



NORTHERN REGION

Local Policies for Virginia Career Works – Northern Region

Local Workforce Area #11

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Northern Virginia Workforce Development Board

Eligible Training Provider Policy

Policy Number: 2016-01

Effective Date: December 7, 2016

Purpose: This policy provides eligibility criteria for providers of training, information and procedures for implementing the Eligible Training Provider (ETP) requirements in the Workforce Innovation and Opportunity Act (WIOA) of 2014. This policy is applicable to providers of occupational skills training services for adults, dislocated workers and other populations as defined by WIOA, Title 1-B.

Background: WIOA established the eligible training provider process as part of the overall strategy to ensure informed customer choice, performance accountability and continuous improvement. WIOA legislation requires that in order to provide occupational skills training supported through an Individual Training Account (ITA), training providers and their specific programs must be included on the state maintained eligible training provider list (ETPL). WIOA sets forth the requirements and general process by which training programs can be included on the state ETPL by validating that all listed providers and their programs have met minimum state standards.

The requirements established by this policy for inclusion on the ETPL only applies to training services funded through issuance of an ITA. A program of training services is defined as one or more courses or classes, or a structured regimen that leads to a recognized post-secondary credential, secondary school diploma or its equivalent, employment or measureable skills gains towards a credential or employment.

Eligible Training Providers serve as approved training providers to individual customers enrolled in the Workforce Innovation and Opportunity Act (WIOA) program. By providing training to these customers, they assist the Northern Virginia Workforce Development Board (NVWDB) and the *SkillSource* Centers in finding qualified individuals so that employers may fill current and future employment opportunities.

Policy:

The NVWDB has the responsibility for receiving, reviewing and approving training providers and their programs within Northern Virginia Workforce Area #11. The NVWDB must also ensure that data elements related to initial application, continued eligibility and performance information regarding approved providers and programs are entered into the supported state system. The NVWDB will use the basic eligibility criteria, information requirements and procedures for local boards established by the Virginia Board of Workforce Development policy 15-02 and 16-06 in order to ensure that programs on the ETPL meet the minimum quality standards and deliver industry-recognized skills and credentials that provide individuals with opportunity for career progression.

State Criteria for Initial Provider/Program Eligibility

There are five categories of providers who may apply for consideration to be included on the state ETPL:

1) A postsecondary educational institution that is eligible to receive federal funds under Title IV of the Higher Education Act of 1965 and that provides a program that leads to certification or license or college certificate, associate degree, or baccalaureate degree.

2) A postsecondary school that offers formal instructional programs with curricula designed primarily for students who have completed the requirements for a high school diploma or its equivalent. Such schools include programs of academic-vocational, vocational and continuing professional education that may lead to a certification or licensure. This category excludes avocational and adult basic education programs.

3) An entity that carries out related instruction under the National Apprenticeship Act that is recognized by the Virginia Department of Labor and Industry (DOLI).

4) A provider of a program of occupational training services that under Section 23-276.2 of the Code of Virginia is exempt from certification as a postsecondary school such as a professional or occupational training program regulated by another state or federal governmental agency other than the State Council of Higher Education for Virginia (SCHEV), any school, institute or course of instruction offered by any trade association or any nonprofit affiliation of a trade association on subjects related to the trade, business or profession represented by such association, or

5) A provider of adult education and literacy activities under Title II of WIOA, if these activities are provided in combination with occupational skills training.

Programs and Providers under categories 1 and 2 must provide evidence of active certification by the appropriate state agency to operate or must have program approval from an applicable state agency in order to be considered for approval by the NVWDB to offer training services to WIOA customers through the ITA method.

Programs and providers under category 3 will be granted approval, if requested, following confirmation by the Virginia Department of Labor and Industry that the sponsoring employer and apprenticeship related instruction have been recognized by the state and are active and in good standing. Virginia Board of Workforce Development Policy 15-03 describes the eligibility criteria and procedures specific to Registered Apprenticeship programs. The NVWDB is responsible for entering the Registered Apprenticeship program information into the Virginia Workforce Connection (VaWC) once the application information is verified with the Virginia Department of Labor and Industry (DOLI) in writing. A recognized registered apprenticeship program may remain on the ETPL as long as it remains registered and recognized by DOLI or until a Registered Apprenticeship program sponsor requests to have a program removed. Registered Apprenticeship programs are not subject to the state performance requirements.

Attachment A describes certain exceptions to the certification requirements of this policy. A list of certifying agencies is provided as Attachment B to this policy.

Distance and Online Training Providers

WIOA funds may be used for programs that are conducted in a completely online format. Online providers may apply and be considered for inclusion on the state ETPL and will be required to meet the same eligibility and performance criteria established for classroom-based instructional providers.

Out-of-State Training Providers

WIOA funds may also be used for approved programs from other states. Approved providers and programs based in other states are not required to complete an application for approval in Virginia. In order for an eligible customer to obtain training through an out-of-state provider, the training provider must be listed on a state maintained eligible training provider list from another state. Eligible training provider lists in other states can be located here:

http://www.servicelocator.org/program_search.asp?prgcat=1&officeType_1=0&frd=true

To receive funding through the NVWDB, all providers and programs recognized by other states must meet Virginia's state criteria established for initial eligibility and performance criteria established by this policy must be met. The Virginia Community College System (VCCS), as the Administrator of Title I funding will establish, maintain and periodically review reciprocity agreements with neighboring (bordering) states.

If the NVWDB chooses to utilize an out-of-state training provider and pay for it with WIOA Title I funds, then the following criteria must be met:

1. The training provider program must be on the host state's approved training provider programs list; and documentation of this fact, including the eligible time period, must be maintained by the NVWDB.
2. The NVWDB must collect sufficient data and add the provider's program to the VaWC system so that the participant can be linked to the program for training service accountability.
3. If a WIOA participant is sent to an out-of-state training provider, a detailed case note must be entered into the VaWC, explaining why the participant went to an out-of-state training program rather than an in-state training program.

Process:

Initial Training Provider/Program Eligibility and Requirements under WIOA

The NVWDB is responsible for reviewing and approving training provider programs and entering the information into the state system of record, the VaWC, as described in VBWD Policy Number 15-02. Only those trainer provider programs listed on the VaWC ETPL are eligible for WIOA Title I funds supporting training services as described in this policy.

Training providers applying for inclusion on the ETPL must provide information using a common, statewide application. The following must be documented.

- Description of each program of training services to be offered;
- Provide information regarding student outcomes, as described in WIOA, Section 116 (b)(2)(A)(i)(I)-(IV);

- Information on cost of attendance, including cost of tuition and fees;
- Whether the training program leads to an industry-recognized certificate or credential, including recognized post-secondary credentials;
- Whether the certificate or credential can be stacked with other credentials over time as part of a sequence to move an individual along a career pathway or up a career ladder;
- Whether the provider has developed the training in partnership with business (a description of the partnership(s) and the name of the business(es));
- Which in-demand industry sectors and occupations best fit with the training program and the average wages for the primary target occupation for which the training prepares the individual, as published by the Virginia Employment Commission, for the state and the local area where they are pursuing application;
- A description of the prerequisites or skills and knowledge required prior to the commencement of training;
- Description of how the provider will ensure access to training services throughout the Commonwealth, including rural areas and through the use of technology; and
- Description of how the training provider will work with the NVWDB to serve individuals with barriers.

VBWD Policy Number 15-02 states that in order to become an ETP, a training provider must submit an application for each training program offered (see Attachment C). Each individual training program must be approved in order to be eligible for WIOA Title I funds through the ITA process per WIOA Department of Labor Final Rules.

Training providers applying for initial program eligibility must submit The State ETPPL Training Provider and Training Program Application (see Attachment A) to the NVWDB. In accordance with WIOA Labor Final Rules and Regulations Subpart D – Eligible Training Providers and VBWD Policy Number 15-02, initial training provider program applications must also provide information addressing factors related to the indicators of performance, as described in WIOA section 116 (b)(2)(A)(i)(I-IV) and Attachment D: WIOA Periods for Reporting Outcomes.

1. The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program;
2. The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;
3. The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program; and
4. The percentage of program participants who obtain a recognized post-secondary credential, or a secondary school diploma or its recognized equivalent during participation in or within one year after exit from the program.

If the training provider is not able to provide program performance information related to the factors listed above, the training provider must submit a plan describing how they will work with the NVWDB to collect and report on this information for continued eligibility. Upon initial eligibility approval, the training provider must work with the NVWDB to develop a plan to begin tracking and reporting these factors.

After initial applications are approved, training provider programs will be placed on the Northern Virginia Area #11 ETPL and the State ETPL by the NVWDB and will remain eligible to receive WIOA Title I funds for one year.

Training provider and program data must be entered by the NVWDB into the state system of record (VaWC) to ensure transparency and support informed customer choice in the evaluation and selection of training providers. The approval or denial data must be entered into the state system of record (VaWC).

Continued Eligibility and Program Performance Reporting

The NVWDB is responsible for reviewing quality and performance information and determining continued eligibility for each training provider program annually, in accordance with federal, state and local policy.

Starting July 1, 2017, following completion of a full year of eligibility, each training provider program will be reviewed by the NVWDB to determine continued program eligibility. As part of the continued eligibility process, approved Eligible Training Providers will be required to annually certify program performance information for participants whose activities were funded through an Individual Training Account (ITA). In the absence of any performance data, the provider must develop methods for collecting the required program performance information to remain on the ETPL and to be considered for continued eligibility.

In support of the NVWDB review process, starting September 2017, the Virginia Community College System (VCCS) will provide the NVWDB with quarterly State Eligible Training Provider Program performance information for the previous program year(s) for training programs approved by the NVWDB. The program performance information provided by VCCS will follow WIASRD/PIRL Reporting Guidelines and will include Training Completion Rate, Credential Attainment Rate, Entered Employment Rates and Post Training Earnings.

To determine continued training provider program eligibility, the NVWDB will consider the State Eligible Training Provider Program Performance Quarterly Report, the program performance data submitted by the eligible training provider as per WIOA, and any additional factors required by state and federal policy that are determined to be appropriate by the NVWDB.

Updated training provider data must be entered by the NVWDB into the state system of record (VaWC) to ensure transparency and support informed customer choice in the evaluation and selection of training providers. The approval or denial data must be entered into the state system of record (VaWC).

If a training provider is not recertified for continued eligibility, participants already enrolled in training may remain in the program until completion.

The continued program eligibility and performance information will be subject to validation during the monitoring process.

State ETPL Performance Requirements

Beginning with Program Year 2017, in order to remain on the ETPL, all eligible training providers and programs who receive funding through an ITA must annually validate performance information (starting with PY16 information) on the following four outcomes for WIOA Title I participants:

1. **Training Completion Rate must meet or exceed 50%** – the number of participants during a Program Year (July 1 through June 30) who were enrolled in a Title I funded training service who successfully met all of the requirements of the training activity.

For calculation purposes:

All participants who received an ITA (Service Code 300-Occupational Skills Training-Approved Training Provider activity):

The number who successfully completed the ITA service during the program year ***divided by*** the total number of participants who were actively engaged in an ITA during the program year.

The measure will be calculated for Title I Adult and Dislocated Worker program participants separately.

Successful completion means – the participant has met all requirements of the training paid for by an ITA. This will be measured using the Completion Status in the service closure process within the Virginia Workforce Connection (VaWC).

2. **Credential Attainment Rate must meet or exceed 65%**– of those who completed Service Code 300 during the Program Year or within one year after exit from the program, the number who attained Credentials during that same period.

For calculation purposes:

Number of participants who successfully completed a Service Code 300 activity and attained an occupational certificate during the program or within one year after program exit. ***Divided by*** the number of participants who complete a Service Code 300 activity and exited during the program reporting period.

This measure will be calculated for Title I Adult and Dislocated Worker program participants separately. The denominator is the numerator from the Training Completion Rate.

3. **Entered Employment Rates** – Will be reported as 1) the number of participants who received an ITA and who are employed in the second quarter after the exit quarter and 2) the number of participants who received an ITA and who are employed in the fourth quarter after the exit quarter.

This measure will be calculated for Title I Adult and Dislocated Worker program participants separately.

4. **Post Training Earnings** – Will be reported as the median earnings for those participants who received an ITA and who have earnings during the second quarter after exit.

This measure will be calculated for Title I Adult and Dislocated Worker program participants separately.

Per the Final Rule WIOA Labor Section 680.460 (f)(11)(g) (1-7), additional information required beyond numbers 1-4 of the above such as: (5) Information on recognized postsecondary credentials received by program participants (type of recognized credential); (6) Information on cost of attendance, including costs of tuition and fees, for program participants; and (7) Completion rate; all information (1-7) is available to the public through the public access portion of the state system of record (VaWC).

Per VBWD Policy No. 15-02, outcomes 1 and 2 will be used to evaluate continued inclusion on the ETPL.

If a provider or program failed to meet the criteria established above, they will be removed from the state ETPL. A letter informing them of that removal will be issued by the NVWDB. Training providers who are removed from the state list may appeal.

NVWDB Data Responsibility

The NVWDB will identify staff responsible for receiving, reviewing, and approving training providers and their programs as well as verifying the registration application information with DOLI for Registered Apprenticeship programs. The NVWDB will also ensure that data elements related to initial application, continued eligibility and performance information regarding approved providers and programs are entered into the VaWC, the supported state system of record. Once the Eligible Training Provider and Programs application is completed, reviewed and approved by the NVWDB, the information will be entered into the Virginia Workforce Connection within fourteen (14) business days. This will include providers and programs that are denied WIOA approval.

The NVWDB will maintain all documentation received and reviewed for the minimum required retention period of three years, including applications, continued eligibility and performance information for all providers and programs entered into the VaWC, and records regarding ETP related complaints and actions taken on those complaints.

Accuracy of Information and Appeals Process

The NVWDB has the responsibility for maintaining the statewide ETPL for the training providers and programs that are approved by the NVWDB and as such will have the final responsibility to ensure that the list of providers approved by the NVWDB is accurate and is an honest reflection of the training opportunities available in the region.

1) ACCURACY OF INFORMATION – If after consultation with the NVWDB, it is determined that an eligible provider or individual supplying information on behalf of the provider intentionally supplies inaccurate information, the Commonwealth and NVWDB may terminate the eligibility of the provider or program to receive WIOA funds for any program for a period of time that is not less than two (2) years.

2) NONCOMPLIANCE – If the Commonwealth or the NVWDB determines that an eligible provider substantially violates any requirement under the WIOA legislation, the Commonwealth, or NVWDB, may terminate the eligibility of such provider or individual program to receive WIOA funds for the

program involved or take such other action as the Commonwealth or NVWDB determines to be appropriate.

3) REPAYMENT – A provider whose eligibility is terminated under paragraph (1) or (2) for a program shall be liable for repayment of all WIOA funds received for the program during any period of noncompliance. The NVWDB will make reasonable efforts to collect funds.

4) CONSTRUCTION – These penalties shall be construed to provide remedies and penalties that supplement, but do not supplant, other civil and criminal remedies and penalties.

Appeal Process for Denial of Placement on or Subsequent Removal from an Eligible Training Provider List

A training provider may appeal to the NVWDB if they are denied eligibility for the state ETPL by the NVWDB. The process will, if necessary, include the opportunity for a hearing and the prescription of appropriate time limits to ensure a prompt resolution of the matter. The training provider shall have thirty (30) calendar days from the date the denial notification was provided to file a request for reconsideration to the NVWDB. The appeal request must be submitted in writing and signed. At a minimum, the appeal must identify the training program and location(s) denied and must clearly state the reasoning for the appeal. Within thirty (30) calendar days of receipt of the request for reconsideration, the NVWDB shall review the request and issue a written decision that either upholds or reverses the original decision. Instances for a reversal may include, but shall not be limited to, an administrative error or instances where additional information submitted by the training provider changes the basis on which the original decision was made.

Reversal by the NVWDB

If the NVWDB reverses the prior decision, the NVWDB shall add the training provider/program to the state ETPL list on the state supported system. The appeal will be kept on file for at least three (3) years physically and then documented electronically in an archived file. The NVWDB shall also notify the training provider in writing that it has reversed its original decision and that the list inclusion request has been completed. If the NVWDB fails to act during the 30-day time period described above, the initial decision shall automatically be reversed.

NVWDB Appeal Denial

If the NVWDB affirms its original decision, the provider shall have the option of filing an appeal with the Virginia Board of Workforce Development. Such a filing must be made within thirty (30) calendar days from the date the final denial notification was provided. The appeal request must be submitted in writing and signed. At a minimum, the appeal must identify the provider and training program(s) denied and must clearly state the reasoning for appeal. A representative of the NVWDB may be present at any hearing. The Virginia Board of Workforce Development shall review the request and issue a written decision that either upholds or reverses the original. If the decision is upheld, that program must wait twelve (12) months to reapply.

