will review that rate or method and approve an indirect cost rate that may not exceed the indirect cost rate approved by the cognizant federal agency. DET will not review and approve an indirect cost rate if there is no such rate approved by a cognizant federal agency; those grantees requesting to use an indirect cost rate must obtain it from a federal cognizant agency.
2. For WDBs/WIBs. Administrative Entities must comply with the following provisions on indirect cost rates:
 - a. Administrative Entities with Previously Approved Rates. Some WDBs/WIBs may select administrative entities that have indirect cost rates already approved by a cognizant federal agency. In those cases, the DET will review the cognizant federal

agency's rate and approve a rate for indirect costs for grants that may not exceed the federally approved rate.

- b. Administrative Entities Requesting Approved Rates. DET will provide technical assistance and will review and approve the indirect cost rates for agencies that do not have indirect cost rates but wish to obtain a rate. Only allowable costs shall be included in the indirect cost pool. The cost of auditing the indirect cost rate, which is separate from the regular audit, must be borne by the WDB/WIB.
3. For Subgrantees. DET grantees are responsible for approving any indirect cost rates or methods they wish to accept for their subgrantees. If the DET has already accepted an agency rate or method, the grantee may automatically accept it.

O. Standards for Selected Items of Cost

This section provides principles to be applied in establishing the allowability of certain items of cost. The grantee shall comply with these principles whether a cost is treated as direct, joint or indirect. Failure to mention a particular item of cost is not intended to imply that it is unallowable. DET may give written authorization to incur costs that would otherwise be unallowable, provided that no violation of applicable regulations occurs. The items of cost generally refer to those incurred by the grantee as an agency, rather than incurred directly for a participant.

1. Accounting. The cost of establishing and maintaining accounting and other information systems required for the management of DET programs is allowable. This includes costs incurred by central service agencies for those purposes.
2. Advertising and Public Relations. Advertising costs include the costs of media services and associated costs. Media advertising includes magazines, newspapers, radio and television programs, direct mail, convention exhibits, and the like. The only advertising costs allowable are those which are for:
 - a. Recruitment of personnel required for DET funded programs;
 - b. Procurement of goods and services;
 - c. Disposal of surplus materials;
 - d. Specific requirements of DET programs;
 - e. Participant and employer outreach, or
 - f. Public relations includes community relations and means those activities dedicated to maintaining the image of the governmental unit or maintaining or promoting understanding and favorable relations with the community or public at large or any segment of the public. The only public relations costs allowable are for:
 - (1) costs required by the grant;
 - (2) costs of communicating specific activities or accomplishments of the grant, or

- (3) costs of communicating matters of public concern such as grant awards or financial matters.
3. Advisory Councils. Costs incurred by WDBs, local boards, advisory councils, or delegate committees for functions relative to DET programs are allowable.
 4. Alcoholic Beverages. Costs of alcoholic beverages are unallowable.
 5. Audit Services. Financial and compliance audit costs incurred by the grantee are allowable if the audit is procured and performed in accordance with grant requirements.
 6. Automated Data Processing. The cost of data processing services is allowable.
 7. Bad Debts. Any losses, whether actual or estimated, arising from uncollectible accounts and other claims, are unallowable.
 8. Bonding. Costs of fidelity bonding insurance for individuals involved with DET programs are allowable.
 9. Budgeting. Costs incurred for the development, preparation, presentation, and execution of budgets are allowable. Identifiable and documented costs for services of a central budget office are allowable if it actively participates in the DET grant budget process.
 10. Communication. Costs incurred for telephone services, local and long distance telephone calls, telegrams, Email, fax, postage and the like, are allowable including installation of a new communications system which is necessitated by the addition or expansion of DET programs.
 11. Compensation for Personal Services. Standards applicable to compensation for personal services expenditures:
 - a. General. Compensation for personal services includes all remuneration, paid currently or accrued, for services rendered during the period of performance under the grant including but not necessarily limited to wages, salaries, and fringe benefits. The costs of such compensation are allowable to the extent that total compensation for individual employees meets the requirements found in subparagraphs (1) - (3) below.
 - (1) Compensation is reasonable for the services rendered. Compensation for employees engaged in DET activities will be considered reasonable to the extent that it is consistent with that paid for similar work in other activities of the agency or of similar local agencies.
 - (2) Compensation follows an appointment made in accordance with agency policy, state and local rules and laws, or other requirements, where applicable
 - (3) Compensation is determined and supported as provided in paragraphs d. and f. of this subsection.

- b. Fringe benefits. Fringe benefits are allowances and services provided by grantors to their employees in addition to regular salaries and wages and are allowable to the extent that total compensation for employees is reasonable. Examples of allowable employee benefits include, but are not limited to, those listed in subparagraphs (1) and (2) below:
 - (1) Employee benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, sick leave, court leave, military leave, and the like, if they are provided pursuant to an established leave system. The cost must be equitably allocated to all related activities, including grant programs;
 - (2) Employee benefits in the form of employers' contribution or expenses for social security, employees' life and health insurance plans, UI coverage, worker's compensation insurance, retirement plans for staff, and the like, provided such benefits are granted under established plans. The cost must be equitably allocated to all related activities, including grant programs.

DET funds may not be used for contributions to retirement systems or plans on behalf of any program participant.

- c. Leave accounting. Compensation for employee leave time, such as vacation or sick leave is allowable. The cost of paid leave may be charged in one of two ways:
 - (1) If the leave is accrued or funded, costs may be expensed as leave is earned. If leave is funded, the balance will be considered cash on hand for computation of "excess cash".
 - (2) If leave is accounted for on an unfunded, or cash basis, costs may be expensed as individuals take their paid leave. Agencies with unfunded systems should be aware of the unfunded liability that accumulates when staff does not take earned leave (i.e., vacations).
- d. Special considerations. Certain conditions require special consideration and possible limitations in determining costs where amounts or types of compensation appear unreasonable. Among such conditions are the following:
 - (1) Determination should be made that cost is reasonable for the actual personal services rendered when compensation is made to members of nonprofit organizations, trustees, directors, associates, officers, or the immediate families thereof;
 - (2) DET may review any change in a grantee's compensation policy resulting in a substantial increase in the grantee's level of compensation.
- e. Severance pay. Payments in addition to regular salaries and wages, made to workers whose employment is being terminated, are allowable to the extent that, in each case, they are required by law, employment agreement, or established written policy. Actual severance payments (but not accruals) associated with normal turnover are allowable. Settlements are negotiated payments made upon

termination or as a result of a grievance and are not allowable. Allowable payments shall be allocated to all activities of the grantee.

- f. Payroll and distribution of time. Amounts charged to grants for personal services shall be based on payroll records documented in accordance with generally accepted practices. Time and attendance or equivalent records shall support payroll records for individual employees. Salaries and wages of employees chargeable to more than one cost objective shall be supported by appropriate cost distribution records. The method used shall produce an equitable distribution of time and effort, and:
 - (1) Where time distribution reports are used, these reports shall reflect actual activity of each employee. Budget estimates determined before the services are performed do not qualify as support for charges to grants.
 - (2) Where time distribution reports are used, they shall be signed by the individual employee, or by a supervisor having knowledge of the activities performed by the employee, attesting that the distribution of activity is an accurate statement of the actual work performed by the employee during the periods covered by the reports.
 - (3) Each report shall account for the total activity for which the employee is compensated and which is required in fulfillment of their obligations to the organization.
 - (4) Salaries and wages of employees used in meeting cost sharing or matching requirements on awards shall be supported in the same manner as salaries and wages claimed for reimbursement from granting agencies.

12. Contingency Provisions. Contributions to a contingency reserve or any similar provision made for events the occurrence of which cannot be foretold with certainty as to time, intensity, or with an assurance of their happening are unallowable. The term "contingency reserve" excludes self-insurance reserves and pension funds and reserves for normal severance pay.

13. Contributions and Donations

- a. Contributions and donations made. Funds paid by the grantee to others are unallowable.
- b. Contributions and donations received.
 - (1) Professional and technical personnel, consultants, and other skilled and unskilled labor may furnish donated (volunteer) services to the grantee. The value of these services is not reimbursable, either as a direct or indirect cost.
 - (2) Donated goods or use of space may be furnished to a grantee. The value of the goods and space is not reimbursable, either as a direct or indirect cost. However, depreciation or use allowances may be charged on donated assets in keeping with the provisions in subsection 15 of the current section.

14. Defense and Prosecution of Legal Claims. Costs incurred for any criminal, civil or administrative proceeding commenced by the Federal Government, or a State, local, Indian tribal, or foreign government, are not allowable if the proceeding relates to a violation of, or failures to comply with, a Federal, State, local, Indian tribal, or foreign statute or regulation, by the governmental unit (including its agents and employees).

15. Depreciation and Use Allowances

- a. Allowability. Reimbursement for the use of buildings, capital improvements, leasehold improvements and equipment is allowable through use allowances or depreciation.
- b. Basis. The computation of use allowances or depreciation shall be based on the acquisition cost of the assets involved. Where actual cost records have not been maintained, a reasonable estimate of the original acquisition cost may be used in the computation. The acquisition cost of an asset donated to the organization by a third party shall be its fair market value (FMV) at the time of the donation.
- c. Computation. The computation of use allowances or depreciation will exclude:
 - (1) The cost of land;
 - (2) The cost or any portion of the cost of buildings, leasehold improvements, and equipment provided or donated directly or indirectly by the Federal Government; and
 - (3) Any portion of the cost of buildings and equipment contributed by or for the organization in satisfaction of a statutory matching requirement.
- d. Use Allowance Method. Where the use allowance method is followed, the use allowance will be computed in accordance with current federal guidelines.
- e. Depreciation Method. Where the depreciation method is followed, adequate property records must be maintained and a physical inventory must be taken annually to ensure that assets exist and are usable. Any generally accepted method of computing depreciation may be used. The method of computing depreciation must be consistently applied for any specific asset or class of assets for all affected programs and must result in equitable charges considering the extent of the use of the assets for the benefit of such programs. Adequate depreciation records indicating the amount of depreciation taken each period must also be maintained.
- f. Limits. When the depreciation method is used for a particular class of assets, no depreciation may be allowed on any such assets that would be viewed as fully depreciated. However, a reasonable use allowance may be negotiated for such assets after taking into consideration the amount of depreciation previously charged, the estimated useful life remaining at time of negotiation, the effect of any increased maintenance charges or decreased efficiency due to age, and any other factors pertinent to the use of the asset.

16. Employee Morale, Health, and Welfare. Costs of internal publications, health or first aid clinics, recreational activities, employee counseling services, and other expenses incurred in accordance with the grantee's established practice for the improvement of working conditions, employer-employee relations, employee morale, and employee performance are allowable.
17. Entertainment. Grantee staff costs for amusement, diversion, social activities, ceremonials, and related costs such as meals, lodging, rentals, transportation, gratuities and alcoholic beverages are unallowable.
18. Equipment and Other Capital Expenditures
 - a. Expenditures for equipment with a unit acquisition cost of \$1,000 or more but less than \$5,000 are allowable.
 - b. Expenditures for equipment with a unit acquisition cost of \$5,000 or more are only allowable with the prior written approval of the DET, and then only if charged to a single program.
 - c. All lease purchase agreements with a total unit acquisition cost of \$5,000 or more require the prior written approval of the DET, and then only if charged to a single program.
 - d. Capital expenditures for land or buildings are not allowable with DET funded programs.
 - e. Capital expenditures for improvements to land, buildings (including leasehold improvements), or equipment that materially add to the value of the property or appreciably prolong its life, are not allowable with funded programs.
 - f. See subsection 15 of the current section for allowability of use allowances or depreciation on buildings, capital improvements, and equipment. Also, see subsection 51 of the current section for allowability of rental costs for land, buildings, and equipment.
19. Fines and Penalties. Costs of fines, penalties, damages and other settlements resulting from violations of (or failure of the grantee to comply with) Federal, State, and local laws and regulations are unallowable.
20. Fringe Benefits. Fringe Benefits as a part of employee compensation are allowable. Costs must be reasonable in proportion to the amount of compensation earned.
21. Fund Raising and Investment Management
 - a. Fund Raising. Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions, along with any indirect costs related to those expenses, are unallowable. Costs associated with the WDB's right to solicit and accept contributions and grant funds (from other public and private sources) are not considered 'Fund Raising'.

- b. Investment Management. Costs of investment counsel and staff and similar expenses incurred solely to enhance income from investments are unallowable. Costs associated with investments covering retirement, self-insurance or other such funds are not considered 'Investment Management'.

22. Gains and Losses on Disposition of Depreciable Property

- a. Recognition. Gains and losses on the sale, retirement or other disposition of depreciable property are allowable and shall be included in the year in which they occur and recognized as credits or charges to the appropriate expenditure accounts. The amount to be recognized is the difference between the amount realized on the property and the undepreciated basis of the property.
- b. Restrictions. Gains and losses are unallowable when:
 - (1) The gain or loss is processed through a depreciation reserve account and is reflected in the depreciation allowable under subsection 15 of the current section.
 - (2) The property is given in exchange as part of the purchase price of a similar item and the gain or loss is taken into account in determining the depreciation cost basis of the new item.
 - (3) A loss results from the failure to maintain permissible insurance, except as otherwise provided in subsection 27.d. of the current section.
 - (4) Compensation for the use of the property was provided through use allowances in lieu of depreciation in accordance with subsection 15 of the current section.

23. General Government Expenses. The salaries and expenses, including meeting per diems, of the CEO of a unit of government and salaries and expenses of local governmental bodies, such as county supervisors, city councils, and school boards, are considered a cost of general local government and are unallowable.

24. Goods or Services Expended for Personal Use. Costs of goods or services for employee personal use are unallowable.

25. Housing and Personal Living Expenses. Costs of housing and personal living expenses as a fringe benefit for employees are not allowable, unless approved by the awarding agency.

26. Idle Facilities and Idle Capacity Costs. The costs of idle facilities and idle capacity such as costs for maintenance, repair, housing, rent, and other related costs (e.g., property taxes, insurance, and depreciation or use allowances) are allowable only with the prior written approval of the DET.

27. Insurance and Indemnification. Insurance includes insurance that the grantee is required to carry, or which is approved under the terms of the grant and any other insurance that the grantee maintains in connection with the general conduct of its operations. This subsection does not apply to insurance that represents fringe benefits for employees. This subsection applies as follows:

- a. Costs of insurance required or approved by the grantor and maintained pursuant to the grant are allowable.
- b. Costs of insurance maintained by the grantee in connection with the general conduct of its operations are allowable subject to the following limitations:
 - (1) Types and extent of coverage shall be in accordance with grantee policy and sound business practice. Rates and premiums shall be reasonable under the circumstances.
 - (2) Costs of insurance or of any contributions to a reserve covering the risk of loss or damage to government property are allowable to the extent that the grantee is liable for such loss or damage.
 - (3) Provisions for a reserve under a self-insurance program approved by the grantor are allowable to the extent that types of coverage, extent of coverage, rates, and premiums would have been allowed had insurance been purchased to cover the risks.
 - (4) Costs of insurance on the lives of trustees, officers, or other employees holding positions of similar responsibilities are allowable only to the extent that the insurance represents additional compensation.
 - (5) Costs of audit exception (errors and omissions) insurance are unallowable.
- c. Costs of personal liability insurance for WIB members are allowable. Personal liability insurance for CLEOs and their support staff is an allowable cost if the following conditions are met:
 - (1) The affected CLEOs provide evidence that their current general liability coverage, required as a standard cost to the general unit of local government which they represent, is insufficient to provide adequate protection for liability incurred as a result of their actions as public officials under DET grants; and
 - (2) The affected CLEOs assure and certify that DET grant funds utilized for the purpose of purchasing personal liability insurance for themselves and their support staff does not and will not supplant local funds which otherwise would have been available to purchase such liability insurance; and
 - (3) DET funds authorized and utilized for the purchase of personal liability insurance for CLEOs and/or their support staff, or both, shall not exceed the cost of including local officials as other insured under a WIB personal liability insurance policy;
- d. Actual losses which could have been covered by permissible insurance (through the purchase of insurance or a self-insurance program) are allowable if for:
 - (1) Costs incurred because of losses not covered under nominal deductible insurance coverage provided in keeping with sound business practice.

- (2) Minor losses not covered by insurance, such as spoilage, breakage, and disappearance of supplies, which occur in the ordinary course of operations.
28. Interest. Costs incurred for interest, however represented, are unallowable.
29. Labor Relations Costs. Costs incurred to maintain satisfactory relations between the organization and its employees are allowable. Costs may include publications, training and related activities.
30. Lobbying. The cost of certain influencing activities associated with obtaining grants, contracts, cooperative agreements or loans is unallowable.
31. Losses on Other Awards. Any excess of costs over income on any award is unallowable as a cost of any other award.
32. Maintenance and Repair. Costs incurred for necessary maintenance, repair, or upkeep of buildings, leasehold improvements and equipment (including government property unless otherwise provided for), which neither add to the value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are allowable. Costs incurred for improvements that add to the value of the buildings and equipment or appreciably prolong its intended life shall be treated as capital expenditures in accordance with subsection 18 of this section.
33. Materials and Supplies. The costs of materials and supplies necessary to operate a grant are allowable. Withdrawals from internal stores or stockrooms should be charged at cost under any recognized and consistently applied method of pricing. Materials and supplies charged as a direct cost should include only the materials and supplies actually used for the performance of the grant.
34. Meetings and Conferences. Costs for conducting meetings and conferences are allowable. Costs may be for renting facilities, postage, advertising, meals, fees and related items.
35. Memberships, Subscriptions, and Professional Activities
 - a. Memberships. Costs of the grantee's membership in civic, business, technical, and professional organizations are allowable, provided that:
 - (1) the benefit from the membership is related to a DET grant;
 - (2) the expenditure is for grantee membership;
 - (3) the cost of the membership is reasonably related to the value of the services or benefits received; and
 - (4) the expenditure is not for membership in an organization that devotes a substantial part of its activities to lobbying.
 - b. Subscriptions. Costs of the grantee's subscriptions to civic, business, professional, and technical periodicals are allowable, when related to a DET grant.

- c. Conduct of meetings and conferences. Costs associated with the conduct of meetings and conferences, including the cost of renting facilities, meals, speakers' fees, are allowable when the meeting or conference is related to the grant program.
 - d. Attendance at meetings and conferences. Costs of attendance at meetings and conferences sponsored by others when the primary purpose is the delivery of technical information are allowable. This includes costs of lodging, meals, transportation, and other items incidental to such attendance. These costs must be consistent with regular practices followed for other activities of the grantee.
36. Organization Costs. Costs of establishing or reorganizing an agency are allowable, if prior approval is obtained from the awarding agency. These costs may include fees for legal, accounting, consulting or other services. Grant implementation or plan preparation activities of an existing agency are not considered 'Organization Costs'.
37. Overtime Pay. Staff compensation costs for overtime, shift premium and similar pay are allowable.
38. Page Charges for Professional Journals. These costs at normal publisher rates are allowable.
39. Participant Support Costs. These costs for program participants are allowable with prior approval of the awarding agency. Inclusion in any authorized program plan constitutes prior approval. Costs may be made directly to participants or indirectly to the providers. Costs may be for general subsistence, travel, child care and other training related purposes.
40. Patent Costs. The costs to obtain a patent are allowable if necessary for the award.
41. Pension Plans. Costs incurred that are in accord with agency policy are allowable. Costs must be reasonable in relation to compensation earned. Costs for DET program participants are not allowable.
42. Plant Security Costs. Costs incurred for wages and equipment for facilities protection are allowable.
43. Preaward Costs. Costs incurred prior to the effective date of the grant or contract, are allowable only with prior written approval of the grantor. Costs related to preparation of program plans, applications and budgets required by DET are not 'Preaward Costs'.
44. Professional Services
- a. Costs of professional and consultant services rendered by persons who are members of a particular profession or possess a special skill, and who are not officers or employees of the grantee, are allowable when reasonable in relation to the services rendered.
 - b. The cost of legal expenses required in the administration of grants is allowable.
 - c. Costs such as incorporation fees, brokers' fees, organizers or management consultants, attorneys, accountants, or investment counselors, whether or not

employees of the grantee, for establishment or reorganization of a grantee, are addressed in Subsection 36.

45. Proposals. Costs incurred in preparing proposals for potential grant agreements are unallowable. Costs related to preparation of program plans, applications and budgets required by DET are not considered 'Proposal Costs'.
46. Publication and Printing. Publication costs, including printing, distribution, promotion, mailing and general handling are allowable.
47. Rearrangement and Alteration. Costs incurred for ordinary or normal rearrangement and alteration of facilities, and for special arrangement and alteration costs incurred specifically for the project, are allowable.
48. Reconversion. Costs incurred in the restoration or rehabilitation of facilities to approximately the same condition existing immediately prior to the effective date of a DET-funded grant are allowable.
49. Recruiting Costs. Costs for advertising, testing, hiring, training and evaluating employees/potential employees are allowable. Costs must be reasonable for the organization.
50. Relocation Costs. Costs for the relocation of employees are allowable. Costs must be in accord with written policy of the employer.
51. Rental Costs. Subject to the limitations described in a. through c. below, rental costs to the extent that the rates are reasonable, are allowable. Reasonableness of costs considers such factors as: rental costs of comparable property, if any; market conditions in the area; alternatives available; and the type, life expectancy, condition, and value of the property leased.
 - a. Sale and leaseback. Rental costs under sale and lease back arrangements are allowable only up to the amount that would be allowed had the grantee continued to own the property.
 - b. Non-independent leases. Rental costs under non-independent leases up to only an amount equal to the applicable facility operating expenses (FOE) when the title to the property vested in the grantee are allowable. However, an amount based on FMV can be allowed if it can be shown that this amount is a reasonable approximation of cost. Furthermore, all such leases, lease renewals, and costs are allowable only with prior written approval of the DET. The grantee shall also provide, for DET review, the proposed lease agreement along with sufficient detailed documentation in support of FOE and FMV, as necessary:

For this purpose, a non-independent lease is one under which one party to the lease agreement is able to control or substantially influence the actions of the other. Such leases include, but are not limited to those between the following:

- (1) Divisions of a grantee agency;

- (2) Organizations under common control through common officers, directors, or members; and
 - (3) A grantee and a director, trustee, officer, or key employee of the grantee or his immediate family, either directly or through corporations, trusts, or similar arrangements in which they hold a controlling interest. See also Section H.2.
- c. Creation of Material Equity. Rental costs under leases which create a material equity in the leased property, including any interest charges, are allowable only up to the amount which would be allowed had the grantee purchased the property on the date the lease agreement was executed. For this purpose, a material equity in the property exists if the lease is noncancelable or is cancelable only upon the occurrence of some remote contingency and includes one or more of the following characteristics:
- (1) The grantee has the right to purchase the property for a price which at the beginning of the lease appears to be substantially less than the probable FMV at the time it is permitted to purchase the property, commonly called a lease with a bargain purchase option;
 - (2) Title to the property passes to the grantee at some time during or after the lease period;
 - (3) The initial term of the lease plus periods covered by any renewal options is equal to 75 percent or more of the economic life of the leased property. In this subparagraph, "economic life" means the period the property is expected to be economically usable by one or more users.
52. Royalties. The cost of obtaining patents or copyrights if necessary for the performance of the award is allowable.
53. Selling and Marketing. The cost of selling any product or service of the agency when necessary for the performance of the award is allowable.
54. Severance Pay. This is compensation in addition to earned wages for employees that are being terminated. These costs, to the extent permitted by law or by written policy of the agency, are allowable. Costs must be reasonable in relation to wages earned.
55. Specialized Service Facilities. The cost of specialized, complex facilities when necessary for the performance of the award is allowable.
56. Staff Training and Education. The cost of employee development training, which directly or indirectly benefits grant programs, is allowable.
57. Taxes. In general, taxes or payments in lieu of taxes which the agency is required to pay are allowable, except for:
- a. Taxes from which exemptions are available;
 - b. Special assessments on land which represent capital improvements;

- c. Federal income taxes; and
- d. State income taxes.

58. Termination. The termination of a grant may require the incurring of costs, or the need for special treatment of costs, which would not have occurred had the grant not been terminated. Cost principles covering these items are set forth below. They are to be used in conjunction with the other provisions of this section in termination situations, subject to the availability of funds.

- a. The cost of items reasonably usable in the grantee's other work are unallowable unless the grantee submits evidence that it would not retain such items at cost without sustaining a loss.
- b. If certain costs cannot be discontinued immediately after the effective date of termination, such costs are generally allowable, but only up to the amount of the grant. Such costs continuing after termination due to the negligent or willful failure of the grantee to discontinue such costs shall be unallowable.
- c. Loss of useful value of special tooling, machinery and equipment which was not charged to the grant as a capital expenditure is generally allowable if not reasonably capable of use in the other work of the grantee.
- d. Rental costs under unexpired leases are generally allowable where clearly shown to have been reasonably necessary for the performance of the terminated grant less the residual value of such leases, if:
 - (1) The amount of such rental claimed does not exceed the reasonable use value of the property leased for the period of the grant and such further period as may be reasonable, and
 - (2) The organization makes all reasonable efforts to terminate, assign, settle, or otherwise reduce the cost of such lease. There also may be included the cost of alterations of such leased property, provided such alterations were necessary for the performance of the grant, and of reasonable restoration required by the provisions of the lease.
- e. Settlement expenses including the following are generally allowable:
 - (1) Accounting, legal, clerical, and similar costs reasonably necessary for the preparation and presentation to the grantor of settlement claims and supporting data with respect to the terminated portion of the grant, unless the termination is for default; and for the termination and settlement of subgrants.
 - (2) Reasonable costs for the storage, transportation, protection, and disposition of property provided by the DET or acquired or produced for the grant; except when grantees are reimbursed for disposals at a predetermined amount.

59. Transportation. Costs for freight, shipping and postage are allowable.

60. Travel. Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by agency employees who are in travel status on official business. Travel costs are allowable subject to paragraphs a. through c. below, when they are directly attributable to specific work under a grant.

- a. Such costs may be charged on an actual basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used results in charges consistent with those normally allowed by the agency in its regular operations.
- b. Travel costs of local government officials when specifically related to grant programs are allowable.
- c. Travel costs to a foreign country must be authorized in the grant agreement.

61. Trustees Fees. The cost for trustees or directors, such as travel or per diem fees, is allowable. Costs must be in accord with written policy of the agency.

62. Under-recovery of Costs. The excess of costs over revenues on any grant charged as a cost of any DET-funded grant is unallowable. This includes, but is not limited to, the grantee's contributed portion by reason of cost sharing agreements or any under-recoveries through negotiation of lump sums for, or maximums on, indirect costs.

P. Summary of Standards for Selected Items of Cost

The matrix which follows summarizes the detailed information which is provided in the preceding section O. regarding standards for selected items of cost and uses the same subsection numbering for items addressed.

# Item of Cost	Allowable	Allowable With Prior DET Approval	Not Allowable
1. Accounting	X		
2. Advertising and Public Relations	X		X
3. Advisory Councils	X		
4. Alcoholic Beverages			X
5. Audit Services	X	X	
6. Automatic Data Processing	X		
7. Bad Debts			X
8. Bonding	X		
9. Budgeting	X		X
10. Communication	X		
11. Compensation for Personal Services	X		
12. Contingency Provisions			X
13. Contributions and Donations			X
14. Defense of Legal Claims			X
15. Depreciation and Use Allowance	X		
16. Employee Morale, Health, Welfare	X		
17. Entertainment			X
18. Equipment/Capital Expenditures	X	X	

19. Fines and Penalties			X
20. Fringe Benefits	X		
21. Fund Raising/Invest Management	X		X
22. Gains and Losses on Property	X		X
23. General Government Expenses			X
24. Goods for Personal Use			X
25. Housing Costs		X	
26. Idle Facilities and Idle Capacity		X	
27. Insurance and Indemnification	X		X
28. Interest	X		X
29. Labor Relations	X		
30. Lobbying			X
31. Losses on Other Awards			X
32. Maintenance and Repair	X		
33. Materials and Supplies	X		
34. Meetings and Conferences	X		
35. Memberships and Subscriptions	X		X
36. Organization Costs		X	
37. Overtime Pay	X		
38. Page Charges for Journals	X		
39. Participant Support		X	
40. Patent Costs		X	
41. Pension Plans	X		
42. Plant Security	X		
43. Preaward Costs		X	
44. Professional Services	X	X	X
45. Proposals			X
46. Publication and Printing	X		
47. Rearrangement and Alteration	X		
48. Reconversion	X		
49. Recruiting	X		
50. Relocation	X		
51. Rental Costs	X		X
52. Royalties	X		
53. Selling and Marketing		X	
54. Severance Pay	X		
55. Specialized Facilities/Services	X		
56. Staff Training and Education	X		
57. Taxes	X		X
58. Termination	X		X
59. Transportation	X		
60. Travel	X		X
61. Trustees Fees	X		
62. Under Recovery of Costs			X

Q. Salary and Bonus Limitations

In compliance with Pub. L. 111-117 (Division D, sec. 107), none of the funds appropriated in the Act under the heading 'Employment and Training' shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not

apply to vendors providing goods and services as defined in OMB Circular A-133. See Training and Employment Guidance Letter number 5-06 for further clarification.

