



Arkansas Workforce Center at Little Rock

LRWDB Program Directive

LITTLE ROCK WORKFORCE DEVELOPMENT BOARD
5401 South University Ave, Ste 146, Little Rock, AR 72209
Tel: 501-682-0228/ TDD: (800) 250-6691

POL 2019 Incumbent Worker Train

Date of Issuance/Impact

March 28, 2019

Effective Date

Immediately

Statement of Incumbent Worker Training

POLICY IMPACT

One Stop Career Center Operator

Revision Date

PURPOSE

The purpose of this policy is to describe and to detail the regulations concerning incumbent worker training contracts, in accordance with rules and regulations of Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and Arkansas Workforce Development Board policies.

POLICY

The LRWDB and its partners employ Incumbent worker training (IWT) to meet the needs of an employer or group of employers to retain a skilled workforce or avert layoffs. It is conducted with a commitment by the employer(s) to retain or avert the layoffs of the incumbent worker(s) trained [20 CFR 680.790; TEGL 19-16]. IWT is not used to provide occupational training for new hires.

The IWT policy supports the LRWDB's strategic plan and career pathway and sector strategy approaches for in-demand occupations.

Incumbent worker training is provided through contracts instead of through ITAs [WIOA 134(c)(3)(G)(ii)(II); TEGL 19-16]. As such, providers of IWT engaged by the LRWDB are not subject to the requirements for entities listed on the eligible training provider list, and they are not included on the state list of eligible training providers and programs. In the event that the LRWDB combines ITAs with IWT, participants receiving any training or other services other than incumbent worker training must be declared eligible for the appropriate training and services [Comments in WIOA Final Rule concerning §680.790].

The LRWDB and partners may use incumbent worker training for upskilling apprentices or journey workers who already have an established working/training relationship with a Registered Apprenticeship (RA) program [TEGL 19-16].

Eligibility of Workers

The LRWDB determines which workers or groups of workers are eligible for incumbent worker services. The LRWDB also determines whether an employer is eligible to have its employees receive incumbent worker training. [WIOA § 134(d)(4)(A)(ii); 20 CFR 680.780; 20 CFR 680.810; TEGL 10-16 & 19-16]

The following conditions must be present for workers or worker groups to be eligible:

- The worker must be employed in a situation that meets the Fair Labor Standards Act requirements for an employer-employee relationship
- The worker must have an established employment history with the employer for at least 6 months, unless the training is being given to a cohort of employees. In that case, not every worker must have been an employee for at least 6 months, but the majority of those being trained must have been employed for at least 6 months.

The 6 months may include time spent as a temporary or contract worker performing work for the employer receiving IWT funds. The LRWDB documents the 6-month work history; the employer must include this requirement as a term of the contract the contract with the LRWDB

- An incumbent worker does not have to meet the eligibility requirements for career and training services for WIOA Title I-B Adults or Dislocated Worker program, unless he or she is also enrolled as a participant in one of those two programs.

IWT may be used for underemployed workers, such as workers who are working part-time but would prefer full-time employment. Although these workers are employed, they may have accepted reduced hours or low pay in order to have employment. IWT may focus on increasing skills for underemployed frontline workers in an effort to advance these workers to more-skilled positions with the same employer or industry sector, leading to an increase in earnings through more work hours or increase in rates of pay. The LRWDB seeks to develop contracts such that, once incumbent workers advance with the employer, the employer then provides an opportunity to the LRWDB to fill the vacant positions with local WIOA participants [TEGL 19-16].

ADWS “immediate family” requirements for training and employment activity [20 CFR 683.200(g)] and health and safety standards established under Federal and State Law, otherwise applicable to working conditions of employees, are equally applicable to working conditions of IWT participants. To the extent that Arkansas workers’ compensation law applies, workers’ compensation must be provided to participants on the same basis as in the compensation is provided to other individuals in similar employment [20 CFR 683.280]

Eligibility of Employers

In determining the eligibility of an employer or group of employers to provide incumbent worker training, the LRWDB takes into account the following factors [WIOA § 134 (d)(4)(A)(ii); 20 CFR 680.810; TEGL 19-16]:

- The characteristics of the participants in the program (e.g. individuals with barriers to employment)
- Whether the training improves the labor market competitiveness of the employees or both the employees and the employer
- The number of employees participating in the training
- The wage and benefit levels of those employees (at present and anticipated upon completion of the training)
- The existence of other training and advancement opportunities provided by the employer
- Credentials and skills gained as a result of the training
- Layoffs averted as a result of the training
- Utilization as part of a larger sector and/or career pathway strategy
- Employer size

Generally, IWT is provided in private sector employer environments, but in certain instance, non- profit and local government entities may be the recipients of IWT funds.