Attachment A - Training Providers/Program Exempt from Certification

§ 23-276.2 of the Code of Virginia allows the following exemptions from certification:

1. Public institutions of higher education in Virginia
2. Educational offerings or activities that meet the following:
 - a. A nursing education program or curriculum regulated by the Board of Nursing;
 - b. A professional or occupational training program regulated by another other state or federal governmental agency;
 - c. Those courses or programs of instruction given by or approved by any professional body that are principally for continuing or professional education and for which no degree credit is awarded;
 - d. Those courses or programs offered through approved multistate compacts, including, but not limited to, the Southern Regional Education Board's Electronic Campus;
 - e. Those courses offered and delivered by a postsecondary school that is accredited by an entity recognized by the U.S. Department of Education for accrediting purposes, if such courses are provided, solely on a contractual basis for which no individual is charged tuition and for which there is no advertising for open enrollment;
 - f. Any school, institute or course of instruction offered by any trade association or any nonprofit affiliate of a trade association on subjects related to the trade, business or profession represented by such association;
 - g. Any public or private high school accredited or recognized by the Board of Education;
 - h. Tutorial instruction delivered and designed to supplement regular classes for students enrolled in any public or private school or to prepare an individual for an examination for professional practice or higher education;
 - i. Religious Institutions whose primary purpose is to provide religious or theological education.

§ 23-276.4 C of the Code of Virginia states that institutions of higher education are not required to obtain further certification if they (i) were formed, chartered or established in the Commonwealth; (ii) have maintained a main campus continuously in the Commonwealth for at least 20 calendar years under their current ownership; (iii) were continuously approved or authorized to confer or grant academic or professional degrees by the Council during those 20 years; and (iv) are fully accredited by an accrediting agency that is recognized by the United States Department of Education.

Postsecondary institutions that do not meet the requirements of § 23-276.2 or § 23-276.4 (C) above are required to obtain certification in accordance with Attachment B.

Attachment B – List of Certifying State Agencies

The following State agencies can provide approval for Occupational Skills Training programs (please note this is not an all-inclusive list):

- Criminal Justice Services Department
- Department of Health Professions (DHP)
- Department of Medical Assistance Services (DMAS)
- Department of Motor Vehicles
- Department of Professional and Occupational Regulation (DPOR)
 - a) Board for Barbers and Cosmetology
 - b) Board for Contractors
 - c) Fair Housing Board
 - d) Real Estate Board
 - e) Real Estate Appraisers Board
 - f) Tradesmen
 - g) Board for Waste Management Facility Operators
 - h) Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals
- State Council of Higher Education for Virginia (SCHEV)
- Virginia Board of Pharmacy
- Virginia Board of Nursing

Attachment C - Eligible Training Providers and Programs Application

I. Training Provider Application

<http://www.elevatevirginia.org/wp-content/uploads/2016/11/VWL-16-06-Training-ProviderApplication.pdf>

II. Training Program Application

<http://www.elevatevirginia.org/wp-content/uploads/2016/11/ETPL-Training-Program-Application2.pdf>

Attachment D - WIOA Periods for Reporting Outcomes

I. WIOA Periods for Reporting Outcomes – VWL No. 16-06, Eligible Training Providers and Programs List (Attachment B)

<http://www.elevatevirginia.org/wp-content/uploads/2016/11/VWL-16-06-ETPPL-11-11-2016-Final.pdf>

REFERENCES:

- Virginia Board of Workforce Development Policy No. 15-02, Identification of Eligible Providers of Occupational Skills Training
- Virginia Board of Workforce Development Policy No. 15-03, Registered Apprenticeship and Eligible Training Provider List
- Virginia Board of Workforce Development Policy No. 16-06, Eligible Training Provider and Programs List
- Workforce Innovation and Opportunity Act, Sections 116, 122
- Code of Virginia §23-276.1 - §23-276.12, §23-276.14, §23-276.2 and §23-276.4
- Workforce Innovation and Opportunity Act; Employment and Training Administration; Labor; Final Rule, Subpart D—Eligible Training Providers, Subpart D § 680.400 - § 680.530
- Workforce Innovation and Opportunity Act; Employment and Training Administration; Joint Final Rule, Part 677 - Subpart E—Eligible Training Provider Performance for Workforce Innovation and Opportunity Act Title I Programs, § 677.230

Approved:

12-7-2016
Date of NVWDB Approval

Signed by:


David A. Hunn, Executive Director

Northern Virginia Workforce Development Board

On-the-Job Training Policy

Policy Number: 2016-03

Effective Date: December 7, 2016

POLICY: All On-the-Job Training (OJT) agreements written within the Northern Virginia Workforce Development Area (NVWDA) will follow the guidelines as outlined in this policy.

1. OJT Participants

- a. The results of objective assessment, as documented on the Individual Employment Plan (IEP) or Individual Service Strategy (ISS), must indicate the participant is in need of, and can benefit from, the activity of OJT. The IEP/ISS must capture the past work history of the applicant from the official file, assess the test results, capture additional information from the applicant about past work experience, hobbies, volunteer experience, and identify strengths and weaknesses of the applicant. It should include documentation as to the new skills to be acquired during training and how deficiencies will be overcome with the training. *The primary purpose of the IEP/ISS is to determine that there is a need for training and that the applicant is a likely candidate to benefit from the provision of training.*
- b. An individual referred to the WIOA program by an employer may be enrolled in an OJT program with such employer. The referred individual must be determined eligible for WIOA services and may be enrolled only upon completion of the objective assessment and IEP/ISS in which OJT with such employer has been determined to be an appropriate activity **and** the employer has not already hired such an individual.
- c. Employment with a participant's previous employer in the same, similar, or an upgraded job is not permitted.
- d. A person who is related to the OJT Employer, or someone in a managerial, supervisory, or administrative position with the OJT Employer may not be placed in OJT with that employer.
- e. No participant shall be placed with more than one OJT employer. In cases where the participant became displaced due to no fault of his/her own, the Northern Virginia Workforce Development Board (NVWDB) Executive Director may approve placement with a second OJT Employer.
- f. On-the-Job Training must be participant specific with the goal being -- permanent full-time employment.

2. OJT Occupations

- a. Training shall be conducted only in those occupations in which there is a reasonable expectation of continued and permanent full-time employment in the occupation for which training occurred. While the training should be specific to the needs of the OJT Employer, it should not be so unique that the skills are not transferable to other work settings. The focus should be on

occupations where instruction, supervision, and experience can enable a participant to become more competitive in the labor market.

- b. Ineligible occupations include, but are not limited to:
 - 1. Occupations that have not traditionally required specific occupational training as a requirement for employment;
 - 2. Occupations where the primary source of income is tips, commissions, or piecework;
 - 3. Intermittent or seasonal occupations;
 - 4. Occupations with a substantial number of workers currently unemployed in the local labor market (**OJT must be for occupations in demand**);
 - 5. Occupations with above average turnover;
 - 6. Occupations which include religious or political activity; and
 - 7. Occupations in which the employer currently has laid off workers.
- c. Priorities in selecting occupations should include the following:
 - 1. Occupations in which there is a documented current or anticipated demand;
 - 2. Wages of \$13.00 or more per hour for 40 hours per week for Adult and Dislocated Worker clients and \$9.50 or more per hour for 40 hours per week for Youth clients;
 - 3. Low turnover; and
 - 4. Career Advancement Potential.

3. OJT Employers

- a. The employer must provide a Federal Employer Identification number to demonstrate that they are a legitimate employer having full-time employees, and conducting their trade or business at an appropriate worksite.
- b. The NVWDB will not allow an OJT contract to be executed with an employer who has had prior OJT contracts and has exhibited a pattern of failing to provide OJT trainees continued long-term employment as regular employees with wages and working conditions at the same level and to the same extent as other similarly situated employees. The NVWDB defines the term “exhibiting a pattern of failure in providing long-term employment to participants” as meaning two or more OJT contracts that have been completed by an employer without any documented problems with the employee, and the employer fails to retain the employee without good and justifiable cause. Termination for just cause will not impact an employer’s eligibility, that is, the employee quit voluntarily; the employee was fired for documented absenteeism/ tardiness, objectionable behavior or poor performance; or the employee was laid off due to a documented business downturn which was not foreseeable at the time the sub-recipient entered the training agreement with the employer.
- c. OJT participants must be afforded appropriate conditions of employment, adequate supervision, reasonable health and safety standards and wages and benefits equal to those of similarly situated employees.
- d. All OJT Employers must provide verification of worker’s compensation coverage. Employers will be required to provide the case representative with a Certificate of Insurance issued by their insurance carrier.
- e. Wages paid to OJT participants must meet federal minimum wage law regardless if the employer is exempt. OJTs may not be written for positions paying only commission, gratuity, piece rate, or incentive pay.

- f. No training agreement shall be written for a participant until the employer certifies that the participant hired and trained under the OJT contract would not have been hired in the occupation specified in the absence of such a contract.
- g. No training agreement shall be written for a participant who shall be employed and result in the replacement of any worker(s) currently on lay-off.
- h. No currently employed worker shall be displaced by any trainee (including partial displacement such as a reduction in hours of non-overtime work, wages, or employment benefits). No jobs shall be created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.
- i. The employer must have the necessary equipment, materials, and supervision to perform the training.
- j. Participants may not work in any sectarian activity or be involved directly or indirectly in any religious or anti-religious activity.
- k. Funds may not be utilized to assist employers in relocating business establishments.
- l. OJT contracts cannot be written with employers who are members of, or have representation on, the Northern Virginia Workforce Development Board (NVWDB), without the prior approval of the Executive Director. This limitation is intended to avoid any actual or perceived conflicts of interest.
- m. The OJT Employer is required to rate the skill level of the participant at the beginning of, midway through, and at the completion of the OJT training using the approved evaluation form.
- n. The OJT Employer is required to have and follow a grievance procedure in matters relating to the OJT participant. In the absence of an OJT Employer's grievance procedure, the grievance procedure established by the NVWDB shall be followed.
- o. The OJT Employer will give the Fairfax County Government and the Northern Virginia Workforce Development Board and its designated providers and representative's personnel access to and the right to examine all related records and documents for monitoring and audit purposes and to conduct Employer and Participant interviews. Failure to provide access to or copies of records shall be grounds for immediate termination of the contract.

4. Length of Training

- a. On-the-Job Training opportunities will be developed with the length of time being determined by the complexity of the job and the capabilities of the participant as identified through the objective assessment. The training hours may be reduced and negotiated with the employer based on the participant's acquired skills and abilities.
- b. The maximum number of training hours should only be used when the participant has had no prior experience in the occupational area, is entering the labor force for the first time, is reentering the labor force after a substantial number of years absence, or has a handicap which limits his/her ability to perform at a normal rate.

5. Employer Reimbursement Rates

The employer reimbursement rates of the regular wages earned for OJTs range from a minimum of 50 percent to a maximum of 75 percent. The reimbursement rate is based on the size of the employer as follows:

- a. A maximum of 50 percent for large employers defined as having a 100 or more employees
- b. A maximum of 65 percent for medium size employers defined as having 20-99 employees and
- c. A maximum of 75 percent for small employers with a workforce of 1-19 employees.

6. Cost per Participant

- a. Subject to funding availability and the OJT Trainee's needs, training costs may be limited to \$5,000.00.
- b. Regardless of the hourly wage, training duration is limited to not less than four weeks and not more than 26 weeks.
- c. Training duration must be in line with Specific Vocational Preparation (SVP) estimates.
- d. WIOA participants who have utilized the maximum funds allowed under their most current ITA Policy may also qualify for an OJT with training cost and duration limits.

7. Case Management and Monitoring

- a. The WIOA Case Manager (CM) and/or WIOA Job Developer (JD) shall make contact with the participant and OJT Employer at a minimum of once each month and shall complete reports to be kept in the participant's file concerning the progress of training and achievement of the training objectives as defined in the contract. Concerns and corrective action necessary to accomplish the objectives shall be recorded and appropriate action and follow-up shall be documented. This contact may be in person or by telephone.
- b. A minimum of one on-site monitoring visit must be made during the time of active training of a participant at the worksite.
- c. Monthly time/attendance records must be submitted with each request for reimbursement.
- d. The employer will maintain and make available, time and attendance, payroll, and other records to support amounts reimbursed under OJT contracts.

8. Elements of OJT Employer Contracts

Within the Northern Virginia Workforce Development Area, OJT contracts between the Service Provider and the OJT Employer must contain the following elements:

- a. Name, address, Federal Employer Identification Number, and telephone number of the employer's firm;
- b. Name of the contract administrator for the employer;
- c. Number of participant's to be trained, specifying for each trainee or position: a) number of hours of training; b) wage rate (including scheduled adjustments); and c) reimbursement rate;
- e. A job description for each training occupation;
- f. A training plan for each slot or category indicating the occupational skills and knowledge to be learned in an orderly progression of training sequences;

- g. A description of any additional services to be provided beyond training and any training provided by other than the OJT Employer, with any subcontractors identified and their specific responsibilities clearly defined;
- h. Total maximum dollar amount of the agreement;
- i. Beginning and ending dates of agreement;
- j. Personnel responsible for supervision of the training;
- k. Terms of agreement for job retention;
- l. Record-keeping requirements, including participant time and attendance documentation and payroll records;
- m. Invoicing procedures, including frequency of billing and required supporting documentation;
- n. Workers compensation, or, if not applicable, alternative insurance for injuries to participants;
- o. Confirmation of no displacement of currently employed workers or infringement on promotional opportunities; and
- p. General provisions and assurances.
- q. The OJT Training Plan should address for each occupation:
 - a. Skills and activities in which participants will be trained;
 - b. Length of training time in each activity; and
 - c. How the progress of the trainee is measured (i.e., observation of lead worker or supervisor, demonstration of specific competencies, observation of specific tasks, etc.)

Approved:

12-7-2016
Date of NVWDB Approval

Signed by:


David A. Hunn, Executive Director

Northern Virginia Workforce Development Board

Monitoring Policy

Policy Number: 2016-05

Effective Date: December 7, 2016

Purpose: The purpose of this policy is to outline the process and procedure for monitoring recipients of Workforce Innovation and Opportunity Act Formula Funds and for ensuring accountability and compliance with the Workforce Innovation and Opportunity Act (WIOA) of 2014, Federal and State laws and regulations, Uniform Grant Guidance and Department of Labor Employment and Training Administration (DOL-ETA) guidance.

Background: The WIOA Law Sections 107 (d)(8), 184 – 185, and the Office of Management and Budget’s Uniform Guidance 2 CFR Section 200.330 requires that the Local Workforce Development Board shall conduct oversight of the WIOA programs and the One-Stop delivery system in the local area.

Policy:

A. It is the policy of Northern Virginia Workforce Development Board that each service provider contract will be monitored on-site at least twice during the program year for programmatic compliance through monitoring of WIOA case files and each *SkillSource* and Affiliate site.

B. Monitoring shall assure fiscal integrity through quarterly financial reviews. Such monitoring shall verify that WIOA Title I funds are being utilized for allowable activities, the adequacy of internal controls, and that proper fiscal records are being maintained.

C. Centers shall be monitored to assure that the environment is safe and healthful for participants and staff, and to observe customer flow and resource area usage. NVWDB staff will conduct interviews with customers and staff, and will administer customer and staff satisfaction surveys. NVWDB staff will review documents and data with the Center Manager.

D. Programs shall be monitored to assure that an effective system is in place to handle non-discrimination and equal employment opportunity issues.

E. Monitoring shall follow a standardized review methodology that will result in written reports that will be submitted to the Center Manager.

F. Written reports will record the outcomes of each monitoring visit, including areas of concern and any findings which require corrective action, and the due dates for accomplishment of the corrective actions.

- Concerns are issues, policies or practices observed during the review that are negatively impacting the contractor’s ability to effectively manage the Center or provide services to

participants. These areas of concern may be considered “red flags” or “risk areas” that, if not corrected, could lead to an area of non-compliance in future monitoring reviews. Each area of concern will have a corresponding suggestion for improving the issue/practice. The contractor is requested, but not required to address these concerns.

- Findings are identified issues, policies, or practices that are non-compliant with program standards, other Federal regulations and policy, or the terms of the grant agreement. Findings are required to be responded to with a corrective action plan by the due date.

G. Written reports and other documentation pertaining to monitoring and other oversight activities must be made available for review by Federal and State officials.

H. Reports and other records of monitoring activities must be retained for three years from the date of submission of the final expenditure reports regarding the funding sources monitored. If any litigation, claim, audit or other action involving the records has been started before the expiration of the three year period, the records must be retained until completion and resolution of all such actions or until the end of the three year period, whichever is later.

REFERENCES:

- WIOA Law Sections 107 (d)(8), 184 – 185
- OMB Uniform Guidance, 2 CFR Part 200

Approved:

12-7-2016
Date of NVWDB Approval

Signed by:


David A. Hunn, Executive Director



NORTHERN REGION

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Virginia Career Works - Northern GRIEVANCE POLICY

Policy Number: 2016-07

Effective Date: December 7, 2016

Purpose: To set forth the procedure to be used by participants and other interested or affected parties to file grievances or complaints alleging violations of the Workforce Innovation Opportunity Act (WIOA).