R. Participant Payments

1. Allowable Payments.

Participant payments generally must be provided for in the grantee's local plan in order to be allowable.

2. Description of Each Type of Payment

- a. **Supportive Services.** These are payments for services made to participants to enable the individual to continue a training or education program. Services may be in the form of cash, in-kind, or provided by another agency. Payments may be for reimbursement of specific expenses.
- b. **Needs Related Payments.** These are payments made to participants to enable the individual to continue a training or education program. Payments may be in the form of general financial assistance.

3. General Requirements – Supportive Services. (§663.800 - 663.810)

- a. Supportive services are those services necessary to enable individuals to participate in DET-funded activities. Services may include transportation, childcare, housing, and other items.
- b. The local board must develop a policy with other one-stop partners on supportive services that ensure resource and service coordination in the local area. The policy should address the method for participant referral to the services. The options for funding of services should also be addressed. Grantees must provide accurate information to participants as a core service.
- c. Supportive services may be provided to participants who are:
 - (1) Participating in core, intensive or training services; and
 - (2) Unable to obtain supportive services through other programs providing such services.
- d. Supportive services may only be provided when necessary to enable a participant to participate in DET-funded activities. The WDA may establish limits on supportive services, including a maximum amount of funding and maximum length of time. WDAs may also establish procedures to allow exceptions to these limits.

4. General Requirements – Needs Related Payments (§663.825)

- a. Needs related payments are authorized financial assistance to participants (usually DWs) to enable individuals to participate in training.

- b. To receive needs related payments, a DW must:
 - (1) Be unemployed, and
 - (2) Have ceased to qualify for unemployment compensation or Trade Adjustment Assistance under TAA or NAFTA-TAA; and
 - (3) enrolled in a program of training WIA services by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility as a DW, or, if later, by the end of the 8th week after the worker is informed that a short term layoff will exceed 6 months; or
 - (4) Be unemployed and did not qualify for unemployment compensation or Trade Readjustment Assistance under TAA or NAFTA-TAA.
- c. Needs related payments may be paid within 30 days of the start date of a participant's training program. The Governor may extend the 30-day period to meet local needs.
- d. The local board determines the level of needs related payments. Payments may not exceed the higher of applicable unemployment compensation or the poverty level.

5. Specific Requirements

- a. The local plan must specify each type of participant payment allowed by the grantee. The plan must also indicate the applicable rates and length of time for such payments. All participant payments must be made in accord with the plan.
- b. The participant's employability plan must specify the type of participant payments allowed.
- c. WDAs must have a written description of its participant payment system, including the documentation required, the method of approving payments and other requirements needed.

S. Matching Requirements

- 1. General Requirements. The grantee shall comply with the following terms when required by the grant:
 - a. Match expenditures must be allowable grant expenditures not charged to the grant. This includes donated staff time, supplies, equipment, services or real property or the use thereof.
 - b. Match expenditures must be financed by non-federal funds, unless specifically exempt.
 - c. Match expenditures must be incurred within the related grant time period.
 - d. Grantees are responsible for generating match based on a percentage of actual grant expenditures incurred.

- e. The amount of the match requirement is stated in the grant agreement.
 - f. Subgrantees are subject to the same guidelines as the grantees.
2. Types of Match. When matching contributions are required under a grant, they may consist of the following:
- a. Cash Contributions. This is defined as allowable grant expenses, not claimed to the grant, paid directly with cash contributions. Cash may be contributed by state or local governments, nonprofit agencies or employers. The sources of cash match may be state or local funds, private funds, or non-federal program income or interest income
 - b. In-kind Contributions. This is defined as allowable match expenses, not claimed to the grant, that do not require direct cash outlays by the grantee or subgrantee. The cost may include goods or services, reduces federal grant costs or can be donated. The cost may be in the form of depreciation or use allowances for equipment and space. In-kind match may be contributed by state or local governments, nonprofit agencies or employers. The sources must be non-federal, unless specifically exempt.
3. Conditions of Cash and In-kind Contributions. Cash and in-kind contributions shall be used as part of a matching share requirement under a grant only if the contributions meet all of the following criteria:
- a. Verifiable. The costs are verifiable from available records;
 - b. Unduplicated. The costs are not included as grant expenditures or as matching contributions for any other federally-assisted project;
 - c. Necessary and Reasonable. The costs are necessary and reasonable for proper and efficient accomplishment of grant objectives;
 - d. Allowable as Costs. The costs are allowable under the grant provisions.
4. Establishing Values as Cash Match. Values for cash contributions will be established as the actual cost incurred.
5. Establishing Values as In-kind Match. Values for in-kind match are set forth below:
- a. Staff Services. Volunteer services not paid to the employee shall be valued at rates that are consistent with those paid for similarly skilled work for the agency or area. Volunteer staff services that are paid to the employee with non-federal funds shall be valued at the actual wage rate.
 - b. Services to Participants. Services to participants that are not cash match are valued at actual cost.
 - c. Supplies, Equipment, Space. The value of donated supplies, equipment and space may not exceed the fair value of similar items at the time of their donation.

- d. Depreciation and Use Allowances. Depreciation and use allowances for donated equipment and real property may be made in accordance with other provisions of this section and Chapter III.O.15. of this Guide.
6. Records of Non-federal, In-kind Contributions. Volunteer services must be documented and supported by the same methods used by the agency for its employees. The basis for determining the valuation for match expenditures must be documented.
7. Match Reporting Requirements. Match expenditures are reported to DET in accord with the grant agreement. Grantees must develop internal match accounting systems.
8. Unallowable Match
 - a. Federally-Funded Activity. Costs paid by another federal grant are not allowable (unless exempt). Costs funded by program income earned from federal sources are not allowable.
 - b. Severance Pay or Extended Benefits. Costs from an employer who has recently laid off a participant, since this was wages earned by the participant apart from their participation in the program, are not allowable.
 - c. Wages. Costs earned by a participant while the participant is enrolled in a training program are not allowable. The employer portion of wages and fringe benefits paid as part of a training program are also not allowable.
 - d. Construction or Donation of Buildings. Costs paid for real estate are not allowable.
 - e. Other Personal Funds. Costs used by participants to support themselves during the program are not allowable.
 - f. Unallowable Grant Expenditures. Grant expenditures that are unallowable incurred outside the grant time period or undocumented is not allowable as match.
9. Federal Reference for Match. Grantees shall comply with Common Rule 29 CFR 97.24 for match requirements.

CHAPTER 9 – COMPLAINTS/GRIEVANCES AND APPEALS

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These are the procedures DET, DET grantees, employees and applicants for or participants in DET-funded programs shall use to resolve complaints/grievances and appeals regarding alleged violations of DET grants, its related regulations, applicable Wisconsin statutes, other applicable federal or state requirements, the provisions of this document or the terms of a DET grant agreement. Sections 181(c) and 188 are the applicable statutory citations.

A. Complaints/Grievances and Appeals

1. General Requirements for Processing Complaints/Grievances and Appeals.

- a. Program and Grant Responsibilities. DET grantees shall establish and maintain complaint/grievance and appeal procedures that conform to DWD grant and other applicable federal and state requirements. To be valid, systems for resolving DWD grantee complaints/grievances must provide for due process.

(1) The elements of due process:

- (a) Notice to the parties of the specific charges and the responses of those involved;
- (b) Reasonable timing;
- (c) An impartial decision-maker;
- (d) The right of the parties to representation;
- (e) The right of each party to present evidence both in writing and through witnesses;
- (f) The right of each party to question others who present evidence; and
- (g) A decision made strictly on the recorded evidence.

(2) The grantee must:

- (a) Describe their complaint/grievance and appeal procedures in their DWD grant agreements.
 - (b) Assure that their subgrantees are informed of and maintain procedures consistent with the requirements of this section.
 - (c) Require that every employer who hires participants under DET-funded programs shall maintain complaint/grievance and appeal procedures which include the employer's terms and conditions of employment as described in WIA Title I Section 122 (h)(1) [and applicable collective bargaining agreements.]
 - (d) Follow their own written procedures in resolving WIA Title I complaints/grievances at the local level.
 - (e) Post complaint/grievance and appeal procedures in a prominent place(s) and ensure that DWD grant participants are made aware of their rights regarding complaints/grievances, appeals and hearings.
 - (f) Retain all records about complaints/grievances and appeals for a period of three years or beyond three years if the complaints/grievances and appeals are not resolved or are under audit, investigation or litigation.
- b. Final Authority on Decisions. The DET administrator, on behalf of the Governor, has the final decision-making authority on complaints/grievances arising from the administration, implementation and operation DWD grants.

- c. Forms for Filing Complaints/Grievances. The DET Complaint Information Form must be used for all formal complaints/grievances filed with DET. Local agencies may modify the form for their own use as long as they comply with basic complaint/grievance filing requirements.
- d. Technical Assistance. DET shall provide technical assistance to grantees or other parties needing information on complaint/grievance procedures and related issues.
- e. One Stop Complaint Procedures. DET, in conjunction with its grantees and other federal financial assistance partners, has instituted a JCCCS in all Wisconsin Job Centers. Each Job Center has a Complaint Coordinator. The Coordinators refer complaints, regardless of program fund source, to the appropriate entity within or outside of the Job Center.

2. Complaint/Grievance Preparation

- a. Written and Within One Year. The complainant shall file a written complaint/grievance within one year after the alleged violation took place.
- b. Addressed to Respondent. Complaints/grievances should be addressed to the appropriate respondent agency.
- c. Accurate and Complete. A complaint/grievance must be sufficiently accurate and complete to be evaluated on its own. It is suggested that formal complaints/grievances be notarized.
- d. Establishment of Filing Date. The filing date of a complaint/grievance is established when a complainant submits a written complaint/grievance that provides:
 - (1) The full name, telephone number (if any) and address of the person(s) or organization(s) making the complaint/grievance;
 - (2) The full name and address of the respondent against whom the complaint/grievance is made;
 - (3) A clear and concise statement of the facts, including pertinent dates constituting the alleged violation;
 - (4) The provisions of the DWD grant, the regulations or other applicable agreements believed to have been violated;
 - (5) A statement disclosing whether the complaint/grievance has been cross-filed with any other jurisdiction and whether these other proceedings have commenced or been concluded, including dates, authorities and other pertinent information.
- e. Response by recipient grantee. The grantee shall acknowledge receipt of a complaint/grievance in writing within 5 working days. Where possible the file date should be included in the response.

3. Requirements for Complaints/Grievances Alleging Discrimination

- a. Section 188 of Title I of WIA prohibits discrimination on the basis of age, disability, sex, or on the basis of race, color, or national origin, political affiliation or belief, status as a program participant or against beneficiaries on the basis of citizenship/status as a lawfully admitted immigrant authorized to work in the United States. Complaints/grievances alleging a violation of WIA Title I. 188 and 29 CFR, Part 37.70 – 37.114, regarding discrimination will be processed as follows:
 - (1) The complaint may be filed either with the United States DOL Director of the CRC (Director/CRC – the cognizant federal agency for discrimination complaints or DET.
 - (2) The Director/CRC, for good cause shown, may extend the filing time (deadline). This time period for filing is for the administrative convenience of the Director and does not create a defense for the respondent.
 - (3) Any person who elects to file a complaint with DET shall allow DET ninety (90) calendar days to process the complaint.
 - (4) DET has adopted procedures which allow any party to a discrimination complainant to request Alternative Dispute Resolution (ADR) or mediation of their complaint. ADR allows disputes to be resolved in a less adversarial manner and is totally voluntary. The complainant may file a complaint with the Director/CRC within thirty (30) days, should ADR fail to provide a satisfactory resolution of the complaint. The Equal Rights Division (ERD) of DWD will provide ADR or mediation for parties requesting this method of resolving discrimination complaints.
 - (5) If, by the end of ninety (90) calendar days, DET has not completed processing the complaint, has failed to notify the complainant of the resolution or has offered a resolution not satisfactory to the complainant, including ADR, the complainant may after the ninety (90) calendar days have passed, file a complaint with the Director/CRC by completing and submitting CRC's Complaint Information and Privacy Act Consent Forms. The complaint must be filed no later than thirty (30) calendar days after DET has issued a final decision or ninety (90) days have passed. In any event, the complaint must be filed with CRC no more than one hundred twenty (120) days after the complaint was initially filed.
 - (6) The Director/CRC shall, at the conclusion of the investigation, advise the complainant and respondent whether there is reasonable cause to believe that a violation of the nondiscrimination and equal opportunity provisions of a DET Grant or 29 CFR, Part 37 has occurred.
 - (7) A complainant has 180 days to file a discrimination complaint.
- b. Discrimination Based on State Fair Employment Statutes. Complaints/grievances alleging a violation of the State of Wisconsin's Fair Employment Statute, 111.31-111.395, Stats., regarding discrimination must be filed with the DWD ERD within 300 days after the alleged discrimination took place. Complaints/grievances filed with the DOL-CRC may be cross-filed with the state DWD-ERD. The Fair Employment

Statute extends protection to classes not covered under federal law such as arrest/conviction record, marital status, sexual orientation, military reserve status and use of lawful products. Complaints/grievances appealed to the ERD must be filed using the ERD Discrimination Complaint Form. A link to this form follows:

http://dwd.wisconsin.gov/dwd/forms/erd/erd_4206_e.htm

4. Requirements for Complaints/Grievances Alleging Noncriminal Violations Other Than Discrimination.
 - a. Grantee as Respondent. When a DET grantee is a respondent to complaints/grievances about the administration, implementation and operation of its DET-funded employment and training programs, the following procedures must be used:
 - (1) The complainant shall file a written complaint/grievance within one year after the alleged violation took place.
 - (2) The grantee shall review the complaint/grievance to determine if it was filed within the one-year time limit and if it falls within the jurisdiction of DWD. If the criteria are not met, the grantee shall provide the complainant with written notice of the rejection of the complaint/grievance and the reasons for that rejection. If the criteria are met, the grantee shall provide the complainant with written notice of the acceptance. The filing date shall be included in the notice.
 - (3) After accepting the complaint/grievance, the grantee shall:
 - (a) Conduct a hearing within 30 calendar days of the filing date; and
 - (b) Issue a decision to the complainant within 60 calendar days of the filing date.
 - (4) Format for a written decision.
 - (a) Summary Statement that identifies issue(s) being contested and which caused the hearing to be called. Include citation of law(s), rule(s), regulation(s) policy(ies) and agreements alleged to have been violated.
 - (b) Findings of Facts which enumerates items the hearing examiner accepts as facts based upon demonstration of support (documentation) from complainant's and respondent's presentation of facts and opinions.
 - (c) Conclusion is brief summary of the facts which affirm or deny assertions made by parties at the hearing.
 - (d) Decision should be based on the conclusion(s) and provide a remedy for final resolution.
 - (e) Appeal rights must be included in the written decision. This statement of appeal rights shall include how, where and how much time the aggrieved party has to appeal the decision.
 - (5) After receiving an adverse decision or no decision on a complaint/grievance within 60 calendar days, the complainant may file an appeal requesting a state level independent review. This appeal must be filed with DET within the following time limitations:

- (a) The complainant must file the appeal within 10 calendar days after the complainant received the decision; or
 - (b) If the complainant did not receive a decision, the complainant must file the appeal within 15 calendar days after the decision was due.
- (6) After accepting a complaint/grievance that has been appealed from the grantee level requesting a state level review, the DET administrator, on behalf of the Governor, shall review the case and issue a final decision within 30 calendar days after the appeal was filed.
- (7) Appeal. A complaint alleging that the DET Administrator, on behalf of the Governor, has not issued a decision within 60 days after a complaint is filed or the party to such decision receives an adverse decision may appeal these issues to the Secretary of Labor. The Secretary shall make a final determination no later than 120 days after receiving such an appeal.
- b. DET as Respondent. When DET is a respondent to complaints/grievances about the administration, implementation and operation of its DET-funded employment and training programs, the following procedures shall be used:
- (1) The complainant must file a written complaint/grievance within one year after the alleged violation took place. For a complaint or grievance involving audit resolution, an appeal must be filed between 15 and 30 days after the issuance of the determination letter, as detailed in the letter.
 - (2) DET must review the complaint/grievance to determine if it was filed within the one-year time limit and if it falls within DET's jurisdiction. If the criteria are not met, DET shall provide the complainant with written notice of the rejection of the complaint/grievance and the reasons for that rejection. If the criteria are met, DET shall provide the complainant with written notice of the acceptance of the complaint/grievance.
 - (3) After accepting the complaint/grievance, DET shall:
 - (a) Appoint a hearing examiner;
 - (b) Conduct a hearing within 30 calendar days of the filing date; and
 - (c) Issue a decision to the complainant within 60 calendar days of the filing date.
 - (4) After receiving an adverse decision or no decision on a complaint/grievance within 60 calendar days, the complainant may file an appeal requesting a state level independent review. This appeal must be filed with DET:
 - (a) The complainant must file the appeal within 10 calendar days after the complainant received the decision; or
 - (b) If the complainant did not receive a decision, the complainant must file the appeal within 15 calendar days after the decision was due.
 - (5) After accepting the appeal, DET shall designate a review officer to conduct the state level independent review.

- (6) After reviewing the case file and (if needed) gathering additional information, the Independent Review Officer shall issue a recommended decision to the DET Administrator within 30 calendar days after the appeal was filed. The DET Administrator may accept, reject or modify the Independent Review Officer's recommended decision.
- (7) The DET Administrator must, on behalf of the Governor, issue a final decision within 30 calendar days after accepting the request for a state level independent review.

5. Requirements for Complaints/Grievances Alleging Incidents of Fraud and Abuse

- a. Notification of Requirements. All WDAs and other organizations receiving DET funds shall respectively notify the LEO, WDB members, employees, subrecipients, all DET grant participants and the general public of the contents of this subsection.
- b. Nationwide System for Reporting Incidents. The DOL-ETA in conjunction with the Office of Inspector General (OIG) has established a nationwide system to report any suspected or actual incidents of fraud and abuse. Under this system, the following procedures will apply to DET grant recipients:
 - (1) Individuals who become aware of any allegation or complaint/grievance about possible fraud, misfeasance, nonfeasance, or malfeasance, misapplication of funds, gross mismanagement and employee or participant misconduct involving DET grant programs or operations should report that information as follows:
 - (a) Staff of WDAs or statewide grantees shall, within one working day, file an Incident Report using the DET Grant Fraud and Abuse Incident Report form and submit it to DET according to procedures on the back of the form.
 - (b) Staff of program operators other than WDAs or statewide grantees or members of the public may report suspected incidents of fraud and abuse either to the local WDA Administrative Entity or to DET.
 - (c) It is not the intent of the DOL or DET to limit use of the Incident Report to elicit information only after an act or allegation has already been determined legally prosecutable. On the contrary, any act which raises questions concerning possible illegal expenditures or other unlawful activity should be reported immediately.
 - (2) Complainants who fear that their positions will be compromised if they submit information through the WDA/DET reporting system may send an Incident Report directly to the OIG at 717 14th Street NW, 5th Floor, Washington, D.C. 20005, telephone OIG's hotline that is maintained for public use to report a suspected wrongdoing at (800) 521-1629 or e-mail hotline.oig@dc.gov. The OIG website is <http://oig.dc.gov>.
 - (3) The identity of individuals who provide information will not be disclosed unless they consent or the OIG determines that disclosure is unavoidable during the course of an investigation. The DOL prohibits reprisal against any employee who discloses information about wrongdoing or makes a valid complaint/grievance. Wisconsin's "Whistle Blower Law" provides similar protection for most state employees (230.80-230.89, Stats. & 895.65, Stats.)

- c. DET Reports to DOL. DET must submit a DOL Incident Report within five working days to the DOL regional administrator who must immediately refer it to the Regional Inspector General for investigation or disposition.
 - d. Follow-up on Reports. Any DET grantee that has reported an incident of alleged fraud and abuse shall follow up on these cases and work with DET, appropriate governmental agencies, and, where necessary, law enforcement agencies such as the district attorney and the Federal Bureau of Investigation during the investigation and resolution of the case. For any reported incident of fraud and abuse, the affected grantee shall do the following:
 - (1) Investigate the matter in question, have it investigated by appropriate authorities, or, if requested, assist with official investigations.
 - (2) During the resolution of the allegations, ensure that necessary documents are made available, that witnesses and other parties involved in the incident are contacted, that records are maintained and that the investigatory process is proceeding smoothly.
 - (3) If the investigation results in disallowed costs, follow the local debt collection process to recover the funds.
 - (4) Once a fraud report has been transmitted to DET, interim reports must be submitted when the status of an investigation changes or the grantee is aware of material changes in the methods of resolving the incident. Once an incident has been resolved, a final report is required to close out the case.
 - e. DET Assistance. On behalf of the Governor, DET is responsible for overseeing the integrity of DET grant programs in the state and providing assistance to grantees in the resolution of cases involving allegations of fraud and abuse. DET will assist in the investigation and resolution of cases as appropriate, monitor progress and prepare applicable reports.
6. DET Hearing Process. DET will use the following procedures to conduct hearings when it is the respondent in complaints/grievances. Grantees may use these procedures or follow their own procedures if based on the elements of due process previously listed.
- a. Hearing Request and Response. The complainant may request a hearing by submitting a written request to DET. DET will schedule the hearing within 30 days after the complaint/grievance filing date and provide written notice to both parties, including the date, time and place, issues to be decided and relevant background material.
 - b. Open to Public. The informal hearing is open to the public.
 - c. Hearing Provisions. The complainant and the respondent should both attend the hearing. During and prior to the hearing, DET will apply the following rules:
 - (1) Complainants may amend the complaint/grievance at any time prior to the hearing.

- (2) Complainants may withdraw the request for a hearing in writing prior to the hearing.
- (3) Complainants or respondents may request rescheduling of the hearing for good cause within the prescribed 30-day limit.
- (4) Complainants and respondents may be represented by an attorney or other representative of their choice.
- (5) Complainants and respondents may bring witnesses and provide/submit documentary evidence.
- (6) Respondents/grantees and/or subgrantees shall produce requested records or documents relevant to the issues and kept in the ordinary course of business. Both parties may examine all evidence presented at the hearing.
- (7) Complainants and respondents may question any witnesses or parties to the hearing.

d. Hearing Examiner's Role and Hearing Provisions:

- (1) The role of the hearing examiner prior to the hearing:
 - (a) Prepare and review the case file;
 - (b) Determine the issues involved, affected laws, regulations or other rules;
 - (c) Formulate a set of questions for use at the informal hearing; and
 - (d) Determine limits of pre-hearing discovery to be allowed.
- (2) The role of the hearing examiner during the hearing:
 - (a) Make a record of the hearing;
 - (b) Ensure that hearing procedure is followed;
 - (c) Rule on motions (standard courtroom rules of procedure need not apply);
 - (d) Determine the order of witnesses, question witnesses, take testimony and maintain order; and
 - (e) Accept evidence and/or exhibits during or after testimony and discourage lines of inquiry not relevant to the original complaint/grievance.
- (3) The role of the hearing examiner after the hearing:
 - (a) Not discuss the case with any of the parties;
 - (b) Consider and evaluate all relevant facts, evidence and arguments; and
 - (c) Formulate and transmit a written decision to all parties, including applicable appeal or civil remedies the complainant may pursue.

CHAPTER 10: GRANTS

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GRANTS

This chapter contains the requirements that govern the policies and procedures for award, modification and termination of grants awarded by DET. All DET grantees and subgrantees must have local written policies that require compliance with applicable portions of this chapter.

A. Program Plans

Each of the designated WDAs or other grantees shall submit the applicable program plan to DET in accord with instructions. The Program Plan is referenced in the grant document and becomes part of the agreement for grant funding.

1. Components. The plans usually consists of:
 - a. Program plan
 - b. Budget
 - c. Attachments as required for the specific grant
2. Process. The plan approval process usually is as follows:
 - a. Grantees must follow the instructions in the DET-issued plan guidelines.
 - b. Grantees must submit its plan to DET by the specified due date.
 - c. DET has 30 days to review the plan.
 - d. DET will either approve, conditionally approve or disapprove the plan.

B. Assignment, Subcontract, Delegation or Termination

1. Responsibility. The grantee is responsible for any subgrants it awards.
2. Written and Signed Agreement. Any subcontract must be a written agreement signed by the grantee and subgrantee.
3. Compliance Requirements. The grantee must require its subgrantees to comply with all the requirements and provisions of this manual.
4. Monitoring and Staff Training. The grantee must establish appropriate training and monitoring procedures for ensuring each subgrantee's compliance with the provisions of the grant, applicable regulations and DET policies, procedures and requirements.
5. Modifications. The grantee is responsible for developing procedures for modifying and terminating subgrants.

C. Modifications of Grants

The grantee must comply with the requirements of grant revision as described below.

1. Modifications. A plan modification is usually due when the following occur:
 - a. The grant budget changes.
 - b. The grant timeframe/end date changes.
 - c. Major alterations to plan activities, such as changes relating to the economy, demographics, employment or other factors.
2. Due Dates. Grantees must meet the due dates as stated in the plan guidelines.
3. Components. The components and process for grant modifications are usually the same as for original program plans.

D. Termination of Grants

The grantee must comply with the requirements of grant termination described below.

1. Termination of Funds to Grantees. The following events may result in termination of funds in whole or in part to the grantee:
 - a. When DET determines that it is necessary to protect the integrity of the grants to ensure the legal operation of the program.
 - b. When DET determines that the grantee has inadequate administrative, program or financial systems.
 - c. When the grantee substantially violates the Local Program Plan or regulations and corrective action has not been taken.
 - d. When the grantee is not in compliance with plan objectives, modifications, additional conditions, or budget requirements.
 - f. When US DOL directs the termination of funds.
 - g. When both parties agree to partial or complete termination.
2. Notification of Termination. DET will provide a prompt written notice to the grantee after determining that fund or grant termination will occur. The grantee will be provided an opportunity to appeal any termination action.

E. Appeal Procedures

The appeal procedures for grant activity will follow DET guidelines as specified in Chapter 9 of this guide.

CHAPTER 11 - WDA DESIGNATIONS AND AGREEMENTS

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This Chapter contains the requirements that govern the designation and re-designation of WDAs. The provisions for this Chapter are in WIA Section 116 and §661.250 - 661.280.

A. Designation of Areas

The CWI was involved in the reconfiguration of the WDAs at the time of the WIA implementation. Working subcommittees of the CWI included customers from the field in the redesign and formation of the WDAs and WDBs. The State requested a formal notification from the WDAs' CLEOs in the May 1999 *Local Elected Officials Guide* whether they planned to maintain the current county boundaries, or planned to convene meetings with other local elected officials to discuss possible changes to the current configuration. The letters of intent from the CLEOs were received by June 30, 1999, confirming the retention of the eleven operating WDAs.

