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## [Self Sufficiency](#)

**March 18, 2002**

The definition of self-sufficiency is important under WIA. It must be defined by the WIB in order to provide job training services to the working poor. Self-sufficiency would calculate how much money employed/underemployed adults need to earn in order to meet their basic needs without any government subsidies, such as public housing or food stamps. It was reviewed and approved by WIB meeting that self-sufficiency for a family of four (4) has been defined as \$43,500.

## [Performance Review Procedure](#)

**January 27, 2003**

WIB approved the Performance Review Procedure for Adult and Dislocated Worker Programs. The purpose of this procedure is to more effectively monitor performance outcomes and ensure that WIA funded programs are effectively servicing the students enrolled. It will also provide a mechanism by which students can make a more informative choice regarding the schools they wish to attend. Copies of this procedure were provided to the WIB members prior to the meeting.

## [CLC as GED Testing Satellite](#)

**September 22, 2003**

Proposal was submitted and subsequently approved by State to have a GED testing satellite site at the CLC.

## [Youth Survey](#)

**July 26, 2004**

Youth survey will be conducted in the fall to measure the customer satisfaction with the summer component of the youth programs and in late spring to evaluate the year-round component and customer satisfaction.

## [WIA Youth Program Guidelines](#)

**March 28, 2005**

Youth Investment Council reviewed and the SETC approved, the expansion of the eligibility guidelines for WIA youth programs and drafted recommendations for amending the guidelines. The new eligibility guidelines have been implemented.

The establishment of the WIB sub-committee on Women at Work Task Force was approved.

## [On Line Distance Learning](#)

**March 28, 2006**

WIB approved the On Line Distance Learning Policy.

## [Funding Criteria](#)

**September 26, 2006**

Due to the significant cut in WIA funding for program year 2006, the WIB adopted the WIA Funding Criteria to be used by staff in identifying those clients “most in need” and “most likely to benefit” from training. A customer seeking WIA training funds will only be considered if they meet at least eight (8) of the fourteen (14) criteria.

## Family Literacy

**July 24, 2007**

The WIB endorsed the Literacy Committee’s recommendation that Family Literacy be adopted as a priority for the WIB, specifically for action by the Literacy Committee.

## Logistics Study Recommendations

**April 15, 2008**

The WIB approved the Logistics Study Recommendations.

## Hold Back Policy

**April 28, 2009**

The WIB endorsed the following hold-back policy of a vendor contract:

Under the current policy, a student, upon completion of training, has 89 days to obtain employment equal to or higher than the required hourly wage contained within the student’s contract. Due to the high unemployment rate and lack of current job opportunities, it is taking longer than 89 days for students to find employment. As a result, the training schools are not being paid the 30% hold-back portion of their contract. It was decided to allow the schools nine (9) months to assist in finding suitable employment for their students, instead of the current 89 days. If the student obtains employment at the hourly wage as per their contract within the nine (9) month period of their last day of class, the school would receive the full 30% of the placement payment. This payment will be retro-active back to July 1, 2008 and will remain in effect until the unemployment rate falls below 5%. The department however, reserves the right to periodically review and possibly revoke this policy at any time.

## Self-Sustaining Employment Goal

**April 28, 2009:**

In order to assist customers to achieve their goal of self-sustaining employment in a timely manner and with as little disruption to their families as possible, the WIB endorsed the following policy to be implemented by WIA staff:

29 CRF 663.800 requires that “Local areas, in consultation with the One-Stop Partners and other community service providers, must develop a policy on supportive services that ensures resources and service coordination in the local area. Such policy should address procedures for referral to such services, including how such services will be funded when they are not otherwise available from other sources. The provision of accurate information about the availability of supportive services in the local area, as well as referral to such activities is one of the core services that must be available to adults and dislocated workers throughout the One-Stop delivery system.”

29 CFR 663.805 states that “Supportive services may be provided to individuals who are:

- 1) participating in core, intensive or training services; and
- 2) unable to obtain supportive services through other programs providing such services

Supportive services may only be provided when they are necessary to enable individuals to participate in Title I activities. “

29 CFR 663.820 states that to be eligible for needs-related payments, adults must

- 1) be unemployed
  - a) not qualify for or have ceased qualifying for unemployment compensation AND
  - b) be enrolled in a program of training services under WIA

29 CFR 663.825 notes eligibility requirements for dislocated workers are as follows:

- 1) be unemployed and
  - a) have ceased to qualify for unemployment compensation or trade readjustment allowance AND
  - b) be enrolled in a program of training services under WIA by the end of the 13<sup>th</sup> week after the most recent layoff that resulted in a determination of the worker’s eligibility as a dislocated worker, or if later, by the end of the 8<sup>th</sup> week after the worker is informed that a short-term layoff will exceed 6 months: OR
- 2) be unemployed and did not qualify for unemployment compensation or TRA.

29 CFR 663.840 states that local boards (WIB) MUST establish levels of needs-based payments for adults.

All adult customers eligible for needs-based payments will receive a minimum of \$5.00/hour for a maximum of \$20.00/day. Another \$1,000 will be available for the duration of the training time, if needed for each eligible adult for specifically approved training or job related expenses.

The payment level for dislocated workers MUST not exceed the greater of either of the following levels:

- 1) for participants who are eligible for unemployment compensation as a result of the qualifying dislocation, the payment may not exceed the applicable weekly level of unemployment compensation benefit; OR
- 2) for participants who did not qualify for unemployment compensation as a result of a qualifying layoff, the weekly payment may not exceed the poverty level for an equivalent period. The bi-weekly payments MUST be adjusted to reflect changes in total family income as determined by the local board policies.
- 3) Funds will be available, up to a maximum of \$1,000 for the duration of the training time, for specifically approved training or job related expenses.

The process for verifying and documenting eligibility will be the same process used to verify eligibility for WIA activities, including all the applicable documents, forms and applications. The federal guidelines will be utilized.

Payment determination will follow the policy established in this document.

- No payments will be made for days that a customer does not attend scheduled training.
- Staff will utilize United Way of New Jersey 211, Info-Line, the information and referral service in Middlesex County, the One-Stop Partner Resource Directory, all county department programs, all One Stop partner programs and community information to seek all available support services prior to awarding needs based WIA funds. A document substantiating these services will be included in the customer file. Through case managements, if anything changes with these services, the customer will again be evaluated for needs based WIA funds.
- “Supportive services means services such as transportation, child care, dependent care, housing, and needs-related payments that are necessary to enable an individual to participate in activities authorized under this title, consistent with the provisions of this title.”
- All relevant regulations and policies already in place for training programs through the Middlesex County Department of Workforce Development are applicable to these needs based payments (i.e. attendance, academic standards,).
- No needs-based payment will be awarded without the approval of the counselor and the unit supervisor. The Fiscal Unit will annually review the payments and issue a report to ensure compliance with the regulation and policy.
- As with all payments of government funds, all documentation will be scrupulously reviewed to prevent fraud. Appropriate action will be taken if discrepancies are noticed.

## Funding Shortfall Policy Changes

**October 25, 2011:**

The Board adopted the **Policy Changes for 2011-2012 Due to Funding Shortfall** which was created by staff to stretch the money that we do have to serve those most in need.

## Priority Points for Career Advisement and Training

**April 24, 2012:**

The Board adopted the Planning Committee’s recommendations to use the following as priority points when developing plans for career advisement and training:

1. Training for employment in occupations with career ladders are first priority when speaking with customers; and
2. Staff will work to develop relationships with employers for internships/externships, on-the-job training (OJT) opportunities or apprenticeships. It is understood that companies with no more than 20-75 employees would be the target employer group for this focus.

## Selective Service

**July 31, 2012:**

In accordance with Training Employment & Guidance Letter 11-11, Change 1 and 2, the Office of Workforce shall require that any potential male customer, age 18 years or older, who is mandated to register for Selective Service unless exempt from registering, and seeks WIA funded services, shall be required to first produce a copy of the Selective Service Registration Form, or in the alternative, a Selective Service Status Information Letter. Once this letter is received and reviewed, if the individual has not registered and is under 26, he shall be required to do so. If over 26 years, then the office will proceed to review if there was a failure to register, and if so, whether it was done knowingly and willfully. Once completed, a determination of eligibility and/or the provision of services will be rendered. This policy will be effective August 1, 2012.

## Changes to Policy Changes Due to Funding Shortfall

**September 18, 2012:**

The WIB Executive Committee endorsed the Planning Committee's recommendation from its September 5<sup>th</sup>, 2012 meeting as follows:

The Planning Committee discussed the decrease in the number of people coming into the One Stop since the REA is being provided by Middlesex County College on the campus in Edison. In light of this fact, the Planning Committee recommends the following changes to the "**Policy Changes for 2011-2012 Due to Funding Shortfall**".

**Eliminate #2:** "No potential clients will be referred for a Career Beacon Training Workshop until they have been on UI for at least 16 weeks. Before clients are referred to us, they must take part in a resume and job search workshop." Since there are no unemployment insurance extensions and people only have 26 weeks of UI, most people want to quickly move into a training program if they are deemed eligible and also take advantage of ABT (Additional Benefits while in Training) if the training lasts past their UI.

**Eliminate #3:** "When Metrix is appropriate for IT clients, that will be the ONLY training offered. It will not be considered a time holder until other training starts." Metrix may be used either as stand-alone training or as additional intensive service for folks enrolling in a traditional ITA.

**Modify 4A:** "If someone has marketable skills, they are to be denied training."

This item will now read: "If someone has marketable skills, they are to be denied training unless, due to changes/advancements within their specific field since their original training, additional certifications/credentials are necessary to obtain employment in that field."

**Modify 4I.** "No one with an advanced degree (above a Bachelor's) will be eligible for WIA/WDP funds."

This item will now read: "While very limited exceptions may be considered, no one with an advanced degree (above a Bachelor's) will be eligible for WIA funds."

All other policies on this policy form will remain in effect until further notice.

## Placement Policy

**January 29, 2013:**

Placement Policy: The Middlesex County WIB has a policy that any training school on the approved list for our customers must maintain a placement rate of 70% as long as the unemployment rate in NJ is over 5%. Due to the prolonged time that unemployment has been over 9% in New Jersey, our primary schools particularly, but all schools actually, are finding it difficult to achieve that 70% placement rate. If we were to strictly adhere to that percentage, our customers would have very few schools to choose from for their preferred training. The WIB Director has requested the primary schools to increase their job search assistance to our graduates. WIB staff and the schools are also performing a quality control check on the records to be certain we have current information on each graduate.

The WIB also approved allowing the schools to place an individual within 9 months of their completion of the training and still receive the 20% hold back for placement, versus holding them to 90 days for placement.

Given the above information, the Middlesex County Workforce Investment Board considered the following policy change at the meeting of January 29, 2013:

*While it is expected that all approved training schools will diligently work to achieve at least a 70% placement rate for our graduates, the WIB does not want to severely limit the training school options for the customers. Therefore, until further improvement in the employment opportunities in the labor market, WIB staff will request the school submit a corrective action plan describing how they plan to remedy the problem. Middlesex County WIB will not remove the training school from the approved list due to failing to meet the placement percentage of 70% unless the school refuses to cooperate with staff to improve their performance in this area. If a school is placed on the list for no referrals of students, WIB staff will work with the school to remediate the situation before removing that school from our approved list. The WIB will be informed of such action.*

## Self-Sufficiency

**April 30, 2013:**

The Board approved the following items:

Definition of Self-Sufficiency: The definition of self-sufficiency is important under WIA. It must be defined by the WIB in order to provide job training services to the working poor. Self-sufficiency would calculate how much money employed/underemployed adults need to earn in order to meet their basic needs without any government subsidies, such as public housing or food stamps.

The current WIA income eligibility, as established by the federal government, is based on the Lower Living Income Levels as follows:

Youth - Family Size (1)	\$11,490
Family of Four	\$30,612

However, for Middlesex County, the federal government has determined that the level of self-sufficiency for a family of four (4) is \$43,731.



Based on the above information, the Middlesex County Workforce Investment Board approved the definition of self-sufficiency for a family of four (4) as \$43,731.

Additional Barrier for WIA Eligible Youth: In order for a youth to be determined eligible for WIA youth funds, they not only need to be low-income but are required by the State to have one (1) additional reason that they are unable to make it on their own. Members were provided a chart listing all the barriers that can be used, in addition to low-income, in order to be eligible for the WIA youth program.

Guidelines for Determining Suitability for Training: Members approved the list of guidelines to be used in determining suitability for a customer seeking WIA training funds.

Board Development Plan: Members approved the Board Development Plan which outlined how WIB members will be recruited.

## Youth Follow-Up Policy

**October 29, 2013**

The Board approved the Youth Follow-Up Policy as follows:

The Workforce Investment Act regulations require all youth staff to continue contact with a WIA enrolled youth for at least 12 months after the youth has been terminated from the program. For Middlesex County youth programs, the following procedures will be followed:

All current state/federal directives on follow-up services will be reviewed at the start of each program and prior to September 1. The procedures outlined in these directives will be followed by all appropriate office staff.

Within 45 days of a youth being terminated, the youth staff member responsible for the case management of that participant will contact the youth via phone or email. If the youth cannot be reached by these methods after at least three (3) attempts over a two (2) week period, a letter will be sent to the address in the file. The letter will request the youth to contact the staff person. If that attempt fails, the staff person will make all the required notations in OSOS and the official file and cease trying to contact the youth.

When contact is made with the youth, the staff person will determine through conversation if the youth is in need of any additional services, such as additional training within the original training program the youth completed, referrals to social services, additional career guidance, additional assistance with employment opportunities, etc. Extensive notes will be included in OSOS and the paper file. If additional services seem appropriate, the youth will be asked to make an appointment with the MCWAG Coordinator to enable him/her to assist the youth with the identified services.

The MCWAG Coordinator will now assume the responsibility of the follow-up with this youth for the remainder of the 12-month period by following the same procedures as the rest of the youth staff with other youth participants.

If additional funds need to be expended for this youth, normal procedures as outlined in the Youth Procedure Manual will be followed regarding approval by the Youth Program Manager and the WIB Director, if warranted. All the proper paperwork will be filed with MIS and Fiscal in the office to keep the record accurate.

If upon contact, the staff member determines that no additional services are necessary at that time, the staff member will mark the file to contact the youth 90 days after the termination date and follow the above noted procedure.

Contact will be made by either youth staff or the MCWAG Coordinator again at 6 months, 9 months and 12 months, unless the needs of the youth indicate more frequent contact is required. All contact must be recorded in OSOS and the paper file by extensive notes.

## Training Clients More Than Once

**April 28, 2014**

In the global market place of today's workplace, dislocated and adult job seekers must possess transferable skills and demonstrate flexibility to meet the fast paced changes in the occupations in demand in the labor market and the equally fast paced development of new methods, software, knowledge sets and products if they expect to advance in their careers. In order to provide the essential training for our dislocated and adult clients to meet these demands, the Middlesex County Workforce Investment Board adopts the following policy.

**After a careful review of the motivation, skills, experience, credentials and education of the job seeker in relation to the industry sector of choice of the job seeker, WIA funds may be used to provide dislocated workers and adult clients additional training within the same occupation that was paid for previously if it is determined by the Counselor, the Career Development Supervisor and the One Stop Operator that such additional training is necessary for the job seeker to obtain employment within that job sector at the level of the recent work experience of the job seeker.**

**After a careful review as noted above, WIA funds may be used to provide dislocated workers and adult clients additional training in an unrelated field to previously funded training if the Counselor, the Career Development Supervisor and the One Stop Operator determine the employment opportunities in the previous occupation are limited or non-existent at the level of the recent work experience of the job seeker.**

While it is preferred that at least 5 years has elapsed since the previous training, given the nature of the workplace today, additional training may be provided without taking the time of the previous training into account. All WIA requirements must be met before additional training will be approved.