Background: The Workforce Innovation Opportunity Act requires that each state and local area receiving funds under the Act establish and maintain a grievance and complaint procedure for participants and other interested parties alleging violations of the Act.

Policy:

All participants, employees, vendors, and other parties have the right to comment about the quality of service they receive or if they believe an unfair determination was made about eligibility services. It is the policy of the Northern Virginia Workforce Development Board (NVWDB) to provide for the settlement of problems and differences through an orderly complaint procedure. Every customer, employer, partner or staff has the right to present his/her complaint in accordance with this established procedure free from interference, coercion, restraint, discrimination or reprisal (Section 181(c) Workforce Innovation and Opportunity Act: NPRM 683.600 Subpart F). It must be filed within one (1) year of the date the incident occurred.

Steps of the Procedure

Step 1: Contact the Center Manager

The customer, employer, partner or staff shall present their complaint either verbally or in writing to the Center Manager. Please include the full name, address, and telephone number of the party/parties filing the complaint, the full name and location of the party against whom the complaint is made, a clear and concise statement of the facts, pertinent dates and time and the resolution requested. The Manager will consult with all individuals necessary to reach a correct, impartial and fair determination and shall provide the individual with an answer as soon as possible, but within two working days.

Step 2: Contact the WIOA Program Supervisor

If the resolution from Step 1 is not satisfactory to the individual or if the Manager fails to respond within the designated time period, the individual may file the complaint in writing to the Program Supervisor for the Northern Virginia Workforce Innovation and Opportunity Act (WIOA) Programs: Trang Montgomery, Fairfax County Department of Family Services, 7611 Little River Turnpike, Heritage Building, Suite 300W, Annandale, VA 22003. The WIOA Program Supervisor will hear the complaint and render a decision in writing within ten working days.

Step 3: Contact Workforce Development Board

If the resolution from Step 2 is not satisfactory to the individual or if the Supervisor fails to respond within the designated time period, the individual may file the complaint in writing to the Executive Director of the Northern Virginia Workforce Development Board: David Hunn, Executive Director, Northern Virginia Workforce Development Board, 8300 Boone Boulevard, Suite 450, Vienna, VA 22182.

References:

Section 181(c) Workforce Innovation and Opportunity Act: NPRM 683.600 Subpart F

Approved:

12-7-2016
Date of NVWDB Approval

Signed by:


David A. Hunn, Executive Director



NORTHERN REGION

Virginia Career Works – Northern Region Individual Training Account (ITA) Policy

Policy Number: 2022-02

Effective Date: December 7, 2017

Revised: September 1, 2022

Purpose: To describe and establish the ITA policy and guidelines for the provision of WIOA training services at the local level.

Background:

The regulations for the Workforce Innovation and Opportunity Act require that an Individual Training Account (ITA) be established for eligible individuals who are determined to need training services. ITA vouchers are issued using the Training Authorization Form (TAF) and Letter of Authorizations (LOA) funded by the Title I WIOA Adult, Dislocated Worker, and Youth programs. Training services, whether under ITAs or under contract, must be provided in a manner that maximizes informed customer choices in selecting an eligible training provider.

The TAF serves as the LWDB 11's ITA voucher system designed to be flexible and facilitate the purchase of a training program that best meets customers' needs and interest. WIOA funded training activities may only be made available to employed and unemployed adults, dislocated workers, and out-of-school youth who have met the eligibility requirements for WIOA Career Services.

Policy:

The Northern Virginia WIOA One-Stop Operator will be responsible for managing the ITA voucher system. As appropriate, the WIOA Case Manager will assist eligible individuals with the purchase of training programs that meet the individual's training needs as evidenced by supporting documentation in the participant's case file.

WIOA Case Managers (CM) must follow the attached guidelines in the issuance of TAFs, receipt of invoices and validation of the participant's training activities.

Procedure:

I. ITA Eligibility

To be eligible for training services, the individual, also referred to as the WIOA participant, must have participated in the following services:

- a. Completed a comprehensive assessment of skill levels and service needs that may include diagnostic testing.
- b. Participated in an in-depth interview to identify employment barriers and employment goals.
- c. Development of an individual employment plan that identifies the employment goals and appropriate combination of services for the participant to achieve the employment goals. Should occupational skills training be warranted as part of the participant's Individual Employment Plan (IEP) or Individual Service Strategy (ISS), the IEP/ISS must include evidence that a review of the labor market information has been conducted to determine that the occupation selected is in demand and those employment opportunities exist. If the participant's desired career interest is not a high growth occupation, the

participant must demonstrate an intense need of training due to a prior experience of demand and existence of opportunities that would guarantee employment after completion of the training. Prior approval for this type of training must be obtained.

- d. Individual counseling sessions, which include career planning and case management services, along with short-term pre-vocational services of developing learning skills, communication skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training.

The WIOA CM is responsible for ensuring the participant's skill levels will result in the successful completion of the training. WIOA CM must carefully review the participant's assessment results and refer participants to the Adult Basic Education or Literacy classes and/or tutoring or basic skills training activity if skill levels in reading or math are 8.5 or below, the participant has limited English proficiency or results of placement tests from school/training provider require attending prerequisite courses. If WIOA funds are used to directly support the Adult Education and/or Literacy activities of a participant (Adult, Dislocated Worker, or Out of School Youth), these activities will be provided concurrently or in combination with one or more training activity.

Once the participant's skill levels and assessment results have been reviewed, the WIOA CM will provide information regarding the availability of training. ITA will be discussed with the participant specifying his/her responsibility regarding the ITA. In consultation with the WIOA CM, the participant will review the Statewide or local list of eligible training providers (ETP) to determine training options. The training provider's requirements for enrollment, performance outcomes, and cost for the training course selected will be discussed with the participant. It will be the responsibility of the WIOA CM AND participant to identify and select a training provider from the state or local list of ETPs approved by Virginia Career Works - Northern (VCWN). Training shall be directly linked to occupations that are in demand in the local area or in another area to which an adult, dislocated worker, or out-of-school youth receiving such services is willing to relocate.

II. Training Authorization Form (TAF) and Letter of Authorizations (LOA)

Based on a comprehensive assessment of career interest/aptitude, the skill levels and evaluation of participant's training needs coupled with labor market information on the participant's career interest, the WIOA CM will begin the process for initiating the TAF. The TAF is the **SkillSource** Center's ITA voucher system which provides information regarding the participant's type of training, duration of training, training costs and training provider. The TAF should be submitted at least one (1) week prior to the participant's training start date for LOA processing. An LOA can be expedited with prior approval from the CM Supervisor if there is an immediate need for the participant to begin the training. An email justification sent to the CM Supervisor may be acceptable.

The following procedures must be implemented to initiate the TAF and LOA:

- a. Training needs justified based on IEP, assessments, and labor market information. WIOA CM completes Training Justification Form. (If the WIOA CM completed an Unlikely to Return Analysis statement for dislocated workers whose termination was not a result of a mass lay-off or plant closure, the training justification form does not need to be completed.)
- b. Participant completes Customer Request for Training.
- c. WIOA CM explains Training Agreement to participant. Participant **must read and fully understand the training agreement** and sign the agreement. WIOA CM must reiterate to the participant the importance of immediately informing WIOA CM for any change in training status e.g. withdrawal and cancellation and to strictly adhere to training/school provider's cancellation/withdrawal policies. WIOA CM must inform the participant that fees paid in advance without prior approval are not reimbursable.
- d. Participant selects training provider from Statewide/Local ETP list.
- e. WIOA participant contacts training provider and obtains information on training availability, training costs, curriculum, class schedules, etc. Participant should provide a copy of their Acceptance Letter from school or training provider.

- f. WIOA CM gives Financial Award Analysis (FAA) form to participant to bring to training provider's Financial Award Officer (FAO) for completion and signature to validate the total cost of training and the coordination of training funds or availability of other non-WIA training funds/resources.
- g. TAF and LOA are created and submitted to CM Supervisor for approval.
 - TAF and LOA must have accurate information regarding training type, training costs, duration of training and WIOA training fund to be charged (Adult, Dislocated Worker, Youth, VASAVOR, etc.). Training costs must include all training related costs (tuition fees, books, supplies, uniforms, other miscellaneous fees).
 - One (1) TAF and (1) LOA must be processed for each participant unless it is a group training of individuals under the same WIOA Program attending the same training/class.
 - CM Supervisor reviews TAF and LOA for completeness and accuracy, as well as checks the Virginia Workforce Network Virtual One Stop management information system (VaWC VOS) to ensure participant's WIOA registration and services. The TAF or LOA will not be processed or approved if the training activity information has not been added or entered in the VaWC VOS.
 - CM Supervisor assigns the funding control # to TAF.
 - CM Supervisor sends LOA and TAF via email to WIOA Financial Assistant for processing.
- h. WIOA Financial Assistant processes LOA and submits to E & T Financial Analyst for review. The Financial Analyst reviews LOA and verifies availability of funds before the LOA is submitted to the WIOA Manager for approval and signature.
- i. Upon LOA approval, WIOA Financial Assistant:
 - Assigns the funding control # to LOA.
 - Emails copies of the coded and uncoded LOA to WIOA Case Managers and CM Supervisor.
 - WIOA Financial Assistant coordinates with E & T Financial Analyst and DFS Finance to set aside training funds requested.
- j. WIOA CM sends a copy of the uncoded LOA to participant and training provider to verify approval.

III. WIOA Training Cap Limit

The VCWN sets the training fund cap limit every program year. Currently, the maximum training fund limit for adults is \$6,000 and \$6,500 for dislocated workers. The training fund limit on an individual ITA for adults is \$4,500 and \$5,000 for dislocated workers. The additional funds allocated to each participant will be specifically tied to additional training certifications through stackable credentials. There is no training fund cap for out-of-school youth who access an ITA. The VCWN has the right to increase or decrease the funding.

The WIOA Manager may allow for an increase in training funds based on client needs, beyond the \$6,000 or \$6,500 limitation. A memo to the WIOA Manager from the WIOA CM must be submitted and approved to allow for an increase in training funds. As necessary, the WIOA Manager shall consult with the Workforce Board Executive Director, on the proposed increase in ITA funding for each client beyond the Board-established training fund caps.

IV. WIOA Training Forms and Documentation

The following training forms and documentation must be completed and/or obtained prior to issuing the Training Authorization Form (TAF) and LOA:

- a. Training Justification Form – indicates justification for training need (CM completes this form)
(If an Unlikely to Return Analysis statement has been completed for Dislocated Workers (not involved in mass lay off) – there is no need to complete the Training Justification Form)
- b. Customer Request for Training – participant completes this form and indicates purpose of training, choice of training provider, and level of commitment to successfully complete the training.

- c. Training Agreement Form – must be explained to Participant and participant must read and sign the agreement.
- d. Financial Award Analysis (FAA) – this validates coordination of training funds. The participant must present this form to the training provider’s Financial Aid Officer (FAO) for completion and evaluation of other funds/resources that could pay for the participant’s training expenses. The form must be signed by the FAO and submitted to the WIOA CM.
- e. Course Curriculum
- f. Information on tuition fees, books, class schedules and other required training related items. This may be provided in written documentation from the school or on the FAA.

One of the following items must be obtained to validate participant’s training activities:

- a. Validation from instructor/school regarding participant’s training participation. (Email/telephone verification from school or instructor regarding participant’s progress is acceptable).
- b. Participant’s progress or evaluation from instructor/school.
- c. Grades or official transcripts
- d. Certificates of completion, diplomas, etc. validating completion of training

V. Invoice Processing

The CM Supervisor is the school/training provider’s Point of Contact in submitting invoices for payments of tuition fees, books or other training related costs in Fairfax and other Northern Virginia cities/counties except Loudoun County. Case Managers in Loudoun are responsible for receiving, reviewing and sending the invoices to the WIOA Financial Assistant along with the WIOA CM Supervisor for payment.

The following procedures must be implemented in submitting invoices:

- a. Upon receipt of invoice from school/training provider:
 - CM Supervisor verifies training activity against the VaWC VOS to ensure that training information has been entered or added in the VaWC VOS.
 - CM Supervisor confirms with WIOA Case Manager that participant has attended training.
- b. Upon review of invoice and related documentation and validation of participant’s attendance, CM Supervisor submits invoice and other documentation to WIOA Financial Assistant for payment processing.
- c. WIOA Financial Assistant maintains invoice tracking sheet and contacts CM to follow up on outstanding invoices.
- d. CM is responsible for tracking the participant’s training fund balance.
 - CM must follow up with the training provider/school on outstanding invoices or cancellation of remaining balances on the LOA.
 - CM must immediately inform CM Supervisor of cancellation of remaining balances in the LOA.
 - CM Supervisor will notify WIOA Financial Assistant of cancellation of remaining balances.

VI. LOA Cancellation

Within the first week of training, it is imperative for the WIOA CM to verify progress or attendance in training from the school/training provider or client as there may be instances where the client decides to withdraw from the class or the school/training provider cancels the training.

The following procedures must be implemented:

- a. WIOA CM MUST ensure that upon immediate notification of the participant's decision to withdraw or cancel, or when the training provider cancels or postpones the training, the WIOA CM must immediately cancel the LOA.
 - Sends the cancelled LOA to the school/training provider and/or notifies the school/training provider regarding the cancellation.
 - CM must work with client in resolving issues or barriers that led to the client's withdrawal from the class. It is recommended that the client's Individual Employment Plan or Individual Service Strategy (IEP/ISS) must be updated to show client's current service status and revised action plan.
- b. A copy of the cancelled LOA must be scanned to the CM Supervisor and WIOA Financial Assistant.
- c. For classes that have been cancelled or postponed by the training provider:
 - CM must immediately cancel the LOA, scan a copy of the cancelled LOA to CM Supervisor, WIOA Financial Assistant, and training provider.
 - CM must notify client and determine client's interest in pursuing the training on a later date. CM will submit new TAF and LOA for future training.
- d. WIOA Financial Assistant will cancel LOA from tracking database and notify the DFS Finance Department regarding the cancelled LOA.

Invoices will NOT BE PAID for participants who NEVER ATTENDED the training. In addition, invoices WILL NOT BE PAID for training that was cancelled by the training provider. Supplies or books that were purchased prior to the training start date of participants who failed to attend the training may be paid if the withdrawal or cancellation was due to emergency or medical reasons. Validation for justification to cancel training must be documented via case notes, doctor's notes, etc. The WIOA CM must immediately notify the school/training provider of the participant's emergency situation and cancellation of the LOA. Invoices for the school/training provider's withdrawal or cancellation fees may be paid.

Unnecessary payments of invoices for participants who never attended the training could be avoided by constant follow up with participants and immediate notification of the school/training provider about the LOA cancellation.

VII. Completion of Training Program

The WIOA CM must contact participant at least bi-weekly during the participant's training activity to ensure immediate intervention in addressing participant's training needs. This could be accomplished through emails, phone calls or other forms of correspondence. The WIOA CM is strongly encouraged to contact the school/training provider for additional information concerning participant's progress in training on a regular basis during participant's training activity.

Upon completion of the training, WIOA CM must obtain validation of completion e.g. certificates, diplomas, grades or official transcripts. Copies must be kept in participant's case files.

The WIOA CM must be responsible for updating information in VaWC VOS relating to the participant's training activity (completed or not completed) within five (5) business days from date of the change of the participant's training status or progress or receipt of the information.

However, credential information may be entered after participant's exit date up until the 4th quarter after exit.

Approved:

Signed by:

September 1, 2022

Date of VCWN Approval



David A. Hunn, Executive Director

Northern Virginia Workforce Development Board WIOA Dislocated Worker Unlikely to Return (UTR) Policy

**Policy Number: 2017-01
Effective Date: April 18, 2018**

Purpose: To establish a local definition of "Unlikely to Return" to a previous industry or occupation, applicable when determining the eligibility of Dislocated Workers and to provide clarification regarding acceptable documentation for the unlikely to return component of the Category 1 and Category 2 Dislocated Worker definitions.

Definition:

Unlikely to Return may be defined in terms of family, personal or financial circumstances that may affect the likelihood of the individual's returning to his or her previous industry or occupation for employment. The definition does not need to be based solely on economic conditions and job availability.