B. Re-designation

If a local area is interested in designation as a WDA, the unit(s) of local government, or the area CLEO must send a request to the Governor outlining the provisions in the Act under which they propose designation, the boundaries of the proposed area, and a brief rationale for the request. Once received, DWD staff will review the request to determine if it meets requirements of the Act. The request will then be posted for review and comment, and provided to the CWI for consultation. Once the CWI consultation is complete with a recommendation forwarded to the Governor, the Governor will make the designation decision and inform interested parties.

C. Appeals Process

CLEOs may file an appeal with the Governor and/or the Chair of the CWI within 30 days of notification that the request for designation was not approved. The Appeal must provide the basis for challenging the failure by the Governor or the CWI to approve the designation request, and cite a failure by the Governor or his/her designee to properly consider the criteria enumerated clauses in WIA Section 116(a) (1)(B) (i)-(v).

The Governor or the Chair of the CWI, could then refer the Appeal to the Executive Committee of the CWI for review, and a determination whether the criteria were appropriately applied to the request for designation. The Governor or the Chair of the CWI is required to issue a final decision of the designation request within 15 days. The final decision, if unsatisfactory to the appealing parties, could be further appealed to the Secretary of DOL as provided in WIA Section 116(a)(5).

D. Automatic Designation

The Governor shall approve any request for designation as a local area in the following circumstances:

Local Government. Any unit of local government with a population of at least 500,000.
Other Entity. Rural concentrated employment program grant recipient that served as a service delivery areas or substate area under the Job Training Partnership Act.

E. High-level Overview

The WIA requires the Governor, after consultation with the State Board [CWI], to determine designation and subsequent designations of local workforce investment areas. WIA lists specific considerations for the Governor's decision:

- Geographic areas served by local educational agencies, intermediate educational agencies,
- post-secondary education institutions and area vocational education schools;
- The extent to which such local areas are consistent with labor market areas;
- The distance that individuals will need to travel to receive services provided in such local areas;
- The resources of such local areas that are available, and successful performance, to effectively administer the activities in WIA Title 1b (Job Center direct services and workforce infrastructure);
- Sustained fiscal integrity and financial liability;
- Input from the CWI, CEOs and the general public; and,
- The Governor may initiate a re-designation when the Governor determines a local area has substantially violated any provision of WIA Title 1.

High-Level Process for Decision

The process for re-designation of a workforce development area(s) as required by the WIA includes these major steps:

Notification to the Governor requesting re-designation with supporting rationale

The Governor notifies DWD and the CWI, and transparent activities commence including:

- Public input compliance with the WIA public review and comment provisions
- DWD full disclosure of options, legislative rights and impact on the local delivery system for both workforce development areas
- Notify Region V., USDOL

The CWI includes the re-designation request on their agenda for public input

The CWI makes a recommendation(s) to the Governor:

- (1) Through consultation with the CWI,
- (2) after consultation with CEOs, and
- (3) after consideration of comments received through the public comment process, the Governor makes a decision.

Within 30 days: A unit of government or grant recipient not granted designation may appeal to the CWI

Within 90 days: If the appeal sustains the decision, a further appeal may be made to the DOL Secretary

High-Level Post Re-designation Activities for Implementation

Substantial implementation activities would be required including, but not limited to:

- Recalculate and publish new WIA Title 1b local allocations;
- Renegotiate local performance levels;
- Modify all state and local reporting systems also requiring readjustment at the federal level;
- Modify all state and local financial systems;
- Modify all state labor market data sets including occupational data and wages recalculations;
- Develop policy and implement reports on historical WDA data/documentation;
- Develop/modify all state and local grants/contracts/subcontracts from all funding sources (beyond WIA Title 1b);
- State certify revised WDBs;
- Modify all state and local websites including jobcenterofWI.org; and,

Local Plans for both workforce development areas must be modified:

Ensure that service provision is not compromised from the boundary change by:

- Identifying the new service provider(s) for the area requiring appropriate procurement processes.
- Determining what clients are to be served in each area and strategies to ensure that early exiting of clients does not occur.
- Modifying all data records/systems.

All governing agreements must be reviewed and modified when appropriate (and either included in the modified local plan(s) or submitted separately for DWD review and approval):

- WIA/DWD signed assurances
- CEO/CLEO agrees to one-stop operator selection by the WDB §661.305
- CEO agrees to WDB selection of one-stop operator §662.410 & 661.305
- WDB and one-stop operator §662.400
- MOU between the WDB and one-stop partners §662.230
- WDB serving as one-stop operator agreed to by CEO and Governor §662.420
- CEOs from multiple local governmental units on their respective roles
 - and responsibilities (including who will be the CEO for the entire local area, how the
 - governmental units will share liability) §667.705
- Identify WDB and CEO respective roles and responsibilities (may have an agreement) §661.300
- WDB budget approved by CEO §661.305
- WDB performance measures agreed to by CEO and Governor §661.305
- WDB and/or its staff serving as service provider or one-stop operator §661.310
- CEO agrees to WDB's MOU with one-stop partners §662.300
- Evidence of CEO partnership, consultation, cooperation with WDB actions:
- Develop WDB policies in partnership with CEO §661.300
- Develop WDB local plan and conduct oversight in partnership with CEO §661.305
- WDB appointment of Youth Council in cooperation with CEO §661.305

- WDB oversight of youth programs in consultation with CEO §664.110

Evidence of designation/selection by CEO:

- Fiscal agent and WIA partner (the entity that is the grant recipient, administrative entity, or organization responsible for administering the funds – for WIA, the local CEO is the grant recipient and therefore is authorized to designate the fiscal agent and WIA partner) §662.220
- Selection of WDB members §661.300 & .325

CHAPTER 12 – WIA ALLOCATION PROCESS

WISCONSIN WIA Allocation Process

**The Operational Guide, Protocols & Checklist
to Develop the Annual Allocations for
Workforce Development Areas**

Version 1-H

Prepared by: Gary Denis,
Bureau of Workforce Training

November 2009
rev. March 2010

It is the intention that this document, along with the Allocation Template, will help the reader understand how WIA allocations are developed for Wisconsin (WDAs). We believe that this guide will make the process more transparent.

The document contains instructions for each step of the allocation process, protocols for allocation development and a checklist to ensure that each step is completed in a timely fashion. This guide will be the operating instruction for the staff that develop the allocations.

It is also important to note that this document is an ongoing work. After each allocation cycle, we will review the effort and improve the process. This guide will be revised to reflect those improvements.

The guide and the allocation process meet the DOL requirements in place at the time of publication. The guide will also be revised to reflect changes to the allocation process that must be implemented in response to changes in federal requirements.

Introduction

The workforce development activities carried out in Wisconsin's eleven WDA are federally funded through the WIA. WIA funds are distributed to states based on three factors described in Sections 127 and 132 of the Act. Funds provided through this process are considered allotments, are announced through a DOL Training and Employment Guidance Letter (TEGL) usually in March, and are provided for Youth, Adult, and DW programs.

Definitions used in the preparation of allocations:

Allocations Developer: The developer is a DWD staff person who is responsible for collecting data from various sources, inputting the data into the allocations spreadsheet, adjusting the spreadsheet and calculating the allocation shares and subsequent allocations.

Allocations Share: The percent of the funds that a WDA should expect to receive from the funds available for local distribution for that program in the State based on the funding formula or hold harmless provisions.

Allocations Team: A small group of workforce professionals from DWD and the WDBs who will review the allocation methodology and allocation results prior to the release of the WIA Allocations for each program year.

ASU: Area of Substantial Unemployment – Number of unemployed persons residing in a county or reportable city that has at least one census tract or a combination of contiguous census tracts with a population of 10,000 and an unemployment rate of 6.5 percent. This data is from the prior program year (July to June)

Data Source Contacts: The key staff to communicate with at agencies that produce data used in the allocation formulae. (Attachment D contains a listing of contacts)

Declining Industries: Industry sectors (2-digit North American Industrial Classification System (NAICS) code.) that have fewer jobs than the sector had in a criterion year. For PY10 allocations, PY08 number of jobs will be compared to PY03 number of jobs.

Economically disadvantaged adults: individuals age 22-72 meeting (or member of family meeting): OMB poverty level or 70 percent of Lower Living Standard Income Level (LLSIL), excluding college students and military as counted in the census. (Concentrated Employment Program areas have a special adjusted LLSIL). The 2000 census data transmitted to states in October 2006 are used.

Economically disadvantaged youth: individuals age 16-21 meeting (or member of family meeting): OMB poverty level or 70 percent of LLSIL, excluding college students and military as counted in the census. (Concentrated Employment Program areas have a special adjusted LLSIL). The 2000 census data transmitted to states in October 2006 are used.

Excess unemployed: The number of unemployed individuals above a 4.5 percent unemployment rate residing in a WDA. This data is from the prior program year (July to June)

Insured Unemployment: total number of UI Claimants for most recently completed calendar year.

Internal Review Team: A small group of DWD staff who will review the allocation spreadsheets, DOL allotment announcements and related policies to ensure that allocation shares calculation is correct prior to release to the Allocation Team for review and comment.

Long-term unemployed: UI Claimants that received unemployment compensation for 15 or more weeks in the most recently completed calendar year.

Lower Living Standard Income Level (LLSIL): WIA Section 101(24) defines the LLSIL as "that income level (adjusted for regional, metropolitan, urban and rural differences and family size) determined annually by the Secretary [of Labor] based on the most recent lower living family budget issued by the Secretary."

OMB Poverty Level: Following the OMB's Directive 14, the Census Bureau uses a set of money income thresholds that vary by family size and composition to detect who is poor. If a family's total income is less than that family's threshold, then that family, and every individual in it, is considered poor. The poverty thresholds do not vary geographically, but they are updated annually for inflation with the Consumer Price Index (CPI-U). The official poverty definition counts money income before taxes and excludes capital gains and noncash benefits (such as public housing, Medicaid, and food stamps).

Unemployment concentrations: The WDA must meet or exceed the state unemployment rate or have 10 percent or more of all unemployed workers in the state in order to qualify for this factor. This data is from the prior program year (July to June)

Factors Used in the Calculating WIA Allocations:

Once the allotment is received, DET staff prepares within state allocations.

Youth Formula:

For the youth programs, the same factors used to determine Federal allotments are used to distribute funds among the WDAs. The three factors are

1. **33 1/3 percent on the basis of the relative number of unemployed individuals in ASUs in each workforce investment area, compared to the total number of unemployed individuals in ASUs in the State;**
2. 33 1/3 percent on the basis of the relative number of Excess Unemployed individuals in each workforce investment area, compared to the total number of Excess Unemployed individuals in the State; and
3. **33 1/3 percent on the basis of the relative number of disadvantaged youth in each workforce investment area, compared to the total number of disadvantaged youth in the State. [WIA Section 128(b)(2)(A)(i)] See Attachment A.**

To reduce some of the volatility of the formula factors on WDAs, a hold harmless provision is applied to the results of the three-factor formula. The Act provides that a WDA shall not receive an allocation percentage for a fiscal year that is less than 90 percent of the average allocation percentage of the WDA for the 2 preceding fiscal years. Regulatory reference to hold harmless is contained in Attachment C.

Adult Formula:

For the adult programs, the same factors used to determine Federal allotments are used to distribute funds among the WDAs. The three factors are

1. **33 1/3 percent on the basis of the relative number of unemployed individuals in ASUs in each workforce investment area, compared to the total number of unemployed individuals in ASUs in the State;**
2. 33 1/3 percent on the basis of the relative number of Excess Unemployed individuals in each workforce investment area, compared to the total number of Excess Unemployed individuals in the State; and
3. 33 1/3 percent on the basis of the relative number of disadvantaged adults in each workforce investment area, compared to the total number of disadvantaged adults in the State. [WIA Section 133(b)(2)(A)(i)] See Attachment B.

To reduce some of the volatility of the formula factors on WDAs, a hold harmless provision is applied to the results of the three-factor formula. The Act provides that a WDA shall not receive an allocation percentage for a fiscal year that is less than 90 percent of the average allocation percentage of the WDA for the 2 preceding fiscal years. Regulatory reference to hold harmless is contained in Attachment C.

DW Formula:

The DW within state allocation is calculated based on a formula developed by the Governor and approved in the State's WIA Plan. There are six factors in the WI DW allocation formula. The factors and their associated weights are:

1. 25 percent based on a WDA's Unemployment Concentration value as a percentage of the entire state's Unemployment Concentration value.
2. 18.75 percent based on the relative number of Long Term Unemployed persons living in the WDA as compared to the number of Long Term Unemployed persons in the state.
3. 6.25 percent based on the relative number of persons living in the WDA who have established an Unemployment claim as compared to that number for the state.

4. 25 percent based on Declining Industries where the relative number of jobs lost by industry within the WDA is compared to the number of jobs lost by industry within the state.
5. 12.5 percent based on the relative number of persons reported as receiving notice of lay off in Plant Closing/Mass Lay off notices in the WDA compared to the total reported for the state.
6. 12.5 percent based on each WDA's prorated share of Farm Hardship as measured by farm closings.

Although the WIA does not include a DW hold harmless, the CWI agreed that the hold harmless provided for in the Job Training Partnership Act should continue to be applied in WIA. The provision is described in the WIA State Plan. The hold harmless ensures that each WDA will receive at least 85 percent of the prior year allocation percentage.

The text of the related legislation is contained in Attachment B.

Allocation Timetable:

January:

- The allocation process should begin in early January of each year. It begins with a written notice via email, memo or letter from the allocation developer to the data source contacts reminding them of the data each will provide. See Attachment D for data source contacts.
- Data sources return the requested data by the end of January.

February:

- By mid February, the allocation developer enters all data needed to calculate the allocation shares. Preliminary allocation shares are distributed for internal review.
- End of February: Release, via Administrator's Memo (ADM), preliminary allocation shares to the WDB for review and pre-planning. The Allocations Team will be asked specifically to review the allocation shares and the process used to develop them.

March:

- DOL-ETA issues the TEGl that transmits state allotments and related policy. (approximate time, may be issued later but supposed to be out in time for the April 1 start of the Youth program)
- Internal team reviews TEGl to determine if related policy will require adjustments to the allocation spreadsheet.
- If spreadsheet adjustments are required, the allocation developer will complete revisions for review by the Allocations Team within 15 days of receipt of the TEGl. The Allocations Team will have 5 days to review spreadsheet revisions.
- Allocations developer begins working on an ADM to transmit WDA final allocation shares and allocation amounts to the WDB Directors and other interested parties. Development of the ADM can begin once allocations related policy impact is understood. The goal is to have the ADM signed by March 31 (dependent on the issue date of the TEGl containing allotments).
- After the Allocations Team approves and returns the allocation spreadsheet the allocations developer enters the allotments into the spreadsheet to calculate WDA allocation amounts.
- Allocation developer routes the completed allocation spreadsheet to the Allocations Team for verification of the allocations. After verification, the Allocations Developer prints the "Print Allocations" tab for attachment to the ADM.
- Allocation developer routes the completed ADM for signature to the Division Administrator through their supervisor and Bureau Director.

April:

- The signed ADM is transmitted to the WDBs, DET Contracting, the Bureau of Workforce Training and other interested parties.
- DET Contracting enters the allocation amounts into grant documents for the WDBs and ensures that the information is in CORE.

Review Teams:

Internal Review Team: Whenever internal review is needed, the following positions will be consulted.

Director, Bureau of Workforce Training	Finance Section Chief
Local Services Section Chief	DWD Budget Analyst assigned to WIA
LMI Section Chief	DET Contracting Staff

Allocations Team: The Allocations Team consists of DWD and WDA staff who will review processes and results to ensure accuracy and compliance with the requirements that govern the development of WIA allocations. Members include:

Administrator, Div. of Employment and Training	Labor Market Information Section Chief
Director, Bureau of Workforce Training	DWD Chief Financial Officer
Local Services Section Chief	Directors from two WDBs

Calculating the Allocations

The allocation formula is embodied in a 17-tabbed MS-Excel spreadsheet. The spreadsheet has been modified and added to over the years. The last significant revisions were done when WIA was implemented in PY2000 and when the DW programs were integrated into the spreadsheet in PY04.

Although the spreadsheet is usually referred to as the Allocation Formula, there are really two allocation formulas that are calculated in the spreadsheet; the Youth/Adult formula (aka the 3-part formula) and the DW formula, which has 6 parts. Both formulae use some common data so they are done together.

In the chart below is a list of the tabs within the spreadsheet. Each tab is classified by its primary purpose and program it influences. A tab that is classified as a Calculator generally takes data that has been input in another location and processes it to produce a factor for the formula. An Input tab generally is a storage location for data that has been provided by a data source and will be used by a Calculator tab. In some instances, a tab will be both Calculator and Input. The Info/Print tabs contain information of interest or summarize results in a printable format.

Tab Name:	Purpose of the Tab			Program the Tab Applies to:		
	Calculator	Info/Print	Input	Adult	Youth	DW
Reference			X	X	X	X
DOL Allotment	X		X	X	X	X
Print Allocations	X	X		X	X	X
Calc Adult	X			X		
Calc Youth	X				X	
Calc DW	X					X
3-Part	X			X	X	
DW 6-Part	X					X
WARN Data			X			X
UI Claimants	X		X			X
UI Concentrations	X					X
Farm Loss	X		X			X
Industry Decline	X					X

ASU-EU Calculator	X			X	X	X
LAUS Data			X	X	X	X
Decline Data			X			X
Updates		X	X	X	X	X

Specific Instruction for each Tab

Reference TAB: This tab is a location to enter data that will be referenced throughout the workbook. For example, every year the Program Year must be changed manually on virtually every tab. By referencing a cell on this sheet, all the Program Years can be changed with one entry. Similar mass references are included in this tab.

DOL Allotment TAB: This tab calculates the gain/loss from the prior year; calculates the state admin, 10 percent discretionary fund, special response fund and funds for local distribution; and, provides a history of allotments received from DOL.

The allocation developer has a number of procedures to execute on this sheet. They are:

1. Copy the most current year allotment amounts from column D4-D13 to column C4-C13.
2. Enter new PY allotments from the DOL TEGl into column D4-D13.
3. Copy Column D4-D13 to the first free column to the right of the "History Section."
4. Enter the TEGl number and date as the information source in Cell B15 and at the end of the source list starting in A27.

The Print Allocation Tab references the local distribution amounts in column K5-K7. Allocation shares multiplied by the local distribution amounts generates WDA allocations by program.

Print Allocations TAB: The Print Allocations tab calculates and displays each WDA's allocation shares, allocation amount, and its hold harmless status for each program. All the calculations on this tab are automatic. The allocation shares come from the Calc Adult, Calc Youth and Calc DW. Allocations are generated by multiplying the allocation share by the allotment available for local distribution from column K on the DOL Allotment Tab. The source notation comes from the DOL Allotment page as well and the Program Year comes from the Reference Tab.

The only manual task for the Allocations developer is to print the sheet.

CALC ADULT TAB: This tab applies the hold harmless provision to the Adult allocation shares calculated on the 3-part tab, maintains a history of prior allocation shares, and exports the allocation shares and the hold harmless designation to the Print Allocations Tab. The tab has three sections.

- Section 1 calculates whether a WDA will be held harmless and adjusts the allocation shares of those WDAs not held harmless down to make up for the hold harmless adjustment. This iterative process may cause some WDAs not initially held harmless to be protected as their share falls to provide the hold harmless to eligible WDAs.

This section compares the allocation shares calculated on the 3-part tab to 90 percent of the Average of Prior 2 Years Share and chooses the higher of the two shares. If any WDA is held harmless, the sum of the shares will exceed 100 percent. Each subsequent column checks if each WDA share in the previous column exceeds the hold harmless share and if so, reduces the share in proportion to its contribution to exceeding 100 percent in the sum of the prior column.

This process progressively reduces the sum of the column closer to 100 percent. When the column sum reaches 100.0000 percent, or there have been 25 recalculations, whichever is later, recalculation can stop.

- Section 2 is a historical table of allocation shares by WDA from the inception of WIA. The shares from the most recent 2 years prior to the allocation year provide the data for the Average of Prior 2 Years Share in Column C in Section 1.
- Section 3 is used to double check the final adjustment against the 90 percent hold harmless amount and label the hold harmless WDAs. This section contains all of the exportable data from this sheet for the Print Allocations Tab.

Most of the calculations are automatic in this sheet though there are some maintenance functions that an Allocations developer must perform. They are:

1. In Section 2, ensure that the Allocation Shares for the most recent program year are actual values, not cell references. If they are cell references or formulas, copy the Allocation share column onto itself using Paste Special, Values and Formatting. This will convert the relative references to values.
2. Copy the two most recent Program Year's data from this Section to columns C & D of this Section. Section 1, column C uses this data to calculate the Average of the Prior 2 Years.
3. After the calculations have been run, copy column AE from Section 1 to the appropriate PY blank column in section 2. Use the Paste Special, Values and Number Formatting when copying to ensure that the allocation shares are recorded as values rather than relative reference cells or formulas. (if the sum of column AE in Section 1 is greater than 100.0000 percent, copy the first column where the total equals 100.0000 percent to Section 2)
4. After copying to Section 2, enter a comment in the header of the column that tells which column was used from Section 1.
5. If a column of allocation shares other than column AE from Section 1 is used as the calculated allocation shares, the Allocations developer must change the references in Section 3, column C to reflect the Section 1 column used.

CALC YOUTH TAB: This tab applies the hold harmless provision to the Youth allocation shares calculated on the 3-part tab, maintains a history of prior allocation shares, and exports the allocation shares and the hold harmless designation to the Print Allocations Tab. The tab has three sections.

- Section 1 calculates whether a WDA will be held harmless and adjusts the allocation shares of those WDAs not held harmless down to make up for the hold harmless adjustment. This iterative process may cause some WDAs not initially held harmless to be protected as their share falls to provide the hold harmless to eligible WDAs.

This section compares the allocation shares calculated on the 3-part tab to 90 percent of the Average of Prior 2 Years Share and chooses the higher of the two shares. If any WDA is held harmless, the sum of the shares will exceed 100 percent. Each subsequent column checks if each WDA share in the previous column exceeds the hold harmless share and if so, reduces the share in proportion to its contribution to exceeding 100 percent in the sum of the prior column.

This process progressively reduces the sum of the column closer to 100 percent. When the column sum reaches 100.0000 percent, or there have been 25 recalculations, whichever is later, recalculation can stop.

- Section 2 is a historical table of allocation shares by WDA from the inception of WIA. The shares from the most recent 2 years prior to the allocation year provide the data for the Average of Prior 2 Years Share in Column C in Section 1.
- Section 3 is used to double check the final adjustment against the 90 percent hold harmless amount and label the hold harmless WDAs. This section contains all of the exportable data from this sheet for the Print Allocations Tab.

Most of the calculations are automatic in this sheet though there are some maintenance functions that an Allocations developer must perform. They are:

1. In Section 2, ensure that the Allocation Shares for the most recent program year are actual values, not cell references. If they are cell references or formulas, copy the Allocation share column onto itself using Paste Special, Values and Formatting. This will convert the relative references to values.
2. Copy the two most recent Program Year's data from this Section to columns C & D of this Section. Section 1, column C uses this data to calculate the Average of the Prior 2 Years.
3. After the calculations have been run, copy column AE from Section 1 to the appropriate PY blank column in section 2. Use the Paste Special, Values and Number Formatting when copying to ensure that the allocation shares are recorded as values rather than relative reference cells or formulas. (if the sum of column AE in Section 1 is greater than 100.0000 percent, copy the first column where the total equals 100.0000 percent to Section 2)
4. After copying to Section 2, enter a comment in the header of the column that tells which column was used from Section 1.
5. If a column of allocation shares other than column AE from Section 1 is used as the calculated allocation shares, the Allocations developer must change the references in Section 3, column C to reflect the Section 1 column used.

CALC DW TAB: This tab applies the hold harmless provision to the Dislocation Worker allocation shares calculated on the DW 6-part tab, maintains a history of prior allocation shares, and exports the allocation shares and the hold harmless designation to the Print Allocations Tab. The tab has three sections.

- Section 1 calculates whether a WDA will be held harmless and adjusts the allocation shares of those WDAs not held harmless down to make up for the hold harmless adjustment. This iterative process may cause some WDAs not initially held harmless to be protected as their share falls to provide the hold harmless to eligible WDAs.

This section compares the allocation shares calculated on the DW 6-part tab to 85 percent of the Prior Year Share and chooses the higher of the two shares. If any WDA is held harmless, the sum of the shares will exceed 100 percent. Each subsequent column checks if each WDA share in the previous column exceeds the hold harmless share and if so, reduces the share in proportion to its contribution to exceeding 100 percent in the sum of the prior column.

This process progressively reduces the sum of the column closer to 100 percent. When the column sum reaches 100.0000 percent, or there have been 25 recalculations, whichever is later, recalculation can stop.

- Section 2 is a historical table of allocation shares by WDA from PY04. The shares from the most recent year prior to the allocation year provides the data for the Prior PY Shares in Column C in Section 1.
- Section 3 is used to double check the final adjustment against the 85 percent hold harmless amount and label the hold harmless WDAs. This section contains all of the exportable data from this sheet for the Print Allocations Tab.

Most of the calculations are automatic in this sheet though there are some maintenance functions that an Allocations developer must perform. They are:

1. In Section 2, ensure that the Allocation Shares for the most recent program year are actual values, not cell references. If they are cell references or formulas, copy the Allocation share column onto itself using Paste Special, Values and Number Formatting. This will convert the relative references or formulas to values.
2. Change the references in Section 1, column C to references the allocation shares from the most recent program year prior to the year allocations are being calculated for.
3. After the calculations have been run, copy column AE from Section 1 to the appropriate PY blank column in section 2. Use the Paste Special, Values and Number Formatting when copying to ensure that the allocation shares are recorded as values rather than relative reference cells or formulas. (if the sum of column AE in Section 1 is greater than 100.0000 percent, copy the first column where the total equals 100.0000 percent to Section 2)
4. After copying to Section 2, enter a comment in the header of the column that tells which column was used from Section 1.

5. If a column of allocation shares other than column AE from Section 1 is used as the calculated allocation shares, the Allocations developer must change the references in Section 3, column C to reflect the Section 1 column used. Add a note to the Updates Tab that the reference was changed.

3-Part TAB: This tab is used to calculate allocation shares from the 3 factors in the WIA legislation. The 3-part formula is set up to calculate a share that a WDA would receive of the State's allotment if based solely on the factors in the Act. Each factor is 1/3 of the share. The factors are the relative share the WDA's economically disadvantaged adults or youth make up of the State's economically disadvantaged adults or youth, the relative share the WDA makes up of the State's unemployed in excess of 4.5 percent and the WDA's share of unemployed living in the State's ASUs (above 6.5 percent). The results of this page are exported to Column E in Section 1 in the Calc Adult and the Calc Youth Tabs where they are compared to the hold harmless levels.

The Allocations developer has very little to do on this sheet. Everything is either calculated by formula within cells from data brought into this tab from ASU-EU Calculator Tab, data imported from ASU-EU Calculator or data hard coded into columns I & J from the 2000 Census.

The data in column I, "Adult Economic Disadvantaged," & J, "Youth Economic Disadvantaged," changes one time per decade and must be updated by hand - based on instructions from the DOL.

DW 6-Part TAB: This sheet is used to aggregate the six DW factors together to generate an allocation share based on economic factors only. Each of the gray columns represents results from other tabs and their weighting factor is listed in the last row of the chart. For each WDA, Column C is the sum of each factor value multiplied by its weighting. The numbers in the non-shaded columns are informational and provide context for the numbers in the shaded columns but are not used in the calculations. The values in Column C are exported to Tab Calc DW, Column E for use in adjusting the allocation shares by Hold harmless.

Most of the work on this tab is managed by the spreadsheet itself. The Allocations developer only has to update the date of the Unemployment and WARN Data, the headers on farm loss data and the reference years in the declining industry's header.