No funds will be provided to employers for work-based training and other work experiences to be used directly or indirectly to assist, promote, or deter union organizing [20 CFR 680.830].

No funds will be provided to employers for work-based training or other work experiences to be used directly or indirectly to aid in the filling of a job opening that is vacant because the former employee is on strike, the former employee is being locked out in the course of a labor dispute, or the job is vacant because of an issue in a labor dispute involving a work stoppage [20 CFR 680.840].

No funds will be used to pay a participant to construct, operate, or maintain any part of a facility used for sectarian instruction or as a place for religious worship, with the exception of maintenance of facilities that are not used primarily for sectarian instruction or worship and are operated by organizations providing services to WIOA participants [WIOA § 188(a)(3); 20 CFR 683.255(a)].

No funds will be used for the encouragement or inducement of a business or part of a business to relocate from any location in the United States if the relocation results in any employee losing his or her job at the original location. No individual will be placed in a work experience in any business or part of a business that has relocated from any location in the United States until the company has operated at that location for 120 days if the relocation has resulted in any employee losing his or her job at the original location. To verify that a business that is new or expanding (and is not relocating employment from another area) a standardized Arkansas pre-award review criteria must be completed and documented jointly by the LRWDB and the business [20 CFR 683.260].

The employer(s) participating in the Incumbent Worker training program must pay the non-Federal share of the cost of providing training to their incumbent workers [WIOA § 134(d)(4)(C); 20 CFR 680.820]. The LRWDB establishes the non-Federal percentage share of the cost of training, taking into consideration factors like the number of employees participating in the training, the wage and benefit levels of the employees (at the beginning and anticipated upon completion of the training), the relationship of the training to the competitiveness of the employer and employees, and the availability of other employer-provided training and advancement opportunities [WIOA § 134(d)(4)(D)(i)]. The non-Federal share must not be less than the following percentages of the cost of training [WIOA § 134(d)(4)(D)(ii); 20 CFR 680.820; TEGL 19- 16]:

- 10% of the cost for employers with not more than 50 employees
- 25% of the cost for employers with more than 50 employees and not more than 100 employees
- 50% of the cost for employers with more than 100 employees

The cost of training may include the amount of the wages paid by the employer to a worker while the worker is attending the incumbent training. The employer's payment for the non-federal share can be cash payments, fairly evaluated in-kind contributions, or both [WIOA § 134(d)(4)(D)(iii); TEGL 19-16]. The LRWDB reports the employer's share of the costs of training on the ETA-9130 quarterly financial report [TEGL 19-16].

Co-Enrollment and Reporting

The LRWDB approaches Incumbent worker training as unique in that individuals receiving incumbent worker training are not considered participants in the Adult or Dislocated Worker program unless the participant receives other services under the Adult or Dislocated Worker program.

The LRWDB uses Arkansas Job Link (AJL) to report demographic information related to individuals receiving incumbent worker training, and information needed to calculate employment in the 2nd and 4th quarters after exit, Median earnings in the 2nd quarter after exit, and Credential Attainment [TEGLs 10-16 & 19-16]. In calculating performance indicators, the exit date for an individual who has received only IWT is the last date of training, as indicated in the training contract [20 CFR 680.780; TEGLs 10-16 & 19-16].

Individuals who meet the respective program and service eligibility requirements may participate in Adult, Dislocated Worker and/or Youth programs concurrently. The LRWDB and its partners work to determine the appropriate level and balance of services under the youth and Adult/Dislocated Worker programs. This determination depends not only on the eligibility requirements of each program, but also on the services needs of the participant. [TEGL 19-16]. Individuals who are eligible and enrolled in the appropriate program are included in performance indicators. Individuals who are not eligible and do not receive Adult or Dislocated Worker services are not included in program performance indicators.

Services available under each funding stream depend on eligibility for services under that funding stream. The LRWDB and its one-stop operator work to determine the appropriate level and balance of services for each individual under each program. The LRWDB and its one-stop operator identify and track the funding streams, which pay the costs of services and ensure no duplication of services [20 CFR 681.430].