Policy:

An individual unlikely to return to previous industry or occupation must meet at least one (1) requirement in a category listed below:

1. The most current Labor Market Information (LMI) from the Virginia Workforce Connection for LWDA 11 indicating a decline in the occupation. If no LMI is available for LWDA 11 or if LMI for LWDA 11 does not indicate a decline in the occupation; LMI for the Commonwealth of Virginia can be used. For purposes of documenting Unlikely to Return to previous industry or occupation, Program Operators should consider the long term (ten years) employment projections for that occupation. LMI that reflects a projected employment outlook that is less than the most recent estimated employment for the occupation will be considered a declining occupation. This data can be obtained from the occupational profile in the labor market services of the Virginia Workforce Connection or from O*NET;
2. Receipt of UI benefits showing duration of receipt of UI for at least 12 of the previous 26 weeks;
3. Completed, signed copy from VEC or applicant of VEC Reemployment Services Plan; or
4. Applicant meets one (1) of the locally defined reasons below:
 - A. Qualifications for occupation/industry changed and individual is no longer qualified;
 - B. Finding employment in current occupation will require skills upgrading to include basic skills, literacy skills, and occupational skills;
 - C. Industry was represented by only one employer in the area and is now out of business;
 - D. Excess number of workers with similar skill sets and experience seeking limited employment opportunities in the region;
 - E. Individual has had at least three (3) rejection letters from employers in the area, or other documentation of unsuccessful efforts to obtain employment in the prior industry or occupation;

- F. Individual cannot return to their previous industry or occupation because they have physical or other limitations, which would prevent reentry into the former industry or occupation, as documented by a physician or other applicable professional (e.g., psychiatrist, psychiatric social worker, chiropractor, etc.;
- G. Individuals that may have worked seasonally can be considered unlikely to work in a previous industry or occupation as a temporary or seasonal worker, for a variety of reasons such as:
- i. Change in family situation that requires higher income. Includes claim of financial hardship supported by documentation. (e.g. pay stubs, bank statements, family or business financial records, tax documents, public benefits award letters)
 - ii. Disability that precludes returning to the same industry or occupation;
 - iii. Natural disaster that results in lost wages;
 - iv. Loss of agricultural land;
 - v. Mechanization (replaced manual labor with machinery); or
 - vi. Any significant variance to normal seasonal employment patterns resulting in uncertain return-to-work dates.

Note: Individuals laid off on a temporary basis, with a specific return date do not meet the criteria of unlikely to return to work in a previous industry or occupation.

Approved:

4-18-2018
Date of NVWDB Approval

Signed by:


David A. Hunn, Executive Director

Northern Virginia Workforce Development Board Self-Sufficiency Policy for Employed Adults and Dislocated Workers

Policy Number: 2017-02

Effective Date: April 18, 2018

Purpose: To establish a self-sufficiency standard for employed customers determined to be in need of career and training services under Title I of the Workforce Innovation and Opportunity Act (WIOA).

Background:

Under WIOA, there are two categories of adults and dislocated workers who may receive individualized career and training services; unemployed adults and dislocated workers and employed adults and dislocated workers. For the employed group of individuals, WIOA requires the establishment of a self-sufficiency criteria to determine whether their current employment at the time of registration pays at least 100% of the Lower Living Standard Income Level (LLSIL). For the employed Dislocated Worker, the criteria could be defined as a percentage in relation to the lay-off wage.

Policy:

Self-Sufficiency for “Employed Adults” will be set at 150% LLSIL.

Self-Sufficiency for “Employed Dislocated Workers” will be at 75% of the lay-off wage.

References:

- Workforce Innovation and Opportunity Act of 2014, Section 3 (36), Section 134 (a) (3) (A) (xii) and (d) (x)
20 Code of Federal Regulations 663.230
- Virginia Workforce Letter (VWL) #17-01

Approved:

4-18-2018
Date of NVWDB Approval

Signed by:


David A. Hunn, Executive Director



NORTHERN REGION

Virginia Career Works – Northern Region Accessibility and Reasonable Accommodations Policy

Policy Number: 2018-01

Effective Date: September 13, 2018

Purpose: The policy on accommodations and accessibility ensures that every Workforce Innovation and Opportunity Act (WIOA) participant receives quality services. This policy outlines steps to ensure nondiscrimination and equal opportunity in Virginia Career Works – Northern Region Centers and the reasonable accommodations required to effectively serve individuals with disabilities.

Background:

WIOA assigns responsibilities at the local, State and Federal levels to ensure the oversight American Job Centers (AJC) system that enhances the range and quality of workforce development services that are accessible to all individuals seeking assistance. WIOA stresses physical and programmatic accessibility, including the use of accessible technology to increase individuals with disabilities' access to high quality workforce services. It prohibits discrimination based on race, color, national origin, sex, gender identity, age, disability, religion, political affiliation or belief, or participant status.

Policy:

Virginia Career Works – Northern Region considers individuals with disabilities an important element of diversity and ability within the Virginia Career Works – Northern Region Centers. Individuals with disabilities must be treated with respect and give customer-centric services within both the universal Virginia Career Works – Northern Region Center offerings, as well as within WIOA and other Virginia Career Works – Northern Region programmatic offerings.

No individual is to be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in any program or activity, funded in whole or in part under WIOA, due to race, color, religion, sex, gender identity, national origin, age, disability, or political affiliation or belief.

Program operators must use the same processes for all customers, including individuals with disabilities. The program operator will also make reasonable modifications in practices and procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless making the modifications would fundamentally alter the nature of the service, program, or activity. The need for an accommodation/modification shall not adversely affect the consideration of a qualified individual with a disability for aid, benefits, services, and training.

ENSURING NONDISCRIMINATION

The following actions should be taken to ensure nondiscrimination of individuals with disabilities:

- Ensure Virginia Career Works – Northern Region Centers are American with Disabilities Act (ADA) compliant and equipped with auxiliary aids and accommodations. This should include a list of currently available assistive technology devices and services within the centers available for individuals.
- Ensure individuals are aware of compliance through use of signs or other means of visibility. "Equal Opportunity is the Law" must be prominently displayed within the Virginia Career Works – Northern Region Centers and made available in other formats as requested.

- Ensure individuals are aware of the ability to receive reasonable accommodations. Notice of the availability and right to receive reasonable accommodations must be posted.
- Rejection of all job orders from any employer that specifies it will not accept applications from individuals with disabilities or from applicants with a certain disability. Under the law, individuals with disabilities must be referred for the same range of positions as any other qualified customer.
- Maintain confidentiality and not disclose disability-related or other medical information about an individual to an employer or partnering organization unless the job seeker has requested the disclosure on their behalf.
- Incorporate information on accommodations and rights of all individuals, including individuals with disabilities, in orientations.
- Refrain from stereotyping individuals with disabilities when evaluating their skills, abilities, interests and needs.
- Periodically review eligibility criteria for services or training to eliminate elements that may screen out individuals with disabilities (unless criteria is directly related to specific training or services and is essential), such as:
 - Literacy/Numeracy level requirements to access services that may unnecessarily prevent individuals with intellectual, cognitive or development disabilities from accessing services.

Program operators are subject to the following provisions of law:

- Section 188 of the Workforce Innovation and Opportunity Act, which prohibits discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief and requires that reasonable accommodations be provided to qualified individuals with disabilities in certain circumstances.
- Section 504 of the Rehabilitation Act, which prohibits discrimination against individuals with disabilities by recipients of Federal financial assistance.
- Title I of the Americans with Disabilities Act, which prohibits discrimination in employment based on disability.
- Title II of the Americans with Disabilities Act, which prohibits State and local governments from discriminating on the basis of disability.
- Section 427 of the General Education Provisions Act, which requires recipients to ensure equitable access to, and participation in, certain programs run by the U.S. Department of Education.
- Virginia's Anti-Discrimination Laws, which prohibits discrimination on the basis of marital status, sexual orientation, gender identity, or genetic information in addition to those covered by Section 188 above.

DISCLOSING DISABILITIES

Individuals may or may not choose to disclose that they have a disability. The individual does not have to document a disability to register at the Virginia Career Works – Northern Region Center or to receive universal services.

Staff should only ask individuals if they have a disability if this question is asked of all customers using the Virginia Career Works – Northern Region Center or program and for data collection purposes, or for customer service and satisfaction improvements. Staff may ask individuals whether they are able to perform the essential functions of a job, training, or activity, but should not directly ask if an individual has a disability.

If it appears that an individual with a disability may need an accommodation, staff may ask the individual if he or she can participate in a specific aid, benefit, service, or training with or without an accommodation. If the individual indicates that an accommodation is not needed, no further inquiries about the disability may be made. The individual's response must determine the Center's/program's actions.

If the individual discloses a disability, staff must inform the individual that:

- Providing information about one's disability is voluntary;
- The information will be kept confidential as provided by law;
- Refusal to provide the information will not subject the individual to adverse treatment; and
- The information will only be used in accordance with the law.

For WIOA Title I services, individuals with disabilities do not need to verify a disability to be served; however, it would benefit the individual to provide documentation of the disability to receive priority of service and to receive connections to additional resources. If individuals with disabilities request accommodations on any testing for service delivery purposes, documentation of the disability will be required. Additionally, some discretionary grants may require individuals with disabilities to show documentation of their disability for eligibility purposes.

Specific information on disabilities gathered for program eligibility purposes, including medical information gathered, must be kept confidential and maintained in a separate, secure file that is only available to authorized individuals. Medical information given to staff verbally by a person with a disability is also regarded as confidential and should not be released without written consent of the person with a disability.

REASONABLE ACCOMMODATIONS

Reasonable accommodations, modification, providing effective communication, and auxiliary aids and services will hereinafter be referred to as "reasonable accommodations." A reasonable accommodation is a change in the way the program is administered that enables an individual with a disability to receive benefits, services and training equal to those provided to individuals without disabilities.

Program operators providing services will provide reasonable accommodations to qualified individuals with disabilities who utilize WIOA career and training services and WIOA youth program services to ensure equal access and opportunity.

The policies pertaining to reasonable accommodations apply to qualified individuals with disabilities in regard to:

- Registration and orientation,
- Initial screening, assessments, and testing, and
- Service delivery, including career services, training services, and support services.

Program operators must not place a surcharge on an individual with a disability, or any group of individuals with disabilities, to cover the costs of measures associated with providing auxiliary aids, services, or assistive technology, that are required to provide that individual or group with the nondiscriminatory treatment required by WIOA Title I.

TYPES OF ACCOMMODATIONS

There are many forms of reasonable accommodations. Staff and the individual with a disability should work together to identify the most effective reasonable accommodation for that individual. Determining the most reasonable accommodation should be done as quickly as possible to avoid delaying access to services.

Auxiliary Aids Services and Assistive Technology

To afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of the WIOA Title I or Title III program or activity, the program operator must furnish appropriate auxiliary aids or services, including effective means of communication, where necessary. In determining what type of auxiliary aid or service is appropriate and necessary, program operators must give primary consideration to the requests of the individual with a disability. Primary consideration means honoring the choice unless the agency can demonstrate that another equally effective accommodation is available, or that using the means chosen would

result in a fundamental alteration in the service, program, activity, or undue financial and administrative burdens.

A non-exhaustive list of auxiliary aids and services can be found in 29 CFR S 38.4, and includes:

- Qualified interpreters, note-takers, transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs/ITs), video telephones, or video remote interpreting devices), videotext displays, or other effective means of making aurally delivered materials available to individuals with hearing impairments;
- Qualified readers, taped texts, audio recordings, materials translated into Braille, large print materials, or other effective means of making visually delivered materials available to individuals with visual impairments;
- Acquisition or modification of equipment or devices; and
- Other similar services and actions.

This obligation does not require the program operator to provide personal devices, such as wheelchairs; prescribed devices, such as prescription eyeglasses or hearing aids; or readers for personal use or study.

Facility Accessibility

Virginia Career Works – Northern Region Centers must be ready and welcoming for when persons with disabilities seek services, and as such, advance preparatory actions must be taken. Specific information on ADA accessibility guidelines for buildings and facilities is provided at <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards/ada-standards>. Facility accessibility pertains to Virginia Career Works – Northern Region Centers and any location where Virginia Career Works – Northern Region Center staff provide service delivery.

Some areas to particularly note include:

- Signage
- Accessible Counters
- Automatic and Power-Assisted Doors
- Accessible Restrooms
- Accessible Workstations
- Obstacle Free Entrance
- Space in Waiting Room for People Using Wheelchairs
- 32-inch Clear Opening on Door
- 36-inch Clear Path of Travel

The above is only a sampling of considerations.

REQUESTS FOR ACCOMMODATIONS

The Virginia Career Works – Northern Region Board requires that all service providers ensure that requests for accommodations are taken seriously and that receipt of accommodations is easy, user-friendly, and treated in a respectful and timely manner.

The individual does not need to use the term "reasonable accommodation" when seeking assistance. A request can be made before services are received or after a customer has already begun to receive the services for which the accommodation is requested. The request for accommodations may be made by a family member, friend, or other representative on their behalf. However, staff should directly verify with the customer agreement with the request.

When a person with a disability makes a request for a reasonable accommodation to any of the program operators' representatives, the program operator is required to respond to that request. Request for

accommodations, modifications, and/or effective communication are requests that include the following two elements:

- A request for an adjustment or assistance; and
- An indication that the request might be related to a medical condition or disability.

Requesting Documentation for Accommodations

Requesting documentation for a disability can be an impediment to expedient and customer friendly service and, therefore, should usually be avoided. Documentation of a disability underlying a request for an accommodation should not be requested when:

- The request for accommodation falls within the range of adjustments that staff would normally make in providing good customer service for any customer, or
- The disability is apparent.

Documentation for Testing Accommodations

Assessment and testing accommodations will be based upon the nature of the disability or special need and can include, but are not limited to:

- Braille Test Edition
- Large Print Edition
- Repeated Directions
- Assistive Technology
- Answers Recorded
- Extended Time/Adjusted Time
- Communication Assistance

For testing accommodations, documentation of disability must provide a comprehensive evaluation, a specific diagnosis, and objective evidence of a substantial functional limitation. The diagnostic report must include specific recommendations for accommodation(s), as well as a detailed explanation of why each accommodation is recommended. The evaluator(s) must describe the impact the diagnosed disability has on a specific major life activity as well as the degree of recommendations with specific test results or clinical observations. This evaluation must be made by a qualified professional whose credentials are appropriate to the disability. The name, title, and professional credentials (e.g., degrees, areas of specification, license or certification, employment) should be clearly stated in the documentation.

A written record must be made of any requests for reasonable accommodations that would require significant resources or preparation. Records must include the name of the individual, the nature of the reasonable accommodation, and the reason for the accommodation.

In keeping records pertaining to requests for reasonable accommodations in the Virginia Career Works – Northern Region Centers, all staff should ensure that the documentation process does not delay or impede the provision of accommodations. Any documentation collected for reasonable accommodation considerations in the Virginia Career Works – Northern Region Centers should be kept with the Center Manager. Any documentation collected for reasonable accommodation considerations through WIOA Title I services should be kept with the appropriate Program Supervisor or in the individual's participant file.

Responding to Requests for Accommodations

All staff members should be able to provide or arrange basic accommodations on their own initiative in the most expedient and customer friendly way possible. The Virginia Career Works – Northern Region Centers are encouraged to appoint a staff member the Disabilities Coordinator; someone familiar with the ADA law and can provide consultation to staff on reasonable accommodations and effective means of communication for individuals with disabilities. Virginia Career Works – Northern Region Centers are also able to contact the Virginia Career Works – Northern Region Board's Ticket to Work Program staff to assist in responding to accommodation requests or for consultation on ADA law and reasonable accommodations.

DENYING REQUESTS FOR A REASONABLE ACCOMMODATION

The program operator may deny a request for a reasonable accommodation based on the following criteria:

- The program operator has determined the customer does not have a disability. The program operator has determined that the absence of the requested reasonable accommodation would not limit the customer's ability to have genuine, meaningful participation in and derive an equal benefit from the Virginia Career Works – Northern Region Center's aids, benefits, services and training, OR
- The program operator has determined that there is no accommodation that would be effective in improving the customer's ability to have genuine, meaningful participation in and derive an equal benefit from our aids, benefits, services and training.

The denial of an accommodation requires review and decision-making at the administrative level. If a staff person believes that it may be appropriate to seek documentation of a disability underlying a request for accommodation, that staff person should present the recommendation to the designated Equal Opportunity (EO) Officer or administrative level designee. The EO Officer will consider the recommendation, and if appropriate, conduct the inquiry.

Requests that cannot be provided or which are believed to pose an undue burden must be reviewed by the EO Officer. In situations where the program operator believes that the proposed accommodation would cause undue hardship, the program operator has the burden of proving that the accommodation would result in such undue hardship. The EO officer is the only person with authority to determine undue hardship on behalf of the program operators.

The EO Officer is David Hunn, Virginia Career Works – Northern Region Executive Director, and can be reached at David.hunn@myskillssource.org or at 703-827-3782.

Written Notification of Accommodation Denial

A written statement of the reasons for reaching these conclusions will accompany the decision of an accommodation denial. The program operator will provide a copy of the statement of reasons to the individual who requested the accommodation, modification, auxiliary aid or service, and in alternate format or with other auxiliary aids for effective communication, as appropriate.

The written notice of denial must:

- Explain the reasons for the denial;
- Inform the customer of his or her rights to file a complaint with the Department of Labor Civil Rights Center and Department of Justice, Office of Civil Rights;
- Provide instructions for initiating such complaints.
- A copy of this notice of denial must be provided to the State Equal Opportunity Officer.

Additionally, if the denial is based on a determination of undue burden, the written notice of denial must also document that all the required factors that must be considered in determining undue burden were considered and be reviewed by an attorney versed in ADA.