## ITA On-Line Courses

**April 28, 2014**

Any on-line course approved as an ITA must be on the ETPL list and must be with a training provider that has signed a Master Agreement with the Middlesex County WIB for the current program year.

The training provider personnel must meet face to face with each participant referred by the Middlesex County WIB at least twice during the time the participant is completing course work for the ITA.

We suggest that the training provider put the number of hours on the ETPL that is appropriate for the majority of students. We also recommend that in the comment section the provider indicates that some

students may complete the course in fewer hours and some may need more hours due to the individual's skills and learning pace.

There will be no benchmarks for on-line courses. One voucher will be submitted for payment when the participant has completed the course and one voucher will be submitted when the participant has obtained employment per the terms of the contract.

Our contract with the training provider for on-line courses will note that a participant must complete at least 40 hours for the Middlesex County WIB to pay any part of the course cost. We will divide the cost of the course as noted on the ETPL by the number of suggested hours noted on the ETPL to arrive at a cost per hour. We will then pay whatever is appropriate, 40 hours or more, if the participant drops out prior to completing the course.

## [Paying Transportation to Training for WIA Youth](#) **April 28, 2014**

WIA Youth are currently given a stipend of \$20.00 each day they attend class in an ITA to assist with expenses to and from class and lunch.

Some youth are now attending schools outside of Middlesex County and the distance is a negative factor for them. The Middlesex County WIB will pay the county mileage rate for any miles over 20 miles that a youth travels to class, one way and the same on the return trip. This will only be paid to a youth, 18 or older, who is the driver of the vehicle. The mileage will be verified by the Youth Coordinator who is the case manager for that youth. The mileage will be attached to the time sheets for each two-week period. This sheet must be signed by the youth, the Youth Manager and also the Youth Coordinator. Payment will be made with the youth payroll, with a separate line to indicate the number of miles paid and another for the number of hours paid.

As part of the youth file, a copy of the youth's driver's license, car registration and insurance must be provided. If the youth is using a car not registered in his/her name, a notarized letter stating the owner is allowing the named youth to drive the vehicle must be provided, noting the start date of the training and the expected end date of the training.

## [Policy on Youth Work Experience Wages](#) **July 28 2015**

The Board approved a policy lowering the hourly wage paid in the Youth Work Experience Program from the current \$10 an hour to \$9 an hour.

## [Youth Incentive Policy](#)

MCWDB-# PY-2016-01

**July 26, 2016**

Be it resolved that the Workforce Development Board of the County of Middlesex, State of New Jersey proposed operating budget for Program Year 2016, which commenced on July 1, 2016 and ends on June 30, 2017, was reviewed and approved by its members through an open public process (Quarterly Board Meeting July 26, 2016), and within 90 days of the receipt of Notices of Obligation by the LWDA as set forth

by the New Jersey State Employment and Training Commission policy #2016-03 which was established January 19, 2016. The budget as approved by the local board will be presented to the Middlesex County Board Chosen Freeholders within 60 Days for approval and insertion into the county's FY 2017 budget.

## Amendments and Revisions to the WDB By-Laws

MCWDB #PY-2016-02

**July 26, 2016**

Be it resolved that the Middlesex County Workforce Development Board accepts and approves the amendments to the organization's By-laws, in accordance with an annual review of the document as delineated above. These amendments have been recommended and approved by the By-Laws committee at its annual meeting held on June 14, 2016 at 550 Jersey Avenue New Brunswick, New Jersey.

## Incumbent Worker Training Funds

MCWDB #PY-2016-03

**October 25, 2016**

Be it resolved that the Workforce Development Board of the County of Middlesex, State of New Jersey is authorizing Middlesex County Office of Workforce Development to utilize up to 20% of its Adult and Dislocated Worker funding for Incumbent Worker Training activities in accordance with federal guidelines as specified in the Workforce Innovation and Opportunity Act of 2014. The funds will only be utilized under this provision if a need is identified, subject to review and approval of the Director of the Workforce Development Board and One-Stop Operator.

## Youth Incentive Policy

MCWDB #PY- 2016-04

**January 24, 2017**

Be it resolved that the Workforce Development Board of the County of Middlesex, State of New Jersey is authorizing Middlesex County Office of Workforce Development to approve disbursements of WIOA Youth Incentive disbursements for achievement(s) directly tied to training activities and/or work experiences in accordance with federal guidelines as specified in the Workforce Innovation and Opportunity Act of 2014. The funds will only be utilized under this provision when achievement of milestones in the program, work experience or training is identified, subject to review and approval of the Youth Career Services Supervisor of the Middlesex County Office of Workforce Development and/or One-Stop Operator capped at \$250 per youth

## "Youth Requiring Additional Assistance" Definition

MCWDB # PY-2016-05

**April 25, 2017**

Be it resolved that the Workforce Development Board of the County of Middlesex, State of New Jersey is authorizing Middlesex County Office of Workforce Development to approve additional assistance criteria as delineated in WIOA Section 681.900, "Additional Assistance for Youth Eligibility" tied to educational programs and/or employment in accordance with federal guidelines. The criteria will only be utilized when a youth's eligibility needs to be verified subject to review and approval of the Youth Career Services Supervisor of the Middlesex County Office of Workforce Development and/or One-Stop Manager.

## Training Provider Payment Schedule

MCWDB # PY-2016-06

**April 25, 2017**

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Be it resolved that the Workforce Development Board of the County of Middlesex, State of New Jersey is authorizing Middlesex County Office of Workforce Development to amend the previously established Training Provider payment holdback policy as follows: Approved provider will receive 50% of tuition when customer reaches the program's mid-point. 40% of the tuition will be paid when the customer completes the program, and 10% will be paid when the customer is placed into a training related job. The terms and conditions of billing and payment are contained within the revised Training Provider Master Agreement, pending approval of the Middlesex County Board of Chosen Freeholders effective July 1, 2017.

## WIOA Transitional Jobs

MCWDB # PY-2017-01

**July 25, 2017**

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Be it resolved that the Workforce Development Board of the County of Middlesex, State of New Jersey is authorizing Middlesex County Office of Workforce Development to utilize up to 10% of its Adult and Dislocated Worker funding for Transitional Employment activities in accordance with federal guidelines as specified in the Workforce Innovation and Opportunity Act of 2014, Section 134 (d) (5). The funds will only be utilized under this provision if a need is identified, subject to review and approval of the Director of the Workforce Development Board and One-Stop Manager in accordance with the policies and procedures established by the WDB.

## Designation of Local Area Demand Occupation Labor Sectors

MCWDB # PY-2017-02

**July 25, 2017**

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Be it resolved that the Workforce Development Board of the County of Middlesex, State of New Jersey designates the seven labor sectors listed above as areas of high employment growth potential in Middlesex County effective July 1, 2017. Therefore, training services provided (Individual Training Accounts) to Adult, Dislocated Worker, and Youth will be directly linked to the in demand industry sector as approved by the Middlesex County Workforce Development Board. Requests for non-demand industry occupations will not be permitted.

## Appointment of Workforce Board Members

MCWDB # PY-2017-03

**July 25, 2017**

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Be it resolved that the Workforce Development Board of the County of Middlesex, State of New Jersey establishes the following procedures for appointment and re-appointment of members to the Middlesex County Workforce Development Board.

Potential member(s) or current member(s) of the board, up for reappointment will complete and submit a membership application to the WDB Director and Freeholder liaison at least 90 days prior to the effective date of appointment/re-appointment.

The membership application will be reviewed by the WDB Executive Committee at its quarterly meeting. Upon approval by the committee, the membership application will be submitted to the full WDB at its next regularly scheduled meeting.

At that meeting, the board will vote on the approval of the membership application for submission to the Chief Elected Official and Board of Chosen Freeholders.

Applications approved by the WDB through a simple majority vote, will be submitted to the Board of Freeholders for final review and approval at their next appropriate public meeting.

## Youth Supportive Services

MCWDB # PY-2017-04

**July 25, 2017**

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Be it resolved that the Workforce Development Board of the County of Middlesex, State of New Jersey is authorizing Middlesex County Office of Workforce Development to approve Supportive Services (identified above) as delineated in WIOA Section 681.570, "Supportive Services". The criteria will be utilized when a youth requires Supportive Services to attend/complete an educational, training or work experience program. All Supportive Services requests will be verified/subject to review and approval by the Youth Career Services Supervisor of the Middlesex County Office of Workforce Development and/or One-Stop Manager.

## Work Experience Hourly Wage Revision – Supportive Services

MCWDB # PY-2017-05

**July 25, 2017**

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Be it resolved that the Workforce Development Board of the County of Middlesex, State of New Jersey is authorizing Middlesex County Office of Workforce Development to approve work experience hourly wage up to \$12 per hour. The criteria will only be utilized when youth require work experience wages. Wages are to be verified/subject to review and approval by the Youth Career Services Supervisor of the Middlesex County Office of Workforce Development and/or One-Stop Manager.

## Align Local Training Programs with In-Demand Occupations

MCWDB # PY-2017-06

**January 23, 2018**

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Be it resolved that the Workforce Development Board of the County of Middlesex, State of New Jersey amend its local demand occupations list, adding the Construction/Utilities Industry effective February 1, 2018. This amendment will enable the Middlesex County Office of Workforce Development to offer training programs through Individual Training Accounts that will address the hiring needs of businesses within the targeted in-demand industry.

## Establish ITA Priority for Middlesex County Residents

MCWDB # PY-2017-07

**April 24, 2018**

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Be it resolved that the Middlesex County Workforce Development Board authorizes the Middlesex County Office of Workforce Development to establish a policy restricting access to ITAs to eligible Middlesex County residents only from April 24, 2018 to June 30, 2018. Additionally, the Board authorizes its director (or designee) to implement such restrictions as needed in response to budgetary restrictions, or the needs of the local labor market.

## Designation of Local Area Demand Occupation Labor Sectors MCWDB # PY- 2018-01

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**October 23, 2018**

Be it resolved that the Workforce Development Board of the County of Middlesex, State of New Jersey designates the seven labor sectors listed below as areas of high employment growth potential in Middlesex County effective July 1, 2018. Therefore, training services provided (Individual Training Accounts) to Adult, Dislocated Worker, and Youth will be directly linked to the in demand industry sector as approved by the Middlesex County Workforce Development Board. Requests for non-demand industry occupations will not be permitted.

- Advanced Manufacturing
- Banking/Finance
- Healthcare
- IT/Computer
- Retail and Hospitality
- Transportation, Logistics, and Distribution
- Life Sciences/Biopharmaceuticals
- Food Sciences
- Construction/Utilities

## Provision of ITA Programs to Adult & Dislocated Worker Customers

MCWDB # PY-2018-02  
**October 23, 2018**

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Be it resolved that the Workforce Development Board of the County of Middlesex, State of New Jersey establishes a policy that requires Adult and Dislocated worker customers to demonstrate that they do not have the requisite skills needed to obtain sustainable employment within In-Demand Labor Occupations. Therefore, they may be eligible to receive training services via approved Individual Training Account Programs. Adult and Dislocated Customer who possess work experience relevant to the local In-Demand Labor Occupations will be offered job matching and job placement services, and only considered for ITA Training as a last resort because they are unable to obtain employment through no fault of their own, effective January 1, 2019.

## Incumbent Worker Training Contract (ICT) Approval and Cap on Funding

MCWDB # PY-2019-01  
**April 28, 2020**

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Be it resolved that the Workforce Development Board of the County of Middlesex, State of New Jersey is authorizing its Executive Board to approve applications for Incumbent Worker Training funding at an amount not to exceed \$50,000 per contract. In addition, companies and /or their affiliates can apply for funding consideration once every 12 months, not to exceed more than one ICT contract per program year (July 1<sup>st</sup> to June 30<sup>th</sup>) in accordance with federal guidelines as specified in the Workforce Innovation and Opportunity Act of 2014 and the prevailing rules of the Workforce Development Board. The funds will only be utilized under this provision through the authority of the Executive Board of the Workforce Development Board of Middlesex County, by the recommendation of its Chief Executive Officer or designee.

## Allow Electronic Signature and Services

MCWDB Policy # PY-2020-01

**July 28, 2020**

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### **ELECTRONIC SIGNATURES IN THE EXECUTION OF CONTRACTS AND THE PROVISION OF ONE-STOP PARTNER SERVICES DURING THE COVID-19 PANDEMIC AND WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) ELIGIBILITY AND SELF-ATTESTATION POLICY DURING THE COVID-19 PANDEMIC.**

Be it resolved that the Workforce Development Board of the County of Middlesex, State of New Jersey approves services to be provided remotely within a reasonable time, by phone or through a real-time Web-based communication, and by a program staff member who can provide program information or services, including career services, to the customer. As a result, the use of DocuSign has been authorized for collecting and verifying WIOA eligibility documentation necessary for certification. It is vital that individuals and employers continue to receive services during the COVID-19 health crisis.

## Establish MCWDB as a Non-Profit 501(c)(3)

MCWDB Policy # PY-2020-02

**July 28, 2020**

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Be it resolved that the Workforce Development Board of the County of Middlesex, State of New Jersey authorizes its Chief Executive Office to apply for and establish non-profit designation under the authorization of the Internal Revenue Service, State of New Jersey, and pursuant to applicable policy, statutes and law. As specified in 29 U.S. Code § 3122, *for purposes of carrying out duties under this Act, [local boards](#) may incorporate, and may operate as entities described in [section 501\(c\)\(3\) of title 26](#) that are exempt from taxation under section 501(a) of such title.*

### **ESTABLISH A POLICY THAT DELINEATES THE EXPECTED BEHAVIOR OF CUSTOMERS SEEKING SERVICES THROUGH MIDDLESEX COUNTY CAREER ONE STOP CENTERS AND ITS AFFILIATES.**

Be it resolved that while services of the Middlesex County Career One Stop Center are accessible to any individual seeking assistance, it will not tolerate customer behavior that is considered abusive or harassing to staff, or other customers seeking services. This policy outlines expected conduct, and provides the WDB the right to refuse program services to anyone who is not in compliance with the aforementioned policy. This is applicable to both in-person and virtual services. Customers will have the right to appeal such a decision through the previously established grievance policy mandated by the



Workforce Innovation and Opportunity Act of 2014 and applicable policies set forth by the New Jersey Department of Labor and Workforce Development.

## Define Youth Work Experience

MCWDB Policy # PY-2020-04

**January 26, 2021**

**CREATE A WORK EXPERIENCE POLICY THAT DEFINES “WORK EXPERIENCE” UNDER WORKFORCE INNOVATION AND OPPORTUNITY ACT OF 2014 (WIOA). THE YOUTH ADVISORY COMMITTEE (YAC) WOULD LIKE TO DEFINE THE DURATION OF THE WORK EXPERIENCE.**

**Background:** Workforce Innovation and Opportunity Act of 2014 – (WIOA) Work experiences are planned, structured learning experiences that take place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate.

Local youth programs must expend not less than 20 percent of the funds allocated to them to provide Out of School Youth (OSY) with paid and unpaid work experiences that fall under the categories listed in § 681.460(a)(3) and further defined in § 681.600. Final Rule permits local areas, with board approval, to approve how the local area will utilize these criteria to determine youth work experience.

Participation in Work Experience will depend on funding availability and appropriateness based on Individual Service Strategy (ISS). Participants enrolled in Work Experience will:

Receive a wage that is the prevailing minimum wage at the time the position begins, if the work experience is a paid position.

- Not to exceed 35 hours per week
- Not to exceed a maximum of twelve months during program participation

Be it resolved that the Workforce Development Board of the County of Middlesex, State of New Jersey is authorizing Middlesex County Office of Career Opportunity to approve the defined Work Experience and Work Experience Co –Enrollment policy. The criteria will only be utilized when youth require work experience. Work Experience has to be verified/subject to review and approval by the Youth Program Manager of the Middlesex County Office of Career Opportunity and/or One-Stop Manager.