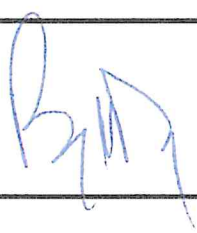
The LRWDB and its partners may use up to 20% of the combined total of their Adult and Dislocated Worker allocations for incumbent worker training [WIOA § 134(d)(4)(A)(i); 20 CFR 680.800(a); TEGLs 10-16 & 19-16]. The 20% is used only for programmatic IWT activities; administrative expenses are paid out of the LRWDB's administrative funds [TEGL 19-16].

If it is determined that only the Youth or Adult program array of services is appropriate for an individual aged 18 –24, the participant is enrolled in only that service [20 CFR 681.450].

To appropriately coordinate funding and co-enrollment, case managers are trained in programs and eligibility requirements of other one-stop partners and other local and state entities providing services needed by their participants so they can leverage the funding of other sources to provide all services needed by WIOA Title I-B participants [A.C.A. 15-4-3711(a)(10)(D)]. The LRWDB also works to ensure that services are not duplicated for individuals enrolled in other funded programs.

Some of these potential entities and programs are:

- Career Pathways Initiative for custodial parents attending AR two-year colleges
- Single Parent Scholarship fund
- Arkansas Rehabilitation Services and Division of Services for the Blind
- TEA / Work Pays
- TAA
- Veterans' Services
- State and institutional scholarships
- Department of Human Services
- SNAP and SNAP Employment and Training Programs
- Arkansas Human Development Corporation (National Farmworker Jobs Program)
- American Indian Center of Arkansas
- Little Rock housing authority
- Local homeless shelter(s)
- Local food banks and distribution centers
- CADC or other local provider(s) of assistance with utilities
- AARP or local provider(s) of older worker services
- Community Service Block Grants
- Programs funded by the Second Chance Act
- Arkansas Department of Career Education
- Arkansas Literacy Council
- Other adult education /literacy programs

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| Contact Person W. J. Monagle, Executive Director | Expiration Date Indefinite |
| Authorized By Bryan Day, Chair  | Resolved |

Policy Review Date: 3/28/2019



Arkansas Workforce Center at Little Rock

LRWDB Program Directive

LITTLE ROCK WORKFORCE DEVELOPMENT BOARD
5401 South University Ave, Ste 146, Little Rock, AR 72209
Tel: 501-682-0228/ TDD: (800) 250-6691

POL 2019 Priority of Service

**Statement of Limited Funds and Priority Determination of the
LRWDB**

Date of Issuance/Impact

POLICY IMPACT

March 28, 2019

Effective Date

One Stop Career Center Operator

Revision Date

Immediately

PURPOSE

Because funding is generally considered limited, the Little Rock Workforce Development Board must determine the availability of funds and the process by which priority will be applied under WIOA § 3(24); TEGL 19-16,

POLICY

In the Little Rock Workforce Development Area, funds will be considered limited and priority will be given to those individuals who reside in the City of Little Rock and that are receiving public assistance, other low-income individuals and those individuals determined by assessment to require assistance to attain employment that will lead to self-sufficiency.

Examples of potential participants who meet these criteria include but are not limited to:

- Veterans, as defined in [WIOA 3(63)(A); 38 U.S.C. 101(2); 38 U.S.C. 4215(a)(1)(A); TEGL 10-9] and ADWS Policy No. WIOA I-B – 2.2 (Veterans' Priority of Service)
- Displaced homemakers, as defined in WIOA § 3(24) and ADWS Policy No. WIOA I-B – 2.4 (Eligibility for Dislocated Worker Program)
- Low-income individuals, as defined in WIOA § 3(36) and ADWS Policy No. WIOA I-B – 1.2 (Definitions)
- Indians (as defined in WIOA § 166(b) and 25 U.S.C 450b), Alaska Natives (as defined in WIOA § 166(b) and 43 U.S.C 1602(b),(r)), and Native Hawaiians (as defined in WIOA § 166(b) and 20 U.S.C 7517)
- Individuals with disabilities, including youth who are individuals with disabilities, as defined in WIOA § 3(25) and ADWS Policy No. WIOA I-B – 1.2 (Definitions) and including individuals who are recipients of Social Security Disability Insurance [TEGL 19-16]
- Older individuals, defined as age 55 or older [WIOA § 3(39)]
- Ex-offenders or offenders [TEGL 19-16], as defined in WIOA § 3(38) and ADWS Policy No. WIOA I-B – 1.2 (Definitions)
- Homeless individuals, including homeless children and youth, as defined in TEGL 19-16 and ADWS Policy No. WIOA I-B – 1.2 (Definitions)
- Youth who are in or have aged out of the foster care system
- Individuals who are English language learners, as defined in WIOA § 203(7) and ADWS Policy No. WIOA I-B – 1.2 (Definitions)
- Individuals who have low levels of literacy (i.e. Basic Skills deficient [TEGL 19-16]), as defined in ADWS Policy No. WIOA I-B – 1.2 (Definitions)