Continued Responsibility of Program Operator

After a determination of undue hardship, the program operator must still take any other action which would not result in such burden, but which would improve, to the maximum extent possible, the customer's ability to participate in and benefit from the Virginia Career Works – Northern Region Centers aids, benefits, services, and training. If an accommodation would result in undue hardship, the program operator will give the individual with a disability the option of providing the accommodation. The program operator must also offer to cover the costs of the reasonable accommodation up to the limit of undue burden and to allow the customer to cover any costs above that threshold.

NOTICE OF RIGHT TO FILE A GRIEVANCE/COMPLAINT

Individuals who believe that they have been discriminated against in failure to provide accommodations, may file a complaint with the EO Officer. Information on how to file a complaint will be publicly posted and available in alternative formats.

MONITORING

Virginia Career Works – Northern Region acknowledges that the U.S. Department of Labor and the Commonwealth of Virginia has the authority to monitor and assess compliance with accessibility and reasonable accommodation procedures for WIOA Title I programs. To ensure that policies are being followed and expectations are being met, Virginia Career Works – Northern Region staff or a designee will review accessibility of facilities and services periodically to ensure compliance. It will be the responsibility of the program operator to make any corrections and to conduct an internal review if areas of concern are found.

DISCLAIMER

This policy is based on Virginia Career Works – Northern Region's interpretation of the statute, along with the Workforce Innovation and Opportunity Act; Final Rule released by the U.S. Department of Labor and federal and state policies relating to WIOA implementation. This policy will be reviewed and updated based on any additional federal or state guidance.

Approved:

Signed by:

September 13, 2018
Date of VCW - Northern Board Approval


David A. Hunn, Executive Director



NORTHERN REGION

Virginia Career Works – Northern Region Limited English Proficiency Policy

Policy Number: 2018-02

Effective Date: September 13, 2018

Purpose: This policy provides the guidance and establishes the procedures regarding the prohibition against national origin discrimination as it affects persons with Limited English Proficiency (LEP). This policy applies to Virginia Career Works – Northern Region Centers and Workforce Innovation and Opportunity Act (WIOA) Title I grant recipients.

Background:

The nondiscrimination and equal opportunity provisions found in Section 188 of WIOA and 29 CFR Part 38 prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including LEP), age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title I-financially assisted program or activity.

Policy:

The Virginia Career Works – Northern Region will take reasonable steps to ensure that LEP individuals have meaningful access to their programs and activities. Reasonable steps may include, but are not limited to, the following:

- Written materials in appropriate non-English languages by written translation, or by oral interpretation, or summarization. The Virginia Career Works – Northern Board, in direct consultation with the One-Stop Operator, will determine the materials to be translated and the languages in which the materials will be translated into, based on current labor market data.
- Oral content in appropriate non-English languages through in-person or telephone translation.

Identifying the Language of LEP Persons

Virginia Career Works – Northern Region Centers will promptly identify the language and communication needs of the LEP person. If necessary, staff will use a language identification card (or “I speak cards,” available online at www.lep.gov) or posters to determine the language. Staff will direct LEP persons to the I Speak cards when it is apparent that they are having difficulty speaking or understanding English. The staff member will then utilize the language assistance services described in this plan.

Language Assistance Services

Language assistance generally comes in two forms: oral interpretation or written translation. Virginia Career Works – Northern Region Centers must ensure that above all, these services are free of charge and provided in a timely manner. An LEP individual must be given adequate notice about the existence of interpretation and translation services and that they are available free of charge. Language assistance will be considered timely when it is provided at a place and time that ensures equal access and avoids the delay or denial of any aid, benefit, service, or training (29 CFR Section 38.9[d] and [e]).

Interpreter Services

Virginia Career Works – Northern Region Centers shall not require an LEP individual to provide their own interpreter. Furthermore, Virginia Career Works – Northern Region Centers shall not rely on an LEP individual’s minor child or adult family or friend to interpret or facilitate communication, except for the following circumstances:

- In emergency situations while awaiting a qualified interpreter.
- When the information conveyed is of minimal importance to the services to be provided.
- When an LEP individual specifically requests that an accompanying adult provide language assistance and they agree to provide assistance to the individual. If a Virginia Career Works – Northern Region Center permits an accompanying adult to serve as an interpreter for an LEP individual during the WIOA enrollment process, it must make and retain a record of the LEP individual’s decision to use their own interpreter in the client’s case file.

Finally, where precise, complete, and accurate interpretations or translation of information and/or testimony are critical for adjudicatory or legal reasons, Virginia Career Works – Northern Region Centers can still provide their own, independent interpreter, even if an LEP individual wants to use their own interpreter as well. This also applies in cases where the competency of the interpreter requested by the LEP individual is not established. (29 CFR Section 38.9[f])

Concerning Vital Information

For languages spoken by a significant portion of the population eligible to be served or likely to be encountered, Virginia Career Works – Northern Region will translate vital information in written materials into these languages. These translations must in turn be readily available upon request in hard copy or electronically. Virginia Career Works – Northern will take reasonable steps to ensure meaningful access for LEP individuals. Materials that are considered vital information, as well as the primary languages for materials to be translated into, will be determined by the Virginia Career Works – Northern Board, in direct consultation with the One-Stop Operator.

For languages not spoken by a significant portion of the population eligible to be served or likely to be encountered, Virginia Career Works – Northern Region will take reasonable steps to meet the particularized language needs of LEP individuals who seek to learn about, participate in, and/or access the aid, benefit, service or training that is available to them. Vital information may be conveyed orally if not translated.

Virginia Career Works – Northern Region will also include a Babel Notice, indicating that language assistance is available for WIOA enrollment documents, on its website and in pertinent WIOA information for jobseekers. (29 CFR Section 38.9[g]).

Finally, to the extent otherwise required by 29 CFR Part 38, once the Center or program operator becomes aware of the non-English preferred language of an LEP beneficiary, participant, or applicant for aid, benefit, service, or training, the Center or program operator must convey vital information in that language. (29 CFR Section 38.9[h])

Training Staff

Virginia Career Works – Northern Region will provide One-Stop Operator staff with access to training on a regular basis on the procedure for assisting LEP customers, at no cost to the participating localities.

Providing Notice to LEP Persons

Virginia Career Works – Northern Region Centers will inform LEP persons of the availability of language assistance, free of charge, by providing written notice in languages LEP persons will understand. At a minimum, notices and signs will be posted and provided in intake areas and other points of entry. Notification will also be provided on outreach documents and on the website.

Monitoring Language Needs and Implementation

On an ongoing basis, Virginia Career Works – Northern Region will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, Virginia Career Works – Northern Region will regularly assess the efficiency of these procedures, including but not limited to mechanisms for securing interpreter services, equipment used for the delivery of language assistance, complaints filed by LEP persons, feedback from customers and/or partners, etc.

LEP Complaint Process

Individuals who wish to file a discrimination complaint involving LEP, Title VI, and related statutes, are directed to contact the agency's EO Officer at:

David Hunn
Executive Director
Virginia Career Works – Northern Region
8300 Boone Boulevard, Suite 450
Vienna, VA 22182
703-827-3782
David.hunn@myskillsource.org

Approved:

September 13, 2018
Date of VCW - Northern Board Approval

Signed by:


David A. Hunn, Executive Director



NORTHERN REGION

Virginia Career Works – Northern Region EQUAL OPPORTUNITY (EO) POLICY

Policy Number: 2018-04

Effective Date: December 13, 2018

Purpose: To set forth a written policy and procedure that assures compliance with state and federal policies and regulations related to Equal Opportunity (EO) and non-discrimination.

Background: Programs and activities funded by the United States Department of Labor under the Workforce Innovation and Opportunity Act (WIOA) are subject to federal equal opportunity laws and regulation. Virginia Career Works - Northern is obligated by WIOA to comply with its nondiscrimination and equal opportunity provisions.

Policy:

It shall be the policy of the Virginia Career Works - Northern (VCWN) to adhere to the requirements of Section 188 of WIOA that all recipients are prohibited from discriminating on the ground of race, creed, color, religion, gender, national origin, age, physical or mental disability, sexual orientation, political affiliation or belief, or any characteristic protected by law, in the recruitment and hiring of staff, and for beneficiaries only, citizenship or participation in programs funded under the Workforce Innovation and Opportunity Act (WIOA) in admission or access to, opportunity or treatment in, or employment in the administration of or in connection with, any WIOA-funded program or activity.

A recipient means any entity to which federal financial assistance under any title of WIOA is extended either directly or through the Governor or through another recipient (including any successor, assignee, or transferee of a recipient), but excluding the ultimate beneficiaries of the WIOA-funded program or activity and the Governor. Recipient includes, but is not limited to: Job Corps Centers and Center operators (excluding federally-operated Job Corps Centers), State Employment Security Agencies, State-level agencies that administer WIOA funds, WIOA grant recipients, Sub state grant recipients and service providers, as well as National Program recipients.

The VCWN will ensure that its programs and activities are physically as well as programmatically accessible to individuals with disabilities. WIOA-funded and non-funded programs will be administered in the most integrated setting appropriate to the qualified individual with a disability. The VCWN must prominently post initial and continuing notice on equal opportunity and nondiscrimination in reasonable places, such as in all *SkillSource* Center locations, written and electronic materials, employee handbooks or manuals, and made available to each participant, and made part of each participant's file. Employees of the VCWN, applicants for employment, vendors, potential vendors and customers or beneficiaries and partners with whom the VCWN establishes Memoranda of Understandings shall be notified of this policy.

If a WIOA participant feels they have been subjected to discrimination under a Northern Virginia WIOA funded program or activity, the WIOA participant may file a complaint within 180 days from the date of

the alleged violation with the recipient's **Equal Opportunity Officer**: David Hunn, Executive Director, Virginia Career Works - Northern, 8300 Boone Avenue, Suite 450 Vienna, VA 22182 or they may file a complaint directly with the Director, Directorate of Civil Rights (DCR), U.S. Department of Labor, 200 Constitution Avenue, NW Room N-4123, Washington, DC 20219. If a participant elects to file a complaint with the recipient's EO Officer, the participant must wait for the EO Officer to issue a decision or until 60 days have passed, whichever is sooner, before filing with DCR (see address above). If the recipient has not provided the participant with a written decision within 60 days of the filing of the complaint, the participant need not wait for a decision to be issued, but may file a complaint with DCR within 30 days of the expiration of the 60 day period. If the participant is dissatisfied with the recipient's resolution of the complaint, the participant may file a complaint with the DCR. Such complaint must be filed within 20 days of the date the participant received notice of the recipient's proposed resolution.

References:

Section 181(c) Workforce Innovation and Opportunity Act

Approved:

12-13-2018
Date of VCW - Northern Approval

Signed by:


David A. Hunn, Executive Director



NORTHERN REGION

Virginia Career Works – Northern Region Incumbent Worker Training Policy

Policy Number: 2021-02

Effective Date: September 10, 2015

Revised: December 2, 2021

Purpose: The purpose of this policy is to describe the use of the Workforce Innovation and Opportunity Act local funds to create incumbent worker training programs.

Policy:

Incumbent worker training will be utilized by Virginia Career Works Northern to benefit regional businesses and industry by assisting in skill development of existing employees and increasing productivity as part of a broader economic competitiveness strategy. Virginia Career Works Northern shall follow State incumbent worker training policy by using a sector strategy approach to meet the skills training needs of their incumbent workforce.

Incumbent Worker Employee Eligibility

All employees participating in incumbent worker training must meet the eligibility below. An incumbent worker is:

- At least 18 years of age;
- A citizen of the United States or a non-citizen whose status permits employment in the United States;
- Males born on or after January 1, 1960 must register with the selective service system within 30 days after their 18th birthday or at least before they reach the age of 26;
- Must be a full-time employee of the participating employer for at least 6 months;
- Needs skills upgrading or retraining, completion of GED or High School Degree, basic skills upgrade, to retain or be successful in current employment;
- An employee to be trained that works at a facility located in Virginia.

Potential incumbent workers to be trained are not required to meet eligibility requirements for WIOA adults or dislocated workers.

Employer Eligibility

- Private for profit or non-profit businesses operating in Virginia for entire twelve-month period prior to application date;
- Current on all Virginia tax obligations;
- Proposing training for employees in a Virginia facility;
- Demonstration of linkages of the training activity to demand occupations and/or regionally targeted industries;
- The positive relationship of the training to the competitiveness of a participant and the employer;
- The relative wage and benefit levels of those employees (pre-training and anticipated upon completion of the training);
- The potential state, regional, and local economic impact, if any, of the training project.

A non-eligible employer is a business with a history of failing to provide WIOA participants with continued employment or/and a recently relocated business that has resulted in employee separations.

Funding Available

Local WIOA funds are available to provide incumbent worker training. Virginia Career Works Northern may reserve and use up to 20 percent of the WIOA Title I Adult and Dislocated Worker funds allocated to the local area to pay for the Federal share of the cost of providing a training program for incumbent workers.

Non-Federal Share

Employers participating in the program are required to pay for the non-Federal share of the cost of providing the training to incumbent workers of the employers. The non-Federal share shall not be less than:

- 10 percent of the cost, for employers with not more than 50 employees;
- 25 percent of the cost, for employers with more than 50 employees but not more than 100 employees; and
- 50 percent of the cost, for employers with more than 100 employees.

The non-Federal share provided by an employer participating in an incumbent worker training project may include the amount of the wages paid by the employer to a worker while the worker is participating in the training activity. The employer may provide the share in cash or in-kind, fairly evaluated.

Use of Funding

Incumbent Worker Training funds can be used to reimburse employers for a portion of the cost of training their workers, and can be used to cover training costs such as instructional costs for training courses, certification exams, online training, as well as textbooks and manuals that are training-related.

The following are items that are prohibited with IWT funds:

- costs incurred before application approval;
- construction or purchase of facilities or building;
- business relocation expenses;
- training in sectarian activities;
- lobbying activities;
- direct employee wages (can be contributed toward in-kind non-Federal share)

IWT Application Process

Referenced in the attached Virginia Career Works – Northern Incumbent Worker Training Frequently Asked Questions document, dated from August 2019.

Grievance Process for Employers and IWT Participants

Following the VCWN Grievance Policy (Policy #: 2016-07), all IWT employers, participants, training vendors, and other parties have the right to comment about the quality of service they receive or if they have a complaint. It is the policy of the VCWN to provide for the settlement of problems and differences through an orderly complaint procedure. Every customer, employer, or partner has the right to present his/her complaint in accordance with this established procedure free from interference, coercion, restraint, discrimination or reprisal (Section 181(c) Workforce Innovation and Opportunity Act: NPRM 683.600 Subpart F).

General complaints can be filed in writing to the VCWN Executive Director:

David A. Hunn
Executive Director
Virginia Career Works – Northern
8300 Boone Boulevard, Suite 450
Vienna, VA 22182
David.hunn@vcwnorthern.com

Appeal Process for Denial of Incumbent Worker Training Application

An employer may appeal to the VCWN if their IWT application is denied by VCWN. The process will, if necessary, include the opportunity for a hearing and the prescription of appropriate time limits to ensure a prompt resolution of the matter. The employer shall have thirty (30) calendar days from the date the denial notification was provided to file a request for reconsideration to the VCWN. The appeal request must be submitted in writing to the VCWN Executive Director and signed. At a minimum, the appeal must identify the specific IWT request that was denied and must clearly state the reasoning for the appeal. Within thirty (30) calendar days of receipt of the request for reconsideration, the VCWN shall review the request and issue a written decision that either upholds or reverses the original decision. Instances for a reversal may include, but shall not be limited to, an administrative error or instances where additional information submitted by the employer changes the basis on which the original decision was made.

Reversal by the VCWN

If the VCWN reverses the prior decision, the VCWN shall issue an IWT contract agreement to the employer. The appeal will be kept on file for at least three (3) years physically and then documented electronically in an archived file. The VCWN shall also notify the employer in writing that it has reversed its original decision and that the list inclusion request has been completed. If the VCWN fails to act during the 30-day time period described above, the initial decision shall automatically be reversed.

VCWN Appeal Denial

If the VCWN affirms its original decision, the employer shall have the option of filing an appeal with the Virginia Board of Workforce Development. Such a filing must be made within thirty (30) calendar days from the date the final denial notification was provided. The appeal request must be submitted in writing and signed. At a minimum, the appeal must identify the specific IWT request that was denied and must clearly state the reasoning for appeal. A representative of the VCWN may be present at any hearing. The Virginia Board of Workforce Development shall review the request and issue a written decision that either upholds or reverses the original. If the decision is upheld, that program must wait twelve (12) months to reapply.

References:

- Virginia Workforce Letter 16-05, Change 1
- Virginia Board of Workforce Development Policy 15-00, 403-04
- Workforce Innovation and Opportunity Act of 2014 Section 122 and Section 134

Attachments:

- Virginia Career Works – Northern Incumbent Worker Training Frequently Asked Questions, August 2019

Approved:

December 2, 2021

Date of VCW – Northern Region Board Approval

Signed by:

A handwritten signature in blue ink, appearing to read "David A. Hunn", is written over a horizontal line.