The data for this tab comes from a variety of other tabs. The data from those other tabs are brought to this tab to calculate the DW allocation share before the hold harmless provision is applied

- The Total Paid UC comes from column D of the UI Claimant Tab.
- The percent Total UC comes from column C of the UI Claimant Tab.
- The data for the 15 or More Weeks comes from column F of the UI Claimant Tab.
- The percent UC Long is imported from column E of the UI Claimant Tab.
- The Number Affected in WARN Notices comes from column E of the WARN Data Tab.
- Percent of Total Affected by WARN Notice is accessed from column F of the WARN Data Tab.
- WDAs where Unemployed concentrations are a factor is imported from the UI Concentrations Tab, column D.
- # of Farm Losses to 2002 is from the Farm Loss Tab, column E.
- Percent of Farm Loss is gathered from column F of the Farm Loss Tab.
- Employment Decline is copied in from the Industry Decline Tab, column I. The percent Decline comes from column J of that same tab.

WARN Data TAB: This tab gathers data that addresses the DOL formula requirement to account for Plant Closing-Mass Layoff. WDAs areas receive a prorated share of the total number of persons reported as being laid off from their employment by employers who file a Notice under state & federal plant closing - mass layoff laws. The DW Unit of the BWT supplies this data. The Allocations Developer copies in this data by WDA from the electronic report provided by the DW Unit.

The numbers affected by WARN notices for the most recent calendar year are entered in column E9 through E19. The percent shares are calculated automatically in column F9 to 19. This data automatically exports to the DW 6-Part Tab, columns H & I.

The Allocations Developer then will copy cells E6 through F21 to the next available column in the Historic Information section (Row 45). This area of the spreadsheet is for information only.

UI Claimant TAB: The purpose of this tab is to calculate the relative share each WDA will receive of the state's long-term unemployed and number of UI Claimants. The data is provided by the UI Division in PDF (this may be changeable in the future). The report is UI Report: DWUIBNP.UI9618.TSOLIB.WIAUIDUR, Table of SDA by WKPD.

- The number of claimants must be entered from the report into cells D7 to D17. Column C calculates the WDA shares of the state total.
- The number of UI recipients that have received payments for more than 15 weeks is entered for each WDA in cells F7 through F17. Column E calculates the WDA shares.
- The number receiving UI for less than 15 weeks is entered by WDA in cells G7 through G17. There is currently no use for this information in any calculations at this time.

When adding columns F + G, you will not get the number of claimants recorded in column D. Column F + G equals all check recipients. Column D is all check recipients plus those who have started a claim but did not receive a check, for whatever reason.

The tab exports Columns C, D, E, and F automatically to the DW 6-Part Tab for use in calculating the DW allocation share.

UI Concentrations TAB: The purpose of this tab is to determine whether a WDA qualifies as having a concentration of unemployed. The tab calculated the state's average unemployment rate for the prior calendar year, and then calculates the value of 10 percent of the state's average unemployment for the prior calendar year. If a WDA's unemployment rate (as calculated in column G) exceeds the state rate or if the WDA number of unemployed (column H) exceeds 10 percent of the state's total unemployment, the WDA qualifies to compete for shares of this factor.

The WDAs that qualify receive a relative share based on their share of the total unemployment of the qualifying WDAs.

The data used here comes from the file used for the within state allocation that has been submitted to the DOL in accord with instructions in Training and Employment Guidance Letter 04-09 and BLS LAUS Technical Memorandum No. S-09-23. This file is used by the DOL to determine allotments to states.

The Allocations Developer has nothing to manipulate on this page. All data used to determine this factor comes from other tabs or is the result of within tab calculations. No input required.

The tab will export cells C8 through D18 to DW 6-Part cells J7 to K17. This factor makes up 25 percent of the DW allocation share.

The box that is marked informational in this tab illustrates how each WDA qualifies for the factor. Some WDAs qualify by having more than 10 percent of the state's total unemployment, some because their rate is higher than the state's unemployment rate and in some cases because they meet both. Incidentally, a WDA does not qualify a larger share by meeting both benchmarks.

Farm Loss TAB: This tab calculates each WDA's share of farm hardship experienced in the state. We measure Farm hardship by comparing the number of farms in operation in a reference year compared to the average number of farms in operation in 1982 to 1984. Reference year data is updated every 5 years via the Census of Agriculture – County Data. The 2007 census became available in 2009 and is used for PY2010 calculations.

The Allocations Developer will need to hard code in the number of farms by county in column D34 to D105. Update the headers to refer to the actual years used in the calculation of farm loss. Once the data is entered, the tab will calculate the loss by county and WDA and export the number of farm losses and the WDA share of farm loss to the DW 6-Part tab, columns L & M respectively.

Industry Decline TAB: This tab computes the declining industry factor by calculating job losses in declining industry. This tab has two sections. Section A summarizes the employment in declining industry and calculates the WDA's relative share of the state's declining industry employment. Section B provides the raw data by two digit NAICS and is supplied by QCEW Staff. The most recently available calendar year data is compared to average industry employment data from the calendar year 5 years

earlier. (E.g. CY2008 data is compared to CY2003.) Wherever there is job loss from the reference year to the most recent year, that industry loss is added to the WDA total losses in declining industries. Because some employers do not provide location information, there are employment numbers not assigned to a county. The unassigned employment is distributed to each WDA based on the distribution of employment with known locations.

Instruction for the Allocations Developer follows.

Section A

- Column E3 – E13 is total distributed employment by WDA gathered from Section B, column H58 – H916.
- Column F3 – F13 calculates the share of total distributed employment attributable to each WDA.
- Column G3 – G13 calculates the share of the unassigned job loss (column I18 - 55 in section B) that should be distributed to each WDA by multiplying the total unassigned job losses (cell I56) by the WDA share of distributed employment (column F3-13).
- Column H3 – H13 sums the distributed employment loss in declining industries by WDA from Section B, column I58 – I916.
- Column I3 – I13 totals each WDA's employment declines by adding columns G & H in Section A together. This brings unassigned job loss and distributed employment loss together for calculating the WDA share of employment loss in declining industries.
- Column J is the WDA share calculated by dividing the WDA's total employment in declining industry listed in column I by the State's employment in declining industry (cell I14)
- Data in columns I & J move to the DW 6-Part tab in columns N & O.
- Distributed employment in Section B, column G & H is distributed by 2 digit NAICS by county and aggregated to WDA.

Section B

All of the data for Section B is copied in from the Decline Data tab. When copying to any of the columns in Section B, the copy must be done by WDA and a summation of the WDA's data done at the end of their data.

- Column A19 – A916: copy in the WDA number from the Decline Data tab, column B6
- Column B19 – B916: copy in the County number (labeled as CNT) from the Decline Data tab, column A6
- Column C19 – C916: copy in the NAICS (labeled as NA) from the Decline Data tab, column C6
- Column D19 – D916: Copy in the Industry Titles from the Decline Data tab, column J6 (labeled as Title)
- Column G19 – G916: Copy in the employment numbers from the Decline Data tab, column F6 (labeled as Employ1). This is the employment data for the reference year.
- Column H19 – Copy in the employment numbers from the Decline Data tab, column I6 (labeled as Employ2). This is the employment data for the most recent year.
- Column I19 – I916: This column calculates the number of job losses that have occurred by subtracting industry employment for the most recent year (column H19 – H916) from the industry employment in the reference year (column G19 – G916). If jobs have been lost in the comparison, the number lost will show. If there are job gains or no loss, the cell will appear blank.

There is more cut and paste work on this tab than on any other in the workbook. In addition to the care that must be taken getting the data into this tab, care must also be taken to update column headers to represent the correct year for data comparisons.

ASU-EU Calculator TAB: This tab is used to take ASU data (Column O from LAUS Data tab) and LAUS data (Column N from LAUS Data tab) to calculate the WDA Share of the State's ASU and Excess Unemployment totals. The Allocations Developers role on this tab is checking and validating as all actions are done

automatically. The list of counties and their sub parts need to be checked against the list of counties and parts of counties on the LAUS Data tab to ensure exact matches in the 2 lists.

Here is how this tab works.

- Column G calculates the ASU Unemployment Rate for each geographic area listed in column A by dividing column C data by the sum of column C & D. The resultant ASU unemployment rate is checked by column J to discern if the rate exceeds 6.5 percent. If it does, a “1” is entered in column J. If there is a “1” in column J for any geographic area within a WDA, the WDA total ASU unemployment in column C is entered into column J of the “sum” row for the WDA. This value is then divided by the state total ASU unemployment to report the WDA share of ASU unemployment.
- Column H calculates the LAUS unemployment rate for each geographic area listed in column A by dividing the LAUS unemployment in column E by the sum of column E & F. The result is checked by column I. If column H is greater than 4.5 percent, column I calculates the number of unemployed the equivalent to 4.5 percent of the labor force and subtracts that number from the number of LAUS unemployed in column E. Provided the result of that calculation exceeds zero it is entered into column I. The column totals the result from all geographic areas in the WDA to determine the WDA’s number of excess unemployed and enters it into the “sum” row. The WDA’s share is entered into just below the “sum” row and is calculated by dividing the WDA number of excess unemployed by the State Excess unemployed total.
- Columns E & F data in the “sum” row for each WDA is exported to the UI Concentrations tab columns H & I respectively and are used to calculate an unemployment rate; which should match the LAUS unemployment rate in the “sum” row of column H on this tab.
- Columns I & J data in the “sum” row are exported to the 3-Part tab, columns K & L respectively. There this data is used to calculate the WDA share of Excess unemployment (column E) and share of ASU unemployment (column F). The shares calculated here should equal the shares in the row just below the “sum” line for each WDA on this tab.
- All cells are locked on this tab. The only time data entry is required is if there is a mismatch on the list of geographic areas.

LAUS Data TAB: The Local Area Unemployment Statistics (LAUS) program manager conducts the ASU exercise every year for the US DOL. County level unemployment data from the LAUS program and the most recent US Census data (currently 2000) is used. In order for an area to qualify as an ASU, the total unemployment has to be 6.451 percent or greater, the population has to be at least 10,000 and all components of the ASU area have to be contiguous. An ASU can be a county, city, or combination of areas, such as census tracts and counties.

In order to develop a qualifying ASU, the 12-month average of the LAUS data for the most recent period ending in June is calculated for each county and city (population 25,000+) in the state. July-Dec of the prior year uses LAUS benchmarked data; data for the current year Jan-May uses revised data and June uses preliminary data. Data from the 2000 Census is available for the counties and cities and is broken down by census tract within each of those areas.

If a single county or city does not have a 12-month average unemployment rate of 6.451 percent or greater, surrounding counties or cities can be added (or subtracted) until the contiguous area reaches the 6.451 percent threshold. Individual census tracts within the counties or cities are examined in an attempt to include those tracts with the highest number of unemployed persons. All areas that are included in the ASU have to be contiguous and the total population of the included areas must be at least 10,000 (based on Census 2000). Since monthly LAUS data is not available at the census tract level, the census tracts in a given county that are being included in the ASU area are multiplied by the total LAUS unemployment and employment (12-month average) for that county. This ratio is called the Census-Share (and is column O in the WIASU spreadsheet; the 12-month LAUS average is column N.)

Once as many areas of the state as possible have been exhausted into ASUs and the data has been submitted and approved by the US DOL, the ASU designations and the corresponding data are used internally in the WIA/DW allocation process.

The file used for the within state allocation is submitted to the DOL in accord with instructions in Training and Employment Guidance Letter 04-09 and BLS LAUS Technical Memorandum No. S-09-23. This file is used by the DOL to determine allotments to states.

The Allocations Developer copies "Column N" and "Column O" into the LAUS Tab taking care to match data to geographic areas.

Decline Data TAB: This tab stores the raw data used by the Industry Decline tab to calculate the WDA shares of employment in declining industry. The QCEW Lead worker provides the data in mid January after receiving specifications in a data request from the Allocations Developer.

How the file is created:

- Designed to compare most current and a reference year (Calendar year 2008 and 2003 for PY2010 calculations).
- Employment is added up for each month of the quarter for all 4 quarters to provide a summary total. (This yields very high numbers, basically 12 times as high as normal level of employment).
- Employment is reported by NAICS sector groups.
- Units count is summed by quarter and divided by 4 to provide average units counts (Unit counts are not used to calculate allocation shares.)
- County and its corresponding WDA inclusion and NAICS industry sector groups are assigned.
- No calculations regarding change in the number of units or in employment are provided
- Results of the job are sent to the Allocations Developer in a text file.
- The text file must be copied into this tab and should match the column format set in the tab.
- This tab is not locked.

Updates TAB: This Tab will be used to document changes to the workbook whenever changes are performed.

Attachments:

Attachment A: WIA Section 128 Within State Allocations

Attachment B: WIA Section 133 Within State Allocations

Attachment C: WIA Regulations Section 667.135 Hold Harmless

Attachment D: Data Source matrix

Attachment E: Allocation Checklist

Attachment A
Workforce Investment Act of 1998
Public Law 105-220--Aug. 7, 1998 112 Stat. 936

SEC. 128. Within State Allocations

WORKFORCE INVESTMENT ACT OF 1998
Public Law 105-220--Aug. 7, 1998 112 Stat. 936

SEC. 128. WITHIN STATE ALLOCATIONS

(a) Reservations for State Activities.--

(1) In general.--The Governor of a State shall reserve not more than 15 percent of each of the amounts allotted to the State under section 127(b)(1)(C) and paragraphs (1)(B) and (2)(B) of section 132(b) for a fiscal year for statewide workforce investment activities.

(2) Use of funds.--Regardless of whether the reserved amounts were allotted under section 127(b)(1)(C), or under paragraph (1)(B) or (2)(B) of section 132(b), the Governor may use the reserved amounts to carry out statewide youth activities described in section 129(b) or statewide employment and training activities, for adults or for DWs, described in paragraph (2)(B) or

(3) of section 134(a).

(b) Within State Allocation.--

(1) Methods.--The Governor, acting in accordance with the State plan, and after consulting with CEO in the local areas, shall allocate the funds that are allotted to the State for youth activities and statewide workforce investment activities under section 127(b)(1)(C) and are not reserved under subsection (a), in accordance with paragraph (2) or (3).

(2) Formula allocation.--

(A) Youth activities.--

(i) Allocation.--In allocating the funds described in paragraph

(1) to local areas, a State may allocate--

(I) 33 1/3 percent of the funds on the basis described in section 127(b)(1)(C)(ii)(I);

(II) 33 1/3 percent of the funds on the basis described in section 127(b)(1)(C)(ii)(II); and

(III) 33 1/3 percent of the funds on the basis described in clauses (ii)(III) and (iii) of section 127(b)(1)(C).

(ii) Minimum percentage.--Effective at the end of the second full fiscal year after the date on which a local area is designated under section 116, the local area shall not receive an allocation percentage for a fiscal year that is less than 90 percent of the average allocation percentage of the local area for the 2 preceding fiscal years.

Amounts necessary for increasing such allocations to local areas to comply with the preceding sentence shall be obtained by ratably reducing the allocations to be made to other local areas under this subparagraph.

(iii) Definition.--The term "allocation percentage", used with respect to fiscal year 2000 or a subsequent fiscal year, means a percentage of the funds referred to in clause (i), received through an allocation made under this subparagraph, for the fiscal year.

(B) Application.--For purposes of carrying out subparagraph (A)--

(i) references in section 127(b) to a State shall be deemed to be references to a local area;

(ii) references in section 127(b) to all States shall be deemed to be references to all local areas in the State involved; and

(iii) except as described in clause (i), references in section 127(b)(1) to the term "excess number" shall be considered to be references to the term as defined in section 127(b)(2).

(3) Youth discretionary allocation.--In lieu of making the allocation described in paragraph (2)(A), in allocating the funds described in paragraph (1) to local areas, a State may distribute--

(A) a portion equal to not less than 70 percent of the funds in accordance with paragraph (2)(A); and

(B) the remaining portion of the funds on the basis of a formula that--

(i) incorporates additional factors (other than the factors described in paragraph (2)(A)) relating to--

(I) excess youth poverty in urban, rural, and suburban local areas; and

(II) excess unemployment above the State average in urban, rural, and suburban local areas; and

(ii) was developed by the State board and approved by the Secretary as part of the State plan.

(4) Limitation.--

(A) In general.--Of the amount allocated to a local area under this subsection and section 133(b) for a fiscal year, not more than 10 percent of the amount may be used by the local board for the administrative cost of carrying out local workforce investment activities described in subsection (d) or (e) of section 134 or in section 129(c).

(B) Use of funds.--Funds made available for administrative costs under subparagraph (A) may be used for the administrative cost of any of the local workforce investment activities described in subsection (d) or (e) of section 134 or in section 129(c), regardless of whether the funds were allocated under this subsection or section 133(b).

(C) Regulations.--The Secretary, after consulting with the Governors, shall develop and issue regulations that define the term "administrative cost" for purposes of this title. Such definition shall be consistent with GAAP.

(c) Reallocation Among Local Areas.--

(1) In general.--The Governor may, in accordance with this subsection, reallocate to eligible local areas within the State amounts that are allocated under paragraph (2)(A) or (3) of subsection (b) for youth activities and that are available for reallocation.

(2) Amount.--The amount available for reallocation for a program year is equal to the amount by which the unobligated balance of the local area allocation under paragraph (2)(A) or (3) of subsection (b) for such activities, at the end of the program year prior to the program year for which the determination under this paragraph is made exceeds 20 percent of such allocation for the prior program year.

(3) Reallocation.--In making reallocations to eligible local areas of amounts available pursuant to paragraph (2) for a program year, the Governor shall allocate to each eligible local area within the State an amount based on the relative amount allocated to such local area under subsection (b)(3) for such activities for the prior program year, as compared to the total amount allocated to all eligible local areas in the State under subsection (b)(3) for such activities for such prior program year. For purposes of this paragraph, local areas that received allocations under subsection (b)(2)(A) for the prior program year shall be treated as if the local areas received allocations under subsection (b)(3) for such year.

(4) Eligibility.--For purposes of this subsection, an eligible local area means a local area that has obligated at least 80 percent of the local area allocation under paragraph (2)(A) or (3) of subsection (b) for such activities, for the program year prior to the program year for which the determination under paragraph (2) is made.

Attachment B
Workforce Investment Act of 1998
Public Law 105-220--Aug. 7, 1998 112 Stat. 936

SEC. 133. Within State Allocations

WORKFORCE INVESTMENT ACT OF 1998
Public Law 105-220--Aug. 7, 1998 112 Stat. 936

SEC. 133. WITHIN STATE ALLOCATIONS

(a) Reservations for State Activities.--

(1) Statewide workforce investment activities.--The Governor of a State shall make the reservation required under section 128(a).

(2) Statewide rapid response activities.--The Governor of the State shall reserve not more than 25 percent of the total amount allotted to the State under section 132(b)(2)(B) for a fiscal year for statewide rapid response activities described in section 134(a)(2)(A).

(b) Within State Allocation.--

(1) Methods.--The Governor, acting in accordance with the State plan, and after consulting with CEOs in the local areas, shall allocate--

(A) the funds that are allotted to the State for adult employment and training activities and statewide workforce investment activities under section 132(b)(1)(B) and are not reserved under subsection (a)(1), in accordance with paragraph (2) or (3); and

(B) the funds that are allotted to the State for DW employment and training activities under section 132(b)(2)(B) and are not reserved under paragraph (1) or (2) of subsection (a), in accordance with paragraph (2).

(2) Formula allocations.--

(A) Adult employment and training activities.--

(i) Allocation.--In allocating the funds described in paragraph (1)(A) to local areas, a State may allocate--

(I) 33 1/3 percent of the funds on the basis described in section 132(b)(1)(B)(ii)(I);

(II) 33 1/3 percent of the funds on the basis described in section 132(b)(1)(B)(ii)(II); and

(III) 33 1/3 percent of the funds on the basis described in clauses (ii)(III) and (iii) of section 132(b)(1)(B).

(ii) Minimum percentage.--Effective at the end of the second full fiscal year after the date on which a local area is designated under section 116, the local area shall not receive an allocation percentage for a fiscal year that is less than 90 percent of the average allocation percentage of the local area for the 2 preceding fiscal years. Amounts necessary for increasing such allocations to local areas to comply with the preceding sentence shall be obtained by ratably reducing the allocations to be made to other local areas under this subparagraph.

(iii) Definition.--The term "allocation percentage", used with respect to fiscal year 2000 or a subsequent fiscal year, means a percentage of the funds referred to in clause (i), received through an allocation made under this subparagraph, for the fiscal year.

(B) DW employment and training activities.--

(i) Formula.--In allocating the funds described in paragraph (1)(B) to local areas, a State shall allocate the funds based on an allocation formula prescribed by the Governor of the State. Such formula may be amended by the Governor not more than once for each program year. Such formula shall utilize the most appropriate information available to the Governor to distribute amounts to address the State's worker readjustment assistance needs.

(ii) Information.--The information described in clause (i) shall include insured unemployment data, unemployment concentrations, plant closing and mass layoff data, declining industries data, farmer-rancher economic hardship data, and long-term unemployment data.

(C) Application.--For purposes of carrying out subparagraph (A)--

(i) references in section 132(b) to a State shall be deemed to be references to a local area;

(ii) references in section 132(b) to all States shall be deemed to be references to all local areas in the State involved; and

(iii) except as described in clause (i), references in section 132(b)(1) to the term "excess number" shall be considered to be references to the term as defined in section 132(b)(1).

(3) Adult employment and training discretionary allocations.--In lieu of making the allocation described in paragraph (2)(A), in allocating the funds described in paragraph (1)(A) to local areas, a State may distribute--

(A) a portion equal to not less than 70 percent of the funds in accordance with paragraph (2)(A); and
(B) the remaining portion of the funds on the basis of a formula that--

(i) incorporates additional factors (other than the factors described in paragraph (2)(A)) relating to--

(I) excess poverty in urban, rural, and suburban local areas; and

(II) excess unemployment above the State average in urban, rural, and suburban local areas; and

(ii) was developed by the State board and approved by the Secretary as part of the State plan.

(4) Transfer authority.--A local board may transfer, if such a transfer is approved by the Governor, not more than 20 percent of the funds allocated to the local area under paragraph (2)(A) or (3), and 20 percent of the funds allocated to the local area under paragraph (2)(B), for a fiscal year between--

(A) adult employment and training activities; and

(B) DW employment and training activities.

(5) Allocation.--

(A) In general.--The Governor of the State shall allocate the funds described in paragraph (1) to local areas under paragraphs (2) and (3) for the purpose of providing a single system of employment and training activities for adults and DWs in accordance with subsections (d) and (e) of section 134.

(B) Additional requirements.--

(i) Adults.--Funds allocated under paragraph (2)(A) or (3) shall be used by a local area to contribute proportionately to the costs of the one-stop delivery system described in section 134(c) in the local area, and to pay for employment and training activities provided to adults in the local area, consistent with section 134.

(ii) DWs.--Funds allocated under paragraph (2)(B) shall be used by a local area to contribute proportionately to the costs of the one-stop delivery system described in section 134(c) in the local area, and to pay for employment and training activities provided to DWs in the local area, consistent with section 134.

(c) Reallocation Among Local Areas.--

(1) In general.--The Governor may, in accordance with this subsection, reallocate to eligible local areas within the State amounts that are allocated under paragraph (2)(A) or (3) of subsection (b) for adult employment and training activities and that are available for reallocation.

(2) Amount.--The amount available for reallocation for a program year is equal to the amount by which the unobligated balance of the local area allocation under paragraph (2)(A) or (3) of subsection (b) for such activities, at the end of the program year prior to the program year for which the determination under this paragraph is made exceeds 20 percent of such allocation for the prior program year.

(3) Reallocation.--In making reallocations to eligible local areas of amounts available pursuant to paragraph (2) for a program year, the Governor shall allocate to each eligible local area within the State an amount based on the relative amount allocated to such local area under subsection (b)(3) for such activities for the prior program year, as compared to the total amount allocated to all eligible local areas in the State under subsection (b)(3) for such activities for such prior program year. For purposes of this paragraph, local areas that received allocations under subsection (b)(2)(A) for the prior program year shall be treated as if the local areas received allocations under subsection (b)(3) for such year.

(4) Eligibility.--For purposes of this subsection, an eligible local area means a local area that has obligated at least 80 percent of the local area allocation under paragraph (2)(A) or (3) of subsection (b) for such activities, for the program year prior to the program year for which the determination under paragraph (2) is made.

Attachment C
20 CFR Part 652 and Parts 660 through 671
Workforce Investment Act

[Federal Register: August 11, 2000 (Volume 65, Number 156)]
 [Rules and Regulations]
 [Page 49293-49342]

DEPARTMENT OF LABOR
 Employment and Training Administration
 20 CFR Part 652 and Parts 660 through 671
 Workforce Investment Act
 AGENCY: Employment and Training Administration (ETA), Labor.
 ACTION: Final rule.

Sec. 667.135 What "hold harmless" provisions apply to WIA adult and youth allocations?

(a)

(1) For the first two fiscal years after the date on which a local area is designated under section 116 of WIA, the State may elect to apply the "hold harmless" provisions specified in paragraph (b) of this section to local area allocations of WIA youth funds under §667.130(c) and to allocations of WIA adult funds under Sec. 667.130(d).

(2) Effective at the end of the second full fiscal year after the date on which a local area is designated under section 116 of WIA the State must apply the "hold harmless" specified in paragraph (b) of this section to local area allocations of WIA youth funds under §667.130(c) and to allocations of WIA adult funds under Sec. 667.130(d).

(3) There are no "hold harmless" provisions that apply to local area allocations of WIA DW funds.

(b)

(1) If a State elects to apply a "hold-harmless" under paragraph (a)(1) of this section, a local area must not receive an allocation amount for a fiscal year that is less than 90 percent of the average allocation of the local area for the two preceding fiscal years.

(2) In applying the "hold harmless" under paragraph (a)(2) of this section, a local area must not receive an allocation amount for a fiscal year that is less than 90 percent of the average allocation of the local area for the two preceding fiscal years.

(3) Amounts necessary to increase allocations to local areas must be obtained by ratably reducing the allocations to be made to other local areas.

(4) If the amounts of WIA funds appropriated in a fiscal year are not sufficient to provide the amount specified in paragraph (b)(1) of this section to all local areas, the amounts allocated to each local area must be ratably reduced. (WIA Sections 128(b)(2)(A)(ii), 133(b)(2)(A)(ii), 506.)

Sec. 667.140 Does a Local Board have the authority to transfer funds between programs?

(a) A Local Board may transfer up to 20 percent of a program year allocation for adult employment and training activities, and up to 20 percent of a program year allocation for DW employment and training activities between the two programs.

(b) Before making any such transfer, a Local Board must obtain the Governor's approval.

(c) Local Boards may not transfer funds to or from the youth program.

Attachment D

Data Sources for WIA Allocations

Data Sources for the WIA Allocations:

Data Require to Calculate Allocations	Contact Name	Source
Relative share of the Excess Unemployment by WDA	Heather Thompson 7-5053	An electronic file is provided by LAUS Research Analyst for the most recent program year after validation by BLS (ARRA used calendar year and was not validated until after allocations were required to be out.) Validation is not benchmarking. The file is submitted to the DOL in accord with instructions in Training and Employment Guidance Letter 04-09 and BLS LAUS Technical Memorandum No. S-09-23. This file is used by the DOL to determine allotments to states.
Relative share of the unemployed in ASUs by WDA		
WDA concentrations of unemployed		
Relative share of the Economically Disadvantaged Adults by WDA	Gary Denis 7-9704	Poverty and Lower Living Standard Income Level (LLSIL) Data is provided by the DOL ETA. File contains adjusted 2000 Census data to tally numbers of people in each census tract that have income below 70 percent of the LLSIL. Data is provided about 4 years after completion of the census. Source data is on CD from Social Policy Research Assoc.
Relative share of the Economically Disadvantaged Youth by WDA		
Prorated share of the total loss in the number of farms in 2007 from a 1982-84 base period	NASS Website	Data on the number of farms on the most current Census of Agriculture is available on the http://www.nass.usda.gov/Data_and_Statistics/index.asp . The US Dept of Agriculture, National Agricultural Statistical Service, maintains this data. Data is captured from Table 8. Farms, Land in Farms, Value of Land and Buildings, and Land Use: 2007 and 2002.
WDA share of unemployment recipients	Cathy Sill 6-0858	This data is received via a PDF file from UID and is available in late January. The data is for the prior calendar year and generated as report DWDUIBNP-UI9618.TSOLIB.WIAUIDUR. Data is provided on Table of SDA by WKPD. Data could be provided as a TXT file.
WDA share of long term unemployed in state		
WDA share of laid off individuals as reported through WARN	Jerry Smith 6-5373	The DW Unit provides this data annually. The report is known as Table 2c
WDA share of employment in declining industries	Deb Holt 6-5321	QCEW Unit provides this data file in mid-January. Data compares most recent year to a criterion year. Whoever is doing the allocations specifies the criterion year. The comparison years are included in the request for a report file to BITS.