- Individuals facing substantial cultural barriers to employment, as defined in ADWS Policy No. WIOA I-B – 1.2 (Definitions)
- Eligible migrant and seasonal farmworkers, as defined in WIOA § 167(i)(1-3) and ADWS Policy No. WIOA I-B – 1.2 (Definitions)
- Individuals within 2 years of exhausting lifetime eligibility under TANF (See 42 U.S.C. 601 et seq.)
- Single parents (custodial and non-custodial, mothers and fathers) and single pregnant women [TEGLs 19-16 & 21-16])
- Long-term unemployed individuals, as defined in ADWS Policy No. WIOA I-B – 1.2 (Definitions)

Such other groups as the LRWDB determines to have barriers to employment.

DEFINITIONS

Public assistance will be defined as an individual who is receiving Federal, State, or local cash payments for which eligibility is determined by a needs or income test.


A low-income individual will be defined as an individual or family member whose annualized income is **185%** of the poverty level or **70%** of the Lower Living Standard Income Level (LLSIL), which ever is greater.

Self-sufficiency will be defined as an individual or family member whose annualized income is the equivalent to or greater than **185%** of the Lower Living Standard Income Level (LLSIL).

Self-sufficiency for dislocated workers is defined as **90%** of the lay-off wage.

EXEMPTIONS

In accordance with 20 CFR § 663.610 funds allocated for dislocated workers are not subject to this requirement.

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| Contact Person W. J. Monagle, Executive Director | Expiration Date Indefinite |
| Authorized By Bryan Day, Chair  | Resolved |

Policy Review Date: 3/28/2019



Arkansas Workforce Center at Little Rock

LRWDB Program Directive

LITTLE ROCK WORKFORCE DEVELOPMENT BOARD

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Tel: 501-682-0228/ TDD: (800) 250-6691

POL 2019 Monitoring

Date of Issuance/Impact

April 25, 2019

Effective Date

Immediately

Monitoring Policy

POLICY IMPACT

One Stop Career Center Operator

Revision Date

PURPOSE

The purpose of this policy is to outline comprehensive programmatic monitoring, including Board appointment, financial management, program management and inventory tracking/accountability in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), Uniform Guidance of the federal Office of Management and Budget (OMB) and Arkansas Workforce Development Board policies. The LRWDB will conduct WIOA program monitoring in compliance with requirements specified by 20 CFR 683.410.

LRWDB Establishment

The LRWDB will be established in compliance with 20 CFR 679.350. LRWDB members will be appointed by the Little Rock chief elected official (Mayor of Little Rock). The LRWDB is certified by the Governor every two years in accordance with WIOA sec. 107 (c)(2). The LRWDB will serve as the leader and convener of the local workforce development system [20 CFR 679.300].

EEO Policy and Procedures

The LRWDB, under WIOA Title I, will implement practices to ensure equal opportunity and nondiscrimination in programs and activities funded in whole or in part under WIOA. This responsibility includes compliance with all nondiscrimination requirements in the administration of operation of programs, opportunities and employment as provided by WIOA section 188 and 29 CFR Part 38. The regulations apply to all programs and activities that are operated by the one-stop partners as part of the one-stop delivery system and Recipients as defined under 29 CFR 38.4.

WIOA Program and Financial Monitoring

As part of the ongoing responsibilities for the oversight of federal employment, training and financial activities in Little Rock, the LRWDB conducts desk and on-site monitoring reviews. Monitoring can be done separately, or it can be combined for Program and Financial aspects. The Program Monitor may supplement on-site reviews with electronic reviews of sample active WIOA files using the Arkansas Job Link (AJL) system.

1. WIOA, Grant and Financial Monitoring and Oversight

An official internal monitoring visit shall take place at least one time annually. The monitoring visit follows the ADWS Monitoring Tool (revised September 2018) as a guide. The mission of the Program Monitor or contracted agent includes, but is not limited to, compliance. The Program Monitor seeks to ensure that administrative and financial policies, practices, standards and systems are operational and in compliance with the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles and Audit Requirements

for Federal Awards as adopted by the U. S. Department of Labor (DOL), state legislation, regulations and policy directives.