David A. Hunn, Executive Director



NORTHERN REGION

Virginia Career Works – Northern Region WIOA Youth Policy on 5% Low-Income Exception

Policy Number: 2024-02

Effective Date: March 7, 2019

Revised Date: September 5, 2024

Purpose: Up to 5% of the youth participants served by Workforce Innovation and Opportunity Act (WIOA) Youth Programs in a Local Workforce Development Area may be individuals who do not meet the income criterion for eligible youth, provided that they still have a barrier.

DEFINITIONS:

Covered Individual - WIOA defines an in-school youth and the following two categories of out-of-school youth as "covered individuals":

- A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is basic skills deficient or an English language learner.
- A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment (WIOA sec. 129 (a) (3) (A) (i)).

Low-Income Individual/Youth - An individual youth who meets one or more of the following:

- i. Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance;
- ii. Is in a family with total income that does not exceed the higher of:
 - a. The poverty line; or
 - b. 70 percent of the lower living standard income level;
- iii. Is a homeless individual;
- iv. Receives or is eligible to receive free or reduced price lunch;
- v. Is a foster child on behalf of whom State or local government payments are made;
- vi. Is a youth who lives in a "high poverty area" defined in WIOA sec. 3(36).

Non Low-Income Youth - An In-School Youth (ISY) or an Out-Of-School Youth (OSY) who does not meet the WIOA, Title I, eligibility criteria for low-Income Individual.

Policy:

Not more than 5% of participants assisted under the Northern Virginia WIOA Youth program in Local Workforce Area #11 may be individuals who do not meet the low-income criteria to be considered eligible youth. Additionally, not more than 5% of participants assisted in the in-school youth program in Local Workforce Area #11 may be determined eligible under the barrier "An individual who requires additional assistance to complete an educational program or to secure or hold employment".

For a WIOA Youth participant to be considered under the 5% Rule, the WIOA Youth Service Provider must make a formal written request via email to the Virginia Career Works – Northern Region Executive Director and receive written approval prior to the youth being registered in WIOA to receive program services. The written request must contain the following information:

- Specific information about the applicant including; family size, income and barrier(s) as well as other characteristics that necessitate WIOA intervention.
- The request should also include a comprehensive plan listing the strategies and youth elements the career advisor will utilize to assist the youth in addressing the barrier(s).
- The request must also include the current number and percentage of non-low-income youth enrollments on the WIOA Youth Services provider's case load. This total includes all participants served during the current program year.

The Virginia Career Works – Northern Region Executive Director will respond within 5 days to all requests. The written determination from the Executive Director must be maintained with all other eligibility and assessment documents in the individual's file. Enrollment is not permitted until receipt of approval from the Virginia Career Works – Northern Region Executive Director.

5% Exception Determination Calculation

The 5 percent low-income exception under WIOA is calculated based on youth enrolled in a given program year who would ordinarily be required to meet the low-income criteria.

Calculation Equation: The sum of the total number of low income In-School Youth (ISY) and Out-of-School Youth (OSY) with a low-income barrier requirement is subject to the 5% exception calculation. The total youth program year non low-income exceptions (numerator) is divided by the total number of program year low-income eligible youth (denominator) to determine the PY percentage (%) low-income exception for a single point in time in any program year.

Example: A local area enrolled 200 youth. 100 of those youth were OSY who were not required to meet the low-income criteria, 50 were OSY who were required to meet the low-income criteria, and 50 were ISY. In this example, the 50 OSY required to be low income and the 50 ISY are the only youth factored into the 5 percent low-income exception calculation. Therefore, in this example of the 100 youth who ordinarily would be required to be low-income, only 5 (i.e. 5 percent) do not have to meet the low-income criteria based on the low-income exception.

Youth Enrolled in a LWDA	No.
OSY not required to meet the low-income criteria	100
OSY who are required to meet the low-income criteria	50
ISY	50
Total Youth Enrolled	200

5% Exception Determination	No.
OSY who are required to meet the low-income criteria	50
ISY (all ISY have to meet the low-income criteria)	50
Total	100
5% Exception Determination {5% of 100}	5

Result: *A maximum of 5 Youth who ordinarily would be required to be low-income do not have to meet the low-income criteria.*

Monitoring of the 5% Exception

The WIOA Youth Service Provider will track the number of youth that are approved under the 5% exception criteria. The data on the number of youth that meet the 5% exception criteria will be reported quarterly to the VCWN Youth Committee. The WIOA Youth Service Provider may be asked to provide this data upon request by the VCWN Executive Director and staff, outside of the quarterly Youth Committee meetings.

References:

- Virginia Workforce Letter #16-12

Approved:

Signed by:

05/09/24

Date of VCW - Northern Region Board Approval

David A. Hunn
David A. Hunn, Executive Director



NORTHERN REGION

Virginia Career Works – Northern Region Personal Identifying Information Policy

Policy Number: 2019-04, Change 1

Effective Date: March 7, 2019

Modified Date: December 5, 2019

Purpose: To establish the importance of protecting Personal Identifying Information (PII) within the workforce development system in the Virginia Career Works – Northern Region (Local Workforce Development Area 11).

Definitions:

Personal Identifying Information (PII) – PII is defined as information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual.

Sensitive Information – any classified information whose loss, misuse, or unauthorized access to or modification of could adversely affect the interest or the conduct of Federal programs, or the privacy to which individuals are entitled under the Privacy Act.

Protected PII and non-sensitive PII – the U.S. Department of Labor has defined two types of PII, Protected PII and non-sensitive PII. The differences between protected PII and non-sensitive PII are primarily based on an analysis regarding the “risk of harm” that could result from the release of the PII.

- Protected PII is information that if disclosed could result in harm to the individual whose name or identity is linked to that information. Examples of protected PII include, but are not limited to, Social Security Number (SSNs), credit card numbers, bank account numbers, home telephone numbers, ages, birthdates, marital status, spouse names, educational history, biometric identifies (fingerprints, voiceprints, iris scans, etc.), medical history, financial information and computer passwords.
- Non-sensitive PII, on the other hand, is information that if disclosed, by it, could not reasonably be expected to result in personal harm. Essentially, it is stand-alone information that is not likely or closely associated with any protected or unprotected PII. Examples of non-sensitive PII include information such as first and last names, email addresses, business addresses, business telephone numbers, general education credentials, gender or race. However, depending on the circumstances, a combination of these items could potentially be categorized as protected of sensitive PII.

Policy:

All PII and other sensitive data transmitted via email or stored on CDs, DVDs, thumb drives, etc. must be encrypted. Any participant information that is transmitted or stored on the above-named devices should not include Social Security Numbers (SSNs) or Date of Birth. Information concerning a participant should include only State ID, User Name or User ID from the Virginia Workforce Connection (VaWC) when provided as part of a data correction or related VaWC transaction.

All PII used during the performance of the grant will be obtained in conformity with applicable Federal and State laws governing the confidentiality of information.

All PII data obtained through federal funded programs shall be stored in an area that is physically safe from access by unauthorized persons at all times, and the data will be processed using grantee/sub grantee issued equipment, managed information technology (IT) services, and designated locations approved by the Virginia Career Works – Northern Region. Accessing, processing, and storing of PII data on personally owned equipment, at off-site locations and non-grantee managed services is strictly prohibited.

Virginia Career Works – Northern Region staff and Program Operator employees and other personnel who will have access to sensitive/confidential/proprietary/private data must be advised of the confidential nature of the information, the safeguards required to protect the information, and that there are civil and criminal sanctions for noncompliance with such safeguards that are contained in Federal and state law.

Virginia Career Works – Northern Region staff and Program Operator employees must not extract information from Federal-funded programs for any purpose not stated in the grant agreement, contract, and/or memorandum of understanding (MOU).

All participants in Federal-funded programs administered by the Virginia Career Works – Northern Region must sign a disclosure and release to provide information regarding PII and authorizing the use of PII for purposes of the grant(s).

Data Breach

In the event that Virginia Career Works – Northern Region or its Program Operator suspects, discovers, or is notified of a data security incident or potential breach of security relating to personal information, Virginia Career Works – Northern shall notify the WIOA Title I Administrator and Fairfax County Government, the Area #11 Grant Recipient, within twenty-four (24) hours of the incident. Notice of the break will be provided to the Virginia Career Works – Northern Board of Directors within thirty-six (36) hours of the incident. The notification shall include the approximate date of the incident, description of the cause of the security event and how it was discovered, the number of individuals affected and the type of PII involved, and steps taken to be taken to remedy the event.

Virginia Career Works – Northern and its Program Operator will comply with the notification requirements to the Office of the Virginia Attorney General, as outlined in Section 18.2-186.6 of the Code of Virginia.

References:

- Virginia Workforce Letter #14-02
- Virginia Workforce Letter #19-05
- Section 18.2-186.6 of the Code of Virginia

Approved:

12-5-2019
Date of VCW – Northern Region Board Approval

Signed by:


David A. Hunn, Executive Director



NORTHERN REGION

Virginia Career Works – Northern Region Business Services Policy

Policy Number: 2019-06

Effective Date: December 5, 2019

Purpose: To outline the strategic vision of business service provision and data collection requirements of the Virginia Career Works – Northern Region (Local Workforce Development Area 11). This policy presents required actions of the Virginia Career Works – Northern Region to create the capacity to provide business services and capture data on business services provided to business customers.

Background:

The Workforce Innovation and Opportunity Act (WIOA) of 2014 created a comprehensive workforce development system that places an emphasis on the role of business as a primary customer in the One-Stop Delivery System. Provision of services to businesses is value added to businesses, jobseeker customers, and the community. WIOA mandates that Local Workforce Development Boards (LWDBs) develop strategies to establish and sustain lasting partnerships for the delivery of business services that will last beyond changes in One-Stop operators or career services providers. Local areas must establish and develop relationships and networks with employers and their intermediaries; convene, or implement industry or sector partnerships; and may also provide other business services and strategies that meet the workforce development needs of their area employers in accordance with partner programs' statutory requirements.

WIOA envisions a high-performance workforce development system – a system that is results oriented, flexible and continuously improving. Furthermore, WIOA regulations state that the delivery of business services are an important component of the one-stop delivery system as a whole.

Policy:

Virginia Career Works – Northern will be responsible for ensuring the coordination of business service delivery to businesses in Local Area #11, in accordance with the Northern Virginia Area #11 Local Plan and the combined State Plan. Coordinated efforts should be focused on creating a streamlined business process and preventing duplicative services and contacts to businesses. Virginia Career Works – Northern will convene a business services team, the Northern Virginia Employer Solutions Team, and the orderly coordination of the following activities:

Build Relationships with Business and Business-focused Organizations

Relationship building is a key component of business services. It is important that business services staff build strong ongoing relationships with businesses and business focused organizations. Examples of relationship building activities include:

- Providing outreach to employers educating them on various services available to businesses through the Virginia Career Works Centers;
- Communicating regularly with existing business partners;
- Developing partnerships with business focused agencies (i.e. economic development, chambers of commerce, industry associations, small business administration, etc.);

- Participating on economic development boards; and,
- Facilitating regularly scheduled business focus groups.

Coordinate and Streamline Business Services by Virginia Career Works Center Partners

Services offered to businesses should be streamlined and coordinated between Virginia Career Works Center partners, through a single point of contact. Coordinating services eliminates duplication of services to businesses. Examples of coordinating activities include:

- Developing a business services team that includes staff from all Virginia Career Works Center partners developing an integrated approach to business services;
- Providing a single point of contact for businesses;
- Developing and publicizing a unified business message;
- Implementing Career Pathways Models in the local workforce system; and,
- Conducting economic research that calculates collaborations between business entities (chambers of commerce/economic development) and the local workforce system to determine the local direct economic impact.

Act as an Informational Resource to Businesses

Examples of informational resources include:

- State and/or federally generated labor market information;
- State and/or federally generated information on Americans with Disabilities Act;
- Information regarding consultations on workplace accommodations for persons with disabilities;
- Business start-up, retention and expansion services;
- Sources for developing customized training programs;
- Career preparation activities;
- Tax Credits; and,
- Federal Fidelity Bonding.

Assist Businesses in the Recruiting Process

Assistance with recruiting will save businesses valuable time and resources and will directly impact Virginia Career Works Center customers through placement. Examples of recruitment assistance include:

- Assisting in finding qualified workers for businesses;
- Connecting to Labor exchange resources and systems;
- Providing interview facilities at Virginia Career Works Centers;
- Conducting position analysis and developing work skill descriptions;
- Assessing job applicants based on business developed criteria;
- Recruiting and screening applicants;
- Hosting and planning job fairs and recruiting events;
- Posting job openings in the Virginia Career Works Centers and at partner agency locations;

Assist Businesses with Addressing Training Needs

The training components of the WIOA programs and the comprehensive nature of one-stop partnerships allow the workforce system to offer business customers a connection to valuable training programs. Examples of connections to training include:

- Providing an inventory of education and training providers;
- Facilitating the referral and/or registration of businesses or their employees into training programs;

- Coordinating On-the-Job (OJT) training opportunities;
- Offering incumbent worker training; and,
- Assisting business with layoff aversion/business retention services.

Virginia Career Works – Northern, through its Employer Solutions Team, is responsible for driving sector strategies, providing local employers with human resources solutions, and identifying methods to shrink regional skills gaps. The Northern Virginia Employer Solutions Team is a cross-agency, cross-programmatic group, comprised of representatives of each of the core partner agencies, economic development, and other partners as appropriate. This team is designed to ensure a comprehensive array of services are provided to businesses.

Each partner agency that is a member of the Northern Virginia Employer Solutions Team has statutory requirements for creating relationships with businesses and assisting clients receiving services through their funding in finding employment opportunities. The single point of contact is not intended to be “one individual” responsible for all relationships in the Northern Virginia Workforce Area through which all businesses must go to access workforce services. All members of the business services teams are expected to create these relationships with businesses in the community in a coordinated and targeted manner.

Virginia Career Works – Northern is responsible for identifying the role of each partner in its WIOA partner agreements, and reflect the strategic goals of the Northern Virginia Workforce Area for business services as identified in its WIOA local plan. The plan will include standardized timeframes to respond to business inquiries and subsequent contact, in order to deliver specialized and collaborative solutions to meet business customer needs, and a business satisfaction tool for continuous improvement of the system and processes. Virginia Career Works – Northern will also create clear, convenient, and easily accessible content and outreach materials (including web-based content) for business customers that provides a listing of all business products and services and contact information for a business to contact through the identified “single point of contact” protocol.

The Northern Virginia Employer Solutions Team will document they are working and making progress towards shared goals. Virginia Career Works – Northern will offer the use of a customer relations management tool for members to track and report the number, type, size, and services provided to businesses. The following data will be tracked and reported to the State on a quarterly basis:

- Number of Businesses Served
 - Tracked by establishment
- Type of Business
 - Tracked using the [NAICS Codes](#) (North American Industry Classification System)
- Size of Business (for each location)
 - Small (0-249 employees)
 - Other (250+ employees)
- Type of services provided
 - Assessments (Work Keys Profiles, Career Readiness or Foundational Skills Assessments)
 - Recruitment Services (Job Descriptions, Job Postings, Candidate Screenings, Job Fairs, Recruiting Events, Targeted Candidate Recruitment)
 - Labor Market Information
 - Consulting Services
 - Tax Incentives and Credits
 - Layoff Aversion
 - Registered Apprenticeship

- Training (Examples: Pre-Employment Training, On-the-Job Training, Incumbent Worker Training, Training in Employment Issues, etc.)

Business Services for the Virginia Career Works – Northern Region will be evaluated using the following metrics:

- A shared vision and strategy for business services;
- A documented single point of contact protocol;
- An established policy or procedure to ensure partner staff are aware of the procedure for business services referral;
- A method to collect Business Services Satisfaction data;
- The website must include SPOC (Standard Point of Contact) protocol including updated contact information for businesses and list of business services available within the Virginia Career Works – Northern Region.

References:

- Virginia Board of Workforce Development Policy #403-01
- Workforce Innovation and Opportunity Act (Pub L. 113-128)
- Code of Virginia Section 2.2-2472.1.
- United States Department of Labor, Workforce Innovation and Opportunity Act, Final Rule, 20 CFR 679.560, Subpart D, Regional and Local Plan
- United States Department of Labor, Workforce Innovation and Opportunity Act, Final Rule, 20 CFR 678.435, Subpart B, One-Stop Partners and the Responsibilities of Partners
- Virginia Workforce Letter 11-04: Business Services Model
- Combined State Plan - WIOA State Plan for the Commonwealth of Virginia
- Training and Employment Guidance Letter 19-16: Guidance on Services provided through Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules
- Training and Employment Guidance Letter 10-16: Performance Accountability Guidance for Workforce Innovation and Opportunity Act (WIOA) Title I, Title II, Title III and Title IV Core Programs

Approved:

Signed by:

12-5-2019
Date of VCW – Northern Region Board Approval


David A. Hunn, Executive Director



NORTHERN REGION

Virginia Career Works – Northern Region Supportive Services Policy

Policy Number: 2023-01

Effective Date: June 4, 2020

Revised Date: December 7, 2023

Purpose: The purpose of this policy is to provide guidance regarding the usage and different types of supportive services allowed for eligible Workforce Innovation and Opportunity Act (WIOA) Adult, Dislocated Worker, and Youth participants in the Northern Virginia region.