Attachment E
Annual Allocations Development Checklist

Allocations Development Checklist

Attachment E

	Task Required	Responsible Person	Date Due	Complete? Initial & Date
1	BWT Allocation Staff meet to prepare for the project.	BWT Director	Jan 4 th	
2	Request data from data sources identified in "Attachment D" of the Allocations Guide.	LMI Section Chief	Jan 5 th	
3	Data is received by the Allocations Developer.	LMI Section Chief	Jan. 25 th	
4	Data is validated against specifications.	LMI Section Chief	Feb 1 st	
5	Internal Review Team (IRT) informed by email of the date that the Allocation Share review process starts.	LMI Section Chief	Feb 5 th	
6	Allocation Template reviewed to ensure that historic data is moved to storage and reference data is up to date.	LMI Section Chief	Feb 5 th	
7	BWT Allocation staff meets to assess progress and resolve data issues.	BWT Director	Feb 5 th	
8	Summary of Allocation project progress sent to AO.	BWT Director	Feb 8 th	
9	Data is entered into tabs in Allocation Template and Template renamed Allocations PYXX and is sent to the IRT for review.	LMI Section Chief	Feb 10 th	
10	Internal Review Team completes review and provides feedback to the Allocations Developer.	IRT members	Feb 17 th	
11	Complete adjustments to the spreadsheet and allocation shares based on the IRT review.	LMI Section Chief	Feb 18 th	
12	Send PY10 Allocation Shares Spreadsheet & Allocations Guide to the Allocations Team for review.	BWT Director	Feb 22 nd	
13	Meet with the Allocations Team to review/discuss the PY10 Allocation Shares development/process.	LMI Section Chief	Feb 26 th	
14	Complete revisions to allocations shares that come from the Allocations Team review.	LMI Section Chief	Mar 8 th	
15	Prepare the Admin Memo to transmit Allocation Shares to the workforce system for review and comment.	BWT Director	Mar 8 th	
16	Send ADM with Allocation Shares to Workforce System.	Administrator's Office	Mar 10 th	
17	Comments received from Workforce System.	LMI Section Chief	Mar 19 th	
18	Reconvene the Allocation Team to review comments received by the 19 th .	LMI Section Chief	Mar 23 rd	
19	Finalize the Allocation Shares.	LMI Section Chief	Mar 26 th	
20	Receive TEGL announcing state allotments.	BWT Director		
21	IRT reviews TEGL to determine if there are policy issues that affects the allocation process and spreadsheets are adjusted as required.	LMI Section Chief	Within 10 days of receipt	
22	Calculate the Allocations & prepare the ADM to transmit final allocation shares and allocation amounts.	LMI Section Chief	15 days after TEGL	
23	Issue ADM to the WDB Directors and other interested parties.	Administrator's Office	20 days post TEGL	

APPENDIX

PROGRAM OVERVIEW

Workforce Investment Act Title I

The Workforce Investment Act of 1998 (WIA) establishes parameters for the state's workforce "system" such as requiring WDBs, program partners and One-Stops/Job Centers. The second major aspect of the Act defines the services and eligibility of employment related training and job placement activities of various programs.

The federal law includes a number of programs that are referred to as "titles":

WIA Title I: WIA activities for Adults, Youth & DWs managed by the DET Bureau of Workforce Training (BWT)

WIA Title II: Adult Education and Family Literacy managed by the WI Technical College

WIA Title III: Job Service - Wagner-Peyser managed by DET

WIA Title IV: Vocational Rehabilitation managed by the Division of Vocational Rehabilitation

This orientation summary addresses Title I funded activities through the USDOL, and the basic required workforce infrastructure. WIA was enacted as a five-year program. Congress has continued the Act while there have been several unsuccessful attempts to adopt revised legislation.

Governance at State Level

The CWI is the required state body to assist the Governor in the development and continuous improvement of the statewide workforce system. The Governor appoints the members of the Council to meet the specific mandated representation including a majority of the members from the private sector. The WIA-required functions may be augmented by Gubernatorial Executive Orders or State statute

The Council has its own website at www.wi-cwi.org that includes further information on the committees along with meeting material and other details.

At the State level, DET is responsible for carrying out the requirements of WIA Title I. This includes: staffing the Council; drafting the WIA State Plans approved by DOL that guides the system; developing state policies; establishing formula fund disbursements; negotiating state and local negotiated levels of performance; developing local plan guidelines and approving plans; establishing contracts; conducting program and fiscal monitoring and evaluation; and, maintaining DOL reporting requirements, training lists and DWD WIA websites. All positions are WIA federally funded. WIA allows 5 percent administration costs for this purpose.

The statewide website for consumers is www.jobcenterofwisconsin.org JobCenterOfWisconsin.com (JCW) is the portal for employment and training information for businesses, and individuals seeking employment or to move up the career ladder. The website debuted on September 15, 2008 and replaced the long-standing JobNet system for job seekers, and JobNet Business-Employer system for employers. JCW is a Wisconsin-centered

employment exchange, linking employers in all parts of the state and in communities that border Wisconsin. It is available 24-hours a day at no-cost to employers and job seekers.

Job seekers can search for jobs -- it lists job openings in Wisconsin and border counties in neighboring states. Customers can create customized job searches and receive a daily or weekly email with new job openings that match the customer's search criteria. An account (username and password) is required to use this feature. A job seeker can also enter data that is used to create a resume or work application, and to match the job seeker to available job openings. Job seekers must register to use these features. Numerous links to useful information for job seekers and workers are also provided.

Employers can post job openings online, upload jobs from the company's website to JCW, and search for candidates that best suit their hiring needs. Customized candidate searches that email the employer with new candidates are also available. Registration is required to utilize these services. Business-related links are also provided.

Data provided by registered job seekers populates the case management system: ASSET. Information provided by registered employers populates JobNet Business-Staff. ASSET and JobNet Business-Staff are not public-facing systems, and are only accessible by Job Center staff and partners.

Governance and One-Stop System at Local Level

- Wisconsin has 11 WDAs.
- Each WDA has a local board that coordinates, plans and oversees the local workforce system in their area.
- WIA requires that the majority of each WDB are people who have decision-making authority in businesses within the local private sector. It also requires that the WIA mandatory one-stop partners serve on the board.
- The CLEO of each WDA appoints members of the local board after nomination processes are followed as mandated in WIA.
- There is a WIA local plan approved by the WDB that guides the WDA's WIA efforts, and includes specific local policies that augment the state policies. Guidance for these local plans comes from DET, driven by the WIA State Plan.
- All WIA Local Plans are reviewed and approved by BWT.
- WIA requires that each WDA have at least one comprehensive physical center that must provide the Core services listed in WIA and must provide access to other programs and activities carried out by the mandatory One-Stop partners.
- The State has 26 comprehensive Job Centers, and all areas have additional affiliate/satellite sites for service delivery.
- There is a State policy on One-Stop Job Center Requirements and Standards of Service.

Title I Formula Funding and State Set Aside Funding

Federal funding for WIA Title 1b services is provided through a formula that is typically calculated in the Spring of each year. These State allotments are provided through DOL for the Youth, Adult and DW programs. Further calculations are then determined based on WIA criteria in order for DET to issue formula allocation amounts to each WDB. The formula allocation amounts constitute 80 percent of the State allotment. The details are in the "Wisconsin WIA

Allocation Process: The Operational Guide, Protocols and Checklist to Develop the Annual Allocations for WDAs.” The federal funding has a three year life-cycle, although due to demand, the WDBs have a relatively high spend-down rate. WIA requires that a minimum of 80 percent of the formula funds are utilized for each program year allotment. WIA allows local areas to utilize 10 percent of the formula funds for administrative costs. State set-aside funds have curtailed since Program Year 2011- 2012.

WIA Title IB Basic Eligibility and Services for Adults and DWs

WIA provides general parameters on the types of services and general eligibility requirements to serve Youth, Adults and DWs in the WIA Title 1b program. There are three main sets of services: Core, Intensive and Training. Other WIA provisions for service delivery include ITAs, universal access, and other requirements summarized below.

General Adult Program with WIA Formula Funds

Core Services

Core services may be provided as a "self-service" or as an assisted service. If the customer is provided an assisted service then eligibility is determined, and if criteria is met, they would be enrolled in WIA. In either case, eligible Veterans and spouses of Veterans must be served first to comply with federal law.

Eligibility: To be eligible to participate in WIA Title I core services an adult must meet the general requirements of:

18 years of age or older; and
Authorized to work in the U.S.; and
Registered for Selective Service, if applicable
Or the DW Eligibility Requirements [detailed under "DW Program"].

Services available through the one-stop delivery system to individuals, who are adults or DWs and that, at a minimum, include:

1. determinations of whether the individuals are eligible to receive assistance under WIA;
2. outreach, intake (which may include worker profiling), and orientation to the information and other services available through the one-stop delivery system;
3. initial assessment of skill levels, aptitudes, abilities, and supportive service needs;
4. job search and placement assistance, and where appropriate, career counseling;
5. provision of employment statistics information including:
 - accurate information relating to local, regional, and national labor market areas;
 - job vacancy listings in such labor market areas;
 - information on job skills necessary to obtain the listed jobs; and
 - information relating to local occupations in demand and the earnings and skill requirements for such occupations
6. provision of performance information and program cost information on:
 - eligible providers of training services, provided by program, and
 - eligible providers of youth activities,
 - providers of adult education,

- providers of postsecondary vocational education activities and vocational education
 - activities available to school dropouts under the Carl D. Perkins Vocational and Applied Technology Education Act; and
 - providers of vocational rehabilitation program activities under the Rehabilitation Act of 1973.
7. provision of information regarding:
 - how the local area is performing on the local performance measures and
 - any additional performance information with respect to the one-stop delivery system in the local area
 8. 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;
 9. provision of information regarding filing claims for unemployment compensation;
 10. assistance in establishing eligibility for:
 - programs of financial aid assistance for training and education programs that are not funded under this Act and are available in the local area; and
 11. follow-up services, including counseling regarding the workplace, for participants who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment.

Eligibility for Intensive and Training Services

At a minimum, an individual must receive an assisted core service to be able to receive intensive services, and then training services, although, these may be provided coterminously depending on the circumstance. WDBs may have additional eligibility requirements in their local policies. Additionally, the WDB's "priority of service" policy may be in effect that imposes additional eligibility requirements only when the WDB determines that there are insufficient funds to cover all customers' training services.

Intensive Services

Eligibility:

1. who are unemployed and are unable to obtain employment through core services; and
2. who have been determined to be in need of more intensive services in order to obtain employment (the case file must contain a determination of need for intensive services as identified in the IEP, comprehensive assessment, or through any other intensive service received); or
3. who are employed, but who are determined to be in need of such intensive services in order to obtain or retain employment that allows for self-sufficiency
4. who are in the priority of service category that may be established by the WDB

A customer must receive at least one staff-assisted core service before proceeding to the intensive service level. There is no federal or state required minimum time period an individual must be in core services before they are eligible for intensive services. Each WDB may have different local policies that further define eligibility for intensive services.

Services may include the following:

1. Comprehensive and specialized assessments of the skill levels and service needs of adults and DWs, 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.
2. Development of an IEP to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals.
3. Group counseling.
4. Individual counseling and career planning.
5. Case management for participants seeking training services.
6. Short-term prevocational 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.

Training Services

Eligibility for Training Services:

1. who have met the eligibility requirements for intensive services and who are unable to obtain or retain employment through such services;
2. who after an interview, evaluation, or assessment, and case management, have been determined by a OSO or one-stop partner, as appropriate, to be in need of training services and to have the skills and qualifications to successfully participate in the selected program of training services;
3. 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 the adults or DWs receiving such services are willing to relocate;
4. who meet requirements related to obtaining other grant assistance for training; and,
5. who are determined to be eligible in accordance with the priority system, if any, in effect in the WDA.

At a minimum, an individual must have received at least one core and intensive service, such as development of an IEP with a case manager or individual counseling and career planning, before the individual may receive training services. The case file must contain a determination of need for training services as identified in the IEP. There is no federal or state required minimum time period an individual must be in intensive services before they are eligible for training services.

Training services, whether under an ITA or under contract, must be provided in a manner that maximizes informed consumer choice in selecting an eligible provider. Each WDB has a local policy on the criteria, duration and maximum cost per participant for training services, and/or other parameters such as a payment schedule to providers. Some WDBs also have a process to determine customer priority for training services.

Services:

Training services is defined in WIA Title I as "one or more courses or classes, or a structured regime, that upon successful completion, leads to: (a) A certificate, an associate degree,

baccalaureate degree, or (b) The skills or competencies needed for a specific job or jobs, an occupation, occupational group, or generally, for many types of jobs or occupations, as recognized by employers and determined prior to training."

Training Services for Adults includes the following:

1. Occupational skills training, including training for nontraditional employment
2. Programs that combine workplace training with related instruction
3. Cooperative education programs
4. Training programs operated by the private sector
5. Skill upgrading and retraining
6. Entrepreneurial training including micro enterprise development
7. Job readiness training [this can also be an intensive service]
8. Adult education and literacy activities provided in combination with services (listed above) [this can also be an intensive service]
9. Registered apprenticeship
10. Basic English language education as long as they are provided in connection with occupational skills training leading to a job or career for which the individual is preparing
11. Vocational English as a second language training
12. Asset building
13. Financial literacy training

The above list is not all-inclusive and additional training services may be provided. Additional training services may be provided with the approval of DET.

Specific non-ITA training services:

1. OJT
2. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.
3. Contracts for training with community based organizations or other private organizations if there are insufficient providers in the area, or, for special populations that face multiple barriers to employment.

ITAs

Most of the WIA-funded training services for adults are delivered by providers from the state-approved list with the use of ITA for each customer. The ITA is established on behalf of a WIA-eligible participant based on consumer choice in consultation with the case manager, and the development of an IEP.

There are three allowable exceptions for training services other than the use of ITAs:

1. On-the job training is provided through a contract with an employer in the public, private non-profit, or private sector. More detailed information on this type of training is in Administrator's Memo 10 - 07
2. Customized training is provided through a contract with an employer(s) to meet the special requirements of that employer along with a commitment by that employer to employ, or in the case of incumbent workers, continue to employ an individual on successful completion of the training. More detailed information on this type of training is in Administrator's Memo 10 - 06

3. Persons with multiple barriers to employment may need different mechanisms for training. The regulations allow this exception only for low-income individuals in the following categories:
 - (a) individuals with substantial language or cultural barriers
 - (b) offenders
 - (c) homeless individuals
 - (d) other hard-to-serve populations.

Other Program Highlights for Adults and DWs

An IEP is an ongoing strategy jointly developed by the customer and the case manager that identifies the participant's employment goals, the appropriate achievement objectives, and the appropriate combination of services for the participant to achieve the employment goals.

Supportive Services

Supportive services is restricted to only those individuals participating in core, intensive or training services "who are unable to obtain such supportive services through other programs providing such services" and "may only be provided when they are necessary to enable individuals to participate in Title I activities." "They include services such as transportation, child care, dependent care, housing, and needs-related payments that are necessary to enable an individual to participate in activities authorized under WIA Title I." That regulation also requires each WDA to have a local policy that "should address procedures for referral to such services, including how such services will be funded when they are not otherwise available from other sources."

Follow-up Services

A customer is not done with WIA services once they have successfully completed a training service and placed in a job. Follow-up activities may be an additional service. "Follow-up services must be made available, as appropriate, for a minimum of 12 months following the first day of employment, to registered participants who are placed in unsubsidized employment." State policy update 04-02 lists examples of follow-up services:

- "Additional career planning and counseling (for example, labor market information, demand occupations, job search assistance, entrepreneurial training, career counseling, resume development, etc.);
- Employer contact, including assistance with work-related problems (for example, on-site visits, information on Work Opportunity Tax Credit, bonding, workplace training instruction, post-employment (entered employment) training on interim services or a limited basis, incumbent worker services, English as a Second Language, etc.);
- Information about additional educational opportunities (for example, referral to WI Technical College System or other institutions, General Educational Development Test, WIA funded and other educational opportunities, etc.);
- Peer Support Groups (for example, group counseling, workshops, etc.); and
- Supportive Services information (for example, childcare, housing, transportation, vocational rehabilitation assistance, work clothing, etc.)"

Universal Access

The Act has nondiscrimination language along with regulations that provide a general definition of "reasonable accommodation" for individuals with disabilities. In essence, such

accommodations are "modifications or adjustments," made on a case-by-case basis, "that enable a qualified individual with a disability... to receive aid, benefits, services, or training equal to that provided to qualified individuals without disabilities." The Job Centers must be universally accessible (including physical, programmatic, and communications accessibility) to individuals with disabilities, older workers, offenders, minorities, and other individuals with special needs.

Programs for DWs

WIA Title 1b - Rapid Response and Local Program Services TAA

Rapid Response

State DWU required by WIA to carry out Rapid Response Activities, partnering with local areas (25 percent of state's allocation dedicated to rapid response activities, including Special Response Grants)

Rapid Response Activities

- Identification of dislocation events
- Initial meeting with employer and employee representative
- Layoff aversion activities
- Provision of information on assistance available to affected workers and collection of information from workers (WIA, TAA and UI)
- Adjustment strategy planning for employers, communities, organized labor and industries
- Determine need for additional resources to serve workers (State Special Response Grants or NEGs)

Title 1b DW Program Services

Eligibility for Services

DWs at the time of registration must meet all three state enrollment requirements as well as all of the criteria for one of the five federal DW categories:

State Enrollment Conditions

1. Dislocated from employment in the last five years, and
2. Either previous work history of two years if age 22 or older; previous work history of four years if age 21 or younger or a dislocation that is the result of a permanent plant or facility closing or substantial layoff regardless of work history and
3. No specific recall date from the employer:

Federal DW Eligibility Requirements - A "DW" is an individual who:

1. has been terminated or laid off, or who has received a notice of termination or layoff from employment; and
 - (a) is eligible for or has exhausted entitlement to unemployment compensation; or
 - (b) has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center, attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that was not covered under a State unemployment compensation law; and
 - (c) is unlikely to return to a previous industry or occupation;
2. 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;

3. is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or for purposes of eligibility to receive services other than training services, intensive services or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close
4. was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;
5. is a displaced homemaker. A “displaced homemaker” is an individual who has been providing unpaid services to family members in the home and who:
 - (i) has been dependent on the income of another family member but is no longer supported by that income, and
 - (ii) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

DWs who take new employment can continue to be served until they reach self-sufficiency as defined in the local policy.

TAA Act

Eligibility

- Layoff must be result of foreign competition or shift of production
- Workers must produce a product (except for 2009 law, 70000 series)
- A petition must be filed by three workers, the company, the union or a one- stop partner
- The US DOL conducts an investigation and issues a determination and impact dates
- Workers must be individually determined eligible

Services

- Job Service is direct service provider
- Service Comparison Matrix
- TAA “Old Law” – 60,000 and 80,000 certifications; “New Law” – 70,000 certifications
- Additional benefits include Trade Readjustment Allowances (TRA) and Health Coverage Tax Credit (HCTC)

Coordinating WIA and TAA Services to DWs

- Coordinate to maximize services and the likelihood of success of participant
- WIA may not pay for services covered by TAA
- Joint reemployment planning needs to occur up front
- Co-case management needs to occur through out plan implementation
- Communication is key to effective process

Youth Services

Job Centers are public/private ventures that combine resources in a one-stop employment and training center for employers, job seekers, workers and students. Job Center staff provides people with life-long resources that includes:

- ✚ Career counseling & assessment;
- ✚ Education & training;
- ✚ Job search assistance;
- ✚ Resumes & cover letter assistance;
- ✚ Work habits & ethics
- ✚ Work permit assistance;
- ✚ Managing your money;
- ✚ Interviewing skills;
- ✚ Filling out an application for a job;
- ✚ Financial support services;
- ✚ Life skills & coping skills;
- ✚ Self-esteem & awareness;
- ✚ Problem solving;
- ✚ Conflict resolution & stress management;
- ✚ Tutoring & mentoring;
- ✚ Occupational video series; and
- ✚ Video & CD materials.

If a young person is interested in participating in the WIA Youth Program they should contact their local Job Center to find out if they are eligible. If an individual is a Vocational Rehabilitation client, or is participating in other federal or state funded programs, WIA allows for multiple programs enrollment, and can augment the services provided by other programs if determined WIA eligible. WIA is not an entitlement program-- in other words, these funds are not automatically provided, but are supposed to add to other programs' services.

Overall purpose for serving Youth

Provide, to eligible youth seeking assistance in achieving academic and employment success, effective and comprehensive activities, which include a variety of options including educational and skill competencies and provide effective connections to employers;

- Ensure ongoing mentoring opportunities, in the work place and the community, for eligible youth with adults committed to providing such opportunities;
- Provide opportunities for training to eligible youth;
- Provide continued supportive services for eligible youth,
- Provide incentives for recognition and achievement to eligible youth; and
- Provide opportunities for eligible youth to participate in activities related to leadership development, decision making, citizenship, community service.

Eligibility

Youth are eligible to receive WIA Title Ib services if they are:

1. Not less than 14 years old and not more than 21 years old;
2. Low-income; and

3. Possess one or more of the following characteristics:
- Deficient in basic literacy skills;
 - School dropout;
 - Homeless, runaway, or foster care child;
 - Pregnant or a parent;
 - Juvenile offender; and
 - Needs additional assistance to complete an educational program, or to secure and retain employment.

If the individual is determined not to be eligible, or would not benefit from the WIA youth program, they must be referred to other organizations that provide youth services.

10 Required Program Elements of Activities for Youth

Improving educational achievement

- Tutoring, study skills training, and instruction leading to completion of secondary school, including dropout prevention; and
- Alternative school services.

Preparing for and succeeding in employment

- Summer employment linked to academic and occupational learning;
- Paid and unpaid work experiences, including internships and job shadowing; and
- Occupational skills training.

Developing the potential of young people as citizens and leaders

- Leadership development, which may include community service and peer-centered activities encouraging responsibility.

Supporting youth

- Supportive services (such as child care and housing assistance);
- Adult mentoring for at least 12 months that may occur both during and after program participation;
- Follow-up upon program completing for at least 12 months; and
- Comprehensive guidance and counseling.

WDB's Key WIA Responsibilities

In partnership with the CLEO(s):

- Develop the five-year local Workforce Investment Plan consistent with the Governor's vision and subsequent priorities of the State CWI
- Set policy for the Workforce Investment System within the WDA consistent with the WIA State Plan
- Comply with all assurances contained in the WIA Local Plan Reference Document published August 29, 2011
- Identify the designated comprehensive Job Centers and other service sites
- Conduct oversight of the One-Stop System
- Appoint a Youth Council as a subgroup of the WDB & determine role
- Select youth providers upon recommendations of the Youth Council
- Identify eligible intensive service providers and training providers for adult and DW participants.
- Conduct oversight of the adult, DW, and youth program activities (Title I)
- Employ administrative staff to support the Board, ensuring they do not provide direct services to participant this is disallowed by WIA
- Solicit and accept grants and donations from sources other than funds made available under WIA
- Assist the State in employment statistics system
- Coordinate workforce investment activities with economic development strategies and employer linkages
- Promote participation of private sector employers to assist employers in meeting hiring needs
- Provide Rapid Response activities in conjunction with the State
- Conduct regional planning if the State mandates this effort

With the expressed agreement of the CLEO(s):

- Select OSO(s)
- Develop and execute MOU with One-Stop partners which must be consistent with the WIA local plan
- Negotiate performance measures with the state

Subject to the expressed approval of the CLEO(s):

- Develop a budget for the purpose of carrying out the duties of the local board
- Identify other entities to participate as One-Stop partners
- Appoint Board members after nominations are received

Only with the agreement of the CLEO(s) AND the Governor and meets State Requirements:

- Be a direct provider of Core, Intensive or Training services for adults and youth
- Be designated as a OSO

WIA Mandatory One-Stop Partners

WIA prescribes the One-Stop partners that must coordinate services, and participate in the workforce infrastructure. All of the mandatory partners, listed below, must complete a MOU with the 11 WDBs. The partners are required to provide core services that are applicable to their respective programs, participate in operating costs of the Job Centers, and agree on methods for referring customers among partners for a full array of service delivery. Each partner has their own funding streams, regulations, required services and performance measures.

WIA Mandatory One-Stop Service Delivery Partners:

- WIA activities for Adults, Youth & DWs (WIA Title I)
- Adult Education and Family Literacy (WIA Title II)
- Job Service (Wagner-Peyser WIA Title III)
- Vocational Rehabilitation (WIA Title IV)
- Welfare-to-Work (No longer a program)
- Temporary Assistance to Needy Families/WI W-2 (Added by WI Governor)
- Food Stamp Employment & Training and Food Stamp Workfare (Renamed as Food Share)
- Senior Community Service Employment Program- Older Americans Act
- Carl D. Perkins Vocational and Applied Technology Education [Renamed as Carl D. Perkins Career and Technical Education Act of 2006]
- TAA and NAFTA-TAA
- Veterans Employment & Training Services & local veteran's outreach programs
- Community Services Block Grants
- Housing and Urban Development Employment & Training Activities
- UI

Representatives from national programs if funding/activities are present in workforce area:

- Native American Programs
- Migrant and Seasonal Farm Worker Programs
- Job Corps
- Youth Opportunity Grants

Other partners as identified in WIA & considered traditional partners in Wisconsin:

- National and Community Services
- Wisconsin Service Corps
- Conservation Corps
- Literacy Councils
- Child Care agencies

Sample Core Services of Major Partner Programs

Allowable Core Services in the Workforce Investment Act Title I	WIA Title 1 Adult	Vocational Rehabilitation	TANF/W-2	Adult Ed & Family Literacy	Vocational & Technical
Determine whether people are eligible to receive assistance	Yes	Yes	Yes	No	No
Outreach, intake, and orientation to the info available via the one-stop	Yes	Yes	Yes	No	No
Initial assessment of skill levels, aptitudes, abilities & support service needs	Yes	Yes	Yes	Yes if client has a service plan	Yes
Job search and placement assistance, & where appropriate, career counseling	Yes	Yes	Yes	No	Yes
Employment statistics information, including accurate info on local, regional & national labor market; info on local occupations in demand, vacancies, job skills to obtain the jobs & earnings	Yes	No	Yes	No	No
Performance & program cost info on eligible providers of training services, youth activities, adult education & vocational education	Yes	Yes	Yes	Yes	Yes
Info on how local area is performing on local performance measures & other one-stop info	Yes	Yes	Yes	Yes	Yes
Accurate info on area supportive services, such as child care & transportation, with referral as appropriate	Yes	Yes	Yes	Limited	Limited
Info on filing UI	Yes	No	Yes	No	No
Assistance in establishing eligibility for financial aid assistance for training & education programs not funded by WIA	Yes	No	Yes	No	Yes
Follow-up services including counseling in the workplace	Yes	Yes	Yes	No	No

Workforce Investment Act Common Measures

The State uses the WIA Common Measures (a DOL-approved waiver). BWT negotiates the performance levels with Region V Employment and Training DOL staff typically in Spring of each year based on analyses of the State's economic circumstances, and other relevant factors. After the State goals are established, BWT negotiates the performance levels for each WDB. Quarterly reports are required by DOL as well as the Annual Report due the 1st of October. WIA prescribes the action(s) that must be taken if the State and WDBs do not meet the performance goals including ineligibility for Incentive Grants.