Specific activities subject to program and financial monitoring may include, but are not limited to:

- Accuracy and proper documentation
- Allowable activities and service delivery
- Targeting; selection; assessment methodology; and eligibility
- EEO and ADA compliance
- Fiscal accountability; internal controls
- Inventory control and property management
- Complaint and Grievance policies and procedures
- Management Information Systems; data sharing; maintenance, validation
- Conflict of interest; nepotism
- Customer satisfaction and performance
- Record keeping maintenance, security and retention

2. Documentation to be Utilized

The Monitored Agency Documents that may be utilized by the Monitoring Entity include the following:

- Previous monitoring reports
- Letters of concern
- WIOA Strategic Plan,
- AWIS documents
- WIOA Act and regulations
- Audit report, follow-up Reports,
- Internal monitoring reports
- Board information
- Internal policies and procedures
- Agreements/contracts/sub-awards
- Financial reports, bank statements, payroll registers, timesheets
- Leases or rental agreements
- Insurance documents
- Organizational charts
- AJL tables and screens, performance tables, and other performance indicators, and contracts and/or MOAs (Memorandum of Agreement)
- All elated Information, and client files

3. Monitor Preparation

The Program Monitor prepares for entrance conference by sending a letter to monitored entity at least (1) week in advance referencing dates of monitoring, instrument to be used, time of entrance conference, length of review, and approximate date of exit conference, anticipated training/service provider field visits, and files to be utilized during review.

4. Monitored Preparation

The monitored entity must designate a contact person. This may be the Director or someone else, but will be the person to whom general questions should be addressed and the person who should be notified if any problems are discovered. This contact must be available during review. The contact notifies training/service providers of dates and times for field monitoring and provide a contact for review, interviews, and documentation. The monitored entity then assigns a working space for the monitor during all visits. All pre-requested files must be available to monitor upon entry.

5. Entrance Conference

The monitor again briefs the monitored entity on the scope of the monitoring, - instrument, needed documents, dates of review, and the time/date for exit conference - and invite questions.

6. Entrance Conference

The monitor review requested documentation and note observations on the monitoring instruments. If during the review problems are noted but are minor, isolated and do not indicate a trend, they can be corrected on-site as long as the staff understand why the condition is a problem and how it is to be avoided in the future. Problems that do not involve issues of non-compliance are to be covered through informal discussion between the monitor and the monitored entity contact person. Depending on the seriousness of such a problem, the monitor may write a management concerns letter to the entity.

The monitor should discuss and clarify potential findings and concerns. Copies of documents are to be given to monitored entity when necessary to provide support for observations. Unexpected external factors may affect monitoring plans. When conditions or activities are observed which indicate need for further review, sample sizes may be expanded. Should it become necessary to expand sample sizes, the reason and need must be explained to staff designated as contact.

7. Training/Service Provider Monitoring

The monitor should be introduced to the contact person previously identified by the monitored entity. If this contact person is unavailable, the monitor contacts the supervisor, if after reasonable effort is made, and contact or supervisor cannot be found, the monitor can begin interviewing clients.

The monitor has, at all times, the right to interview youth, adult and dislocated worker clients. If problems are indicated during interviews, it shall be communicated immediately to the monitored entity.

The monitor must be provided access to site records and review them in the presence of agency's personnel.

In addition to verbal interviews and record review, the monitor should attempt to observe aspects for the service/training environment that may not have surfaced. Examples include, but not be limited to, condition and appropriateness of service/training equipment and safety.

8. Pre-Exit Preparations

The monitor assembles all collected data, evaluates for findings/concerns, determines content and validity, and establishes the number of occurrences. Monitor researches findings and citations from the law and determines if material is sufficient for actual finding. All findings are to be compared to previous monitoring reports to determine frequency of occurrence in the past. Monitor then prepares notes and supporting documentation for exit conference and lists any requested information that has not been received to date for the information of the monitored entity director. Monitor schedules the exit conference with director.

9. Exit Conference

The monitor explains all issues considered to be problem areas/findings. The monitored entity must be given the opportunity to further clarify monitor's issues. The monitor can accept any documents provided by the monitored entity that are relevant to the reported problems/findings. Monitor should describe required dates for submission of the report and all responses.