Background:

Supportive services are necessary to enable an individual to participate in certain activities authorized under WIOA. Supportive services may include, but are not limited to, the following: Assistance with transportation; assistance with educational testing; reasonable accommodations for individuals with disabilities; assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear; assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes; and payments and fees for employment and training-related applications, tests, and certifications.

Youth participants may also receive assistance with educational testing; reasonable accommodations for youth with disabilities; referrals to medical services; and assistance with uniforms and other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear. (20 CFR §681.570 and §688.120) Linkages to community services include, but are not limited to, legal aid services, securing government identification, and linkages to organizations that provide you the opportunity to develop their leadership skills through service to their respective communities.

Supportive services for Adults and Dislocated Workers may only be provided when they are necessary to enable individuals to participate in career services, post-employment placement, or training activities. This includes provision of information relating to the availability of supportive services. For Youth, this is one of the fourteen program elements required by WIOA in order to support the attainment of a secondary school diploma or its recognized equivalent, entry into post-secondary education and/or employment, and career readiness for youth participants.

Policy

Supportive services may be provided only to WIOA clients who are participating in WIOA programs and who are unable to obtain supportive services through other programs. No program operator may provide supportive services funded by a WIOA program until other local area programs (which generally provide the supportive service needed by the client) have been contacted. If a non-WIOA program is capable of providing the supportive service needed by the client, a referral will be made by the program operator. However, if alternative resources cannot be found, then supportive services may be provided using WIOA funds, if it is necessary to enable eligible individuals to participate in program activities under WIOA. Supportive services are intended as temporary assistance and should not be considered or provided as long-term support. Provision of supportive services is not guaranteed and is contingent on availability of funding.

I. Process Management

1. The Participant Request for Supportive Service form will be sent to the supervisor for approval and then forwarded to the designated WIOA staff for processing.
2. The designated WIOA staff will track requests through a tracking log to manage inventory and issue supportive service payments.
 - a. Pre-purchased gas cards, SmarTrip cards, and bus tokens will be issued based on mileage documentation and assessment of participant's need as mentioned above.
 - b. P-Card purchases will be paid directly to vendor upon supportive service request approval by WIOA supervisors.
 - a. Authorized P-Card users must complete county training prior to use.
 - b. Case manager and/or authorized P-Card user will work together to make required purchase.
3. Gas cards, SmarTrip cards, and bus tokens are securely stored by the program supervisor and/or the designated WIOA staff.
4. Case manager provides the gas card, SmarTrip card, and/or bus tokens to the client and has the client signs the Participant Request for Supportive Service form acknowledging their receipt.
5. The WIOA designated staff will compare client receipts with the site inventory monthly. Any discrepancies will be immediately addressed by program management.
6. Supportive service payments will be capped at \$3,000 per participant. Should the need exceed \$3,000, written approval will be submitted by the case manager and approved by the VCWN Executive Director. Supportive services are subject to the availability of funds and assessment of need.
7. All requests and payments are tracked by WIOA designated staff and approved by the WIOA supervisor against fiscal budget.

II. Transportation Service Policy

Transportation assistance may be provided to WIOA participants. Case managers and clients must submit the required forms to justify the need for the supportive service and ensure that the need is tied to client's training, employment goals and/or part of the follow-up services to ensure employability and job retention for recently employed individuals. WIOA may provide transportation services to certain individuals who have been placed in employment for up to 30 days. Exceptions to the time period must be requested and approved in advance and sufficient documentation must be provided to support an extenuating circumstance.

The WIOA service provider will complete all supportive service documentation prior to paying for services to support transportation costs. Travel mileage is calculated as the miles traveled from residence to the WIOA authorized activity (round-trip) at a current mileage rate (per Fairfax County's guidelines). Mileage will be verified by the case manager and documentation supported in the case file. WIOA staff have the discretion to provide less than the cost per mile based on client's needs. Transportation assistance will be evaluated throughout the duration of the WIOA approved activity and will end with the completion of the authorized activity. For those accessing public transportation, the amount will be calculated based on WMATA guidelines (www.wmata.com).

Documentation will include the following:

1. Participant Request for Supportive Services. This form assesses the participant's need to ensure that such support services are tied to the goals of the specific participant and addresses the policy outlining the requirement for alternative funding sources.

2. Using the Participant Request for Supportive Service form, the client and case manager will work together to determine alternative funding sources available through community partners and/or other agencies. If no other funding sources are available, a statement indicating unavailability of funds from DSS and/or other agencies will be indicated.
3. Documentation of mileage occurred during approved activity. Tools available include Google Maps, Waze, WMATA, Fairfax County's Mileage policy, etc.
4. Documentation of the actual transportation card provided to client (when applicable).

III. Other Supportive Services

Other supportive services assistance may be provided to WIOA participants who are engaged in WIOA approved activities. Case managers and clients must submit the required forms to justify the need for the supportive service and ensure the need is tied to the client's training and/or employment goals.

1. WIOA funds may pay for services to cover other expenses associated with participating in WIOA funded activities upon prior written approval when no other funding source is available. Additional supportive service payments may include, but are not limited to, assistance in obtaining a driver's license, uniforms and supplies for work and/or training, training support and credential fees.
2. The WIOA service provider will complete all supportive service documentation prior to paying for such services. These documents will include the following:
 - a. Participant Request for Supportive Services. This form assesses the participant's supportive service need and addresses the policy outlining the requirement for alternative funding sources.
 - b. Using the Participant Request for Supportive Service form, the client and case manager will work together to determine alternative funding sources available through community partners and/or other agencies. If no other funding sources are available, a statement indicating unavailability of funds from DSS and/or other agencies will be indicated.
 - c. Documentation of estimated cost (i.e. price quote).
 - d. Verification of purchases made by designated WIOA staff to the vendor (i.e. receipt).

IV. Procedure for Supportive Services

Determination of Need: Supportive services are not automatic or guaranteed; they are based on participant need and necessity to enable the participant to participate in approved programs and only when similar services are unavailable within the community. The participant's need and necessity of the supportive service must be documented in the case file; and for participants enrolled in individualized career or training services, must be included and tied to the goals outlined in the participant's Individual Employment Plan (IEP) or Individual Service Strategy (ISS).

Cost Limitations: Costs for Supportive Services must be reasonable and when necessary, competitively priced. An effort must be made by the service provider to make this determination. The cost limitation includes all supportive services provided during the participant's enrollment and those supportive services provided to the client as part of follow up after exit.

When multiple options are available for receiving supportive services, documentation must show a reasonable effort was made to determine and choose the most appropriate based on the customer's needs, ability to access and competitively priced service available.

The cost of reimbursement or direct payment to participants for supportive services shall be the actual costs incurred up to the maximum yearly amount allowed of \$3,000 per participant.

Exceptions to exceed cost limitations: In some instances, there may be a need to exceed the limitations specified by this policy, or to provide a supportive service not defined that otherwise meets the intent of this policy. Any request for exceeding cost limitations must be pre-approved by the VCWN Executive Director.

All exceptions must include the following:

- Customer name and State ID #;
- Identification of the additional supportive services needed and approximate cost and;
- Justification for the request, including documentation of need and the activity it supports, and;
- Current customer activity status, and
- Documentation of previous funds expended.

The VCWN will evaluate the request on a case-by-case basis and either approve or disapprove the exception request within seven (7) business days.

V. Tracking and Reporting

All requests and payments will be tracked in an internal database by WIOA designated staff and approved by the WIOA supervisor against the fiscal budget.

References:

- Workforce Innovation Opportunity Act (WIOA); Final Rules, U.S. Department of Labor (DOL), Employment and Training Administration (ETA), (20 CFR §681. 570 and §688.120,20 CFR §680.900 -20 CFR §680,970)
- Workforce Innovation Opportunity Act (WIOA); Final Rules, U.S. Department of Labor (DOL), Employment and Training Administration (ETA), Training and Employment Guidance Letter (TEGL) # 19-16, Dated March 1,2107 & #21-16, Dated March 2, 2017

Related Forms:

- Participant Request for Supportive Services
- Supportive Services Voucher

Approved:

Dec 7, 2023

Date of VCW – Northern Region Board Approval

Signed by:

David Hunn

David A. Hunn, Executive Director



NORTHERN REGION

Virginia Career Works – Northern Region Youth Incentive Policy

Policy Number: 2020-02

Effective Date: December 3, 2020

Purpose: The purpose of this policy is to provide guidance to Title I Workforce Innovation and Opportunity Act (WIOA) Youth program for granting incentive awards to enrolled participants in a uniform and consistent manner within the policy parameter.

Background:

Incentives are allowable to youth enrolled in the WIOA Title I Youth Program. They are intended to be used to encourage and motivate the participant to reach specific goals and obtain positive outcomes, as outlined in the Individual Service Strategy (ISS). Incentive payments to youth participants are permitted for recognition and achievement directly tied to training activities and work experiences.

Policy

Virginia Career Works – Northern utilizes a Youth Incentive Policy as part of the Area XI WIOA Youth Employment Program. An incentive is a payment to a WIOA Youth participant for the successful participation and achievement of expected outcomes defined in the individual's ISS. The incentive award must be linked to a tangible achievement and must be tied to training and education, measurable skill gain and/or credential attainment as identified in the ISS. Incentives are considered awards for achievement and participation in the 14 youth program elements. Such achievements must be documented in the participant's file as the basis for an incentive award payment.

Active WIOA-enrolled youth may be considered for incentive disbursements up to \$2,000 while involved in the WIOA Youth Program. There are no circumstances where this amount may be exceeded without approval by the VCWN Executive Director. Incentive disbursements do not include stipends or training subsidies. As described in the previous paragraph, "WIOA enrolled" requires an active WIOA youth case record in the Virginia Workforce Connection (VAWC), an initiated Individual Service Strategy (ISS), and all WIOA required eligibility documentation. "Active" involves a participant who is fully participating in necessary activities and has engaged in attaining WIOA Youth Common Measure outcomes. This includes a participant who is in his or her one-year follow-up period after case closure.

Supporting comment(s) must be entered in the participant record that briefly explains why the incentive was given. It is the responsibility of the requesting staff to complete required paperwork/documentation and make all comment entries.

Achievements eligible for an incentive award during active participation:

- Measurable Skills Gains (**\$50 gift card**)
- Attainment of Secondary Credential or its Equivalent (**\$100 gift card**)
- Attainment of Occupational Skills Certificate (**\$50 gift card**)
- Entering Post-Secondary Education (**\$25 gift card**)
- Attainment of Unsubsidized Employment (**\$25 gift card**)
- Completion of an entrepreneurial training and/or Attainment of a Business License or its equivalent (**\$100 gift card**)

Achievements eligible for an incentive award during 12 months of follow-up:

- Attainment of Secondary Credential or its Equivalent (**\$100 gift card**)
- Attainment of Occupational Skills Certificate (**\$50 gift card**)
- Entering Post-Secondary Education (**\$25 gift card**)
- Retention of Unsubsidized Employment during the 2nd and 4th quarter follow-up (**\$25 gift card**)

Unless otherwise approved, incentive disbursements will be in the form of a gift card not to exceed the following amounts unless otherwise approved by the Program Supervisor.

Disbursements are limited to the actual incentives (e.g., gift cards) available at time of request unless other arrangements are approved. Incentives may not include entertainment, such as movie or sporting event tickets or gift cards to movie theaters or other venues whose sole purpose is entertainment.

WIOA Youth Incentives are not intended as emergency assistance, but rather as a compliment to services provided and/or recognition of youth's personal attainment goals. WIOA Youth in need of emergency assistance must be referred by appropriate serve provider.

WIOA Youth Program staff shall maintain required documentation in the participant's case file detailing the distribution and management of awards. At a minimum, WIOA Youth staff shall document the need for the incentive and justify issuance of the incentive in the participant's Individual Employment Plan and in the Virginia Workforce Connection system (VaWC). Service providers will also maintain records verifying the participant received the incentive through an original signature on a receipt form and documentation showing the type of incentive awarded (i.e. copy of a check, copy of a gift card, etc.). It is the responsibility of each service provider to become aware of all applicable regulations and to monitor personnel and participant activities to ensure compliance in accordance with this policy and other cited references.

References:

- Workforce Innovation Opportunity Act; Final Rules, U.S. Department of Labor, Employment and Training Administration, (20 CFR 681.580 and 20 CFR §681. 640)
- Virginia Community College System, Virginia Workforce Letter #14-02

Related Form:

- WIOA Youth Incentive Verification Form

Approved:

12-3-2020

Date of VCW – Northern Region Board Approval

Signed by:



David A. Hunn, Executive Director



NORTHERN REGION

Virginia Career Works – Northern Region Work Experience Policy

Policy Number: 2022-01

Effective Date: January 1, 2022

Revised: September 1, 2022

Purpose: The purpose of this policy is to establish guidelines for the arrangement of Work Experience where an individual will be able to learn an employment related skill or qualify for a particular occupation through demonstration and practice.

Background:

Work experience is applicable to all Workforce Innovation and Opportunity Act (WIOA) core programs because it is an invaluable tool to engage businesses and to support job seekers in overcoming barriers to employment. Work experiences are designed to help individuals to establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry and retention in unsubsidized employment.

WIOA acknowledges the critical role work experiences and internships play in helping individuals obtain the skills they need to succeed in the workplace and includes a major focus on providing Youth work experience opportunities with the requirement that local areas must spend a minimum of 20 percent of their Youth funds on work experiences. Work experiences help Youth understand proper workplace behavior and what is necessary in order to attain and retain employment. Work experience can serve as a stepping stone to unsubsidized employment and is an important step in the process of developing a career pathway for Youth.

Definition

A work experience is a planned, structured learning experience that takes place on a worksite for a limited period of time. Internships and other work experience may be paid or unpaid, as appropriate, and must be consistent with other laws, such as the Fair Labor Standards Act. An internship or other work experience may be within the private for-profit sector, the non-profit sector, or the public sector. Paid work experience stipends can be earned at a rate of \$14/hour.

Work Experience for Adults and Dislocated Workers

Work experience may be provided as an individualized career service to enrolled Adults and Dislocated Workers, if appropriate to obtain employment. The terms internship and work experience are used interchangeably in WIOA for Adults and Dislocated Workers.

To be eligible for a work experience, an individual must meet Adult and Dislocated Worker program eligibility. There is no requirement for career and supportive services. Career services such as work experience may be provided in combination with an Individual Training Account (ITA). There is no minimum expenditure requirement or funding cap for work experience for Adults and Dislocated Workers, except for transitional jobs.

Work Experience for Youth

For Youth, work experiences are one of the fourteen required program elements that must be made available in each local area. Work experiences may be paid or unpaid. The types of work experiences include the following categories:

- Summer employment opportunities and other employment opportunities available throughout the school year;
- Pre-apprenticeship programs;
- Internships and job shadowing;
- On-the-job training (OJT). (see OJT policy)

The academic and occupational education component may occur concurrently or sequentially with the work experience, based on a participant's Individual Service Strategy (ISS) and individual needs. The academic and occupational education component may occur inside or outside the work site. The participants can also receive their academic and occupation education component by attending workshops or during their case management counseling with their case managers.

Summer Employment

Under WIOA, summer employment opportunities are a component of the WIOA Youth work experience program element. Local programs are encouraged to coordinate work experiences, particularly summer employment, with other Youth-serving organizations and agencies. This program element must occur between May 1st to September 30th.

Job Shadowing

Job shadowing is a work experience option where Youth learn about a job by walking through the work day as a shadow to a competent worker. The job shadowing work experience is a temporary, unpaid exposure to the workplace in an occupational area of interest to the participant. Youth witness firsthand the work environment, employability and occupational skills in practice, the value of professional training, and potential career options. A job-shadowing experience can range from a few hours to a week or more. Job shadowing is designed to increase career awareness, help model appropriate behavior, and reinforce in the Youth the link between academic classroom learning and occupational work requirements. It provides an opportunity for Youth to conduct short interviews with people in their prospective professions to learn more about those fields. Job shadowing is like an expanded informational interview. By experiencing a workplace first-hand, Youth can learn a great deal more about a career than through research alone.

Pre-apprenticeship

A pre-apprenticeship is a program designed to prepare individuals to enter and succeed in a registered apprenticeship program and includes the following elements:

- Training and curriculum that aligns with the skill needs of employers in the economy of the state or region involved;
- Access to educational and career counseling and other supportive services, directly or indirectly;
- Hands-on, meaningful learning activities that are connected to education and training activities, such as exploring career options, and understanding how the skills acquired through coursework can be applied toward a future career.

On the Job Training (OJT)

See Virginia Career Works – Northern Region OJT policy.