Common Performance Measures Summary:

1. Adult and DW Entered Employment: Of those who are not employed at the date of participation: the number of adult participants who are employed in the first quarter after the exit quarter.
2. Adult and DW Employment Retention: Of those who are employed in the first quarter after the exit quarter: the number of adult participants who are employed in both the second and third quarters after the exit quarter.
3. Adult and DW Average Earnings: Of those adult participants who are employed in the first, second, and third quarters after the exit quarter: Total earnings in the second plus the total earnings in the third quarters after the exit quarter.
4. Youth Placement in Employment or Education: Of those who are not in post-secondary education or employment (including the military) at the date of participation: the number of youth participants who are in employment (including the military) or enrolled in post-secondary education and/or advanced training/occupational skills training in the first quarter after the exit quarter.
5. Youth Attainment of a Degree or Certificate: Of those enrolled in education (at the date of participation or at any point during the program): the number of youth participants who attain a diploma, GED, or certificate by the end of the third quarter after the exit quarter.
6. Youth Literacy and Numeracy Gains: Of those OSY who are basic skills deficient: the number of youth participants who increase one or more educational functioning levels.

Source: U.S. DOL, TEGL 17-05

State Waivers

DOL allows certain provisions of WIA to be waived with the intent to improve the efficacy of service delivery. In order to waive an allowable WIA provision, the State must submit a Waiver Plan (typically, as part of the required WIA State Plans) to DOL for approval, disapproval or modification. The CWI makes recommendations on State waivers. WDB waiver plans may be submitted to the DWD - DET at any time. Once DOL responds to a State waiver issue, the State is then able to approve, disapprove, or modify a WDB's waiver plan. If the WDB is authorized to implement a waiver for a given program year, the WDB must submit the waiver plan request annually if the WDB wants to extend the waiver. If a WDB requests a waiver that DOL has not authorized the State to implement, then DET determines if such a waiver would be beneficial to improve service delivery and, if so, submits a Waiver Plan to DOL.

The waivers DOL approved for program year 2011-2012:

- Common performance measures, WIA Section 136(b)
- Extending the period of initial eligibility of training providers, §663.530
- This is available for all WDBs if they want to have the ability to increase the employer reimbursement for OJT with a specified sliding scale based on company size along with other prescriptive guidance, WIA Section 101(31)(B)
- This is available for all WDBs if they want to have the ability to reduce the 50 percent employer match for customized training with a specified sliding scale based on company size along with other prescriptive guidance, WIA Section 101(8)(C)
- Transfer authority up to 50 percent between the Adult and DW funding streams allocated to a local area, WIA Section 133(b)(4)
- The use of up to 10 percent of local Adult funds and up to 10 percent of local DW funds for incumbent worker training only as part of a lay-off aversion strategy serving only low-income/economically disadvantaged adults, along with other conditions such as training restricted to skill attainment activities, WIA Section 134

Administrative Memo 10-08 issued May 10, 2012 is the most recent State policy.

Service	TAA	WIA	Program Comparisons
Assessment Comprehensive & Specialized assessment of skill levels, interests and service needs including diagnostic testing and use of other assessment tools; in-depth interviewing and evaluation to identify barriers and appropriate employment goals	X	X	TAA New law - Same under TAA and WIA TAA Old law – limited (a training cost only if prerequisite to training)
Case Management	X	X	<u>WIA</u> – a client-centered approach to service delivery designed to prepare and coordinate comprehensive plans to ensure access to necessary services and provide job and career counseling during program participation and job search <u>TAA</u> – New Law. Employment and case management services must be offered and include comprehensive assessment, development of an IEP, information on training, how to apply for training and financial aid, short-term prevocational services to prepare individuals for employment, provision of employment information (job vacancies, job skills, in-demand occupations) and information relating to availability of supportive services.
IEP Development Engaged in developing a plan that identifies employment goals, achievement objectives and appropriate combination of services to achieve the customer's employment goal	X	X	<u>TAA</u> – required for all participants and, under New Law required for issuing waiver from training <u>WIA</u> – required for all participants receiving intensive or training svcs
Prevocational services Short-term services to prepare individuals for employment or training. Includes development of skills in learning, communication, interviewing, and personal maintenance, punctuality and professional conduct..	X	X	<u>TAA</u> – New Law. An employment and case management service <u>WIA</u> – an intensive service
Job Search Allowance (TAA)/Out of Area Job Search Assistance (WIA) Assisted a customer in becoming employed outside the individual's normal commuting distance	X	X	<u>TAA</u> – reimbursements for necessary job search expenses; within 1 year of layoff or 6 months of completing training. Old law – 90 percent of expenses up to \$1,250. New law – 100 percent of expenses up to \$1,500 <u>WIA</u> – Intensive service; payment parameters set by WDB.
Relocation Assistance Provided funding or assistance relating to relocation for employment beyond normal commuting distance.	X	X	<u>TAA</u> – for accepting job out of area within 14 months of layoff or 6 months of training completion. Old Law – 90 percent of eligible costs (travel, movers) +

Service	TAA	WIA	Program Comparisons
			expenses up to \$1250. New law – 100 percent of eligible costs + expenses up to \$1,500 <u>WIA</u> – Intensive service; payment parameters set by WDB.
Childcare Assistance		X	WIA Supportive service - payment parameters set by WDB.
Housing Assistance		X	WIA Supportive service - payment parameters set by WDB.
Transportation Assistance	X	X	<u>TAA</u> – travel to approved training outside normal commuting distance. <u>WIA</u> – payment parameters set by WDB; generally payable within normal commuting distance, also provided under Supportive Services
Subsistence (TAA)	X		Payments to cover costs of residing away from home while attending training outside of commuting area (in lieu of daily travel).
Remedial Education (TAA)/Adult Education and Literacy (WIA) Training to improve a worker's basic skill level to participate in occupational training, or to gain suitable work. Includes GED.	X	X	<u>TAA</u> – planned duration and need documented up-front; may extend TRA eligible training weeks by up to 26 weeks, to total 130 weeks (Old law) or 156 weeks (New law) <u>WIA</u> – may be intensive or training service
On-The-Job Training Employer reimbursed cost of training costs after hiring participant.	X	X	TAA may fund contracts negotiated by WIA (if meet TAA approval requirements).
Occupational Classroom Engaged in occupational training that results in certification, diploma or degree.	X	X	<u>TAA</u> - full time or part-time (under certain circumstances). Old law - completed within 104 weeks. New law – up to 156 weeks (special conditions apply if training extends beyond TRA benefit period). TAA training not limited to Eligible Training Provider List. <u>WIA</u> – full-time or part-time; limitations on cost & duration set by WDB
Customized Training Training that meets the special requirements of employer(s); employer commitment to hire at completion and employer pays for not less than 50 percent of cost of training.	X	X	Same for TAA and WIA - TAA may fund contracts negotiated by WIA (if meet TAA approval requirements).
Prerequisite Training	X	X	<u>TAA</u> (New Law only) -Service defined and reportable for TAA.

Service	TAA	WIA	Program Comparisons
Education or coursework required to enroll in a program of approved training			May extend TRA eligible training weeks by up to 26 weeks, to total 130 weeks (Old law) or 156 weeks (New law) <u>WIA</u> - provides as part of Occupational Training
Pre-layoff Assistance Services to a customer pending layoff.	X	X	<u>TAA</u> – New law only. Case management and employment services to workers threatened with layoff <u>WIA</u> – core staff assisted service
Pre-Separation Training (TAA – New law only) Training provided to workers individually threatened with layoff (training may not be incumbent worker, OJT or customized training at worker’s current employer unless for different position not threatened with layoff or affected by trade).	X	X	WIA – DWs with notification of termination (WARN or individual notice) or a general announcement that facility will close within 180 days are eligible for training services
Alternative TAA (old law) and Reemployment TAA (new law) wage subsidy for workers at least 50 years old who become reemployed.	X		ATAA subsidy is an alternative to training and TRA benefits (Old Law). RTAA can be in addition to other approved training (New Law).
Assisted Job Search and Placement Provision of job leads or job hunting tips to assist the customer in becoming employed	X	X	<u>TAA</u> – includes review of participant worksearch activities <u>WIA</u> – various services including workshops, job clubs, etc.

DEFINITIONS

Unless otherwise provided for in a particular section of this manual, the following words and phrases have the meaning designated herein.

Accrued expenditure - charges made to a grant. Expenditures are the sum of actual cash disbursements, the amount of indirect expenses incurred, and the net increase (or decrease) in the amounts owed by the grantee for the goods and other property received, for services performed by employees, contractors, subgrantees, subcontractors, and other payees, and other amounts becoming owed under programs for which no current services or performance are required, such as annuities, insurance claims, and other benefit payments.

Acquisition cost - the invoice unit price of an item, net of any applicable credits or trade-in allowances, but including the costs of modifications, attachments, accessories or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Ancillary charges, such as taxes, duty, protective in-transit insurance, freight, and installation shall be included in or excluded from acquisition cost in accordance with the organization's regular written accounting practices.

Administration - when used as a cost category name; all direct, joint, and indirect costs which are necessary to effectively manage a grant, including administrative costs of subgrantees, and are comprised of goods and services which do not immediately affect participants. Individual programs may have their own definition of 'Administration'.

Applicable credit - those receipts or reduction-of-expenditure-type transactions which offset or reduce expense items allocable to grants as direct, joint or indirect costs. Examples of such transactions are purchase discounts, rebates or allowances, recoveries or indemnities on losses and adjustments of overpayments or erroneous charges.

ASSET - is Wisconsin's designated customer reporting and data collection system for WIA Title 1, WIA Title 3, Trade Assistance Adjustment (TAA), NEGs and Special Response Grants. WIA management information and reporting system. ASSET provides statewide, comprehensive data collection for job seeker registration, case management, and eligibility screening for program and provider services.

Capacity building - the systematic improvement of job functions, skills, knowledge and expertise of the personnel who staff and administer employment and training and other closely related human service systems. Capacity building is designed to enhance the effectiveness, strengthen the caliber of customer services under federal, state and local employment and training programs, and improve coordination among them. Capacity building includes curricula development, appropriate training, technical assistance, staff development and other related activities.

Cash contribution - cash outlay, including money contributed to the grantee by other public agencies and institutions, private organizations and individuals.

Cognizant federal agency - the federal agency that has been assigned responsibility by the OMB for approving the indirect cost proposal or coordinating audit resolution of a specific state or local government, school or university, or other nonprofit organization.

Commercial organization - any business entity organized primarily for profit. This includes individuals, partnerships, corporations and other types of organizations.

Commercially available off-the-shelf training package - a training package sold to the general public in the course of normal business operations, at prices based on established catalog or market prices.

Contractor - the organization, entity, or individual that is awarded a procurement contract under the grantee's procurement standards and procedures.

Core Services – Services available to all job seeker including individuals seeking to advance his or her career. Services available in the One-Stop system that are accessible to consumers by self-service of limited staff assistance.

Cost - accrued expenditure.

Cost category - the allowable classifications for charges to DET grants.

Cost objective - a pool, center, or area established for the accumulation of costs. Such areas include organizational units, functions, objects or items of expense as well as ultimate cost objectives, including specific grants, cost categories or program activities.

Cost plus a percentage of cost - a cost reimbursement contract whereby the contractor is reimbursed for costs plus a fixed percentage of costs.

Direct cost - any cost that can be specifically identified with one particular cost objective. Examples include payments to employees under OJT contracts, books and other teaching aids.

DET grantee - an organization or agency receiving a grant directly from DET.

Equipment - tangible personal property having a useful life of more than one year and a unit acquisition cost of \$1,000 or more. An organization may use its own definition provided that it at least includes all equipment as defined herein.

Exiter - A participant who has not received a service funded by the program or funded by a partner program for 90 consecutive calendar days and is not scheduled for future services. The exit date is the date of last service.

Facility - land or buildings (including leasehold improvements), or any portion thereof, and equipment individually or collectively, or any other tangible capital asset, wherever located, and whether owned or leased by the organization.

FEDES - Federal Employment Data Exchange System (FEDES). FEDES contains employment information from the U.S. Department of Defense, the U.S. Postal Service, and the U.S. Office of Personnel management.

Fixed unit price contract - a contract in which payment is based wholly on the delivery of services by the contractor.

Funding Period – the period of time when grant funds are available for expenditure.

Grantee - an organization or agency receiving a grant, either directly from DET or from another grantor.

Grantor - DET or an organization or an agency from which the grantee receives its grant.

Immediate family - wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, and stepchild. For Native American grantees the definition of "immediate family" means wife, husband, son, daughter, mother, father, brother and sister.

Indirect cost - any general management cost incurred for a purpose benefiting more than one cost objective which is not readily assignable to the cost objectives benefited without effort disproportionate to the results achieved.

In-kind contribution - the value of non-cash contributions provided by the grantee or third parties. In-kind contributions may be in the form of charges for real property and equipment and the value of goods and services directly benefiting and specifically identifiable to the project or program.

Intensive Services – Services for individuals who are unable to obtain or retain employment through core services only and need more specialized or individualized services. In addition, intensive services are available to employed individuals to assist them to obtain or retain employment to achieve self-sufficiency

Joint cost - any cost which benefits more than one cost objective and which is readily assignable to the cost objectives benefited.

Leasehold improvement - any capital expenditure made for additions or improvements to any tangible real property leased by the grantee.

Nontraditional employment - as applied to women, occupations or fields of work where women comprise less than 25 percent of the individuals employed in such occupation or field of work as determined periodically by DOL in the Federal Register.

Obligation - includes the amounts of orders placed, contracts and subgrants awarded, goods and services received, and similar transactions during a funding period that will require payment by the recipient or subrecipient during the same or future period. (20 CFR 626.5) Generally, obligations should be supported by a valid purchase order, contract, subgrant, or other binding agreement, in writing, between the parties. For purposes of reallocation and reallocation, obligations also include accrued expenditures. For entities which run entire programs in-house, obligations are the total of accrued expenditures and do not include cost items such as projected staff cost. Obligations do not include unexecuted procurements or budgeted items. Participant – An individual who is determined eligible to participate in the program and receives a service funded by the program in either a physical location (One-Stop Career Center or affiliate site) or remotely through electronic technologies.

Personal property - property of any kind except real property, including both supplies and equipment. Personal property may be either tangible (having physical existence) or intangible (having no physical existence such as a patent or copyright).

P.L. - Public Law.

Prior approval - securing advance written authorization to incur costs designated as requiring prior approval.

Program income - the net income earned from DET-funded activities.

Project cost - all allowable costs incurred by a grantee and the value of the in-kind contribution made by the grantee or third parties in accomplishing the objectives of the grant during the project or program period.

PY or Program Year - the funding year of a grant. Most DET grants have a program year effective July 1 through June 30.

Real property - land, land improvements, buildings and leasehold improvements but not including movable equipment.

ss. - Wisconsin State Statute section.

Stand-in cost - costs paid from non-federal sources that a grantee proposes to substitute for federal costs that have been disallowed as the result of an audit or other review. Stand-in costs must have been reported by the grantee as uncharged program costs under the same title and in the same program year in which the disallowed costs were incurred.

Stat. - statute.

Subgrantee - an organization or agency receiving a grant of DET funds from any grantee.

Supplies - all tangible personal property except equipment.

Technical Assistance - a facet of capacity building that includes information sharing, dissemination and training on program models and job functions, peer-to-peer networking and problem solving; guides; and interactive communication technologies.

Unit acquisition cost - the net invoice unit price, including the cost of modifications, attachments, accessories or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired.

WIASRD - Workforce Investment Act Standard Record Data -- reporting requirements issued by U.S. DOL.

WRIS - Wage Record Interchange System is used to check other states' UI records, as well as the Federal Employment Data Exchange System (FEDES).

***Guide to Workforce Investment Act (WIA) Title 1B
Eligibility Determination and Documentation***



***Department of Workforce Development
Division of Employment and Training
August 2011***

Types of Documentation

Documentation: Consists of records, certificates, documents, identification cards, and other items which can be photocopied and included in the participants' files. Source documents include documents issued by a governmental entity, i.e., driver's license, library card, and private documents such as utility bills, paycheck stubs, or termination notices. Other evidence would be completed telephone/document inspection forms, and a signed applicant statement, the local application form or WIA Registration form.

Documentation may be one of two types, written or oral. Written statements from governmental, educational, judicial, human services or other appropriate sources may be used to document eligibility. Service providers may also document eligibility through oral contact with the same resources that could provide written statements. In documenting oral contact, the following information should be included: a) date of contact; b) person/agency contacted including name, address, and contact phone number; c) information provided ensuring that the potential participant's name is noted; and d) signature/initials of person making contact. See **Attachment 2** for a sample Telephone Verification Form.

Applicant Statement: The key elements for an applicant statement are: (a) the participant identifying his or her status for permitted elements; and (b) signing and dating a form attesting to this self-identification. The form and signature can be the local application form or WIA registration form, or any other form/statement. However, an applicant statement is not considered a primary documentation source. Applicant statements may be used when an item is unverifiable or it is unreasonably difficult for the applicant to obtain. Examples for the use of applicant statement:

Individual status – persons ordinarily included in the definition of family, but claiming to be no longer dependent, should complete an applicant statement attesting to their individual status. Such statements should be corroborated by the head of the household in which that person resides. If possible, individuals should also show the source of their support.

Proof of income for individuals who claim little or no income – statement should indicate means of support, e.g., unemployment compensation, for previous six-month period.

Automated System Support for Employment and Training (ASSET): This system is primarily a vehicle for the collection of participant data for purposes of meeting the reporting and data requirements of the Department of Labor. ASSET does not have the capability to capture, or verify, a lot of the information that is required to document participant eligibility and services activities. For this reason, ASSET screens are only a part of the participant record – the balance is included in the hard copy participant case files maintained by case managers and other program provider staff.

Case Notes: Refers to either paper or online statements (ASSET) by the case manager that identifies a participant's status for a specific data element, the date on which the information was obtained, and the case manager who obtained the information.

Photocopying: It is illegal to photocopy records of vital statistics and certain other official documents identified on the list below. Instead, for these documents, use a form showing that program staff verified a specific document. The form should record pertinent data to identify the document, such as the official identification/serial number of the document, the issuing agency/state and date it was issued, the expiration date (if applicable), where the original document is located, and

any other relevant information needed to identify and, if necessary, make it possible to locate the document. **Note:** When using a document verification form, the pertinent identifying data as detailed on the form must be completely entered, and the verification form must be certified by an authorized program staff member (case manager). See **Attachment 1** for a sample Document Verification Form.

It is permissible to photocopy a Social Security card, but do not photocopy the documents listed below (this list is not intended to be all inclusive, and restrictions may exist covering documents in addition to those listed):

birth certificates
death certificates
marriage documents
passports
immigration papers

divorce/annulment certificates and related records
vehicle title
certain Selective Service induction papers
certificates of US citizenship or naturalization

It is also permissible to photocopy a driver's license. Per regulation s. Trans 102.205, a driver's license may be copied if it is intended to be used for the identification of the person to whom the license has been issued and the copy is not sold or transferred to any third person or the driver license photo is not included in any electronic or paper library of images.

ADULT PROGRAM — Adults must meet General Eligibility Requirements and any Priority of Service criteria in effect in the WDA.

GENERAL ELIGIBILITY REQUIREMENTS

Each criterion must be documented.

Note: To be eligible to receive **core** services, adults only need to meet the age requirement.

ACCEPTABLE DOCUMENTATION

Only one document from this column per eligibility criterion is required.

Note: Documentation should be in the form of a copy of the relevant document. Documents that may not be photocopied are identified with an asterisk (*). For these documents, use a form showing that program staff verified a specific document. See **Attachment 1** for a sample Document Verification Form and **Attachment 2** for a sample Telephone Verification Form.

Birth Date/Age

Applicants must be age 18 or older at the time of participation to participate in the adult program.

- Baptismal/church record (if date of birth shown) or hospital record of birth
- *Birth certificate
- DD-214 (Report of Transfer or Discharge)
- Driver's license or picture Identification Card
- Federal, State or local government Identification Card
- *Passport
- School records or ID cards
- Selective Service Records
- Court records
- State/federal Indian census records
- Adoption record
- Immigration or Naturalization papers

ADULT PROGRAM — Adults must meet General Eligibility Requirements and any Priority of Service criteria in effect in the WDA.

Eligible to Work

Participation in programs and activities financially assisted in whole or in part under WIA shall be open to citizens and nationals of the U.S., lawfully admitted permanent resident aliens, lawfully admitted refugees and parolees, and other individuals authorized by the Attorney General to work in the U.S.

Authorization to work:

- Unexpired Employment Authorization Document issued by the INS
- U.S. social security card issued by the Social Security Administration (other than a card stating it is not valid for employment)
- Unexpired foreign passport, with I-551 stamp or attached INS Form I-94 indicating unexpired employment authorization
- Alien Registration Receipt Card with photograph (INS Form I-151 or I-551)
- Unexpired Temporary Resident Card (INS Form I-688)
- Unexpired Employment Authorization Card (INS Form I-688A)
- Unexpired Reentry Permit (INS Form I-327)
- Unexpired Refugee Travel Document (INS Form I-571)
- ID Card for use of Resident Citizen in the United States (INS Form I-179)

One verification source from List A of the I-9 Form OR one verification source from List B AND one verification source from List C of the I-9 Form. See <http://www.uscis.gov/files/form/i-9.pdf> and also see Attachment 3.

U.S. Citizenship

NOTE: Citizenship is not required for WIA eligibility. A customer may present documentation of either citizen status or legal right to work in the United States.

Citizenship documents:

- *U. S. Passport (unexpired or expired)
- *Certificate of U.S. Citizenship (INS Form N-560 or N-561)
- *Certificate of Naturalization (INS Form N-550 or N-570)
- *Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States
- Native American tribal document
- Consular Report of Birth Abroad or Certification of Birth
- Certification of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1350)

ADULT PROGRAM — Adults must meet General Eligibility Requirements and any Priority of Service criteria in effect in the WDA.

Selective Service Registrant

Each male registrant 18 years of age or older born on or after January 1, 1960, must present evidence that he has complied with *Section 3* of the Military Selective Service Act.

See TEGL 8-98 for guidance on the eligibility of males over age 26 who did not register -

http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=1322

See WIA Policy Update 11-02: Selective Service Registration for additional guidance.

- Acknowledgement Letter
- Form DD-214 (Report of Transfer or Discharge)
- Screen printout from the Selective Service Verification Internet site: <https://www.sss.gov/RegVer/wfVerification.aspx>
- Selective Service Status Information Letter**
- Selective Service Registration Card
- Selective Service Registration Record (Form 3A)
- Selective Service Verification Form
- Stamped Post Office Receipt of Registration
- For males who did not register – Status Information Letter and written self-statement

** Since January 1995, Selective Service has been issuing “Status Information Letters” in lieu of previous “Advisory Opinion Letter”

Priority of Service – The general WIA eligibility criteria are used unless the WDB has determined that there are limited funds for intensive and training services. When such a determination has been made, the local area may establish criteria to meet the needs of the specific groups within the local area. If this priority of service is in effect in a WDA, Federal laws require that certain groups, including veterans (see WIA policies Veterans Program Letter 05-01 and Veteran’s Adm Memo 10-02), recipients of public assistance and other low-income individuals, be provided services. Priority of service applies to intensive and training services in the adult program. With the exception of veterans, it is not necessary to determine that an adult is eligible in accordance with the priority system until it is determined that the individual is in need of intensive services.

Public assistance recipient

See page 19 of this guide for acceptable documentation.

Low income individual (as defined in local policy)

See pages 17-18 of this guide for documenting family size and income.

Veteran (see DWD Veteran Program Letter 01-05)

DD-214 (Report of Transfer or Discharge). This form can be obtained through the county veterans’ service officer or the Wisconsin Dept. of Veteran Affairs with the written consent of the veteran. Local Veterans Employment Representative may assist in obtaining this documentation. Also see http://dva.state.wi.us/Webforms/WDVA_1045_Request_for_Military_Separation_Records.pdf

Local policy as determined by the local WDB

As appropriate depending on the criteria.

DISLOCATED WORKER PROGRAM – Dislocated Workers must meet General Eligibility Requirements, State Eligibility Requirements and Federal Eligibility Requirements

<p>GENERAL ELIGIBILITY CRITERIA</p> <p><i>Each criterion must be documented.</i></p> <p>Note: To be eligible to receive core services, dislocated workers only need to meet the definition of “dislocated worker”.</p>	<p>ACCEPTABLE DOCUMENTATION</p> <p>Only one document from this column per eligibility criterion is required. Note: Documentation should be in the form of a copy of the relevant document. Documents that may not be photocopied are identified with an asterisk (*). For these documents, use a form showing that staff verified a specific document. See Attachment 1 for a sample Document Verification Form and Attachment 2 for a sample Telephone Verification Form.</p>
<p>Eligible to Work</p> <p>Participation in programs and activities financially assisted in whole or in part under WIA shall be open to citizens and nationals of the U.S., lawfully admitted permanent resident aliens, lawfully admitted refugees and parolees, and other individuals authorized by the Attorney General to work in the U.S.</p>	<p>Authorization to work:</p> <ul style="list-style-type: none"> • Unexpired Employment Authorization Document issued by the INS • U.S. social security card issued by the Social Security Administration (other than card stating not valid for employment) • Unexpired foreign passport, with I-551 stamp or attached INS Form I-94 indicating unexpired employment authorization • Alien Registration Receipt Card with photo (INS Forms I-151/I-551) • Unexpired Temporary Resident Card (INS Form I-688) • Unexpired Employment Authorization Card (INS Form I-688A) • Unexpired Reentry Permit (INS Form I-327) • Unexpired Refugee Travel Document (INS Form I-571) • ID Card for use of Resident Citizen in the U.S. (INS Form I-179) <p>One verification source from List A of the I-9 Form OR one verification source from List B AND one verification source from List C of the I-9 Form. See http://www.uscis.gov/files/form/i-9.pdf and also see Attachment 3.</p>
<p>U.S. Citizenship</p> <p>NOTE: Citizenship is not required for WIA eligibility. A customer may present documentation of either citizen status or legal right to work in the United States.</p>	<p>Citizenship documents:</p> <ul style="list-style-type: none"> • *U. S. Passport (unexpired or expired) • *Certificate of U.S. Citizenship (INS Form N-560 or N-561) • *Certificate of Naturalization (INS Form N-550 or N-570) • *Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the U.S. • Native American tribal document • Consular Report of Birth Abroad or Certification of Birth • Certification of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1350)

DISLOCATED WORKER PROGRAM – Dislocated Workers must meet General Eligibility Requirements, State Eligibility Requirements and Federal Eligibility Requirements

<p>Selective Service Registrant Each male registrant 18 years of age or older born on or after January 1, 1960, must present evidence that he has complied with Section 3 of the Military Selective Service Act.</p> <p>See TEGL 8-98 for guidance on eligibility of males over age 26 who did not register - http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=1322</p> <p>See WIA Policy Update 11-02: Selective Service Registration for additional guidance.</p>	<ul style="list-style-type: none"> • Acknowledgement Letter • Form DD-214 (Report of Transfer or Discharge) • Screen printout from the Selective Service Verification Internet site: www4.sss.gov/regver/verification1.asp • Selective Service Status Information Letter** • Selective Service Registration Card • Selective Service Registration Record (Form 3A) • Selective Service Verification Form • Stamped Post Office Receipt of Registration • For males who did not register – Status Information Letter <u>and</u> written self-statement <p>** Since January 1995, Selective Service has been issuing “Status Information Letters” in lieu of previous “Advisory Opinion Letter”</p>
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STATE DISLOCATED WORKER ELIGIBILITY CRITERIA – Must meet all 3 criteria

<p>1. Dislocated from employment within the last five years; and</p>	<ul style="list-style-type: none"> • Worker Adjustment and Retraining Notification Act (WARN) notice • Media article or announcement describing the layoff; must include name of medium in which published and date of publication • Employer or union representative letter or statement • Applicant statement
<p>2. Either previous work history of two years if age 22 or older; previous work history of four years if age 21 or younger or a dislocation that is a result of a permanent plant or facility closing or substantial layoff regardless of work history; and,</p>	<p><u>Work History</u></p> <ul style="list-style-type: none"> • Pay check stubs • W-2 and/or tax returns • Unemployment insurance records • Statement by the employer or union representative • Statement by an Unemployment Insurance representative • Applicant statement <p><u>Closure or substantial layoff</u></p> <ul style="list-style-type: none"> • Bankruptcy documents (Chapter 7, Title 11 U.S.C.). Foreclosure notice or similar document provided by financial institution if it clearly shows that closure or mass layoff will occur due to its issuance • Media article/announcement describing closure/mass layoff, which includes name of the medium and date of publication • Statement/list from the employer or union representative • WARN notice provided by the employer or authorized representative • Telephone verification • Applicant statement

DISLOCATED WORKER PROGRAM – Dislocated Workers must meet General Eligibility Requirements, State Eligibility Requirements and Federal Eligibility Requirements

STATE DISLOCATED WORKER ELIGIBILITY CRITERIA – Must meet all 3 criteria

<p>3. No specific recall date from employer</p>	<ul style="list-style-type: none"> • WARN notice provided by the employer or authorized representative • Media article or public notice describing the layoff. It must include the name of the medium in which published and the date of publication • Employer or union representative letter or statement • Applicant statement
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FEDERAL DISLOCATED WORKER CRITERIA – must meet 1 of the 5 criteria

Criteria 1 – Regular Dislocated

<p>Has been terminated or laid off, or who has received a notice of termination or layoff, from employment; <u>and</u></p>	<ul style="list-style-type: none"> • WARN notice • Media article or announcement describing the layoff. It must include the name of the medium in which published and the date of publication • Employer or union representative letter or statement • Applicant statement
<p>Is eligible for or has exhausted entitlement to UI, <u>or</u></p>	<ul style="list-style-type: none"> • Unemployment Insurance records • Statement by an Unemployment Insurance representative • Roster (ROST) screen print from UI Profiling if referred by Worker Profiling and Reemployment Services (WPRS)
<p>Has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for UI due to insufficient earnings or having performed services for an employer not covered under a State UI law; <u>and</u></p>	<ul style="list-style-type: none"> • Pay check stubs • W-2 and/or tax returns • Unemployment Insurance records • Statement by the employer or union representative • Statement by an Unemployment Insurance representative • Applicant statement

DISLOCATED WORKER PROGRAM – Dislocated Workers must meet General Eligibility Requirements, State Eligibility Requirements and Federal Eligibility Requirements

<p>Is unlikely to return to a previous industry or occupation.</p>	<ul style="list-style-type: none"> • Notice of UI profiling session • Record of unsuccessful job search • Internet site that indicates lack of industry/occupation availability • Screen print of Labor Market Information that indicates lack of industry/occupation availability • Doctor statement indicating applicant’s inability to return to previous industry/occupation due to physical limitations • DVR counselor’s statement indicating applicant’s inability to return to previous industry/occupation due to physical limitations • Applicant statement
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FEDERAL DISLOCATED WORKER CRITERIA – must meet 1 of the 5 criteria

Criteria 2 – Plant Closure/Substantial Layoff

<p>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;</p>	<p><u>Closure or substantial layoff:</u></p> <ul style="list-style-type: none"> • Bankruptcy documents (Chapter 7, Title 11 U.S.C.). Notice of foreclosure or a similar document provided by a financial institution if it clearly shows that a closure or mass layoff will occur as a result of its issuance • Media article/announcement describing the closure/mass layoff which includes the name of the medium and date of publication • Statement/list from the employer or union representative • WARN notice provided by the employer or authorized representative • Telephone verification • Applicant statement <p><u>Notice of Layoff or Laid-off:</u></p> <ul style="list-style-type: none"> • WARN notice • Other specific notice to employee of intent to lay-off • Employer or union representative letter or statement • Telephone verification • Applicant statement
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DISLOCATED WORKER PROGRAM – Dislocated Workers must meet General Eligibility Requirements, State Eligibility Requirements and Federal Eligibility Requirements

FEDERAL DISLOCATED WORKER CRITERIA – must meet 1 of the 5 criteria

Criteria 3 – Plant Closure/Substantial Layoff

Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or For purposes of eligibility to receive core services only, is employed at a facility at which the employer has made a general announcement that such facility will close.