## Youth Incentive Policy

*(Revises PY-2016-04)*

MCWDB Policy # PY-2020-05

**January 26, 2021**

**ESTABLISH A POLICY ALLOWING ACTIVE WIOA ENROLLED YOUTH (16-24 YEARS) OR YOUTH ENROLLED IN FOLLOW UP SERVICES TO BE CONSIDERED FOR INCENTIVE DISBURSEMENTS FOR ACHIEVEMENT DIRECTLY TIED TO WORKFORCE TRAINING ACTIVITIES AND OUTCOMES AS ALLOWED BY THE WORKFORCE INNOVATION AND OPPORTUNITY ACT OF 2014.**

Be it resolved that the Workforce Development Board of the County of Middlesex, State of New Jersey is authorizing Middlesex County Office of Workforce Development to approve disbursements of WIOA Youth Incentive disbursements for achievement(s) directly tied to training activities and/or work experiences in accordance with federal guidelines as specified in the Workforce Innovation and

Opportunity Act of 2014. The funds will only be utilized under this provision when achievement of milestones in the program, work experience or training is identified, subject to review and approval of the Youth Career Program Manager of the Middlesex County Office of Career Opportunity and/or One-Stop Operator capped at \$750 per youth.

## Transitional Jobs

(Revises #2017-01)

MCWDB Policy # PY-2020-06

**April 27, 2021**

**THIS POLICY IS TO CONNECT INDIVIDUALS WITH CHRONIC UNEMPLOYMENT OR AN INCONSISTENT WORK HISTORY WITH OPPORTUNITIES TO BUILD WORKPLACE SKILLS AND JOB HISTORY. ALL ELIGIBLE ADULT AND DISLOCATED PARTICIPANTS MAY PARTICIPATE IN TRANSITIONAL JOBS. WIOA OPERATIONS STAFF, BUSINESS SOLUTIONS STAFF AND, AND LWDB STAFF ARE RESPONSIBLE FOR IMPLEMENTING THIS POLICY.**

**Background:** Section 134(d)(5) of the Workforce Innovation Opportunity Act of 2014 allows for LWDBs to utilize up to 20% of its Adult and Dislocated Worker funding for Transitional Jobs to serve the following populations:

Displaced homemakers, Low-income individuals, Indians, Alaska Natives, and Native Hawaiians, Individuals with disabilities, including youth who are individuals with disabilities, Older individuals (i.e. those aged 55 or older), Ex-offenders, Homeless individuals Youth who are in or have aged out of the foster care system, Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers, Eligible migrant and seasonal farmworkers, Single parents (including single pregnant women), Long-term unemployed individuals, Recipients of public assistance Individuals with “chronic unemployment” or an “inconsistent work history” are those who: Have been unemployed for 13 weeks or longer. Were unemployed at least 26 of the past 52 weeks; or have held three or more jobs in the past 52 weeks and are currently unemployed or underemployed.

Be it resolved that the Workforce Development Board of the County of Middlesex, State of New Jersey approves the Transitional Jobs Policy for its local workforce development system as presented by its Chief Executive Officer. Upon approval, the policy will be implemented as necessary and utilized to enhance employment opportunities for the aforementioned populations

## Workforce Development Board Letters of Support

MCWDB Policy # PY 2021-01

**April 26, 2022**

**TO SET GUIDELINES FOR ORGANIZATIONS REQUESTING LETTERS OF SUPPORT FROM THE WORKFORCE DEVELOPMENT BOARD AND TO ESTABLISH A TIMELINE FOR SUCH REQUESTS. THIS WILL ENSURE THAT EVERYONE GOES THROUGH THE SAME PROCESS.**

**Background:** Certain Requests for Proposals and Grant Applications require that an applicant obtain a “Letter of Support from its local Workforce Development Board. This Resolution will establish a policy whereas all requests for a Letter of Support must provide “Required Information” that must be submitted to the Chief Executive Officer, or designate of the Board in order to obtain the document. This policy will

establish a fair and consistent process that will be followed by any individual or organization requesting a Letter of Support.

Be it resolved that the Workforce Development Board of Middlesex County Inc. establish a policy for Individuals or Organizations requesting Letters of Support from the WDB in response to Requests for Proposals, and/or grant applications or similar funding opportunities. This policy establishes that any entity requesting a Letter of Support must do so by downloading, from the WDB website, or by requesting one from staff via email. The “Letter of Support Request Form” must be submitted 12 business days prior to proposal deadline. Any individual and/or organization that does not complete and submit the form, will not be provided with a Letter of Support. Board staff may deny a request for a letter of support if it presents a conflict of interest or proposal does not meet the needs of the local workforce area. Copies of all Letters of Support will be kept on file by WDB staff, and provided to Board Members prior to the next Quarterly Meeting of the Workforce Development Board.

## Transitional Job Policy

MCWDB Policy # PY 2021-02

(Revises #PY 2017-01 and #PY 2020-06)

**April 26, 2022**

**THIS POLICY OF THE WORKFORCE DEVELOPMENT BOARD (WDB) OF MIDDLESEX COUNTY PROVIDES GUIDANCE REGARDING THE REQUIREMENTS FOR TRANSITIONAL JOBS, DEFINED AS TIME-LIMITED WORK EXPERIENCES THAT ARE WAGE-PAID AND SUBSIDIZED UNDER AUTHORIZATION OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA).**

**Background:** Transitional jobs are available only for individuals with barriers to employment who are chronically unemployed or have inconsistent work history, as determined locally. These jobs are designed to enable an individual to establish a work history, demonstrate work success on the job, and develop the skills that lead to unsubsidized employment. Unlike On-the-Job Training (OJT), there is no requirement that the individual will be retained in their transitional job after the experience is over, retention, where appropriate, is preferred. Under WIOA, local boards may use up to 10 percent of their Adult and Dislocated Worker funds to provide transitional jobs to individuals.

### **POLICY**

Transitional jobs are a type of work experience that the Workforce Development Board (WDB) of Middlesex County may provide under WIOA. These jobs are designed to enable an individual with barriers to employment because of chronic unemployment or inconsistent work history, to establish a work history, demonstrate work success in an employee-employer relationship, and develop the skills that lead to unsubsidized employment. Transitional jobs are considered an individualized career service as a time-limited and wage-paid work experiences that are subsidized up to 100%. Jobs may be secured in the public, private, or nonprofit sectors and are only available for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history. Transitional jobs services must be combined with comprehensive career and supportive services. The placement must be designed to establish a work history for the individual, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment.

### **WDB TRAINING CONTRACT POLICY**

There is no requirement that the employer retains the individual upon completion of the transitional job, but job retention is an ideal outcome. The WDB may use up to 10 percent of its combined Adult and Dislocated Worker funds to provide transitional jobs to individuals.

## **ELIGIBILITY**

To be eligible for a transitional job, the participant must be an unemployed worker with barriers to employment. If WDB staff determine that transitional jobs are appropriate for an individual to obtain or retain employment through the development or revision of the Individual Employment Plan (IEP), these services will be made available to the individual. Staff must document the participant's need for a transitional job experience in case notes. To be eligible for a transitional job, a participant must:

- Be enrolled in the WIOA Adult or Dislocated Worker program;
- Have participated in assessment activities;
- Have a completed Individual Employment Plan; and
- Be chronically unemployed or have inconsistent work history.

Targeted populations for transitional jobs could include individuals who are long-term unemployed, ex-offenders, parents ordered to pay child support, individuals who are currently receiving or have exhausted TANF benefits, and individuals with disabilities.

## **PARAMETERS**

Transitional jobs must be limited to the period of time required for a participant to establish a work history, demonstrate success in the workplace, and develop the skills needed to enter unsubsidized employment. Transitional jobs may range from 4 weeks to 26 weeks. The exact duration will be set as appropriate for the participant's employment goals, background and skill level as reflected in the individual employment plan. Transitional jobs must provide at least 20 hours a week, but no more than 40 hours a week. The employer of record may be the host employer, a training provider, a partner organization, or the WDB. If an entity other than the WDB serves as the employer or record, that entity may be entitled for reimbursement up to 100% of wages. If the WDB serves as the employer of record, the participant's wages will be paid at 100%.

## **TRANSITIONAL JOBS AGREEMENT**

The WDB requires a written, signed agreement between the WDB and the host employer or other employer of record prior to the start of work. A single agreement may be written for a group with a single site provided the working conditions, job description, training plan, wage rates, and terms of the agreement are the same for all participants covered by the agreement. WDB Training Contract Policy the Transitional Jobs Agreement details the specific guidelines that must be followed by the host employer, participant, and employer of record. All such agreements must be fully approved by the Workforce Services Manager or designee and be signed by all parties prior to the start of the transitional job. At a minimum, the agreement must include: 1. The position title and description; 2. The duration of the training; 3. The wage rate to be paid to the participant; 4. The rate of reimbursement; 5. The maximum amount of reimbursement; 6. A description of any training to be provided; and 7. Required written assurance clauses. A progress and final evaluation must be completed by the host employer to evaluate the obtainment of skills during the transitional job. In the event that the initial work period does not provide enough time to successfully obtain the skills needed to enter unsubsidized employment, a

revised agreement may be developed to accommodate additional work time. The amount of a transitional job agreement must not exceed \$7500.00 without justification and management approval.

Transitional jobs must be combined with career and supportive services. Career services that could be utilized include:

- Group counseling
- Individual counseling
- Career planning
- Short-term prevocational services
- Workforce preparation activities
- Financial literacy services
- English language acquisition and integrated education and training programs.

As part of the assessment and planning for a transitional job, staff must identify supportive service needs and devise a plan for how supportive service needs will be utilized to support the successful completion of the transitional job. Supportive services could include:

- Emergency Assistance, such as food assistance, health care and medical services, housing, and utilities
- Employability and Training Assistance, such as transportation assistance, child/dependent care assistance, medical services, tools, work-training costs, or other supportive services.

## **COMPENSATION**

Participants enrolled in a paid transitional job shall be compensated at an hourly wage not less than the State or local minimum wage. Participants shall only be paid for the hours worked during the transitional job period and documented on the participant's WDB Training Contract Policy timesheet. Transitional job participants cannot be paid for lunch breaks or vacation time and are not authorized to work overtime. The Program Manager or designee will be responsible for verifying that all contract requirements have been met and must approve all transitional job employers and worksites before participants begin training. Internal procedures must outline how assessment for transitional jobs is provided, the process of issuing an agreement, how payments are made, and outcome considerations. In addition, internal procedures must define how WDB staff will combine transitional jobs with career and supportive services, and how these activities will be tracked for performance purposes.

## **REGULATIONS AND ASSURANCES**

The transitional jobs agreement must comply with the following standards:

- Health and safety standards established under Federal and State law otherwise applicable to working conditions of employees are equally applicable to working conditions of participants engaged in transitional jobs.
- Workers' compensation insurance must be provided to participants engaged in transitional jobs.
- The host employer is in compliance with Federal and State laws including those laws pertaining to nondiscrimination based on race, color, sex, religions, national origin, age, disability, sexual orientation, and marital status.

- The host employer is not experiencing abnormal labor conditions such as strikes, lockouts, or layoffs.
- The participant will not displace (including partial displacement, such as reduction in the hours of non-overtime work, wages, or employment benefits) any currently employed employee at the date of participation.
- The participant will not be employed in or assigned to a job as a result of a layoff from the same or any substantially equivalent job; a result of termination of the employment of any regular, unsubsidized employee; or that in any way infringes on the promotional opportunities of currently employed workers at the date of participation.
- The employer or immediate supervisor is not providing a transitional job to a member of his/her immediate family (defined as: wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, grandparent or grandchild).
- No funds provided are to be used to employ the participant in a position involving political activities.
- No funds provided are to be used to directly or indirectly assist, promote or deter union organizing.
- No funds provided are to be used in the employment or training of participants/trainees involved in the construction, operation, or maintenance of WDB Training Contract Policy that part of a facility which is used for religious instruction or worship (sectarian activities).
- The transitional job is not impairing existing contracts for services or collective bargaining agreements.

## **DOCUMENTATION**

The individual's case file must document the justification for transitional jobs and the supportive services and career services provided in combination with transitional jobs. The individual case file must also contain a copy of the transitional job agreement.

## **MONITORING**

WIOA program staff must ensure regular and on-going monitoring and oversight of the transitional jobs program. Monitoring may include on-site visits and phone/email communication with the employer/trainer and participant to review the participant's progress in meeting training plan objectives. Any deviations from the agreement should be dealt with promptly. Transitional Job program participant's training and payroll records may be reviewed by Federal, State and WDB Solano fiscal and program monitors. These entities have the right to access, examine and inspect any site where any phase of the Transitional Job program is to be conducted. Proper transitional job program documentation must be maintained in such a way to facilitate an audit. Program training and payroll records must be maintained for seven (7) years after the participant's conclusion of WIOA enrollment activities.

## **DISCLAIMER**

This policy is based on WDB'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.

## REFERENCES

- Workforce Innovation and Opportunity Act of 2014 (WIOA) Federal Guidance
- Department of Labor Final Rule • Training and Employment Guidance Letter (TEGL) 19-16 – Guidance on Services Provided through the Adult and Dislocated Worker Program under the Workforce Innovation and Opportunity Act

## Attachment A:

Definition of Key Terms 6 Definition of Key Terms “Chronic unemployment” or an “Inconsistent work history” – as defined locally – an individual who has been fired from 1 or more jobs within the last twelve months, is unemployed and has actively been seeking employment for at least 2 months, has never held a job, or has never held a full-time job for more than 13 consecutive weeks. Barriers to Employment – as defined by WIOA Sec 3(24) – populations included in the “individuals with barriers to employment” include:

- Displaced homemakers
- Low-income individuals
- Indians, Alaska Natives, and Native Hawaiians
- Individuals with disabilities
- Older individuals
- Ex-offenders
- Homeless individuals
- Youth who have aged out of the foster care system
- Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers,
- Eligible migrant and seasonal farmworkers
- Individuals within two years of exhausting lifetime TANF eligibility
- Single parents (including single pregnant women), and
- Long-term unemployed individuals.

## Procurement Policy

MCWDB Policy # PY2021-03

**April 26, 2022**

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**THE PURPOSE OF THESE PROCUREMENT POLICIES AND PROCEDURES IS TO DESCRIBE THE PROCESSES TO BE USED TO SELECT SERVICE PROVIDERS AND/OR PURCHASE EMPLOYMENT AND TRAINING ACTIVITIES, SERVICES, SUPPLIES AND PROGRAMS UNDER THE DIRECTION OF THE WORKFORCE DEVELOPMENT BOARD OF MIDDLESEX COUNTY INC.**

## POLICY

All procurement of employment and training activities, services and programs, including the selection of service providers, shall be conducted through an open and competitive process

All WDB procurements shall have documentation showing the rationale for:

- the method of procurement,
- the selection of the contract type,
- contractor selection or rejection, and

- the basis for the contract type. Such records shall be maintained by WDB for three years following the submission of final grant reports impacted by the procurement process.

All procurements shall be conducted in compliance with requirements set forth in the Office of Management and Budget's (OMB) Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards 2 CFR 200, also referred to as the 'Super Circular'. In addition, procurements shall conform with the standards of the County Middlesex, unless they are superseded by either Federal or State regulations, policies or directives, as amended.