20% Youth Work Experience Expenditure Requirement

Title I of WIOA includes a requirement that a minimum of 20 percent of local area WIOA Youth funds must be spent on work experience. Program expenditures on the work experience program element can be more than just wages paid to Youth in work experience. Allowable expenditures include:

- Stipends paid for participation in a work experience;
- Staff time working to identify and develop a work experience opportunity, including staff time spent working with employers to identify and develop the work experience;
- Staff time working with employers to ensure a successful work experience, including staff time spent managing the work experience;
- Staff time spent evaluating the work experience;
- Staff time spent working with clients;
- Participant work experience orientation sessions;
- Employer work experience orientation sessions;
- Classroom training or the required academic education component directly related to the work experience;
- Incentive payments directly tied to the completion of work experience; and
- Employability skills/job readiness training to prepare Youth for a work experience.
- Supportive services that assist youth in participating in the work experience.

The percentage of funds spent on work experience is calculated based on the total local area Youth funds expended for work experience (not calculated separately for in-school and out-of-school Youth).

Employer

An eligible Work Experience employer must meet the following criteria:

- May be in the public, private non-profit, or private sector
- Must have adequate personnel to provide sufficient supervision and training
- Must provide a job description and working conditions at the same level and to the same extent as other trainees or employees working a similar length of time and doing the same type of work
- Must not have a history or pattern of failing to provide OJT or Work Experience participants with continued employment with wages, benefits, and working conditions that are equal to those provided regular employees who have worked a similar length of time and are doing the same type of work
- Must not have relocated from any location in the United States within 120 days, if the relocation resulted in any employee losing his or her job at the original location
- And must not use Work Experience assignments to displace regular employees, or to replace any employee on layoff.

WIOA is an Equal Opportunity Program. Auxiliary aids and services are available upon request to individuals with disabilities.

Incentives and Stipends

Except for OJT, other work experiences are a pre-vocational service; the relationship between the WIOA participant and the employer that volunteers to provide the site for the work experience activity for the

WIOA program does not constitute an employer/employee relationship. WIOA payments to participants in Work Experience are stipends for participation and attendance in an intensive service, not compensation for work performed for an employer. The payments are not considered earned income for tax purposes under the General Welfare Exception in the IRS Internal Revenue Code, nor are the payments considered gross income that would be reportable on a 1099-MISC or W-2.

Incentives are allowable as an award for clients who complete a work experience or other training related activities as outlined by the United States Department of Labor (USDOL).

Work Experience Agreement

A work experience must be provided through a written agreement with the worksite. The agreement must include:

- Responsibilities and expectations of the participant, the worksite employer, and the local area representative;
- Job title, duties, and goals for the participant;
- The length of the work experience;
- The incentive/stipend rate for the participant;
- The requirements for participants and worksite supervisors to complete/sign timesheets.

References:

- Workforce Innovation and Opportunity Act (WIOA) Sections 126-129
- 20 CFR 680, 681, and 683
- Training and Employment Guidance Letters (TEGL) 19-16 and 21-16
- 29 CFR 570 - 579

Approved:

September 1, 2022

Date of VCW – Northern Region Board Approval

Signed by:



David A. Hunn, Executive Director



NORTHERN REGION

Virginia Career Works – Northern Region WIOA Priority of Service Policy

Policy Number: 2020-04

Effective Date: December 7, 2016

Revised: December 3, 2020

Purpose: To create a Priority of Service Policy that establishes a process and priority ranking system which gives priority for services to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient served with WIOA adult funds.

Background:

Section 134(c)(3)(E) of WIOA establishes a priority requirement with respect to funds allocated to a local area for adult employment and training activities. Under this section, Virginia Career Works Center staff responsible for WIOA Title I Adult funds must give statutory priority of service to individuals who are: recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient in the provision of individualized career services and training services. Under WIA, priority was required to be given to public assistance recipients and low-income individuals when States and local areas determined that allocated funds were limited. Under WIOA, priority must be provided regardless of the level of funds. WIOA also expanded the priority to include individuals who are basic skills deficient. WIOA provides a focus on serving individuals with barriers to employment, and the intent of this priority in the law is to ensure access to these populations on a priority basis. Priority of Service does not apply to the dislocated worker or youth programs.

Definitions:

The term “Priority of Service” means when an eligible individual receives access to a service earlier in time than an individual not in a priority group or, if the resource is limited, the person in the priority group receives access to the service instead of a person outside any priority group.

WIOA Priority Groups - The WIOA Title I Adult program has a statutory priority of service criteria for individuals who are:

1. Recipients of public assistance; or
2. Other low-income individuals; or
3. Individuals who are basic skills deficient.

“*Covered Person*” – as defined in section 2(a) of the Jobs for Veterans Act (JVA) of 2008 means a veteran or eligible spouse. A veteran is defined as a person who served at least one day in the active military, naval, or air service and who was discharged under conditions other than dishonorable, as specified in 38 U.S.C. 101(2).

“*Recipients of Public Assistance*” -These are individuals who receive, or, in the past six months received, or are a member of a family that is receiving or in the past six months has received, assistance through one or more of the following:

1. Supplemental Nutrition Assistance Program
2. Temporary Assistance for Needy Families
3. Supplemental Security Income
4. State or local income-based public assistance

“*Veteran*” - a person who served in the active military, naval or air service, and who was discharged or released under conditions other than dishonorable.

“*Eligible Spouse*” - as defined in section 2(a) of the JVA means the spouse of any of the following individuals:

1. Any veteran who died of a service-connected disability;
2. Any member of the Armed Forces serving on active duty who, at the time of application for service under this section, is listed in one or more of the following categories and has been so listed for a total of more than 90 days: (I) missing in action; (II) captured in the line of duty by a hostile force or (III) forcibly detained or interned in line of duty by a foreign government or power;
3. Any veteran who has a total disability resulting from a service-connected disability as evaluated by the Department of Veterans Affairs;
4. Any veteran who died while having a disability, as indicated in bullet (3) of this definition was in existence.¹ A spouse whose eligibility is derived from a living veteran or service member (i.e., category 2 or 3 above) would lose his or her eligibility if the veteran or service member were to lose the status that is the basis for the eligibility (e.g. if a veteran with a total service connected disability were to receive a revised disability rating at a lower level). Similarly, for a spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service member.

A “*low-income individual*” is an individual who:

1. Receives, or is a member of a family that receives, cash payments under a Federal, State, or local income-based public assistance program;
2. Received an income, or is a member of a family that received a total family income, for the six-month period prior to application for the program that, in relation to family size, does not exceed
 - a. The Federal Poverty Line for an equivalent period; or
 - b. 70 percent of the Lower Living Standard Income Level (LLSIL) if not employed at the time of eligibility determination; or
 - c. 150 percent of the Lower Living Standard Income Level (LLSIL) if employed at the time of eligibility determination.
3. Is a member of a household that receives food stamps;
4. Qualifies as a homeless individual;
5. Is a foster child;
6. Receives, or is eligible to receive a free or reduced price lunch; or
7. Is an individual with a disability whose own income meets the requirements of this clause, but who is a member of a family whose income does not meet requirements.

An individual who is “*basic skills deficient*” is an individual who is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society. An adult may be assessed as basic skills deficient through case manager observations and documented in case notes. For example, the career planner may observe that the adult is not able to read or fill out an application form, or does not have basic computer literacy. A case manager may also document basic skills deficiency using any one of the following:

1. Basic skills assessment questions or test results (e.g. CASAS, TABE)
2. School records
3. Referral or records from a title II Adult Basic Education program
4. Referral or records from an English Language Learner program

If a standardized test is used to assess basic skills, the test should include reading, writing, or computing skills. Lacking soft skills or specific skills needed for a particular job may not be used to determine an otherwise high-functioning individual as basic skills deficient.

Individuals with Barriers to Employment:

- (1) Displaced homemakers
- (2) Low-income individuals
- (3) Indians, Alaska Natives, and Native Hawaiians
- (4) Individuals with disabilities including youth who are individuals with disabilities
- (5) Older individuals (55 and older)
- (6) Ex-offenders
- (7) Homeless individuals (as defined in the Violence Against Women Act), or homeless children and youths (as defined in the McKinney-Vento Homeless Assistance Act)
- (8) Youth who are in, or have aged out of, the foster care system.
- (9) Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers
- {10} Eligible migrant and seasonal farmworkers
- (11) Individuals within two years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (TANF)
- (12) Single parents (including single pregnant women)
- (13) Long-term unemployed individuals
- (14) Such other groups as the Governor involved determines to have barriers to employment [WIOA Sec. 3(24))

Non-Covered Person - Refers to an individual who isn't a veteran or eligible spouse, and who may or may not be in the WIOA priority groups.

Policy:

Priority of service means that individuals in the targeted groups (public assistance recipients, other low-income individuals, and individuals who are basic skills deficient) are given priority over other individuals for receipt of individualized career services and training services funded by the WIOA Title I Adult program. Veterans within these groups receive priority over non-veterans. Adult priority is determined for the targeted groups during eligibility and enrollment. Priority of service guidelines shall determine the order of precedence for delivery of individualized career and training services to those who have been deemed eligible under the Adult Title I program.

Priority of service applies to the selection procedure for services, to include individualized career and training services, in the following manner: if there is a waiting list for the service, priority of service is intended to require that a person in a priority group goes to the top of that list. Once a person outside any priority group has been approved for funding and accepted/enrolled in a training class, priority of service does not allow a person in a priority group to "bump" the enrolled person from that training class.

When programs are statutorily required to provide priority to a particular group of individuals, as described above, priority must be provided in the following order:

1. First, to veterans and eligible spouses who are also included in the WIOA Priority groups given statutory priority for WIOA Adult formula funds. This means that veterans and eligible spouses who are public assistance recipients, other low-income individuals, or individuals who are basic skills deficient would receive first priority for services provided with WIOA Adult formula funds for individualized career services and training services.
2. Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the WIOA Priority groups given statutory priority for WIOA Adult formula funds.
3. Third, to veterans and eligible spouses who are not included in WIOA's priority groups.
4. Fourth, to priority populations established by the Governor and/or the Virginia Career Works – Northern Region. As of the date of this policy, Veterans are a priority population established by the Governor. Virginia Career Works – Northern Region has identified *Individuals with Barriers to Employment* as priority populations, and as defined in WIOA and above.

5. Last, to non-covered persons outside the WIOA Priority groups given priority under WIOA.

The established priority of service criteria outlined above does not mean that individualized career and/or training services may only be provided to recipients of public assistance, low-income individuals, and individuals who are basic skills deficient. The Virginia Career Works – Northern Region may serve eligible individuals that do not fall into a priority group, if the eligible individuals are facing barriers to employment.

Priority of service cannot be waived. (20 CFR 1010.250) Priority of service does not guarantee that by virtue of his/her status an individual will always receive service. The individual must be eligible and able to benefit from the services. (20 CFR 680.600(b)) Once another participant is enrolled in a WIOA individualized career or training service, that participant may not be displaced by an individual who qualifies for priority of service.

To monitor implementation of Priority of Service locally, Virginia Career Works – Northern (VCWN) and the One-Stop Operator management staff will run reports from the Virginia Workforce Connection (VaWC) quarterly and review the results to ensure there are no discrepancies in implementation of Priority of Service. If any are found, they will be addressed for remediation, as needed.

Requirements:

Individuals eligible for priority of service at the time of WIOA application will be notified of:

- Priority of Service entitlement
- The full array of employment training and placement services available
- Applicable eligibility requirements for programs and services.

Priority status must be verified when a customer is to receive individualized career or training services. WIOA Case Managers must complete a WIOA Priority of Service status form to document the Priority of Service category and maintain the form in the customer's file.

WIOA Case Managers must ensure that individuals who qualify for priority of service receive career and training services before other non-covered individuals and receive first priority on any waiting lists that are maintained for training slots. However, once a participant is enrolled in a workshop, training, or service, he or she may not be displaced by an individual qualified for priority of service.

References:

- WIOA Section 134(b)(3)(E);
- Jobs for Veterans Act (JVA) of 2008;
- TEGL 3-15 (Guidance on Services Provided through the Adult and Dislocated Worker Program under the Workforce Innovation and Opportunity Act (WIOA) and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services);
- 20 CFR Parts 676, 677, and 678 - Workforce Innovation and Opportunity Act; Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; Final Rule
- Virginia Workforce Letter 18-04

Approved:

Signed by:

12-3-2020

Date of VCW-Northern Region Board Approval



David A. Hunn, Executive Director



NORTHERN REGION

Virginia Career Works – Northern Region

Member Participation by Electronic Means Policy

Policy Number: 2024-01

Effective Date: September 5, 2024

Purpose: This policy provides guidance and direction for Virginia Career Works Northern Board member and public participation by electronic means instead of attending a public meeting in-person. This policy also provides guidance for holding all-virtual Board of Director public meetings.

Background:

Based on new direction and guidance from the Virginia Board of Workforce Development Policy 100-04 Change 2 Policy and the Virginia Code §2.2-3708.3, the Virginia Career Works – Northern Board is implementing this policy, which describes when an all-virtual public meeting may be held and the circumstances that remote participation at an in-person public meeting will be allowed. This policy also describes the process the Board members will use to request permission for remote participation, the process for approving or denying requests, and the process for documenting all requests and decisions.

Policy

It has been the practice of the Virginia Career Works Northern Board to conduct public meetings in a hybrid manner – allowing both physical participation at a public site along with accessing Board meetings through electronic Internet connections. Virginia Career Works – Northern Board members may participate in meetings of the Board by electronic means as permitted by Virginia Code §2.2-3708.3. All persons virtually attending meetings shall be afforded the same opportunity to address the public body as persons attending the primary or central location. This policy shall apply to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. This policy also applies to all Board Committees of Virginia Career Works - Northern.

The Board Member requesting remote participation must notify in writing, **prior to the meeting**, to the Board's Executive Director and Chair of their need to participate remotely due to one of the following reasons:

- i. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
- ii. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;
- iii. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
- iv. The member cannot attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. No member may use remote participation due to personal matters,

more than two meetings per calendar year, or 25 percent of the meetings held per calendar year rounded up to the following whole number, whichever is greater.

All remote participation requests and the decision and justification to approve or disapprove remote participation shall be communicated in writing by the Board's Executive Director after consultation with the Board's Chair and shall be documented in the meeting minutes as described in §2.2-3708.3. Remote locations need not be open to the public and may be identified in the minutes by a general description. The VCWN may hold all virtual public meetings. The decision to have an all-virtual public meeting shall be made by the Board's Executive Committee. The basis for the decision to hold an all-virtual public meeting shall be documented in the Executive Committee's minutes.

An all-virtual public meeting must adhere to the guidance in §2.2-3708.3 C.

- i. The required meeting notice must identify that the meeting will be all-virtual and includes a statement that the meeting method will not change unless the public body provides a new meeting notice in accordance with the provision of §2.2-3707;
- ii. Public access to the all-virtual public meeting is provided via electronic communication means;
- iii. The electronic communication means used allows the public to hear all members of the public body participating in the all-virtual public meeting and when audio-visual technology is available to see the members of the public body as well;
- iv. A phone number or other live contact information is provided to alert the public body if the audio or video transmission of the meeting provided by the public body fails, the public body monitors such designated means of communication during the meeting, and the public body takes a recess until public access is restored if the transmission fails for the public;
- v. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting is made available to the public in electronic format at the same time that such materials are provided to members of the public body;
- vi. The public is allowed to comment through electronic means, including by way of written comments at those public meetings in which public comment is customarily received;
- vii. No more than two members of the public body are together in any one remote location unless that remote location is open to the public to access it physically;
- viii. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the public body votes to certify the closed meeting as required by subsection D of §2.2-3712;
- ix. The Virginia Career Works Northern Board will not convene an all-virtual public meeting
 - a) more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the following whole number, whichever is greater, or
 - b) consecutively with another all-virtual public meeting; and
- x. Minutes of all-virtual public meetings held by electronic communication means are taken as required by §2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a

member's participation from a remote location is disapproved, which shall be recorded in the minutes with specificity.

All Virginia Career Works Northern Board of Directors meetings, including all virtual meetings, will comply with §2.2-3707 to include:

- i. For in-person meetings, a quorum is physically assembled at one primary or central meeting location (2.2-3701); for all-virtual meetings, members do not need to be assembled at one primary or central location to establish a quorum.
- ii. Appropriate notice of the meeting has been provided at least three working days in advance of the date scheduled for the meeting, and the notice identifies the meeting as in-person or all-virtual.
- iii. A copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of the public body and that have been made available to the staff of the public body in sufficient time for duplication and forwarding to all locations where public access will be provided shall be made available to the public at the time of the meeting.
- iv. Minutes of all meetings shall be recorded as required by §2.2-3707. Votes taken during any meeting conducted through electronic communication means shall be recorded by name in roll-call fashion and included in the minutes.

References:

- Virginia Code §2.2-3708.3
- Virginia Board of Workforce Development (VBWD) 100-04 Change 2 Participation by Electronic Means

Approved:

Signed by:

09/05/24

Date of VCW – Northern Region Board Approval

David A. Hunn

David A. Hunn, Executive Director