- Bankruptcy documents, if declared under *Chapter 7*, Title 11, U.S.C.
- Notice of foreclosure or a similar document provided by financial institution; document must clearly show that a closure or mass layoff will occur as a result of its issuance
- Media article/announcement describing closure/mass layoff; it must include name of medium in which published and date of publication
- Statement/phone verification from the employer or union representative
- Statement from the employer’s bank official, attorney, supplier, accountant, or another knowledgeable individual
- WARN Notice
- Applicant statement

NOTE: WARNs are specific to an employer and may identify a specific date when the worker will be laid off or a two week period in which the layoff may occur. Date of dislocation is subject to data validation. In cases where a specific date is state in the WARN, a date of dislocation up to one week prior and one week following that date is considered to be valid.

Criteria 4 – Self-employed

Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.

- Bankruptcy documents listing both name of business and applicant
- Bank records indicating outstanding loans or inability to obtain loans
- Copy of completed federal income tax return (Schedule SE) for most recent tax year
- Notice of foreclosure or intent to foreclose
- Media article/announcement describing closure which includes name of medium in which published and publication date
- Articles of incorporation for the business listing the applicant as a principal
- Applicant statement

DISLOCATED WORKER PROGRAM – Dislocated Workers must meet General Eligibility Requirements, State Eligibility Requirements and Federal Eligibility Requirements

Criteria 5 – Displaced Homemaker*

An individual who has been providing unpaid services to family members in the home and who:

- a. has been dependent on the income of another family member but is no longer supported by that income; and
- b. is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

NOTE: for purposes of b. above, underemployed means a worker is either: (1) working full-time and has an earned income, which if annualized, would be equal to or below self-sufficiency; or (2) working part-time and seeking full-time work. (Self-sufficiency is defined by the WDB in its WIA Plan).

- Pay stubs or records
- Court records
- Divorce papers
- Bank records
- Notice of eligibility and benefits from public assistance agency
- Spouse's layoff notice
- Spouse's disability check
- Spouse's death notice
- Employer verification
- Verification of job search
- Applicant statement

YOUTH PROGRAM – Youth must meet General Eligibility Requirements, Economic Eligibility Requirements (Low Income) and must be documented as having 1 of 6 specific barriers.

<p>General Eligibility Criteria</p> <p><i>Each criterion must be documented.</i></p>	<p>Acceptable Documentation</p> <p>Only one document from this column per eligibility criterion is required. Note: Documentation should be in the form of a copy of the relevant document. Documents that may not be photocopied are identified with an asterisk (*). For these documents, use of a form showing that program staff verified a specific document is acceptable. See Attachment 1 for a sample Document Verification Form and Attachment 2 for a sample Telephone Verification Form.</p>
<p>Birth Date/Age</p> <p>Applicants must be age 14 - 21 at the time of participation to be eligible to participate in the youth program.</p> <p>NOTE: If the youth turns age 22 prior to the date of first youth service (service other than design framework) they must be served in the Adult program.</p>	<ul style="list-style-type: none"> • Baptismal/church record or hospital record of birth • *Birth Certificate • DD-214 Form (Report of Transfer or Discharge) • Driver's license or picture Identification Card • Federal, State or Local Government Issued Identification Card • *Passport • School records or ID card • Selective Service records • Court records • Work permit • State/federal Indian census records • Adoption record • Immigration or Naturalization papers

YOUTH PROGRAM – Youth must meet General Eligibility Requirements, Economic Eligibility Requirements (Low Income) and must be documented as having 1 of 6 specific barriers.

<p>Eligible to Work</p> <p>Participation in programs and activities financially assisted in whole or in part under WIA shall be open to citizens and nationals of the U.S., lawfully admitted permanent resident aliens, lawfully admitted refugees and parolees, and other individuals authorized by the Attorney General to work in the U.S.</p>	<p>Authorization to work:</p> <ul style="list-style-type: none"> • Unexpired Employment Authorization Document issued by the INS • U.S. social security card issued by the Social Security Administration (other than card stating not valid for employment) • Unexpired foreign passport, with I-551 stamp or attached INS Form I-94 indicating unexpired employment authorization • Alien Registration Receipt Card with photo (INS Forms I-151/I-551) • Unexpired Temporary Resident Card (INS Form I-688) • Unexpired Employment Authorization Card (INS Form I-688A) • Unexpired Reentry Permit (INS Form I-327) • Unexpired Refugee Travel Document (INS Form I-571) • ID Card for use of Resident Citizen in the U.S. (INS Form I-179) <p>One verification source from List A of the I-9 Form OR one verification source from List B AND one verification source from List C of the I-9 Form. See http://www.uscis.gov/files/form/i-9.pdf and also see Attachment 3.</p>
<p>U.S. Citizenship</p> <p>NOTE: Citizenship is not required for WIA eligibility. A customer may present documentation of either citizen status or legal right to work in the United States.</p>	<p>Citizenship documents:</p> <ul style="list-style-type: none"> • *U. S. Passport (unexpired or expired) • *Certificate of U.S. Citizenship (INS Form N-560 or N-561) • *Certificate of Naturalization (INS Form N-550 or N-570) • *Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the U.S. • Native American tribal document • Consular Report of Birth Abroad or Certification of Birth • Certification of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1350)

YOUTH PROGRAM – Youth must meet General Eligibility Requirements, Economic Eligibility Requirements (Low Income) and must be documented as having 1 of 6 specific barriers.

Selective Service Registrant

Each male registrant 18 years of age or older born on or after January 1, 1960, must present evidence that he has complied with Section 3 of the Military Selective Service Act.

A male who turns 18 during WIA participation must submit evidence that he has complied with the Military Selective Service Act.

See WIA Policy Update 11-02: Selective Service Registration for additional guidance.

- Acknowledgement Letter
- Form DD-214 (Report of Transfer or Discharge)
- Screen printout from the Selective Service Verification Internet site: www4.sss.gov/regver/verification1.asp
- Selective Service Status Information Letter**
- Selective Service Registration Card
- Selective Service Registration Record (Form 3A)
- Selective Service Verification Form
- Stamped Post Office Receipt of Registration

** Since January 1995, Selective Service has been issuing “Status Information Letters” in lieu of previous “Advisory Opinion Letter”

YOUTH PROGRAM – Youth must meet General Eligibility Requirements, Economic Eligibility Requirements (Low Income) and must be documented as having 1 of 6 specific barriers.

Economic Eligibility

95% of all youth served must be low-income individuals (those not low income must meet the eligibility requirements for the 5% window).

“Low-income individual” includes:

1. Family income at or below the Federal Poverty Limit (FPL) or 70% of the Lower Living Income Standard (LLSIL). Annual family household income may be determined by multiplying by two the income 6 months prior to application. Note: these rates are updated annually.
2. Recipient or member of a family that receives cash payments under a Federal, State or local income-based public assistance program.
3. Member of a household that receives or has been determined within the 6 months prior to application to be eligible to receive food stamps.
4. Foster child on behalf of whom state or local government payments are made.
5. Homeless/runaway.
6. An individual with a disability whose own income meets low-income requirements but who is a member of a family that does not meet those requirements.

Barriers/Characteristics

All youth must possess at least one of the following barriers:

1. Deficient in basic literacy skills
2. School dropout
3. Homeless, runaway or foster child
4. Pregnant or parenting
5. Offender
6. Requires additional assistance to complete an educational program, or secure and hold employment (as defined by the local WDB)

YOUTH PROGRAM – Youth must meet General Eligibility Requirements, Economic Eligibility Requirements (Low Income) and must be documented as having 1 of 6 specific barriers.

<p>Economic Eligibility Criteria Only one Economic Eligibility criterion in this column needs to be documented.</p>	<p>Acceptable Documentation Only one document from this column per eligibility criterion is required. Note: Documentation should be a copy of relevant document; a form showing that staff verified a specific document is also acceptable.</p>
<p>Family Income At or Below the Current Federal Poverty Level or 70% of the Lower Living Standard Income Level (LLSIL) Documentation should be provided for <u>each</u> applicable includable income source received by the applicant and each family member for the six-month income period immediately preceding the determination date (see page 17 for the definition of family/family member). The 6-month income is doubled to arrive at the annualized family income.</p> <p>Low Income An applicant who claims no income must submit a statement that no income was received during the past six months; that he or she was unemployed for that period; and was supported by donations/contributions from relatives and friends.</p> <p>See Attachment 4 for a list of includable and excludable income.</p>	<ul style="list-style-type: none"> • Accountant statement • Alimony agreement • Award letter from Veterans Administration • Bank statements (Direct Deposit) • Court Award Letter/Decree of Court • Earnings report or statement from employer (including business name, contact person and telephone number) • Farm or business financial records • Dated pay check stubs • Pension statement • Quarterly Estimated Tax for Self-employed Persons (Schedule C) • Social Security Benefits records • Unemployment Insurance documents and/or printout • Compensation Award letter • Lease or landlord statement • Housing Authority verification • Most recent tax return supported by IRS documents • Notice of eligibility and benefits from public assistance agency • Applicant statement

YOUTH PROGRAM – Youth must meet General Eligibility Requirements, Economic Eligibility Requirements (Low Income) and must be documented as having 1 of 6 specific barriers.

Family Size for Purposes of Calculating Family Income

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 of the following categories:

- Husband, wife and dependent children.
- Parent or guardian and dependent children.
- Husband and wife.

It is necessary to verify family size when utilizing family income eligibility. In addition to documentation of family size, additional documentation may be required to establish that the family is living in a single residence.

Note: Individuals with disabilities as WIA's family size/income is different for persons with disabilities.

- Birth*/baptismal certificates or church/hospital records
- *Divorce decree
- Social Security cards
- *Alien Registration cards
- Medical card
- Lease
- Landlord statement
- Public assistance/human service agency verification
- Applicant statement
- Most recent tax return
- Public housing records

YOUTH PROGRAM – Youth must meet General Eligibility Requirements, Economic Eligibility Requirements (Low Income) and must be documented as having 1 of 6 specific barriers.

<p>Temporary Assistance for Needy Families (TANF)*</p>	<ul style="list-style-type: none"> • Notice of eligibility and benefits from public assistance agency • Copy of check • Signed statement or telephone verification from Human Services Agency
<p>Other Public Assistance* (General Assistance (GA), Refugee Cash Assistance (RCA), Supplemental Security Income (SSI))</p> <p><i>General Assistance:</i> A cash assistance program operated by county agencies in a number of Wisconsin counties.</p> <p><i>Refugee Cash Assistance:</i> Welfare and medical assistance provided to financially needy, recently arrived refugees and asylees who are ineligible for other programs.</p>	<ul style="list-style-type: none"> • Notice of eligibility and benefits from public assistance agency • Copy of check/voucher • Signed statement or telephone verification from Human Services Agency
<p>Food Stamps</p> <p>Applicant 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 (7 U.S.C. 2011 et seq.).</p>	<ul style="list-style-type: none"> • Current authorization to obtain Food Stamps • Food Stamp receipt • Statement/telephone verification from Food Stamp or W-2 Office • Documentation of information from “Check My Benefits” tool (must be obtained by participant). See https://access.wisconsin.gov/access/
<p>Foster Child*</p> <p>Must be a foster child (at the time of participation) for which State or local government payments are made on his/her behalf. Includes family foster care in home of licensed foster parent; treatment foster care - placements with specialized types of foster parents; group homes – placements in licensed group living arrangements; and Child Caring Institutions (CCIs)/Residential Care Centers (RCCs) – placement in licensed, larger facilities (<u>not</u> a secured detention facility).</p>	<ul style="list-style-type: none"> • Court records/documentation • Medical card • Verification of payments made on behalf of the child • Written statement or telephone verification from cognizant agency • Case notes

YOUTH PROGRAM – Youth must meet General Eligibility Requirements, Economic Eligibility Requirements (Low Income) and must be documented as having 1 of 6 specific barriers.

<p>Homeless/Runaway* <u>Homeless.</u> Individual who lacks a fixed, regular and adequate nighttime residence, and who has a primary nighttime residence that is:</p> <ol style="list-style-type: none"> 1. A supervised publicly/privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters and transitional housing for mentally ill); or 2. An institution that provides a temporary residence for individuals intended to be institutionalized; or 3. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. <p><u>Run-Away Youth.</u> A person under age 18 who absents himself or herself from home or a place of legal residence without the permission of parents or a legal guardian.</p>	<ul style="list-style-type: none"> • Statement or telephone verification from a Social Service Agency • Statement or telephone verification from an individual providing temporary residence • Statement or telephone verification from shelter • WIA registration form (signed and dated) • Applicant statement
<p>Individuals With Disabilities An individual with a disability shall be considered a family of one for eligibility purposes. The applicant's disability must constitute or result in a substantial barrier to employment.</p> <p>Note: Disability status is only used in determining a family of one for income purposes. The youth must still have a barrier.</p>	<ul style="list-style-type: none"> • Letter from Drug or Alcohol Rehabilitation Agency • Medical records • Physician, Psychiatrist or Psychologist diagnosis/statement • Rehabilitation evaluation • School records • Sheltered Workshop certification • Social Security Administration Disability records • Social Service records/referral • Veterans Administration letter/records • Vocational Rehabilitation letter/statement • Worker's Compensation records/statement • Applicant statement • Case notes regarding observable condition

YOUTH PROGRAM – Youth must meet General Eligibility Requirements, Economic Eligibility Requirements (Low Income) and must be documented as having 1 of 6 specific barriers.

<p>Basic Literacy Skills Deficient* Reading or computing at or below an 8th grade level (i.e., score of 8.9 or below)</p>	<ul style="list-style-type: none"> • Standardized assessment test (dated and scored) • School records • Case notes
<p>School Dropout An individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent</p>	<ul style="list-style-type: none"> • School statement/records • Applicant statement
<p>Pregnant or Parenting* An individual under age 22 who is pregnant, or a youth who is providing custodial care for one or more dependents under age 18.</p>	<ul style="list-style-type: none"> • Child’s birth certificate*, hospital record of birth, baptismal record • Medical card • Statement from physician • Statement from school program for pregnant youth • School records • Written statement or phone verification from Social Services Agency • Applicant statement • Case notes regarding observable condition
<p>Offender* Any individual who is, or has been, subject to any stage of the criminal justice process or who requires assistance in overcoming artificial barriers to employment from a record of arrest or convictions for committing delinquent acts, such as crimes against persons, crimes against property, status offenses, or other crimes. A juvenile status offense is a crime which cannot be committed by an adult, i.e., possession of a firearm by a minor. Status offenses may include underage drinking, consumption of alcohol or tobacco, truancy, running away from home, and the general inability to be controlled by adults. Speeding tickets or traffic court are typically <u>not</u> included in this definition.</p>	<p>Documentation from juvenile or adult criminal justice system</p> <ul style="list-style-type: none"> • Court records • Letter of Parole • Police records • Statement from Halfway House • Statement from Probation Officer • Newspaper (must include dates and name of publication) • WIA registration form (signed and dated) • Applicant statement
<p>Requires Additional Assistance to Complete an Educational Program, or to Secure and Hold Employment* Note: This criterion is locally defined by the WDB (the 6th eligibility</p>	<p>Documentation as appropriate to verify criteria used, such as:</p> <ul style="list-style-type: none"> • Individual Service Strategy (ISS) • Test results

YOUTH PROGRAM – Youth must meet General Eligibility Requirements, Economic Eligibility Requirements (Low Income) and must be documented as having 1 of 6 specific barriers.

<p>criterion)</p>	<ul style="list-style-type: none"> • Case notes • WIA registration form (signed and dated) • Applicant statement • School records
<p>5% Exception Youth who are not low income may be eligible to receive WIA services if they are in one or more of the following categories. Youth qualifying under the 5% exception may number no more than 5% of the total active participants at any given time in the WDA. (Only one criterion in this column need be verified).</p>	<p>Acceptable Documentation (Only one document from this column per eligibility criterion is required) See WIA Policy 03-09: WIA Youth Eligible Under the 5% Window.</p>
<p>School Dropout</p>	<p>See page 21</p>
<p>Basic Literacy Skills Deficient</p>	<p>See page 20</p>
<p>Individuals with Educational Attainment that is One or More Grade Levels Below the Grade Level Appropriate to the Age of the Individuals</p>	<ul style="list-style-type: none"> • Telephone verification from the school • Statement from school • Report Card • School records
<p>Pregnant or Parenting</p>	<p>See page 21</p>
<p>Individuals with Disabilities</p>	<p>See page 20</p>
<p>Homeless or Runaway</p>	<p>See page 20</p>
<p>Offender</p>	<p>See page 21</p>

YOUTH PROGRAM – Youth must meet General Eligibility Requirements, Economic Eligibility Requirements (Low Income) and must be documented as having 1 of 6 specific barriers.

Other Eligible Youth who Face Serious Barriers to Employment as Identified by the Local Board

Note: This criterion is locally defined by the WDB

Documentation as appropriate to verify criteria used, such as:

- ISS
- Test results
- Case notes
- WIA registration form (signed and dated)
- Applicant statement

Document Verification Form

The purpose of this form is to record that the following documents were examined to verify eligibility.

(Check next to item examined. For each document examined show document date, reference number, issuer, and source, as applicable)

Participant Name	Social Security Number
1. Date of Birth	Verified By: <input type="checkbox"/> Birth Certificate* <input type="checkbox"/> Driver's License (must include expiration date) <input type="checkbox"/> ID Card <input type="checkbox"/> SSN verification documented in ASSET <input type="checkbox"/> Other (describe):
2. Residence	Verified By: <input type="checkbox"/> Driver's License (must include expiration date) <input type="checkbox"/> ID Card <input type="checkbox"/> Letter/document addressed to applicant <input type="checkbox"/> Other (describe):
3. Eligible to Work in United States: <input type="checkbox"/> Yes <input type="checkbox"/> No	Verified By: <input type="checkbox"/> Driver's License (must have a state license number and expiration date, and must be used in addition to SSN Card) <input type="checkbox"/> Social Security Card (must be used in addition to a Driver's License) <input type="checkbox"/> Birth Certificate* <input type="checkbox"/> Citizenship Record* <input type="checkbox"/> Passport* <input type="checkbox"/> Immigrant/Resident Alien Card*
4. Social Security Number:	Verified By: <input type="checkbox"/> Social Security Card <input type="checkbox"/> Tax Form <input type="checkbox"/> Pay Check Stub <input type="checkbox"/> SSN verification documented in ASSET <input type="checkbox"/> Other (describe):
5. Selective Service Number:	Verified By: <input type="checkbox"/> Internet (www.sss.gov) <input type="checkbox"/> Telephone (847) 688-6888 <input type="checkbox"/> Card
6. Veteran Status:	Verified By: <input type="checkbox"/> DD-214 (issued when exiting military service) <input type="checkbox"/> Eligibility card for VA benefits <input type="checkbox"/> Other (describe):
Documents examined by:	Date:

*Items that cannot be photocopied

Telephone Verification Form

Identifying Information	
Applicant's Name	Social Security Number
Eligibility Verification by Telephone	
Name and/or Number of Document	
Eligibility Items to be Verified	
Information Verified	
Agency Providing Verification	
Agent Verifying Eligibility Item	
Date and Time of Verification	
Area Code and Telephone Number of Agency Providing Verification	

I attest that the information recorded by me on this document was obtained through telephone contact on the above date. As indicated by the agent, all information was obtained from data previously determined and recorded in the applicant's records at the agency providing the eligibility verification.

Agent's Signature

Date Signed

Lists of Acceptable Documents Used for INS Form I-9 to Determine Identity and Employment Eligibility

List A
Documents that establish both identity and employment eligibility

1. US Passport (unexpired or expired)
2. Certificate of US Citizenship (INS Form N-560 or N-561)
3. Certificate of Naturalization (INS Form N-550 or N-570)
4. Unexpired foreign passport with I-551 stamp or attached form INS I-94 indicating unexpired employment authorization
5. Permanent Resident Card or Alien Registration receipt Card with photograph (INS Form I-151 or I-551)
6. Unexpired Temporary resident Card (INS Form I-688)
7. Unexpired Employment Authorization Card (INS Form I-688A)
8. Unexpired Reentry Permit (INS Form I-327)
9. Unexpired Refugee Travel Document (INS Form I-571)
10. Unexpired Employment Authorization issued by INS which contains a photograph (INS Form I-688B)

List B
Documents that establish identity

1. Driver's license or ID card issued by a state or US territory that contains a photograph and information that includes: name, date of birth, eye color, gender, height and address.
2. ID card issued by federal, state or local government agency that contains a photograph and information that includes: name, date of birth, eye color, gender, height and address.
3. School ID Card with photograph.
4. Voter Registration Card
5. US Military Card or draft record
6. Military Dependent's ID Card
7. US Coast Guard Merchant Mariner Card
8. Native American tribal document
9. Driver's license issued by a Canadian government authority

For persons under age 18 who are unable to present a document listed above:

10. School record or report card
11. Clinic, doctor or hospital record
12. Day-care record

List C
Documents that establish employment eligibility

1. US Social Security Card issued by the Social Security Administration (other than a card stating it is not valid for employment)
2. Certification of Birth Abroad issued by the Dept. of State (Form FS-545 or Form DS-1350)
3. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the US bearing an official seal
4. Native American tribal document
5. US Citizen ID Card (INS Form I-197)
6. ID Card for use of resident Citizen in the United States (INS Form I-179)

Inclusions and Exclusions for Determining Family Income

Included in Family Income

- Any monetary compensation for services, including wages, tips, salary, commissions, or fees before any deductions
- Wages received while on reserve duty in the Armed Forces
- Net receipts from nonfarm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expense)
- 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)
- Regular payments from railroad retirement, strike benefits from union funds, worker's compensation, and training stipends
- Alimony (excludes one-time property settlements)
- Military family allotments (voluntary/automatic deduction from military member's pay check which is sent home to family members)
- Financial assistance from outside of the household – regular payments received from non-household members or absent family members (excludes gifts or sporadic assistance)
- Pensions, whether private or government employee (including military retirement pay)
- Regular insurance or annuity payments
- Accident, health and casualty insurance proceeds, unless lump sum
- College or university scholarships (not needs-based), grants (excluding Pell grants), fellowships, and assistantships
- Dividends, interest, net rental income, net royalties, periodic receipts from estates or trusts
- Net gambling or lottery winnings
- Social Security Disability Insurance (SSDI) payments
- Terminal leave pay, severance pay or a cash out of accrued vacation leave
- Disaster Relief Employment wages
- On-the-Job Training (OJT) wages

Not Included in Family Income

- Unemployment compensation
- Strike benefits received from union funds
- Needs-based scholarship assistance
- Financial assistance under Title IV of the Higher Education Act (i.e., Pell Grants, Federal Supplemental Educational Opportunity Grants and Federal Work Study)
- Child support payments
- Cash welfare payments under a Federal, State or local income based public assistance program (e.g., Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), Refugee Cash Assistance (RCA), General Assistance (GA), Emergency Assistance), and non-federally funded general assistance or general relief money payments)
- Social Security Old Age and Survivors' Insurance (OASI) benefit payments received under Section 202 of the Social Security Act
- Foster child care payments
- Adoption subsidies
- Jury duty pay
- Indian judgment funds distributed as per capita payments to members of Indian tribes
- Non-cash benefits such as employer-paid or union-paid fringe benefits, food or housing received in lieu of wages
- Medicare, Medicaid, food stamps, school meals, and housing assistance
- Any assets drawn down as withdrawals from a bank; sale of a home, property or car
- Capital gains
- Allowances received while serving on active duty (cost of living, overseas cost of living, clothing, dislocation, housing, overseas housing, travel, per diem, and subsistence)
- Payments and allowances received under Title 38, Chapters 11, 13, 30, 31, 35, and 36, (i.e., payment and allowances received while serving on active military duty, compensation for service-connected disability, compensation for service-connected death, duty pay for reservists called to active military duty)

Chapter 11 – Compensation for Service-Connected Disability or Death

Chapter 13 – Dependency and Indemnity Compensation for Service-Connected Deaths

Chapter 30 – All-Volunteer Force Educational Assistance Program

Chapter 31 – Training and Rehabilitation for Veterans with Service-Connected Disability

Chapter 35 – Survivors' and Dependents' Educational Assistance

Chapter 36 – Administration of Educational Benefits

- Tax refunds, gifts, loans, IRA withdrawals, lump-sum inheritances, one-time insurance payments, or compensation for injury
- Allowances, earnings and payments to individuals participating in WIA programs (except On-the Job Training wages)
- Cash payments under Title V of the Older Americans Act
- Job Corps payments, or readjustment allowances issued when Job Corps participant leaves program
- Stipends received in the following programs: VISTA, Peace Corps, Foster Grandparents Program, Retired Senior Volunteer Program, and the YouthWorks/Americorps Program
- National Flood Insurance payments
- The value of food and fuel produced and consumed on farms
- The value of assistance received under the Child Nutrition Act of 1966
- The imputed value of rent from owner occupied non-farm or farm housing

- Black Lung payments received under the Benefits Reform Act of 1977
- Payments to crime victims
- Agent Orange Settlement Fund payments
- Reverse mortgage payments
- HUD rental assistance subsidies
-

Note: When a federal statute specifically provides that income or payments received under such statute shall be excluded in determining eligibility for the level of benefits received under any other federal statute, such income or payments shall be excluded in WIA eligibility determination.