All procurements shall be conducted in accordance with the Workforce Development Board's Conflict of Interest Policy. Employees and/or board members must adhere to the Ethics code established by the WDB. No county or WDB employee shall participate directly or indirectly in a county procurement when the employee knows that:

- The employee or any member of the employee's immediate family has a financial interest pertaining to the procurement; or
- The employee or any member of the employee's immediate family is negotiating or has an employment arrangement which is contingent upon or will be affected by the procurement.
- Upon discovery of an actual or potential conflict of interest, an employee shall promptly withdraw from further participation in the procurement.
- No person shall offer, give or agree to give any county employee any gratuity or offer of employment in connection with a procurement by the county. No county employee shall solicit, demand, accept or agree to accept from any other person a gratuity or an offer of employment in connection with a procurement by the county.

All contracts for grant-funded training and supportive services shall follow the "County of Middlesex Procurement procedures. Contracts shall be signed by a representative of the County of Middlesex as outlined in the procedures as well as a representative of the provider agency. All contracts are reviewed and approved by Middlesex County Counsel prior to full execution.

The selection of vendors for other than training or supportive services shall be made in accordance with the County of Middlesex Purchasing Procedures, including signatory authority.

All procurements shall have a price analysis performed at a minimum. If price reasonableness cannot be determined due to lack of adequate price competition, then a cost analysis shall be performed. A cost analysis is required for sole source procurements and for contract modifications, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in sufficient quantities to the general public or based on prices set by law.

WDBMC Inc. will obtain the New Jersey Department of Labor's approval prior to charging WIOA grant funds for purchases of property (hardware and software) with a per unit acquisition cost of \$5,000 or more.

All procurements shall take into consideration the option of leasing versus buying. The decision to lease or buy personal property must be governed by considerations of economy. Consideration may differ by property type and according to market conditions. The length of the contract period of the lease should also be considered. Leasing with an option to purchase is generally preferable to straight leasing.

WDBMC Inc. will consider on-hand quantities and in-house capabilities as well as program requirements for any item of service to be purchased to prevent the procurement of excess or duplicative volumes.

WDBMC will use documented procurement procedures that reflect State and Local laws and regulations, provided that the procurements conform to applicable Federal law and standards identified in 2 CFR Parts 200.317 through 200.326.



WDBMC will maintain oversight to ensure that contractors perform in accordance with the terms, conditions and specifications of their contracts or purchase orders.

## **METHODS OF PROCUREMENT, PROCEDURES and APPEALS**

### ***1. Micro-purchases (\$1 - \$3,000):***

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold. To the extent practicable, WDBMC will distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if WDBMC considers the price to be reasonable.

### ***2. Small Purchases (\$3,001 - \$50,000):***

Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than \$50,000. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.

### ***3. Competitive Proposals (\$50,001 and above)***

An open and competitive procurement process shall be conducted at intervals which may not exceed **three** fiscal years in duration for the procurement of employment and training activities, services and programs under the Workforce Development Board of Middlesex County. The WDB will largely use a Request for Proposal process for selection of activities, services and programs.

### ***4. Request for Proposal (RFP)***

The selection of major employment and training activities, services and programs (defined as those of more than \$5,000 per transaction), including service providers, shall be primarily conducted through a Request for Proposals (RFP) process.

The RFP process will reflect minimally the following elements: the technical capacity of the bidder to provide the desired services, including design specifications and goals; the past performance of the bidder in the provision of the desired services; sufficient information to determine the reasonableness, necessity, allocable and allowable nature of all proposed costs; and administrative capacity of the bidder, including financial resources and accounting controls. For organizations that provide training, such performance measures as entered employment rate, training-related entered employment rate, retention in training, completion of training, employment retention, job placement, average wage at placement and rates of licensure will be taken into consideration.

The RFP will contain instructions which inform bidders of the general and specific conditions governing the procurement process. This information shall include, but not be limited to, the scope of the RFP, including a clear and accurate description of the technical requirements for program design, the structure of the RFP, the review and evaluation process to be utilized, the appeals methodology and the anticipated contract methodology. The technical requirements shall not contain features, which unduly restrict competition.

The standard RFP process will include the notification of bidders based upon the Bidder's List as maintained by WDBMC and/or Middlesex County Office of Procurement, the public notice of the availability of funds and the RFP process, the availability of the RFP with reasonable time for completion, the provision of technical assistance as appropriate, a technical review and cost/price analysis by staff of submitted proposals, the initial review of eligible proposals by the designated committee of the WDB, the final approval of the WDB and the concurrence of the administrative entity.

An RFP for the selection of major services, including service providers, shall be conducted at least once every two years. However, the WDB may conduct an RFP as often as desired and as appropriate to the availability of funds.

## **5. Appeals Procedure**

Each bidder shall have the opportunity to review the technical review report prepared by WDBMC staff. Each bidder shall have the right to meet with the designated committee of the WDB to review its funding recommendations.

Each bidder shall receive a copy of the committee's recommendations to the WDB.

Each bidder shall have the opportunity for written and verbal response to the WDB relative to the WDB's funding decisions.

Decisions of the WDB are final.

If a bidder believes that any Local, State, or federal regulations have been violated in the procurement process, it may pursue the matter through access to WDB grievance procedures.

## **6. Sole Source**

Sole source procurements may be conducted only when the award of a contract is infeasible under another purchasing method and one of the following applies:

- the item is available only from a single source;
- the emergency for the item will not permit a delay resulting from competitive solicitation;
- the awarding agency authorizes noncompetitive proposals;
- after solicitation of a number of sources, competition is determined inadequate.

In addition, the WDB may utilize the sole source procurement process only if the source of funds so allows such a process, and it is clear that an RFP would serve no purpose in determining the appropriate provider of services. The proposal would still be subject to the conditions of review and approval as discussed under the RFP above.

Typically, the WDBMC and/or County of Middlesex do not award Sole Source contracts, unless product or service is proprietary and otherwise not offered by any other potential bidder. In such matters, the WDBMC will adhere to the policies and procedures of the County of Middlesex and its Office of Purchasing.

## **CONTRACTING PROCEDURES**

It is the intention of the WDB to enter into performance based, or cost reimbursement agreements whenever possible, for other than ITA contracts.

All standard contracts shall be approved as to form by the County Counsel Office of the County of Middlesex

If agreements are performance-based cost reimbursement, subagents shall receive payments relative to the successful attainment of negotiated benchmarks. The benchmark payments shall initially be allocated by WDBMC to the appropriate cost categories based upon the final budget as negotiated. However, the subagent shall be required to maintain a system of cost allocation, which allows for the charging of actual costs incurred to the appropriate cost categories. The WDB will review such cost allocation at the end of the contract term and adjust its records as necessary. All provider contracts, unless specifically and solely for the purpose of an administrative function as defined under WIOA, shall be charged to the WIOA Program cost category.

If agreements are line-item cost reimbursement, the subagent shall be reimbursed in accordance with a line-item budget. Subject to funding source limitations, line-item agreements may have limited flexibility, not to exceed 10% of the identified line item and/or cost category. All cost reimbursement agreements shall also contain performance standards, the failure of which to maintain may result in termination of the agreement.

The various agreements shall contain all required general and specific conditions reflective of the various federal, State and local requirements.

The WDB will not enter into any agreements with any agencies who are currently of a debarred or suspended status, or whose debarred status has not been resolved. The WDB Deputy Director (Procurement Coordinator) will verify contractor's status through the SAM System (System for Award Management) website - [www.sam.gov](http://www.sam.gov)

With regard to documentation of rationale for method of procurement, a procurement will be assumed to be small purchase unless documented otherwise.

The WDB Deputy Director, Planner, and/or Policy Analyst shall be responsible for the administration of WDB various procurement systems and the required documentation therein.

## Personally Identifiable Information

MCWDB Pollicy # PY-2022-01

**October 25, 2022**

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**TO INFORM ALL STAFF OF THE REQUIREMENTS REGARDING THE HANDLING OF AND PROTECTIONS OF PERSONALLY IDENTIFIABLE INFORMATION (PII). COMPLIANCE WITH THESE REQUIREMENTS WILL BE MONITORED BY THE WORKFORCE DEVELOPMENT BOARD OF MIDDLESEX COUNTY INC. AND THE NEW JERSEY DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT.**

### **Background:**

This policy is applicable to all Middlesex County Office of Career and Workforce Development Employees who handle personally identifiable information as described by the U.S. Department of Labor through the issuance of the Training and Employment Guidance Letter listed below under "Prerequisites".

- **PII** is defined by the USDOL/ETA 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.
- **Protected PII** is information that if disclosed could result in harm to an individual whose name or identity is linked to that information. Examples of protected PII include, but are not limited to, social security numbers (SSNs), credit card numbers, bank account numbers, home telephone numbers, ages, birthdates, marital status, spouse names, educational history, biometric identifiers (fingerprints, voiceprints, iris scans, etc.), medical history, financial information, and computer passwords.
- **Sensitive Information** is defined as any unclassified information whose loss, misuse, or unauthorized access to or modification of could adversely affect the interests or the conduct of Federal, State, or Local programs, or the privacy to which individuals are entitled to under the Privacy Act.
- **Non-Sensitive PII** is defined as information that, if disclosed by itself, could not be reasonably expected to result in person harm. Essentially, it is stand-alone information that is not linked 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 or sensitive PII.

### **Prerequisites:**

United States Department of Labor, Employment and Training Administration TEGL 39-11.  
New Jersey Department of Labor and Workforce Development Workforce Innovation Notice 6-15.

## Responsibilities:

Handling, processing, and protecting sensitive and non-sensitive PII is the responsibility of all MCOWD Employees.

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## POLICY

1. To ensure that all sensitive PII is not transmitted to unauthorized users, all PII and other sensitive data transmitted via email, or stored on CDs, DVDs, thumb drives, etc., must be encrypted using Federal Information Processing Standards (FIPS) 140-2 and National Institute of Technology (NSIT) validated cryptographic module. Staff must not email any unencrypted sensitive PII to any entity, including ETA, NJDOLWD, and the County of Middlesex.
2. Please be advised that most word processing and spreadsheet applications allow for encryption of a document, requiring a password for access. When transmitting encrypted information, the password used to access the information, must be transmitted in a separate communication.
3. Employees must take the steps necessary to ensure privacy of all PII obtained from participants and/or other individuals and to protect such information from unauthorized disclosure.
4. MCOWD acknowledges through this SOP that all PII obtained is stored in an area that is physically safe from access by unauthorized persons at all times and data is processed using grantee issued equipment, managed information technology (IT) services, and designated locations.
5. PII data on personally owned equipment, at off-site locations, e.g. employee's homes, and non-grantee managed IT services, e.g. Yahoo mail, or similar platform, is strictly prohibited.
6. Documents, case files, or other documents must not be taken or removed from MCOWD offices.
7. Before collecting any PII, all participants must sign a release(s) acknowledging the use of PII for grant purposes only.
8. Whenever possible it is recommended that unique identifiers for participants are used for participant tracking instead of SSNs. America's One Stop Operating System (AOSOS) Identification Number is a unique identifier and can be used in place of SSNs where appropriate.
9. Appropriate methods must be used for destroying sensitive PII such as shredding or using a burn bag, and securely deleting sensitive electronic PII.
10. Do not leave records containing PII open and unattended.
11. Store documents containing PII in locked cabinets when not in use.

## References:

- Additional PII requirements are addressed in detail in TEGL 39-11 which can be accessed through the following link: [http://wdr/doleta.gov/directives/attach/TEGL/TEGL\\_39\\_11Acc.pdf](http://wdr/doleta.gov/directives/attach/TEGL/TEGL_39_11Acc.pdf)
- New Jersey Department of Labor WIN Notice 6-15.

**TO PROVIDE ADDITIONAL INFORMATION REGARDING PRIORITY OF SERVICE POLICIES UNDER WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) PROGRAMS. THIS DOCUMENT UPDATES NJWIN 11-16 BY ADDING SECTIONS RELATING TO HOW LOCAL AREAS MAY DEVELOP POLICES ON SERVING OTHER INDIVIDUALS WITH BARRIERS TO EMPLOYMENT UNDER THE WIOA TITLE I ADULT PROGRAM, IN ADDITION TO THE MANDATORY PRIORITY GROUPS.**

**Background:**WIOA Sec. 134 (c)(3)(E) establishes a priority of service requirement for customers served under the WIOA Title I adult program. Training and Employment Guidance Letter (TEGL) 3-15 provides guidance on applying those priorities as well as the priority of service for veterans and eligible military spouses. This guidance provides the sections of TEGL 3-15 that address priority of service and related definitions and policies. NJ Department of Labor and Workforce Development Workforce Innovation Notice # 11-16 (February 21, 2018) provides further guidance regarding Priority of Service.

### **Priority for Adult Funds**

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, One-Stop Center staff responsible for these funds must give priority to recipients of public assistance, other low- income individuals, and 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 as defined in WIOA section 3(5). (TEGL 3-15)

### **Adult Priority Groups**

The following are the groups identified for priority of service for the WIOA Adult Program:

#### **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

#### **Other Low-Income Individuals**

Other low-income individuals include those who are any one of the following:

- 1) In a family with total family income that does not exceed the higher of—
  - a. the poverty line; or
  - b. 70 percent of the lower living standard income level.
- 2) A homeless individual as defined in the Violence Against Women Act of 1994, or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act
- 3) An individual who receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act;

- 4) A foster child on behalf of whom State or local government payments are made; or
- 5) An individual with a disability whose own income meets the income requirement of clause (1), but who is a member of a family whose income does not meet this requirement.

**TEGL 3-15** states that individuals who are underemployed (see Adult and Dislocated Worker Program and Training Eligibility Guidelines) and meet the definition of a low-income individual may receive career and training services under WIOA on a priority basis.

### **Basic Skills Deficient Individuals**

A basic-skills deficient individual, for the purposes of the WIOA Adult and Dislocated Worker programs, is an adult that 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 is an individual who meets any one of the following criteria:

- 1) Has English reading, writing, or computing skills at or below the 8<sup>th</sup> grade level (at or below 8.9 grade level) on a generally accepted standardized test or a comparable score on a criterion-referenced test
- 2) Lacks a high school diploma or high school equivalency and is not enrolled in secondary education
- 3) Is currently enrolled in a WIOA Title II adult literacy program

### **Policies and Procedures**

The following provides guidance regarding the application of priority of service under the WIOA Adult program and the development of local policies:

**WIOA Adult Program Priority**-Veterans and eligible spouses (these are defined on page 5) continue to receive priority of service for all job training programs funded by the United States Department of Labor, which include WIOA programs. The WIOA Title I Adult program has a statutory priority for individuals who are receiving public assistance, other low-income individual and basic-skills deficient individuals. Local areas may also identify local priority groups from among individuals with barriers to employment identified in WIOA (see below).

### **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

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

- 1) First, to veterans and eligible spouses who are also included in the 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.
- 2) Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the groups given statutory priority for WIOA **Adult** formula funds. (public assistance recipients, other low-income individuals and individual who are basic skills deficient)
- 3) Third, to veterans and eligible spouses who are **not** included in WIOA's priority groups, but who **are** included in the locally identified priority group.
- 4) Fourth, to non-covered individuals who are not included in WIOA's priority groups but are included in the locally-identified priority group.
- 5) Last, to non-covered persons (not veterans or eligible spouses) who do not meet the statutory priority outside the groups given priority under WIOA (public assistance recipients, other low-income individuals and individual who are basic skills deficient) and the local area priority group.

Individuals may meet multiple categories; in these cases, the highest priority level that a person is eligible for applies to them. For example, a local area identifies ex-offenders as a local priority group. If a person is an ex-offender *and* low income they would receive first or second priority, depending on their veteran status.

### **Military Pay**

When past income is an eligibility determinant for Federal employment or training programs, any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits **must be disregarded** for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination. **Military earnings are not to be included** when calculating income for veterans or transitioning service members for this priority in accordance with 38 U.S.C. 4213.