10. Monitoring Report

A written monitoring report must be issued to the monitored entity via the Executive Director after review by the Program Evaluation Committee and the assigned LRWDB oversight contact. The report contains findings for which sufficient documentation was not provided during the monitoring visit/exit conference and findings for which corrective action is requested. All findings must be referenced to the WIOA Act, Regulations, Plans, local policies and procedures or other requirements that have been violated.

The report must be mailed to the monitored entity within 30 days following the date of the exit conference. The monitored entity then has 7 days from receipt to review for information that may have been overlooked that may have a significant impact. If LRWDB is not notified within the 7-day period, the report is considered final. A response and course of action related to findings is due from the monitored entity within 15 days of the final report.

11. Corrective Action

The monitored entity must submit a management response, within 15 days of the dated report, with requested clarification; corrective action taken or being taken for each finding. The monitored entity must provide documentation to support management response.

The monitor must respond to the monitored entity, within 15 days of the management response postmark, accepting the corrective action and closing the report with a written letter within 10 days, or requesting additional information. If additional information or documentation is requested, the process is repeated, except that the monitored entity only has 15 days from the postmarked LRWDB response to forward an additional management response.

12. Closing Report

If after (2) responses from the monitored entity, corrective action is determined to be inadequate and findings are unresolved, a final determination is written which includes identification of the unresolved issues and steps to be taken. Within 10 calendar days, copies of the final determination must be sent to the monitored entity, the Local Workforce Development Board, the Local CEO's, and, if necessary, the State Workforce Development Board.

13. Sanctions


Failure of the monitored entity to comply with any provision whether stated in a contract, Federal or State statute or regulation, rules and assurance, a certification, an application or LRWDB policies or procedures referenced in this policy may subject the training/service provider to sanctions and enforcement or remedial measures appropriate to the circumstances including: temporary withholding of cash payments, disallowance of costs, whole or partial suspension of awards, withholding of further awards or other remedies that may be legally available.

Special conditions or restrictions could include:

- Payment on a reimbursement basis, monthly
- Withholding authority to proceed to the next phase until receipt of evidence of acceptable performance
- Additional; or more detailed program reporting

- Additional project monitoring
- Requiring agency to obtain technical/management assistance, at own cost
- Establishing additional prior approvals
- Other conditions or restrictions appropriate to the circumstances

Any sanction imposed shall conform to the act. If sanctions are imposed, the monitored entity has the option of appealing through the LRWDB grievance process.

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| Contact Person W. J. Monagle, Executive Director | Expiration Date Indefinite |
| Authorized By Bryan Day, Chair  | Resolved |

Policy Review Date: 4/25/2019



Arkansas Workforce Center at Little Rock

LRWDB Program Directive

LITTLE ROCK WORKFORCE DEVELOPMENT BOARD

5401 South University Ave, Ste 146, Little Rock, AR 72209

Tel: 501-682-0228/ TDD: (800) 250-6691

POL 2019 Occupational Train ITA

Date of Issuance/Impact

May 23, 2019

Effective Date

Immediately

Occupational Skills Training/ITA Policy

POLICY IMPACT

One Stop Career Center Operator

Revision Date

PURPOSE

The purpose of this policy is to describe and detail the regulations concerning occupational skills training in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and Arkansas Workforce Development Board policies.

Definition of Occupational Skills Training

Occupational skills training is one of the training services available to Adults, Dislocated Workers and Youth [WIOA §§ 134(c)(3)(D)(i) & 129(c)(2)(D); 20 CFR 680.200 & 681.540; TEGL 21-16]. The training is an organized program of study that provides specific vocational skills that lead to proficiency in performing tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels [20 CFR 681.540].

Adults and Dislocated Workers

To receive Occupational Skills Training an Adult or Dislocated Worker must meet all of the following numbered eligibility criteria:

1. Meets all eligibility requirements for the Adult or Dislocated Worker program in accordance with the LRWDB priority system in effect for services provided through the Adult formula funding stream [TEGL 19-16]
2. Has been determined after an interview, evaluation, or assessment, and after career planning that the individual meets all of the following criteria [WIOA § 134(c)(3)(A)(i)(I); 20 CFR 680.210(a) & 680.220(a); TEGL 19-16]:
 - a. Is unlikely or unable to obtain or retain employment that leads to economic self-sufficiency, as determined by the LRWDB, or wages comparable to or higher than wages from previous employment through career services alone
 - b. Is in need of training services to obtain or retain employment leading to economic self-sufficiency, as determined by the LRWDB, or to wages comparable to or higher than wages from previous employment
 - c. Has the skills and qualifications to participate successfully in training services

Where appropriate, a recent interview, evaluation, or assessment may be used for assessment purposes [WIOA § 134(c)(2)(B); 20 CFR 680.220(a); TEGL 19-16; Comments in WIOA Final Rule concerning 20 CFR 680.150].