Workforce Investment Act (WIA) Title 1B

Adult and Dislocated Worker Programs
Guide to Participant Case File Documentation



Department of Workforce Development
Division of Employment and Training
August 2011

WIA Adult/Dislocated Worker Participant Case File Documentation

The Automated System Support for Employment and Training (ASSET) system is Wisconsin's WIA Title 1, Title 3 and Trade Adjustment Assistance (TAA) reporting system. To the extent possible, case managers should use ASSET to its fullest extent as both a reporting and a case management tool. The need for locally retained documents that cannot be reproduced or easily entered into the system will never be completely removed. However, to reduce duplicate reporting, minimize local storage requirements, facilitate staff file reviews, and validate participant data, there are a number of items that can, and should be reported in ASSET.

* Data elements subject to data validation.

Participation Requirement/ Data Element Validation	Acceptable Documentation/Verification
Local Application Form	<ul style="list-style-type: none"> • Signed and dated local application form
Equal Opportunity (EO) Notification and Grievance Procedures	<ul style="list-style-type: none"> • WDB-issued statement with a notification about the participant's rights, how to file a grievance, and about assistance available for handicapped persons. • Participants must sign that they have received copies of the EO notification and grievance procedures, and these signed documents must be in each participant file.
Release of Information Authorization	<ul style="list-style-type: none"> • Statement authorizing release of a participant's personal information to other providers on a need-to-know basis. Statement signed and dated by participant and clearly indicates information to be released, to whom, and effective dates. The participant is provided a copy and copy retained in case file. <p>This need not be a stand-alone document – may be combined with other forms in use (e.g., local application form).</p>
Individual with a Disability	<ul style="list-style-type: none"> • Letter from Drug or Alcohol Rehabilitation Agency • Medical Records • Physician, Psychiatrist or Psychologist diagnosis/statement • Rehabilitation evaluation • School records • Documentation from sheltered workshop • Social Security Administration Disability records • Social Service records/referrals • Veterans Administration letter/records • Vocational Rehabilitation letter/statement

Participation Requirement/ Data Element Validation	Acceptable Documentation/Verification
Individual with a Disability - Continued	<ul style="list-style-type: none"> • Worker's Compensation records/statement • Applicant statement • Case notes regarding observable condition
Veteran Status*	<ul style="list-style-type: none"> • DD-214 form (military separation/discharge papers) • Other military documents • Verification from Local Veterans Employment Representative (LVER) or Disabled Veterans Outreach Program (DVOP) staff <p>Otherwise, assist veteran with obtaining the DD-214 form (see http://dva.state.wi.us/WebForms/WDVA_1045_Request_for_Release_Discussion_Veterans_Records.pdf)</p>
Employment Status at Participation*	<ul style="list-style-type: none"> • Pay stub showing current employment • Pay stub showing last date of employment if not employed at participation • Employer statement or telephone verification • Applicant statement • Case notes
Local Priority of Service	<p>If the WDB has implemented a local priority of service policy (for example, adults with a household income below 200% of the Federal Poverty Limit), then appropriate documentation must be maintained in the file.</p>
Low Income Status* (for determining eligibility)	<ul style="list-style-type: none"> • Accountant statement • Alimony agreement (documenting <u>amount</u> of income) • Bank statements • Court Award Letter/Decree of Court (documenting <u>amount</u> of income) • Employer statement or telephone verification • Farm or business financial records • Pay stubs • Pension statement • Quarterly Estimated Tax for Self-employed Persons (Schedule C) • Social Security Benefits records (including SSDI) • Lease or landlord statement • Housing Authority verification • Most recent tax return supported by IRS documents

Participation Requirement/ Data Element Validation	Acceptable Documentation/Verification
Low Income Status* - Continued	<ul style="list-style-type: none"> • Notice of eligibility and benefits from public assistance agency • Compensation award letter (including worker's compensation) • Regular insurance or annuity statement • College or university grant award letter (excluding Pell grant) • Estate or trust fund statement • Applicant statement
Temporary Assistance for Needy Families (TANF)*	<ul style="list-style-type: none"> • Notice of eligibility and benefits from public assistance agency • Copy of check • Signed statement or telephone verification from Human Services Agency
<p>Other Public Assistance* (General Assistance (GA), Refugee Cash Assistance (RCA), Supplemental Security Income (SSI))</p> <p><i>General Assistance:</i> A cash assistance program operated by county agencies in a number of Wisconsin counties.</p> <p><i>Refugee Cash Assistance:</i> Welfare and medical assistance provided to financially needy, recently arrived refugees and asylees who are ineligible for other programs.</p> <p><i>Supplemental Security Income:</i> A needs-based program for people whose Social Security benefit (either retirement or disability) is low.</p>	<ul style="list-style-type: none"> • Notice of eligibility and benefits from public assistance agency • Copy of check • Signed statement or telephone verification from Human Services Agency

Participation Requirement/ Data Element Validation	Acceptable Documentation/Verification
Date of Qualifying Dislocation* and Special Response/National Emergency Grant Qualifying Employer* (dislocated workers)	<ul style="list-style-type: none"> • Verification from employer • Notice of layoff • 1st Unemployment Insurance letter/statement (indicating dislocation employer) • Rapid Response List • Media article or public announcement describing the layoff; must include name of medium in which published and date of publication, along with evidence participant was employed there • Applicant statement that includes day, month and year
Assessment	<p>Documentation of assessments performed must be maintained in the case file and the results of assessments reported in ASSET. Documentation may be from an authorized 3rd party (e.g., DVR, other vocational assessments, etc.). Assessment elements include:</p> <ol style="list-style-type: none"> 1. Work History - obtained by interview; participant statement 2. Education - participant statement, diplomas, school transcripts, etc. 3. Basic Skills - results of basic skills assessments 4. Occupational Skills - skill assessments, work and life experience, training certificates, educational records, participant statement 5. Interests - participant statement, formal occupational interest assessment 6. Aptitudes - work and life experience, educational records, formal occupational aptitude assessment 7. Aptitudes and Interest in Nontraditional Occupations – participant statement, work and life experience, educational records, formal occupational aptitude assessment 8. Employment Barriers - formal or informal assessment, participant statement 9. Financial Resources and Needs - documentation of income, records of public assistance, participant statement, statement from debt management agency 10. Supportive Service Needs - formal or informal assessment, participant statement, documentation of income

Participation Requirement/ Data Element Validation	Acceptable Documentation/Verification
Individual Employment Plan (IEP)	<p>An Employability Plan developed for WIA or another program. The ASSET Employability Plan or a locally developed format is acceptable. However, any format used must include the following elements:</p> <ol style="list-style-type: none"> 1. Is based on the results of assessment (the IEP should include activities and services to address issues identified by the assessment). 2. Is jointly developed (signed and dated) by the case manager and the participant (statement or other evidence that IEP was jointly developed and agreed to by the participant and the case manager). 3. The participant's employment goals (primary and secondary employment goals) are identified. 4. Appropriate achievement objectives (interim objectives and planned outcomes) including who, what, when, where and how are identified. 5. Appropriate combination of services to achieve the employment goals (service strategy identifies activities, planned and actual begin and end dates, service provider; services identified in IEP are the same as those recorded and tracked in ASSET). 6. Is regularly updated (updates are made as required by local policy or as warranted by changes to the plan or the participant's circumstances). 7. Identifies/includes non-WIA funded services that are part of the strategy to address needs and achieve goals.
Non-Traditional Occupations (NTO) Orientation	<p>Evidence that participant has received information or materials orienting them to non-traditional occupations (what NTOs are and how to access them).</p> <ul style="list-style-type: none"> • Attestation by case manager that this orientation was provided (<i>ASSET - Manage Programs</i>) • Statement from participant that they received this orientation • Evidence of attendance at group orientation activities or individual service noted in case notes
Case Notes	<p>Record participant's progress toward reaching goals, document need for and the delivery of additional services. Document contacts with participant and report any new information pertaining to participant's employability. Entries must be made at regular intervals during customer's participation. Document contacts, events, services, etc.</p> <ul style="list-style-type: none"> • Case notes in ASSET
PELL/Other Financial Aid	<p>Evidence that participant has applied for financial aid.</p> <ul style="list-style-type: none"> • Documents from educational institution indicating eligibility for or denial of aid • Documentation indicating the training program does not qualify for financial aid

Participation Requirement/ Data Element Validation	Acceptable Documentation/Verification
Intensive Services	<p>Eligibility for intensive services is documented by:</p> <ul style="list-style-type: none"> • An IEP has been developed (IEP present in case file or ASSET); and • The individual has received at least one core service (reported ASSET service; case notes); and • Eligibility and the need for intensive services is supported by and documented in the case record and meets the following criteria: <ol style="list-style-type: none"> 1. need is established by the initial assessment or the individual's inability to obtain employment through core services provided (assessment documents, case notes) 2. individual is in a "priority of service" category, if any, as established by the local WDB (supporting documents, e.g., proof of low income status, in case file)
Intensive Service Date*	<ul style="list-style-type: none"> • Signed and dated IEP • Documentation from school or other service provider • Documents verifying activities (attendance sheets, vouchers, etc.) • Case notes
Service Eligibility/ Data Element Validation	Acceptable Documentation/verification
Training Services	<p>Eligibility for training services is documented by:</p> <ul style="list-style-type: none"> • An IEP has been developed (IEP present in case file or ASSET); and • The individual has received at least one core service and at least one intensive service (reported ASSET service; case notes); and • Eligibility and the need for training services is supported by and documented in the case record and meets the following criteria: <ol style="list-style-type: none"> 1. Is in a "priority of service" category, if any, as established by WDB 2. Participant has been determined to be unable to obtain or retain employment through intensive services (documented in case notes) 3. Participant has been determined to be in need of training services (through interview, case management, evaluation or assessment and as documented in case notes) 4. Participant has been determined to have the skills and qualifications to successfully complete the training program services (through interview, case management, evaluation or assessment and as documented in case notes)

Service Eligibility/ Data Element Validation	Acceptable Documentation/verification
	<ol style="list-style-type: none"> 5. Participant has selected a program of training directly linked to the employment opportunities (demand occupations) in the local area or another area in which the individual is willing to relocate (case file documents process of determining link to employment opportunities) 6. Participant has been determined to be unable to obtain grant assistance from other sources to pay the cost of training or requires WIA assistance in addition to other grant sources (copy of documents from educational institution indicating participant's eligibility for or denial of financial aid, or documentation indicating training program does not qualify for financial aid).
Date Entered Training*	<ul style="list-style-type: none"> • Documentation from training provider • Documents verifying activities (attendance sheets, vouchers, etc.) • Case notes
Date Completed or Withdrew from Training*	<ul style="list-style-type: none"> • Documentation from training provider • Copy of degree, certificate, diploma • Case notes
Type of Training Service* (On-the-Job (OJT), customized, occupational)	<ul style="list-style-type: none"> • Documentation from training provider • Certificates • Case notes
Type of Recognized Credential*	<p>Must document program was completed <u>and</u> diploma/degree earned</p> <ul style="list-style-type: none"> • Diploma • Transcript that shows a degree or diploma was conferred • Certificate • License (regular driver's license is excluded) • Official communication from training provider – must include type of degree/diploma, date awarded, institution that awarded degree/diploma, participant's name, and name, title and phone number of individual providing information • Case notes

Service Eligibility/ Data Element Validation	Acceptable Documentation/verification
High Wage Training (35%)	<ul style="list-style-type: none"> • Printout from Wisconsin Technical College <i>Graduate Follow-Up Report</i> • Other documentation from the specific training provider • Local or State labor market information if graduate placement report is unavailable • Documentation from employer (OJT and customized training) • Employability Plan reflecting “career laddering” goals, combined with wage documentation for both the short term and long term employment goals
Service Provider Documentation	<ul style="list-style-type: none"> • Individual Training Account (ITA) voucher • Supportive service vouchers • Case notes
Training Plan – Work Experience or OJT	<ul style="list-style-type: none"> • Written training plan that complies with requirements in the DWS Workforce Programs Guide, WIA Policy Updates or Administrator’s Memos; Assurances and Certifications; Worksite Agreements • Training plan is signed and dated by participant, employer and authorized representative of WDB or WIA service provider prior to start date
Worksite Agreement – Work Experience or OJT	<ul style="list-style-type: none"> • Written worksite agreement/OJT contract that complies with requirements in the DWS Workforce Programs Guide, WIA Policy Updates and Administrator’s Memos; Assurances and Certifications; Worksite Agreements. • Worksite agreement/OJT contract is signed and dated by participant, employer and authorized representative of WDB or WIA service provider prior to start date.
Planned Gap in Service	<ul style="list-style-type: none"> • Training class schedule indicating date training will begin • Documentation from training provider • Letter from physician or other health care professional • Documents that describe the reason for the move (out of the area) and expected date of return • If move is result of military service, notification from armed forces branch requiring the move
Program Exit Exit Date*	<ul style="list-style-type: none"> • Case notes documenting exit and reason for exit or exclusion from performance measures • For any participant exiting after the “automated exit” is implemented - exit date in ASSET if the participant is an automated (“soft”) exit

Service Eligibility/ Data Element Validation	Acceptable Documentation/verification
Other (exclusionary) Exit* (at the time of exit or during 3 quarter period following exit)	<p>Specific documentation if exit reason is death, health/medical, family care, incarceration/institutionalization, or military reservist called to active duty</p> <ul style="list-style-type: none"> • Obituary • Media article or public announcement listing the name of the participant and describing the significance of the current health condition; must include name of medium in which published and date of publication • Letter from physician/medical facility • Hospital or other medical report • Benefit letter (SSI/SSDI) • Social Service records • Vocational Rehabilitation letter/statement • Worker's Compensation records/statement • Letter from family member • Military activation notice • Verification from criminal justice system/court records • Applicant statement • Co-habitation agreement • Case notes (must specify how condition was determined, who reported it, contact information for follow-up and validation purposes, and date of contact)
Follow Up Services	<ul style="list-style-type: none"> • Copies of follow-up letters, materials, etc. • Activity sheets, attendance rosters • Information from employer • Receipt for follow-up support services • Case notes (including "attempts" to contact) • Reported in ASSET under Manage Follow-ups (<i>Follow-Up Service Screen</i>)

Program Completion/ Data Element Validation	Acceptable Documentation/verification
Supplemental Data	<ul style="list-style-type: none"> • Survey or telephone response from participant accompanied by written document such as W-2, pay stub(s), or IRS Form 1099 covering the pertinent performance period(s). • Written documentation (e-mail, letter, survey or fax) from employer. Must include dates of employment, employer's name, contact number, and name/title of the individual confirming the participant's employer. (Wage amounts are NOT required for supplemental data.) • For self-employed individuals: Written verification from major clients Wisconsin State Tax Form PRA-012 (Premier Resort Area Tax Return) Wisconsin State Tax Form ST-12 (Sales and Use Tax Return) Wisconsin Form EX-012, Local Exposition Tax Return Wisconsin Form S-220a, Schedule P (Attachment to Form BCR, Buyer's Claim for Refund of Wisconsin State County and Stadium Sales Taxes) IRS Form 1040, Schedule C (Profit or Loss from Business) IRS Form 1040, Schedule SE (Self-Employment Tax) IRS Form 1040, Schedule E (Supplemental Income and Loss) IRS Form 1099, Schedule C-EZ (Net Profit from Business) IRS Form 1099-B (Proceeds from Broker & Barter Exchange Transactions) • Verification from professional employment matching services (for example, "The Work Number") • Confirmation from DET that employment was verified using FEDES Postal Service, Department of Defense or U.S. Office of Personnel Management employment data <p>Other forms of verification may be acceptable; contact DET staff for clarification.</p>

Workforce Investment Act (WIA) Title 1B

Youth Program
Guide to Participant Case File Documentation



Department of Workforce Development
Division of Employment and Training
August 2011

WIA Youth Program Participant Case File Documentation

The Automated System Support for Employment and Training (ASSET) system is Wisconsin's WIA Title 1, Title 3 and Trade Adjustment Assistance (TAA) reporting system. To the extent possible, case managers should use ASSET to its fullest extent as both a reporting and a case management tool. The need for locally retained documents that cannot be reproduced or easily entered into the system will never be completely removed. However, to reduce duplicate reporting, minimize local storage requirements, facilitate staff file reviews, and validate participant data, there are a number of items that can, and should be reported in ASSET.

* Data elements subject to data validation.

Participation Requirement/ Data Element Validation	Acceptable Documentation/Verification
Local Application Form	<ul style="list-style-type: none"> • Signed and dated local application form
Equal Opportunity (EO) Notification and Grievance Procedures	<ul style="list-style-type: none"> • WDB-issued statement with a notification about the participant's rights, how to file a grievance, and about assistance available for handicapped persons. • Participants must sign that they have received copies of the EO notification and grievance procedures, and these signed documents must be in each participant file.
Release of Information Authorization	<ul style="list-style-type: none"> • Statement authorizing release of a participant's personal information to other providers on a need-to-know basis. Statement signed and dated by participant and clearly indicates information to be released, to whom, and effective dates. The participant is provided a copy and a copy is retained in case file. <p>This need not be a stand-alone document – may be combined with other forms in use (e.g., local application form).</p>

Participation Requirement/ Data Element Validation	Acceptable Documentation/Verification
Veteran Status* (Older Youth)	<ul style="list-style-type: none"> • DD-214 form (military separation/discharge papers) • Other military documents • Verification from Local Veterans Employment Representative (LVER) or Disabled Veterans Outreach Program (DVOP) staff • Letter from Veteran's Administration <p>Otherwise, assist veteran with obtaining the DD-214 form (see http://dva.state.wi.us/WebForms/WDVA_1045_Request_for_Release_Discussion_Veterans_Records.pdf)</p>
Employment Status at Participation*	<ul style="list-style-type: none"> • Pay stub showing current employment • Pay stub showing last date of employment if not employed at participation • Employer statement or telephone verification • Applicant statement • Case notes
School Status at Participation*	<ul style="list-style-type: none"> • Diploma/GED certificate/transcript • Attendance record • Current school schedule • Dropout letter • Applicant statement • Documentation from school • WIA registration form (signed and dated) • Applicant statement
Literacy/Numeracy Level* (Out-of-School/Basic Skills Deficient Youth)	<ul style="list-style-type: none"> • Test records (test, test date(s) and scores) • Case notes documenting the necessary details for each element of testing • Case notes detailing the participant's progress • School records

Participation Requirement/ Data Element Validation	Acceptable Documentation/Verification
Assessment	<p>Documentation of assessments performed must be maintained in the case file and the results of assessments reported in ASSET. Documentation may be from an authorized 3rd party (e.g., DVR, other vocational assessments, etc.). Assessment elements include:</p> <ol style="list-style-type: none"> 1. Prior Work Experience – obtained by interview; participant statement 2. Basic Skills – results of basic skills tests/assessments 3. Occupational Skills – skill assessments, work and life experience, training certificates, educational records, participant statement 4. Interests - participant statement, formal occupational interest assessment 5. Aptitudes and interest in Nontraditional Occupations - participant statement, work and life experience, educational records, formal occupational interest assessment 6. Aptitudes - work and life experience, educational records, formal occupational aptitude assessment 7. Employability – formal or informal assessment, participant self-identification of barriers 8. Supportive Service Needs – formal or informal assessment, participant self-identification, documentation of income 9. Developmental Needs – formal and informal assessments, work experience, educational records

Participation Requirement/ Data Element Validation	Acceptable Documentation/Verification
Individual Service Strategy (ISS)	<p>An Individual Service Strategy (ISS) developed for WIA or another program. The ASSET Employability Plan or a locally developed format is acceptable. However, any format used must include the following elements:</p> <ol style="list-style-type: none"> 1. Is based on the results of assessment - the ISS should include activities and services to address issues identified by the assessment. 2. Is jointly developed by the case manager, the youth and, for younger youth, the parent/legal guardian - statement or other evidence that ISS was jointly developed and agreed to by the participant and the case manager; is signed and dated. 3. Identifies age-appropriate career goal(s) for the participant - primary and secondary goals are identified. 4. Appropriate achievement objectives - interim objectives and planned outcomes including who, what, when, where and how are identified. 5. Appropriate combination of services and a schedule of activities to achieve the goals - service strategy identifies activities, planned and actual begin and end dates, service provider; services identified in ISS are the same as those recorded and tracked in ASSET. 6. Identifies a plan for year round services. 7. Is a working tool that documents an ongoing strategy and is regularly updated - updates are to be made as required by local policy or as warranted by changes to the plan or the participant's circumstances. 8. Includes skill attainment goals - the <i>Manage Employability Plan</i> function in ASSET is used to record and track skill attainment goals. 9. Identifies/includes non-WIA funded services that are part of the strategy to address needs and achieve goals.

Participation Requirement/ Data Element Validation	Acceptable Documentation/Verification
Skill Attainment Goals <ul style="list-style-type: none"> • Goal Type* • Date Set* • Attainment of Goal* • Date Attained* (Younger Youth)	Assessment results document the individual's need for the skill goal, and are identified (<i>ASSET - Comments section or case notes</i>). Skill goals are objective and measurable. The services the youth received to assist them in attaining goals are documented (<i>ASSET service screens and/or case notes</i>). If the information listed below is not fully documented in ASSET, then the following information must be present in the participant's file: <ul style="list-style-type: none"> • Test records • Transcripts, certificates, diploma • Verification from school or employer • Case notes
Non-Traditional Occupations (NTO) Orientation	Evidence that participant has received information or materials orienting them to non-traditional occupations (what NTOs are and how to access them). <ul style="list-style-type: none"> • Attestation by case manager that this orientation was provided (<i>ASSET - Manage Programs</i>) • Statement from participant that they received this orientation • Evidence of attendance at group orientation activities or individual service noted in case notes
Case Notes	Record participant's progress toward reaching goals, document need for and the delivery of additional services. Document contacts with participant and report any new information pertaining to participant's employability. Entries must be made at regular intervals during customer's participation. Document contacts, events, services, etc. <ul style="list-style-type: none"> • Case notes in ASSET
Youth Program Elements*	In addition to reporting begin and end dates of services in ASSET, participation in program activities must be documented in the case record. At a minimum, this documentation should include remarks in ASSET "Comments" fields or in case notes. Reference should be made to start and end dates, progress made, issues encountered and outcomes related to services provided. Some services, e.g., training, work experience and supportive services will require additional documentation including payment vouchers, time sheets, mileage records, receipts, worksite agreements, etc. <ul style="list-style-type: none"> • Activity sheets • Sign-in sheets • Attendance record • Service provider contract • Work experience agreement/On-the-Job (OJT) contract • Case notes

Participation Requirement/ Data Element Validation	Acceptable Documentation/Verification
Date of First Youth Service* (Other than design framework)	<ul style="list-style-type: none"> • Case notes • ASSET
Planned Gap in Service	<ul style="list-style-type: none"> • Training class schedule indicating date training will begin • Documentation from training provider • Letter from physician or other health care professional • Documents that describe the reason for the move (out of the area) and expected date of return • If move is result of military service, notification from armed forces branch requiring the move
Type of Recognized Credential* (Older Youth)	<p>Must document program was completed <u>and</u> diploma/degree earned</p> <ul style="list-style-type: none"> • Diploma, certificate, transcript • Official communication from training provider - must include type of degree/diploma, date awarded, institution that awarded degree/diploma, participant's name, and name (including signature), title and phone number of individual providing information • License (regular driver's license is excluded) • Case notes
Program Exit Exit Date*	<ul style="list-style-type: none"> • Case notes • WIA status/exit forms • ASSET
Other (Exclusionary) Exit* (At time of exit or during 3 quarter period following exit)	<p>Specific documentation of exit reason if exit is due to death, health/medical, family care, relocated to mandated residential program, incarceration or military reservist called to active duty</p> <ul style="list-style-type: none"> • Obituary • Media article or public announcement listing the name of the participant and describing the significance of the current health condition; must include name of medium in which published and date of publication • Letter from physician/medical facility • Hospital or other medical report • Benefit letter (SSI/SSDI)

Program Completion/ Data Element Validation	Acceptable Documentation/Verification
Other (Exclusionary) Exit* - Continued (At time of exit or during 3 quarter period following exit)	<ul style="list-style-type: none"> • Social Service records • Vocational Rehabilitation letter/statement • Worker's Compensation records/statement • Letter from family member • Military activation notice • Verification from criminal justice system/court records • Applicant statement • Co-habitation agreement • Case notes (must specify how condition was determined, who reported it, contact information for follow-up and validation purposes, and date of contact)
School Status at Exit*	<ul style="list-style-type: none"> • Transcript • Diploma/GED • Notice from school • Case notes • Certificates
Follow-up Services*	<ul style="list-style-type: none"> • Copies of follow up letters, materials, etc. • Activity sheets, attendance rosters • Information from employer • Receipt for follow-up support services • Case notes (including "attempts to contact") • Reported in ASSET under Manage Follow-ups (<i>Follow-up Service screen</i>)
Attained High School Diploma, GED or Certificate* Date Attained*	<ul style="list-style-type: none"> • Transcript (must indicate diploma/GED was conferred) • Diploma/GED • Notice from school (must include date awarded, name of institution, participant's name, and name, title and phone number of individual providing information) • Certificates

Program Completion/ Data Element Validation	Acceptable Documentation/Verification
Youth Placement Information* Youth Retention Information*	<p>Youth who are in employment (including military) or enrolled in post-secondary education, advanced training, occupational skills training, apprenticeship training in the first quarter after exit.</p> <ul style="list-style-type: none"> • College or university records • Military service records • Transcripts • Registration forms • Verification from employer • Apprenticeship verification • Case notes
Supplemental Data	<ul style="list-style-type: none"> • Survey or telephone response from participant accompanied by written document such as W-2, pay stub(s), or 1099 covering the pertinent performance period(s). • Written documentation (e-mail, letter, survey or fax) from employer. Must include dates of employment, employer's name, contact number, and name/title of the individual confirming the participant's employer. (Wage amounts are NOT required for supplemental data.) • For self-employed individuals: Written verification from major clients Wisconsin State Tax Form PRA-012 (Premier Resort Area Tax Return) Wisconsin State Tax Form ST-12 (Sales and Use Tax Return) Wisconsin Form EX-012, Local Exposition Tax Return Wisconsin Form S-220a, Schedule P (Attachment to Form BCR, Buyer's Claim for Refund of Wisconsin State County and Stadium Sales Taxes) IRS Form 1040, Schedule C (Profit or Loss from Business) IRS Form 1040, Schedule SE (Self-Employment Tax) IRS Form 1040, Schedule E (Supplemental Income and Loss) IRS Form 1099, Schedule C-EZ (Net Profit from Business) IRS Form 1099-B (Proceeds from Broker & Barter Exchange Transactions) • Verification from professional employment matching services (for example, "The Work Number") • Confirmation from DWS that employment was verified using FEDES Postal Service, Department of Defense or U.S. Office of Personnel Management employment data <p>Other forms of verification may be acceptable; contact DWS staff for clarification.</p>