*TEGL 3-15 requires local area to develop policies and procedures for providing priority of service for the populations described above for participants served in the WIOA Title I Adult program. The State is required to monitor local areas to ensure that these procedures have been developed and implemented.*

When developing policies related to applying priority of service, a One-Stop Operator may consider the following criteria:

- 1) The availability of other funds for providing employment and training programs
- 2) The needs of any individual identified as priority under local policy. These individuals must be individuals with barriers to employment as defined in WIOA. (some of these are already identified in the mandatory priority groups)

LWDBs are encouraged to actively seek out individuals with barriers to employment and provide those participants with relevant services under WIOA Title I funded programs, in accordance with the local priority of service policies. Individuals with barriers to employment should be the next level of consideration after statutory priorities in establishing local policy. This does not mean that only individuals with barriers to employment can be served. Where there is overlap in priority groups, WDBs can apply the highest level of priority that is relevant to that group.

## Examples:

### **Determining Eligibility for Priority of Service for Veterans and Eligible Spouses**

The following are used to determine eligibility for priority of service over non-veterans for receipt of services (covered person). This priority is only used if the person is already eligible under one of the WIOA programs.

- 1) Veteran
- 2) Spouse of any of the following:
- 3) Any veteran who died of a service connected disability.
- 4) Any member of the Armed Forces on active duty, who at the time of application for assistance under this section, is listed in one of the following categories for at least 90 days: missing in action; captured in the line of duty by hostile force; forcibly detained or interned in line of duty by a foreign government or power.
- 5) Any veteran who has a total disability resulting from a service-connected disability.
- 6) Any veteran who died while a disability so evaluated was in existence.

Any amounts received as military pay or allowance by any person who served on active duty and certain other specified benefits must be disregarded for veterans and other individuals for whom the amounts would normally be applied in making an eligibility determination. (TEGL 3-15) VA benefits for education and training services do not constitute “other grant assistance” under WIOA’s eligibility requirements. Therefore, eligibility for VA benefits for education or training services do not preclude a veteran or the veteran’s eligible spouse from receiving WIOA funded services, including training funds. Similarly, WIOA program operators may not require veterans or spouses to exhaust their entitlement to VA funded training benefits prior to allowing them to enroll in WIOA funded training.

Note that for programs that do not have mandatory priority populations (such as the WIOA Dislocated Worker program), veterans always receive first priority followed by all other participants. One-Stop Centers must prominently display, in all public areas, signage that informs individuals of the priority of service for veterans and eligible spouses. The New Jersey Department of Labor and Workforce Development (LWD) has a poster (see Attachment) that is available for printing in the Veterans Services section of the Workforce page of Inform.

### **Local Policies**

Policies/Processes that provide service to other eligible individuals while remaining consistent with prevailing statute and regulations will consist of the following:

- 1) Flexibility to serve other individuals when required priority individuals have been served, are not available or are not appropriate to receive a specific service (e.g. OJT, Customized Training, Transitional Jobs)
- 2) Service to other eligible individuals does not impair the capacity to fully service required priority individuals (e.g., certain individual career services)

The Workforce Development Board of Middlesex County Inc, through approval and endorsement of this policy established that:

- 1) Priority of service is NOT an eligibility factor or criteria to limit which individuals will receive service.
- 2) Except for eligible Veterans, there is no priority of service requirement for ‘basic’ career services or for services funded using WIOA Youth or WIOA Dislocated Worker funding. Veterans receive priority in all DOL funded training programs.



- 3) Except where service to a specific population is authorized by statute it is unlawful under WIOA sec. 188(a)(2) to use demographic information to limit which individuals will receive services.
- 4) The Middlesex County WDB reserves the right to select populations from the list of individuals with barriers to employment, or identify a locally determined population based on the needs of the local area. The WDB of MC will identify the population they will serve and include this information in their local plan and submit to the State Employment and Training Commission for approval.

## Recording Local Priority in America's One-Stop Operating System

If a customer meets only the local priority of services, record by selecting "Yes" from the drop-down for Local Priority under Income Info in the Eligibility tab. (See screenshot below.)



## Definitions

**Veteran**-The term "veteran" means a person who served at least one day in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.

**Note:** This definition applies specifically to eligibility for priority of service. Eligibility for other veteran services may have different definitions.

**Eligible Spouse** - means the spouse of any of the following:

- 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 the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
  - a) Missing in action;
  - b) Captured in the line of duty by a hostile force; or
  - c) Forcibly detained or interned in the 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; or
- 4) Any veteran who died while a disability was in existence.

A spouse whose eligibility is derived from a living veteran or service member (i.e., categories b. or c. 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. **(TEGL 10-09)**

**Long-Term Unemployed**-An individual with an employment history of a duration sufficient to demonstrate attachment to the workforce to the One-Stop Operator, who has been unemployed for 27 or more weeks in the previous 12 months.

## Applying Priority of Service

**Priority of Service** - This means that 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.

Priority of service applies to the selection procedure for services such as classroom training in the following manner: if there is a waiting list for the formation of a training class, priority of service is intended to require that a person in a priority group goes to the top of that list. Priority of service applies up to the point at which an individual is both approved for funding and accepted or enrolled in a training class. Once a person outside any priority group has been approved for funding and accepted/enrolled in a training class, priority of service is **not** intended to allow a person in a priority group who is identified subsequently to “bump” the other person from that training class.

### **Verifying Status**

At entry into the One-Stop system, it is not necessary to require verification of veteran/eligible spouse status; at this point self-attestation is acceptable. Veteran/eligible spouse status must be verified when a customer is to receive **individualized career** or **training services**. If an individual is already recorded in America’s One-Stop Operating System as a veteran when seeking WIOA individualized career or training services, but there is no hard documentation of their veteran status in their file, (such as a DD-214) it must be obtained and kept on file. The WIOA Adult and Dislocated Worker Eligibility Guidelines provide the documentation requirements.

### **References and Links:**

TEGL 10-09 <http://wdr.doleta.gov/directives/attach/TEGL/TEGL10-09.pdf>

Training Employment Notice 15-10 <http://wdr.doleta.gov/directives/attach/TEN/ten2010/ten15-10.pdf>

TEGL 3-15 [https://wdr.doleta.gov/directives/attach/TEGL/TEGL\\_03-15\\_Acc.pdf](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_03-15_Acc.pdf)

NJ DOLWD WIN # 11-16 <https://www.nj.gov/labor/wioa/documents/techassistance/NJWIN11-16%20priorityofservice%29.pdf>



## ATTACHMENT



### **ATTENTION**

## **YOU MAY BE ELIGIBLE FOR PRIORITY SERVICE IF –**

You served in the United States military; or were activated  
as a member of a National Guard or Reserve unit

**OR**

## **ARE THE SPOUSE OF –**

- (1) A veteran who died of a service connected disability;
- (2) A member of the Armed Forces who is:
  - (i) Missing in action;
  - (ii) Captured in line of duty; or
  - (iii) Forcibly detained by a foreign government or power;
- (3) A veteran who has a Department of Veterans Affairs total disability rating
- (4) A veteran who died while a Department of Veterans Affairs total disability rating existed

**Let the receptionist know upon check-in.**

## Selective Service Registration

MCWDB Policy # PY-2022-03

**October 25, 2022**

### **TO ENSURE ALL PROGRAMS RECEIVING ANY PORTION OF WIOA FUNDS COMPLY WITH SELECTIVE SERVICE REGISTRATION REQUIREMENTS.**

**Background:** All WIOA funded programs and services must assure that applicants and participants follow Selective Service registration requirements. This policy identifies those requirements, and the documentation required from applicants and/or participants to demonstrate compliance and eligibility for WIOA services.

### **POLICY**

- Males Required to Register
  - Males born on or after January 1st, 1960, must register with Selective Service within 30 days of their 18th birthday (i.e., 30 days before or 30 days after). This includes males who are:
    - Citizens of the US
    - Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees, who take up residency in the U.S. before their 26th birthday; and/or
    - Dual Nationals of the U.S. and another country regardless of whether they live in the U.S.
- Males Not Required to Register
  - Men who are serving in the military on full-time active duty
  - Men attending the service academies
  - Men with disabilities who are continually confined to a residence, hospital, or institution
  - Men who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released, if they have not yet reached their 26th birthday
  - Non-U. S males who came into this country the first time after his 26th birthday. Acceptable forms of documentation include:
    - Date of entry stamp in his passport
    - 1-94 with date entry stamp on it
    - Letter from U.S. Citizenship and Immigration Services (USCIS) indicating the date the man entered the U.S. presented in conjunction with documentation establishing the individual's age
  - Non -U-S male who entered the U.S. illegally after his 26th birthday. He must provide evidence he was not living in the U.S. from age 18 through 25, e.g., letters, bills, etc. to him at address outside U.S., corroborating statements from relatives, friends.
  - Non-U.S. male on a valid non-immigrant visa

### **Compliance with Selective Service Requirements for Participation in WIOA Services**

To be eligible for WIDA funded services, all males born on or after January 1, 1960, must present documentation showing compliance with the Selective Service registration requirement.

Acceptable documentation to determine a person's Selective Service registration status include:

- Selective Service Acknowledgement letter.
- Form DD-214 "Report of Separation".
- Screen printout of the Selective Service Verification site: [www.sss.gov/RegVer/wfVerification.aspx](http://www.sss.gov/RegVer/wfVerification.aspx). For males who have already registered, this website can be used to confirm their Selective Service number as well as the date of registration, by entering a last name, social security number, and date of birth.
- Selective Service Registration Card.
- Selective Service Verification Form (Form 3A); and/or
- Stamped Post Office Receipt of Registration.

## A. Registration Requirements for Males Under 26

Before being enrolled in WIOA Title I-funded services, all males who are not registered with the Selective Service and have not reached their 26th birthday must register through the Selective Service website at [www.sss.gov](http://www.sss.gov). If a male turns 18 while participating in any applicable services, registration with Selective Service must be completed no later than 30 days after he becomes 18 to continue to receive WIOA Title I-funded services. If a man under the age of 26 refuses to register with the Selective Service, WIOA Title I-funded services must be suspended until he registers.

## B. Registration Requirements for Males 26 Years and Over

Before enrolling in WIOA Title I-funded services, all males, 26 years of age or older, must provide (1) documentation of compliance with the Selective Service registration requirement (2) documentation showing they were not required to register (see I B, above); or (3) if they were required to but did not register, documentation establishing that their failure to register was not knowing and willful.

### **Compliance Requirements for Individuals to Establish Whether Failure to Register Was Knowing and Willful**

A male applicant over age 26 or over who seeks enrollment but did not register if required to do so and asserts that failure to do so was not knowing and willful must comply with the following process to determine if enrollment may proceed.

A. Provide a written, signed statement to the SCWDB Director, or designee, along with any relevant documentation, to establish that the failure to register was not knowing and willful. Evidence of relevant information includes but is not limited to:

- A statement as to whether the individual was aware he was required to register.
- On which date the individual first learned that he was required to register.
- Where the Individual was living when he was between the ages of 18 and 26.
- If the individual knew about the requirement to register, was he misinformed about the applicability of the requirement to him, and if so, what was his understanding at the time as to why the requirement did not apply to him?

Examples of documentation that may be helpful along with the written statement, include:

- Signed statements from parents, teachers, employers, doctors, or others concerning reasons that support the applicant's assertion that failure to register was not knowing or willful.
- Evidence that a man has served honorably in the U.S. Armed Forces such as DD Form 214 or his Honorable Discharge Certificate. Such documents may be considered sufficient evidence that his failure to register was not willful or knowing.

B. The individual must, contemporaneous with submission of the statement to the MCWDB Director/CEO, obtain and submit a Request for Status Information Letter from Selective Service. The Request for Status Information Letter form and instructions on completion can be accessed at <https://www.sss.gov/Home/Men-26-and-OLDER>.

The individual must include a copy of that Request for Status Information Letter and evidence it has been submitted to Selective Service.

### **Action on Enrollment Following Completion of Steps in III A & B, above.**

A. If the Director determines, after review of the signed statement and any accompanying documentation from the applicant (steps A&B, above) that, by a preponderance of the evidence, the applicant has established that the failure to register was not knowing and willful, the Director will provide written notification to the applicant of that determination, and enrollment into WIOA may proceed. If the determination is that the individual did not establish that the failure to register was not knowing and willful, the written notification will so state, and enrollment into

WIOA will be denied. Individuals denied services will be advised of available WIOA grievance procedures.

B. The individual, whether enrolled into WIOA at that point, or still an applicant, must provide the MCWDB with the response from Selective Service after submission of the Status Information Letter. If the letter received from Selective Service specifically states that that the individual has not established, by a preponderance of the evidence, that the failure to register was not knowing or willful, the individual, if enrolled, is no longer eligible and must be terminated from WIOA funded services. Individuals denied services will be advised of available WIOA grievance procedures.

Conversely, if MCWDB has acted to deny services based on the determination in A&B above, but the Status Information Letter from Selective Service specifically states that the individual has established that failure to register was not knowing and willful, or the individual was not required to register, the individual would no longer be denied WIOA services based on failure to register for Selective Services.

The MCWDB will keep all copies of all documentation generated in completion of the process outlined in sections III and IV, above.

### **REFERENCES:**

- TEGL 11-11Change 2, Selective Service Registration Requirements for Employment and Training Administration funded programs, May 16, 2012

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## **TO PROVIDE THE LOCAL AREA WORKFORCE DEVELOPMENT SYSTEM WITH GUIDANCE REGARDING THE USE OF TRAINING CONTRACTS AND WORK-BASED TRAINING OPTIONS FOR ADULTS**

**Background:** WIOA provides greater flexibility than the Workforce Investment Act (WIA) regarding the types of work-based training that is allowable and also the use of contracts to provide training services for adults and dislocated workers. WIA allowed the use of contracts, as opposed to individual training

accounts (ITAs) only in limited circumstances for adults and dislocated workers; WIOA provides more options for using training contracts, including the use of both ITAs and contracts for an individual in certain circumstances, such as when the participant is in a registered apprenticeship (RA). Training and Employment Guidance Letter (TEGL) 3-15 provides guidance on the use of training contracts for work-based training, including a new type allowable under WIOA, transitional jobs. The pertinent sections of the TEGL are provided below

## **POLICY**

**Training Contracts:** ITAs are the primary method to be used for procuring training services under WIOA, similar to under WIA. However, in certain circumstances a contract for training services may be developed instead of an ITA. Under section 134(c)(3)(G)(ii) of WIOA, the contract exceptions to an ITA have been expanded; the full list of exceptions is provided below:

- On-the-job training, which may include placing participants in a RA program, customized training, incumbent worker training, or transitional jobs;
- If the local board determines that there are an insufficient number of eligible providers of training services to use ITAs;
- If there is a training services program of demonstrated effectiveness offered in a local area by a community-based organization or other private organization;
- If the local board determines that the most appropriate training could be provided by an institution of higher education to train multiple individuals for jobs in in-demand sectors or occupations; and
- If the local board determines, a pay-for-performance contract is the most effective means of providing training services (note that no more than 10 percent of the local funds may be spent on pay-for-performance contract strategies as they are defined in section 3(47) of WIOA).

**Pay for Performance Contract Strategy**—*The term “pay-for-performance contract strategy” means a procurement strategy that uses pay-for-performance contracts in the provision of training services described in section 134(c)(3) or activities described in section 129(c)(2), and includes— (A) contracts, each of which shall specify a fixed amount that will be paid to an eligible service provider (which may include a local or national community-based organization or intermediary, community college, or other training provider, that is eligible under section 122 or 123, as appropriate) based on the achievement of specified levels of performance on the primary indicators of performance described in section 116(b)(2)(A) for target populations as identified by the local board (including individuals with barriers to employment), within a defined timetable, and which may provide for bonus payments to such service provider to expand capacity to provide effective training; (B) a strategy for independently validating the achievement of the performance described in subparagraph (A); and (C) a description of how the State or local area will reallocate funds not paid to a provider because the achievement of the performance described in subparagraph (A) did not occur, for further activities related to such a procurement strategy, subject to section 189(g)(4).*

Additionally, a local board may determine that providing training through a combination of ITAs and contracts is the most effective approach. This approach could be used to support placing participants in programs such as RA and other similar types of training.