The case file must contain a determination of need for occupational training services as determined through the interview, evaluation, or assessment, and career planning or any other method through which the one-stop center or partner can obtain enough information to make an eligibility determination. There is no requirement that career service be provided as a condition to

receive occupational skills training. If recommended services are not provided before occupational training, however, case files must document the circumstances that justified the determination to provide training without any of the recommended career services [20 CFR 680.220)].

3. Selects a program of training services that is directly linked to the employment opportunities in the Little Rock area or greater planning region, or in geographic areas to which the individuals are willing to commute or relocate. The LRWDB selects Programs on the Eligible Training Provider List (ETPL) to meet this requirement [WIOA § 134(c)(3)(A)(i)(II); 20 CFR 680.210(b); TEGL 19-16].

The selection of training services shall be conducted in a manner that maximizes customer choice [20 CFR 680.340(a)], is linked to in-demand employment opportunities in the Little Rock area or greater planning region or in a geographic area in which the adult or dislocated worker is willing to commute or relocate, and is coordinated to the extent possible with other sources of assistance [TEGL 19-16]. To fulfill this requirement, the LRWDB makes available to customers the list of eligible training providers, a description of the programs through which providers may offer training services, and the performance and cost information about those providers [20 CFR 680.340(b)].

The LRWDB also works with representatives of secondary and postsecondary education programs to lead in the development and implementation of career path ways by aligning local employment, training, education, and supportive services needed by adults and youth, particularly individuals with barriers to employment [A.C.A. 15-4-3711(a)(8)].

4. Is unable to obtain grant assistance from other sources to pay training costs, including such sources as State-funded training funds, Federal Pell Grants, and TANF; or requires WIOA assistance in addition to these other sources.

In making the determination, the LRWDB takes into account the full cost of participating in training services, including the cost of support services and other appropriate costs [WIOA § 134(c)(3)(B)(i)(I); 20 CFR 680.210(c); 20 CFR 680.230; TEGL 19-16].

The LRWDB also coordinates with WIOA partners and other entities to identify funds available to pay for training [20 CFR 680.230].

In order to determine if a participant is able to obtain grant assistance from other sources, the participant must either apply for a Federal Pell Grant or must submit documentation that he or she is unable to get obtain the grant, using ADWS FORM WIOA I-B – 3.3 (Verification of Educational Grant Assistance) or other official documentation from the Financial Aid Office of a college or the Federal Student Aid office of the U.S. Department of Education.

Such documentation can also document the amount of assistance expected to be given, which can be used in determining the participant's unmet need. To determine a participant's unmet need, the LRWDB deducts the amount of scholarships and grants from the cost of attendance.

The availability of funding from other programs, grants, and scholarships shall be sought, so that WIOA funds supplement other sources [20 CFR 680.230(b)]. VA benefits for education and training services are not be included in "other grant assistance" in determining the amount of funding WIOA can provide. Veterans and eligible spouses are not required to coordinate their entitlement to VA benefits for education and training with any concurrent eligibility that they may have for other training sources. Veterans or spouses are not required to exhaust their entitlement to VA funded training benefits prior to receiving WIOA funds for training [TEGL 10-09].

A WIOA participant may enroll in WIOA-funded training while his or her application for a Pell Grant is pending as long as the Workforce Center has made arrangements with the training provider and the WIOA participant regarding allocation of the Pell Grant, if it is subsequently awarded. In that case, the training provider must reimburse the WIOA funds used to underwrite the training for the amount the Pell Grant covers, including any education fees the training provider charges to attend training. Reimbursement is not required from the portion of Pell Grant assistance disbursed to the participant for education-related expenses [20 CFR 680.230].

If the applicant is a member of a worker group covered under a petition filed for Trade Adjustment Assistance (TAA) and is awaiting a determination, training may be provided under WIOA if all other eligibility requirements are met. If the petition is certified, the worker will then transition to TAA approved training. If the petition is denied, the worker continues training under WIOA [TEGL 19-16].