**Work-Based Training:** Under WIOA there are additional work-based training options (see Attachment A for the work-based training provisions of the Notice of Proposed Rulemaking at 20 CFR 680.700 et al) and flexibilities for adults and dislocated workers:

## **Registered Apprenticeship**

RA is an important component of potential training and employment services that the workforce system can provide to its customers. We encourage local areas to use RA and it should be used more often as a career pathway for job seekers and as a job-driven strategy for employers and industries. RA can be funded through several mechanisms. Section 122(a)(3) of WIOA provides a new opportunity for RA programs to be more directly connected to the public workforce system. As RA programs, they automatically qualify to be placed on the State and local board's Eligible Training Provider List (ETPL), allowing ITAs to support participants in RA programs, and more directly connect those programs to one-stop centers.

Every state has either a federal Department of Labor Office of Apprenticeship (OA) or a State Apprenticeship Agency (SAA). Local boards and one-stop centers should work with the offices in their state to implement RA (Federal OA and SAA state contact information is available at <http://www.doleta.gov/oa/contactlist.cfm>).

RA Program sponsors can be Eligible Training Providers (ETPs). Some examples of typical RA Program sponsors are:

**Employers who provide related instruction:** A number of employers with RA programs provide formal in-house instruction as well as on-the-job training (OJT) at the work site.

**Employers who use an outside educational provider:** Under this model RA program sponsors do not provide the related instruction or educational portion of the apprenticeship, but rely upon an outside educational entity to deliver instruction. Employers can use two- or four-year post-secondary institutions, technical training schools or on-line courses for related instruction. The employer is the ETP and must identify their instructional provider.

**Joint Apprenticeship Training Programs:** These programs are made up of employers and unions. They have an apprenticeship training school where the instructional portion of the apprenticeship program is delivered. The training schools are usually administered by the union, in which case the union would be the ETP (eligible training provider).

**Intermediaries:** Intermediaries can serve as program sponsors when they take responsibility for the administration of the apprenticeship program. They also can provide expertise such as curriculum development, classroom instruction and supportive services, as appropriate. The intermediary is the ETP and must identify the instructional provider if an outside organization is providing the educational portion of the apprenticeship. Intermediaries include:

- Educational institutions including two- and four-year postsecondary institutions or technical schools. In this model the educational institution administers the program, works with employers to hire apprentices and provides classroom or on-line instruction for the apprenticeship program;
- Industry associations that administer the program and work with employer/members and educational entities to implement the apprenticeship program; and
- Community-based organizations that administer the program and work with employers, educational entities and the community to implement the apprenticeship program.

ETA is committed to fully integrating RA programs as an employment and training solution for one-stop centers. ETA wants to ensure local areas have maximum flexibility in serving participants and supporting their placement into RA programs. Given the unique nature of RA, there are several ways in which training services may be used in conjunction with these programs:

- An ITA may be developed for a participant to receive RA training;
- An OJT contract may be developed with a RA program for training participants. OJT contracts are made with the employer, and RA generally involves both classroom and on-



the-job instruction. The OJT contract may be made to support some or all of the OJT portion of the RA program;

- A combination of an ITA to cover the classroom instruction along with an OJT contract to cover on-the-job portions of the RA is allowed; and
- Incumbent worker training may be used for upskilling apprentices who already have an established working/training relationship with the RA program.

Local areas may also include supportive services, in coordination with career and/or training services, (See **Attachment B** for listing of career and training services available under WIOA) to participants in a RA program. These supportive services must be consistent with WIOA section 134(d)(2) and state and local policies.

### **Reporting on Registered Apprenticeship Participation**

As States and local areas increasingly use RA programs as part of their sector strategies and career pathways approaches, ETA would like to remind States and local areas about how to report on participants who are placed into RA. Under WIA, data is reported by States using the Workforce Investment Act Standardized Record Data (WIASRD) layout, and the WIASRD layout will continue to be used until a new reporting layout is developed. TEGL 4-13, Workforce Investment Act (WIA) Performance Reporting System, dated August 28, 2013, revised reporting requirements in the WIASRD so that the type of training provided to WIA participants now includes a specific coding value for Registered Apprenticeship (i.e. coding value 09 on WIASRD element number 1209). Data reported thus far indicate only some states reporting this type of training on quarterly WIASRD submissions. States are reminded to report this information using the WIASRD.

### **On-the-Job Training**

OJT continues to be a key method of delivering training services to adults and dislocated workers. WIOA provides for States and local Areas to provide up to 50 percent of the wage rate of the participant to employers for the costs of training while the participant is in the program. Additionally, State and local areas have the flexibility under WIOA to increase the reimbursement level to up to 75 percent taking into account the following factors: • The characteristics of the participants (e.g. length of unemployment, current skill level, and barriers to employment); • The size of the employer (e.g. small and medium-sized business often have more barriers to participation at lower reimbursement rates); • The quality of employer-provided training and advancement opportunities; and • Other factors the State or local boards may determine appropriate (e.g. the number of employees participating in the training, wage and benefit levels of the employees (both pre and post participation earnings)), and relation of the training to the competitiveness of the participant). One-stop operators must coordinate training funds available and make funding arrangements with One-Stop partners and other entities. One-stop operators must consider the availability of other sources of grants to pay for training costs such as Temporary Assistance for Needy Families (TANF), State-funded training funds, and Federal Pell Grants, so that WIOA funds supplement other sources (**20 CFR 680.230**)

### **Incumbent Worker Training**

Incumbent Worker training provides both workers and employers with the opportunity to build and maintain a quality workforce. Incumbent Worker training can be used to help avert potential layoffs of employees, or to increase the skill levels of employees so they can be promoted within the company and create backfill opportunities for the employers. Under section 134(d)(4) of WIOA, local boards can use up to 20 percent of their adult and dislocated worker funds to provide for the federal share of the cost of

providing Incumbent Worker training. Incumbent Worker training needs to take into account the following factors:

- The characteristics of the participants in the program.
- The relationship of the training to the competitiveness of a participant and the employer; and
- Other factors the State or local boards may determine appropriate (e.g., the number of employees participating in the training, wage and benefit levels of those employees (both pre- and post-participation earnings)), and the existence of other training and advancement opportunities provided by the employer).

States may make recommendations to the local boards for providing incumbent worker training that has a statewide impact. Employers are required to pay for a significant cost of the training for those participants in incumbent worker training; this can be done through both cash and/or in-kind payments. The wages paid to participants, while in training, may be considered as a source of matching funds. Rules for matching funds are provided in the Uniform Guidance and DOL exceptions at 2 CFR 200.306 (See New Jersey Workforce Innovation Notice 13-15) and 2 CFR 2900.8, respectively. 2 CFR 2900.8 states “In addition to the guidance set forth in 2 CFR 200.306(b), for Federal awards from the Department of Labor, the nonFederal entity accounts for funds used for cost sharing or match within their accounting systems as the funds are expended.”

Under section 134(d)(4)(D) of WIOA, the minimum amount of employer share in the Incumbent Worker Training depends on the size of the employer:

- At least 10 percent of the cost, for employers with 50 or fewer employees.
- At least 25 percent of the cost, for employers with 51 to 100 employees; and
- At least 50 percent of the cost, for employers with more than 100 employees.

Employer share must be reported on the ETA-9130 quarterly financial report. ETA encourages States and local areas that utilize incumbent worker training to ensure contracts with employers provide sufficient information to include participants in reporting. Incumbent workers should be reported in the WIASRD under element number 911 until a new reporting layout is available.

**Transitional Jobs:** Transitional jobs are a new type of work-based training that is allowed under WIOA. Transitional jobs are time-limited work experiences that are subsidized and are in the public, private, or nonprofit sectors for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history, and are combined with comprehensive career and supportive services. The goal of transitional jobs is to establish a work history for the individual that demonstrates success in the workplace, and develops the skills that lead to entry into and retention in unsubsidized employment. Unlike OJT, there is no assumption that the individual will be retained in their transitional job after the experience is over, though that would be a successful experience and outcome. Under section 134(d)(5) of WIOA, local boards may use up to 10 percent of their adult and dislocated worker funds to provide transitional jobs to individuals.

If local areas choose to use transitional jobs as part of their service delivery strategy, they should adopt policies and identify employers (public, private or nonprofit) that can provide quality experiences for individuals to eventually obtain unsubsidized employment. Additionally, these policies should include plans on the amount reimbursements would be for the jobs, what supportive services should be included, and any limits on the duration of the transitional job.

20 CFR 680.840 states that transitional jobs must be combined with comprehensive career services and supportive services (see Attachment A).

**Action Required** This guidance should be shared with all staff members who are involved in the referral of customers to training, and to staff involved in the development of training contracts. Local areas are strongly encouraged to develop documented policies and procedures that ensure the required coordination of training funds as required by 20 CFR 680.230. This means that a local area must be able to demonstrate that they have 5 identified and used other program funds (such as TANF) to pay for training services when they are available to a customer. Local areas should also adopt policies related to the provision of work-based training. The State will provide additional guidance and technical assistance regarding the coordination of training funds and the development of work-based training contracts.

## **References and Links:**

- WIOA Sec. 134; 20
- CFR 680.230 2 CFR 200: <http://www.ecfr.gov/cgi-bin/text-idx?node=2:1.1.2.2.1>
- TEGL 3-15: [https://wdr.doleta.gov/directives/attach/TEGL/TEGL\\_03-15.pdf](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_03-15.pdf)

## **Authority**

Department of Labor, Employment and Training Administration
New Jersey Department of Labor and Workforce Development
New Jersey State Employment and Training Commission
Workforce Development Board of Middlesex County Inc,

New Jersey Department of Labor and Workforce Development  
State Employment And Training Commission X

Questions For general questions regarding this guidance, contact John Bicica, Chief, Office of WIOA  
Technical Assistance and Capacity Building, at [john.bicica@dol.nj.gov](mailto:john.bicica@dol.nj.gov)

## ATTACHMENT A

### **ASubpart F—Work-Based Training**

#### **20 CFR 680.700 What are the requirements for on-the-job training? (**

a) On-the-job training (OJT) is defined at WIOA sec. 3(44). OJT is provided under a contract with an employer in the public, private nonprofit, or private sector. Through the OJT contract, occupational training is provided for the WIOA participant in exchange for the reimbursement, typically up to 50 percent of the wage rate of the participant, for the extraordinary costs of providing the training and supervision related to the training. In limited circumstances, as provided in WIOA sec. 134(c)(3)(h) and § 680.730, the reimbursement may be up to 75 percent of the wage rate of the participant.

(b) On-the-job training contracts under WIOA title I, must not be entered into with an employer who has received payments under previous contracts under WIOA or WIA if the employer has exhibited a pattern of failing to provide on-the-job training participants with continued long-term employment as regular employees with wages and employment benefits (including health benefits) and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work. (WIOA sec. 194(4)) (c) An OJT contract must be limited to the period of time required for a participant to become proficient in the occupation for which the training is being provided. In determining the appropriate length of the contract, consideration should be given to the skill requirements of the occupation, the academic and occupational skill level of the participant, prior work experience, and the participant's individual employment plan. (WIOA sec. 3(44)(C))

20 CFR 680.710 What are the requirements for on-the-job training contracts for employed workers? OJT contracts may be written for eligible employed workers when: (a) The employee is not earning a self-sufficient wage as determined by Local Board policy; (b) The requirements in § 680.700 are met; and

(c) The OJT relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes identified by the Local Board.

#### **20 CFR 680.720 What conditions govern on-the-job training payments to employers?**

(a) On-the-job training payments to employers are deemed to be compensation for the extraordinary costs associated with training participants and potentially lower productivity of the participants while in the OJT.

(b) Employers may be reimbursed up to 50 percent of the wage rate of an OJT participant, and up to 75 percent using the criteria in § 680.730, for the extraordinary costs of providing the training and additional supervision related to the OJT. (WIOA secs. 3(44) and 134(c)(3)(H)(i))

(c) Employers are not required to document such extraordinary costs.

#### **20 CFR 680.730 Under what conditions may a Governor or Local Board raise the on-the-job training reimbursement rate up to 75 percent of the wage rate?**

(a) The Governor may increase the reimbursement rate for OJT contracts funded through the statewide employment and training activities described in § 682.210 up to 75 percent, and the Local Board may also increase the reimbursement rate for OJT contracts described in §680.320(a)(1) up to 75 percent, when taking into account the following factors: (WIOA sec. 134(c)(H)(ii)) (1) The characteristics of the participants taking into consideration whether they are "individuals with barriers to employment," as defined in WIOA sec. 3(24); (2) The size of the employer, with an emphasis on small businesses;

(b) The quality of employer-provided training and advancement opportunities, for example if the OJT contract is for an in-demand occupation and will lead to an industry-recognized credential; and (4) Other factors the Governor or Local Board may determine to be

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appropriate, which may include the number of employees participating, wage and benefit levels of the employees (both at present and after completion), and relation of the training to the competitiveness of the participant.

- (c) Governors or Local Boards must document the factors used when deciding to increase the wage reimbursement levels above 50 percent up to 75 percent.

### **20 CFR 680.740 How can on-the-job training funds be used to support placing participants into a registered apprenticeship program?**

(a) OJT contracts may be written with registered apprenticeship programs or participating employers in registered apprenticeship programs for the on-the-job training portion of the registered apprenticeship program consistent with § 680.700. Depending on the length of the registered apprenticeship and State and local OJT policies, these funds may cover some or all of the registered apprenticeship training.

(b) If the apprentice is unemployed at the time of participation, the OJT must be conducted as described in § 680.700. If the apprentice is employed at the time of participation, the OJT must be conducted as described in

### **680.700 20 CFR 680.750 Can Individual Training Account and on-the-job training funds be combined to support placing participants into a registered apprenticeship program?**

There is no Federal prohibition on using both ITA and OJT funds when placing participants into a registered apprenticeship program. See § 680.330 on using ITAs to support participants in registered apprenticeship.

### **20 CFR 680.760 What is customized training?**

Customized training is training: (a) That is designed to meet the special requirements of an employer (including a group of employers); (b) That is conducted with a commitment by the employer to employ an individual upon successful completion of the training; and (c) For which the employer pays for a significant cost of the training, as determined by the Local Board in accordance with the factors identified in WIOA sec. 3(14).

### **20 CFR 680.770 What are the requirements for customized training for employed workers?**

Customized training of an eligible employed individual may be provided for an employer or a group of employers when:

- (a) The employee is not earning a self-sufficient wage as determined by Local Board policy;
- (b) The requirements in § 680.760 are met; and
- (c) The customized training relates to the purposes described in § 680.710(c) or other appropriate purposes identified by the Local Board.

### **20 CFR 680.780 Who is an “incumbent worker” for purposes of statewide and local employment and training activities?**

States and local areas must establish policies and definitions to determine which workers, or groups of workers, are eligible for incumbent worker services (WIOA sec. 134(d)(4)). To qualify as an incumbent worker, the incumbent worker needs to be employed, meet the Fair Labor Standards Act requirements for an employer-employee relationship, and have an established employment history with the employer for six (6) months or more. The training must satisfy the requirements in WIOA sec. 134(d)(4) and § 680.790 and increase the competitiveness of the employee or employer. An incumbent worker does not necessarily have to meet the eligibility requirements for career and training services for adults and dislocated workers under this Act.

### **20 CFR 680.790 What is incumbent worker training?**

Incumbent Worker training, for purposes of WIOA sec. 134(d)(4)(B), is training:

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(a) Designed to meet the special requirements of an employer (including a group of employers) to retain a skilled workforce or avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment.

(b) Conducted with a commitment by the employer to retain or avert the layoffs of the incumbent worker(s) trained.

### **20 CFR 680.800 What funds may be used for incumbent worker training?**

(a) The local area may reserve up to 20 percent of their combined total of adult and dislocated worker allotments for incumbent worker training as described in § 680.790 (see WIOA sec. 134(d)(4)(A)(i));

(b) The State may use their statewide activities funds (per WIOA sec. 134(a)(3)(A)(i)) and Rapid Response funds for statewide incumbent worker training activities (see §§ 682.210(b) and 682.320(b)(3)).

### **20 CFR 680.810 What criteria must be taken into account for an employer to be eligible to receive local incumbent worker funds?**

The Local Board must consider under WIOA sec. 134(d)(4)(A)(ii):

(a) The characteristics of the participants in the program;

(b) The relationship of the training to the competitiveness of a participant and the employer; and

(c) Other factors the Local Board determines appropriate, including number of employees trained, wages and benefits including post training increases, and the existence of other training opportunities provided by the employer.

### **20 CFR 680.820 Are there cost sharing requirements for local area incumbent worker training?**

Yes. Under WIOA secs. 134(d)(4)(C) and 134(d)(4)(D)(i)–(iii), employers participating in incumbent worker training are required to pay the non-Federal share of the cost of providing training to their incumbent workers. The amount of the non-Federal share will depend upon the limits established under WIOA secs. 134(d)(4)(ii)(C) and (D).

### **20 CFR 680.830 What is a transitional job?**

A transitional job is one that provides a limited work experience that is subsidized in the public, private, or non-profit sectors for those individuals with barriers to employment because of chronic unemployment or inconsistent work history; these jobs are designed to enable an individual to establish a work history, demonstrate work success, and develop the skills that lead to unsubsidized employment. (WIOA sec. 134 (d)(5))

**20 CFR 680.840 What funds may be used for transitional jobs?** The local area may use up to 10 percent of their combined total of adult and dislocated worker allotments for transitional jobs as described in § 680.810 (see WIOA sec. 134(d)(5)). Transitional jobs must be combined with comprehensive career services (see § 680.150) and supportive services (see § 680.900).

### **20 CFR 680.850 May funds provided to employers for work-based training be used to assist, promote, or deter union organizing?**

No, funds provided to employers for work-based training, as described in this subpart, must not be used to directly or indirectly assist, promote or deter union organizing. (WIOA sec. 181(b)(7))

### **20 CFR 680.170 What is an internship or work experience for adults and dislocated workers?**

For the purposes of WIOA sec. 134(c)(2)(A)(xii)(VII), internships or work experiences are a planned, structured learning experience that takes place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. An internship or work experience may be arranged within the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience setting where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists.

**Career Services**-These are services that must be made available to adults and dislocated workers in an at least one career center in each local area. There are 13 career services; the Notice of Proposed Rule-making at 20 CFR 678.430 identifies three categories of career services:

- Basic Career Services
- Individualized Career Services
- Follow-up Career Services

**Basic Career Services**-These are services that must be made available to all job seekers. They include informational and labor exchange services:

- Determinations of whether the individuals are eligible to receive assistance from the adult, dislocated worker or youth programs;
- Outreach, intake (which may include worker profiling), and orientation to the information and other services available through the one-stop delivery system;
- Initial assessment of skill levels (including literacy, numeracy, and English language proficiency), aptitudes, abilities (including skills gaps), and supportive service needs.

**Labor Exchange services, including**

- Job search and placement assistance and, in appropriate cases, career counseling, including—
  - provision of information on in-demand industry sectors and occupations; and
  - provision of information on nontraditional employment; and
- appropriate recruitment and other business services on behalf of employers, including small employers, in the local area, which services may include services described in this subsection, such as providing information and referral to specialized business services not traditionally offered through the one-stop delivery system;
- Provision of referrals to and coordination of activities with other programs and services, including programs and services within the one-stop delivery system and, in appropriate cases, other workforce development programs;
- Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—
  - (II) Job vacancy listings in such labor market areas;
  - (III) information on job skills necessary to obtain the jobs described in subclause and
  - (IV) information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for such occupations; and
    - Provision of performance information and program cost information on eligible providers of training services, provided by program, and eligible providers of youth workforce investment activities, providers of adult education, providers of career and technical education activities at the postsecondary level, and career and technical education activities available to school dropouts, under the Carl D. Perkins Career and Technical Education Act of 2006 and providers of vocational rehabilitation services described in title I of the Rehabilitation Act
    - Provision of information, in formats that are usable by and understandable to one-stop center customers, regarding how the local area is performing on the local performance accountability
- measures described in section 116(c) and any additional performance information with respect to the one-stop delivery system in the local area;



- Provision of information, in formats that are usable by and understandable to one-stop center customers, relating to the availability of supportive services or assistance, including childcare, child support, medical or child health assistance under title XIX or XXI of the Social Security Act, benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008, assistance through the earned income tax credit under section 32 of the Internal Revenue Code of 1986, and assistance under a State program for temporary assistance for needy families funded under part A of title IV of the Social Security Act and other supportive services and transportation provided through funds made available under such part, available in the local area;
- Referral to the services or assistance described in subclause (I), as appropriate;
  - Provision of information and assistance regarding filing claims for unemployment compensation;
  - Assistance in establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under this Act;

### **Individualized Career Services-**

These are services that must be made available if determined to be appropriate in order for an individual to obtain or retain employment, Priority for Individualized Career Services for customers funded under the Title I adult program must be provided to participants who are public assistance recipients, other low-income individuals and individuals who are basic skills deficient. These services include the following, as consistent with WIOA requirements and federal cost principles:

- Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include—
    - (aa) diagnostic testing and use of other assessment tools; and
    - (bb) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
  - development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals, including providing information on eligible providers of training services pursuant to paragraph (3)(F)(ii), and career pathways to attain career objectives;
  - group counseling;
  - individual counseling;
  - career planning;
  - short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training;
  - internships and work experiences that are linked to careers;( workforce preparation activities
  - financial literacy services, such as the activities described in section 129(b)(2)(D);
  - out-of-area job search assistance and relocation assistance; or
  - English language acquisition and integrated education and training programs; and
- Follow-up Services-These services are provided, as appropriate, to participants in adult and dislocated worker activities placed in unsubsidized employment, for a minimum of 12 months after the first day of employment. These services include counseling

- regarding the workplace for participants in workforce investment activities authorized under this subtitle placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate Training Services 1) Occupational skills training, including training for nontraditional employment 2) On-the-job training 3) Incumbent worker training 4) Programs that combine workplace training with related instruction, which may include cooperative education programs 5) Training programs operated by the private sector 6) Skill upgrading and retraining 7) Entrepreneurial training; 8) Transitional jobs 9) Job readiness training provided in combination with services described above
- Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with services described in any of clauses (1) through (7); and 11) Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

## Youth Follow-Up Services

MCWDB Policy # PY-2022-05

**October 25, 2022**

### **TO PROVIDE LOCAL WORKFORCE DEVELOPMENT AREAS AND PARTNERS WITH INFORMATION RELATED TO YOUTH SERVICES AND DOCUMENTATION, AS SPECIFIED BY THE WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA).**

**Background:**Youth who are successful in employment and/or postsecondary education and training receive critical follow-up services to aid their transition as they exit our program. Follow-up services include mentoring, supportive services, financial literacy training, career exploration, and transition services.

**POLICY:**20 CFR 681.580 requires that follow-up services be provided to youth for not less than 12 months after completion of participation. The exit date is determined when the participant has not received services in the Youth program or any other DOL-funded program in which the participant is co-enrolled for 90 days and no additional services are scheduled. At that point, the date of exit is applied retroactively to the last date of service. Once 90 days of no services, other than follow-up services, self-service, and information-only services and activities, has elapsed and the participant has an official exit date applied retroactively to the last date of service, the program continues to provide follow-up services for the remaining 275 days of the 12-month follow-up requirement. The 12-month follow-up requirement is completed upon one year from the date of exit (Training and Employment Guidance Letter 21- 16).

All youth participants must be advised of follow-up services at the time of enrollment and offered an opportunity to receive follow-up services. The follow-up services offered must be included in the ISS, and align with the participant's goals and objectives.

The types and duration of services provided must be determined based on the needs of the individual. Therefore, the type and intensity of follow-up services may differ for each participant. Types of follow-up may include regular contact with a youth, a youth participant's employer or academic advisors, including assistance in addressing work or school related problems that arise. 20 CFR 681.580 states, "Follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome."

Follow-up services for youth should consist of outreach to ensure that the youth participant has the needed tools to continue his/her journey. For example, specific questions may include one or more of the following:

- How can I help you further?
- Now that you have a job, are you saving money?
- Do you need help setting up a savings account?
- Do you need help establishing a long-term savings plan?
- Is the job you're in what you expected?
- Do you know what other opportunities are available to you within your local area?

The final rule also states that follow-up services for youth also may include the following five (5) program elements:

- Supportive Services.
- Adult mentoring.
- Financial literacy education.
- Services that provide labor market and employment information about in demand industry sectors or occupations available in the local area, such as career awareness, career counseling (including counseling about the workplace as appropriate), and career exploration services; and
- Activities that help youth prepare for and transition to postsecondary education and training.

**NOTE:** For a description of these services, see the [Youth Program Technical Assistance Guide](#), provided in [New Jersey Workforce Innovation Notice 6-17](#).

Program elements beyond the five program elements described above are not permitted during the follow-up period. To provide other program element services, the youth must be re-enrolled, and a new eligibility determination completed. However, if these elements occur within 90 days after the last planned service prior to exit, exiting can be postponed allowing for the continuation of services. Follow-up services may begin immediately following the last expected date of service, when no future services are scheduled, and the services do not cause the planned exit date to change or trigger re-enrollment.

**FOLLOW-UP EXCEPTION:** Follow-up services must be provided to all participants for a minimum of 12 months, with the following exceptions:

- Non-reportable youth who exit.
  - TEGL 10-16 states that youth participants are not required to be provided with follow-up services when:
  - The participant exits the program because he or she has become incarcerated in a correctional institution;
  - The participant has become a resident of an institution or facility providing 24- hour support such as a hospital or treatment center while receiving services as a participant;
  - The participant is deceased;
  - The participant exits the program because of medical treatment, and that treatment is expected to last longer than 90 days and precludes entry into unsubsidized employment or continued participation in the program;
  - The participant exits the program because the participant is a member of the National Guard or other reserve military unit of the armed forces, and is called to active duty for at least 90 days; or
  - The participant is in the foster care system as defined in 45 CFR 1355.20(a), and exits the program because the participant has moved from the local workforce area as part of such a program or system.

- Youth participant declines to receive follow-up services.
  - The youth may opt out of receiving follow-up at any point during the program or during the follow-up period. Opting out must be documented in a comment in AOSOS and in youth's paper file.
- Youth participant who cannot be located.
  - Follow-up services must include more than only a contact attempted or made. If after several attempted failed contacts are made, a comment must be documented indicating the number of failed contacts attempts and efforts made to encourage youth to reach out to the youth program.

An example comment might be the following:

*"Youth participant cannot be located. Youth contact was attempted 6 times, through youth's cell phone, social media and youth employer's phone number. Voice mail message left on youth's cell phone advising youth to contact the Youth Program, as well as reminding youth that she can utilize resources offered through the One-Stop as needed."*

**LOCAL AREA POLICIES:** Local area programs should have policies in place that address and document the following regarding the provision of follow-up services:

- Establishment of how to document and record when a youth participant cannot be located or contacted.
- Determination of the number of failed attempts that must be made in order to document that the youth cannot be located;
- Establishment of the use of an assessment tool that helps the Youth Program decide what type of follow-up, including what frequency and intensity of follow-up, a youth would need;
- Provision of templates to document a follow-up agreement with youth and for youth declining follow-up services; and
- Procedure for how to document follow-up services to be provided beyond 12 months with approval from the Youth Program Coordinator or One Stop Operator.

**RECORDING FOLLOW-UP IN AOSOS:** The appropriate follow-up activities should be data entered in AOSOS every time follow-up contact is made. All follow-up contact information should also be documented in the AOSOS Comments section (See below). To record any of the five allowable program elements during follow-up, go to Provider Module, select appropriate Services within allowable services types (See Allowable Follow-Up Service Types).

OSOS Migration ID: 129963 1 of 1

General Info Contact Info **Services** Service Performance Comments Attachments

**Service Detail**

Service Category Individualized Career Services/Training (Intensive/Training)

Service Type Received Financial Literacy Services

Service Name Financial literacy WIOA Eligible Status Not approved

Description

Service ID 215295 Training Credit Hours

Total Service Length: Weeks Days Hours

O\*Net Title

CIP Code

Category	Service Type	Service Name	Description
<input type="checkbox"/>	Individualized Care	Received Financial Literacy Services	Financial literacy

Figure 1 Provider Module Screen

From the **Customer Service** screen, add the appropriate follow-up service (one of five follow-up types listed below). Complete the left side making sure the "**Program Service Type**" equals follow-up, then fund the service. Since the program service type equals "**Follow-Up**," this service will not create or extend enrollment.

CUSTOMER PROVIDER EMPLOYER STAFF HELP

Customer Search Customer Detail Comp Assess **Services** Links

test , youth SSN: OSOS ID: NJ007090483

Achievement Objectives **Services** Service History Enrollments Outcomes Empl. Outcomes Trng. Outcomes Comments

**Detail**

Service Name Mentoring

Service Desc. Mentoring

Service ID 209065

Service Type Mentoring

Provider Name CCOSCC

Location Name Camden County Resource Center-Camden

Provider ID 53000 Offering ID 244004

Plan. Start Date 08/03/2018 Plan. End Date 08/04/2018

Actual Start Date 08/03/2018 Actual End Date

Completed Successfully

Next Contact Date

Program Service Type Follow Up

Part Time Learn. Distance Learn.

Program WIOA Title I (Youth)

**Funding**

Level	Source	Obligated	Actual	Oblig #
<input checked="" type="checkbox"/>	WIB	WIOA Youth Loc.	\$ 1.00	\$ 0.00

Total Funding \$ 1.00 Add Edit Delete

Petition #

RR Event #

Incumbent Worker Training

Provider Name	Service Name	Actual Start Date	Actual End Date	Program Svc Type	
<input type="checkbox"/>	Passaic County Workforce Developer	Financial literacy	08/01/2018	08/02/2018	Youth Services
<input checked="" type="checkbox"/>	CCOSCC	Mentoring	08/03/2018		Follow Up

Figure 2 Customer Screen

Since follow-up services are to be entered on the day they are provided as a one-day service, make sure to also complete the **Actual End Date** and **Completed Successfully** tabs.