Occupational Skills Training is typically provided through Individual Training Accounts (ITAs). Except under the conditions listed below, training services must be provided by an approved eligible training provider (ETP) through an individual training account (ITA) [WIOA §134(c)(3)(G)(i); TEGL 19-16].

Contracts for services are used instead of ITAs only when one or more of the following exceptions apply and the consumer choice requirement described above has been fulfilled [WIOA § 122(h); WIOA § 134(c)(G)(ii); 20 CFR 680.320(a); TEGL 19-16]:

1. When the LRWDB determines that there are an insufficient number of eligible training providers in the local area to accomplish the purpose of a system of ITAs. The determination process must include a public comment period for interested providers of at least 30 days.

2. When the LRWDB determines that there is a training services program of demonstrated effectiveness offered in the area by a community-based organization or another private organization to serve individuals with barriers to employment [WIOA §3(24); 20 CFR 680.320(b)]:

The LRWDB uses the following criteria to determine demonstrated effectiveness of training services programs to serve individuals with barriers to employment [20 CFR 680.320(a)(3); TEGL 19-16]:

- a. Financial stability of the organization
 - b. Demonstrated performance in the delivery of services to individuals with barriers to employment through such means as program completion rate, attainment of the skills, certificates or degrees the program is designed to provide, placement after training in unsubsidized employment, and retention in employment
 - c. How the specific program relates to the workforce investment needs identified in the LRWDB's local plan
3. When the LRWDB determines that
 - a. It would be most appropriate to contract with an institution of higher education as defined in [20 U.S.C. 1001, 1002(a)(1))] or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations and
 - b. such contract does not limit customer choice
 4. When the LRWDB determines that a pay-for-performance contract is suitable consistent with 20 CFR 683.500. If the LRWDB enters into a pay-for-performance contract, the contract shall be consistent with 20 CFR 683.510. No more than 10% of local funds may be spent on pay-for performance contract strategies, as defined in WIOA § 3(47).

The LRWDB may choose to combine Occupational skills training with workplace training or work experience to meet the requirements of specific situations. The LRWDB may also use ITAs with or without OJT contracts for registered apprentices [20 CFR 680.330 (a)]. Registered apprenticeship programs (RA) automatically qualify to be on a State's ETPL [20 CFR 680.330; TEGL 19-16]. Examples of RA sponsors who can be eligible training providers (ETP) includes [TEGL 19-16]:

- Employers who provide related instruction. The employer is the ETP
- Employers who use an outside educational provider, such as a postsecondary institution, technical training school, or online courses. The employer is the ETP.

- Joint apprenticeship training programs administered by a union. The union is the ETP.
- Intermediaries, such as postsecondary institutions, technical schools, industry associations, and community-based organizations, that administer the program, and either provide training or work with other entities to provide the training. The Intermediary is the ETP.

Youth

Occupational skills training is Youth Program Element 4. As a Program Element, occupational skills training must be available to all youth if their assessments of academic level, skill levels, and service needs indicate that they are prepared for such training and that the training meets their employment goals [TEGL 21-16]. Occupational skills training for youth must:

1. be outcome-oriented and focused on an occupational goal specified
2. be of specific duration to impart the skills needed to meet the occupational goal, and
3. lead to the attainment of a recognized postsecondary credential [20 CFR 681.540(a); TEGL 21-16].

The LRWDB awards grants or contracts on a competitive basis to entities that provide occupational skills training for youth. If the LRWDB determines there is an insufficient number of eligible providers of youth occupational skills training in the local area, grants or contracts may be awarded on a sole-source basis [WIOA §123; 20 CFR 681.540(a); TEGL 21-16].

ITAs may be used to provide occupational skills training to out-of-school youth (OSY), using youth funds to provide training with an eligible training provider (ETP) [20 CFR 681.550; TEGL 21-16]. In-school youth (ISY) cannot use ITAs using youth funds, but the LRWDB may co-enroll ISY age 18 or individual needs, older in the WIOA Adult program if the youth's knowledge, skills, and interests align with the WIOA adult program. The co-enrollment would allow the ISY to receive occupational skills training through an ITA funded by the Adult program [TEGL 21-16]; TEGL 19-16].

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| Contact Person W. J. Monagle, Executive Director | Expiration Date Indefinite |
| Authorized By Bryan Day, Chair | Resolved |

Policy Review Date: 5/23/2019