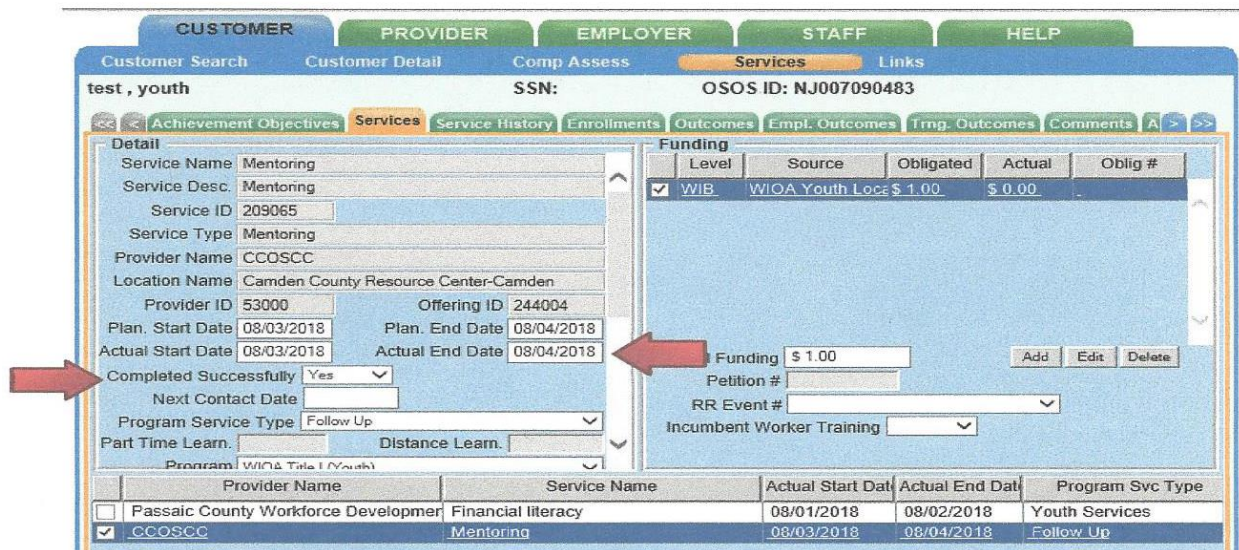


Figure 3 Actual End Date

**ALLOWABLE FOLLOW-UP SERVICE TYPES:**

- Supportive services. To document in AOSOS as a Service Type, select appropriate supportive service from any of the five supportive services offered (child care, dependent care, housing, transportation, and Other).
- Adult mentoring. To document in AOSOS as a Service Type, select "Mentoring" service type.
- Financial literacy education. To document in AOSOS as a Service Type, select "Received Financial Literacy Services" service type.
- Services that provide labor market and employment information about in demand industry sectors or occupations available in the local area, such as career awareness, career counseling (including counseling about the workplace as appropriate), and career exploration services. To document as a Service Type, select "Workforce Information Services Staff Assisted (LMI)" service type.
- Activities that help youth prepare for and transition to postsecondary education and training. To document as a Service Type, select "Postsecondary Preparation and Transition Activities (Youth Only)" service type.

**GENERAL FOLLOW-UP/NON-PROGRAM ELEMENT**

To record follow-up service activity that does not include any of the five allowable program elements listed above, go to the Provider Module Screen and select Follow-up Services under Service Type. This selection should occur only after the youth counselor has offered any of the five allowable program elements listed above, thereby determining that the youth does not currently need additional services during this contact.

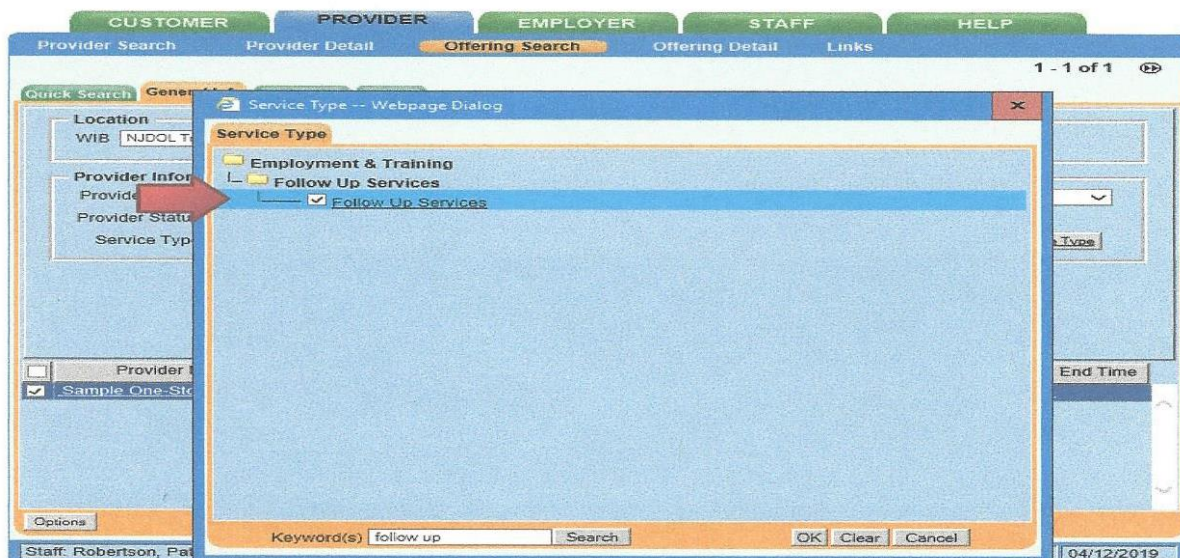


Figure 4 Follow Up Service Type

**RECORDING FOLLOW-UP IN AOSOS' COMMENT SECTION**

To record follow-up contact with youth, employer or academic advisor, a comment must also be entered in AOSOS documenting the type of contact and information obtained.

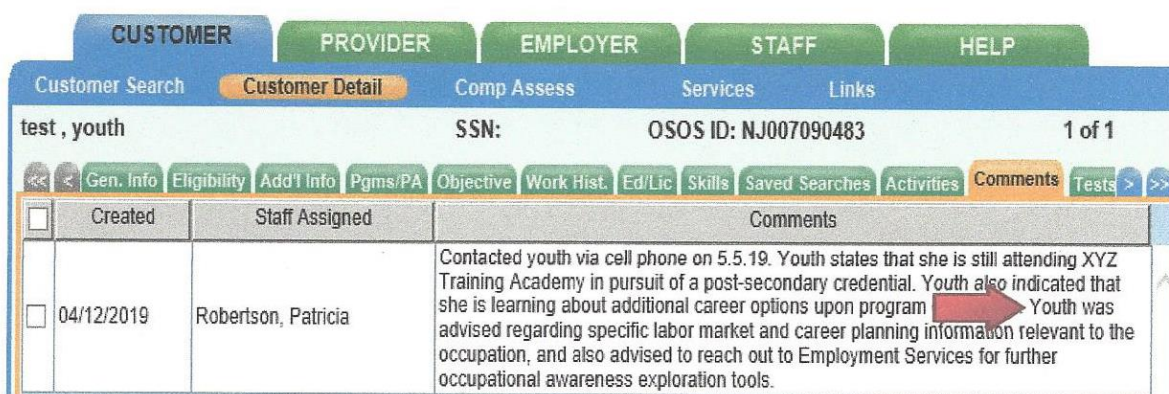


Figure 5 Follow-Up Comment

In the above example, the follow-up service provided and to be documented is “Services that provide labor market and employment information about in demand industry sectors or occupations available in the local area, such as career awareness career counseling (including counseling about the workplace as appropriate).” (See Service Type #4 page 5.)

**RECORDING FOLLOW-UP EXCEPTIONS**

- Youth participant declines to receive follow-up services. (See Figure 6)
  - In the Comment section, indicate a full description of youth's reason for refusal and current situation (including education, employment, housing, etc.).

- Local areas should also create a form and have the youth's signature on it as a declination of follow-up or you can save/ print a text or social media message in the youth's file if the youth is not available to sign the form.
- Youth participant who cannot be located. (See Figure 7)
  - A comment must be entered in AOSOS indicating the number of failed contact attempts, as well as efforts made to encourage the youth to reach out to the youth program

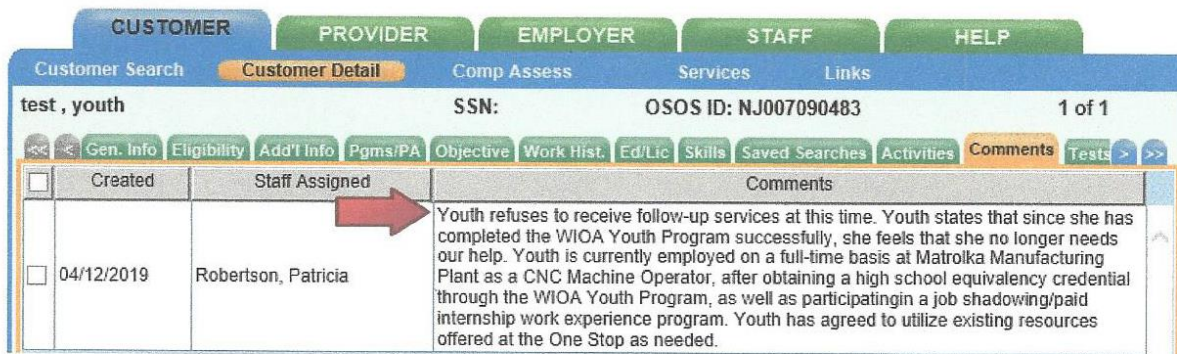


Figure 6 Comment Section- Follow-up Refusal

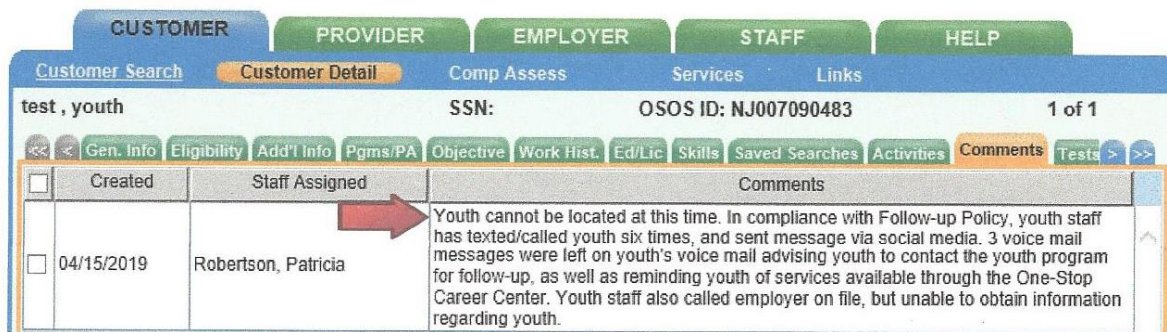


Figure 7 Comment Section- Youth not located

## **REQUIRED ACTION**

This document is to be distributed to all workforce development staff and partners who are engaged with WIOA youth programs

## **RECISSIONS**

None

## **REFERENCES/LINKS**

- WIOA 20 CFR 681.580:  
[https://www.govregs.com/regulations/expand/title20 chapterV part681 subpart\( section681.580](https://www.govregs.com/regulations/expand/title20%20chapterV%20part681%20subpart%20section681.580)
- TEGL 21-16: [https://ljwdr.doleta.gov/directives/attach/TEGL/TEGL 21-16 Acc.pdf](https://ljwdr.doleta.gov/directives/attach/TEGL/TEGL%2021-16%20Acc.pdf)
- TEGL 10-16: Change 1: [https://ljwdr.doleta.gov/directives/attach/TEGL/TEGL 10-16- Change1 Acc.pdf](https://ljwdr.doleta.gov/directives/attach/TEGL/TEGL%2010-16-Change1%20Acc.pdf)



- New Jersey Workforce Innovation Notice 6-17:  
<https://www.nj.gov/labor/wioa/documents/youth/NJWIN6-17.pdf>

Youth Program Technical Assistance Guide:

<https://www.nj.gov/labor/wioa/documents/youth/WIOA Youth Program Elements Technical Assistance Guide.pdf>

## WIOA Youth, Additional Assistance

MCWDB Policy # PY-2022-06

**October 25, 2022**

**TO INFORM ALL STAFF OF THE REQUIREMENTS REGARDING THE HANDLING OF AND PROTECTIONS OF PERSONALLY IDENTIFIABLE INFORMATION (PII). COMPLIANCE WITH THESE REQUIREMENTS WILL BE MONITORED BY THE WORKFORCE DEVELOPMENT BOARD OF MIDDLESEX COUNTY INC. AND THE NEW JERSEY DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT.**

### **Background:**

Out-of-school youth who participate in WIOA Title I program youth-funded activities in the Middlesex County Local Area must meet one or more of the barriers as described in WIOA Section 129 (a)(1)(B) and (C). According to WIOA Section 129 (a)(1)(B)(VIII) one of the barriers for an out-of-school youth is “an individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.” Local workforce board may assess additional barriers for youth in their Local Area based on demographics and unique local conditions. A locally defined barrier must describe a population of youth who may benefit from WIOA Title I youth activities but would otherwise be excluded based on eligibility.

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### **Policy:**

Per WIOA, Local Areas may define and establish documentation requirements to provide additional assistance to youth. Additional assistance for youth served in the Greater Raritan Local Area will be defined as out-of-school youth, ages 16-24, who meet one or more of the following:

- Has been unemployed for the last six months
- Has a record of not being able to hold employment due to being fired, or quitting jobs in the last three months and lacks work readiness skills
- Is a court-involved youth or is at risk of court involvement
- Has a history of drug and/or alcohol dependency (in treatment or completed treatment)
- Has one or more parents currently incarcerated
- Is involved in a gang activity, defined as a group of three or more individuals who engage in a criminal activity and identify themselves with a common name/sign
- Emancipated minor, as recognized by the court system
- Has a language or cultural barrier and may need English/workforce skills
- Has a diagnosed learning disability and has/had an IEP (Individual Education Plan) while in school
- Has a history of mental illness – any psychiatric disorder defined by the DSM V
- Has/is a victim of harassment, victimization and/or bullying

- Has a loss of access to education due to a natural disaster
- Is a veteran

Documentation requirement will include case notes and related supporting materials in the participant's IEP or ISS (Individual Service Strategy), outlining the Additional Assistance category and explanation of the individual's situation. Additional barriers to self-sufficient employment may be added as they are identified.

## References:

New Jersey Department of Labor Workforce Innovation Notice 5-15, 9/25/15  
WIOA Section 129 (a)(1)(B)(VIII)

## Supportive Services

MCWDB Policy # PY-2022-07

**October 25, 2022**

## **TO PROVIDE GUIDANCE TO LOCAL WORKFORCE DEVELOPMENT AREA REGARDING THE PROVISION OF SUPPORTIVE SERVICES AND NEEDS-RELATED PAYMENT TO PARTICIPANTS SERVED THROUGH THE WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) TITLE I ADULT AND DISLOCATED WORKER PROGRAM**

### **POLICY**

The Workforce Development Board of Middlesex County recognizes the following as supportive services for purposes of ensuring coordination with other entities in achieving the highest quality most comprehensive service delivery to individuals:

- Linkages to community services
- Assistance with housing
- Reasonable accommodations for individuals with disabilities
- Legal aid services
- Referrals to health care
- Assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear
- Access to online training

The WDBMC authorizes its provider of Career Services to make available needs related payments for the following supportive services as permitted under WIOA where those services are not available elsewhere:

- Costs for transportation education on the use of public transportation to access career training, education, and employment
- Costs associated with transportation vouchers or point to point rides to individuals for use in accessing career training, education, or employment connected to an Individual Training Account grant issued by the Career Training Services provider
- The costs of books, fees, school supplies and other necessary items for individuals enrolled in post-secondary education classes through an Individual Training Account grant issued by the Career Training Services provider
- The costs of employment and training related applications, tests, and certifications connected to an Individual Training Account grant issued by the Career Services Training provider

- Ancillary costs associated with accessing online training through an Individual Training Account grant issued by the Career Training Services provider.
- Costs for transportation education, transportation vouchers or point to point rides, childcare, program enrollment, access to online training, and credentialing or certification testing costs, are hereby made available to low-wage workers who are employed and eligible for the Supplemental Nutritional Aid Program.
- To fund these services, the WDB will work with the Career Services provider to determine a budget dollar amount for providing supportive services needs related payments for each program year and the WDB will establish supportive services needs related payments as a separate and distinct Local Area Annual program budget line.

The Career Services Training provider will adopt eligibility, documentation and other policies and requirements consistent with this WDBMC policy and as described in NJWIN 10-16(A) as well any further federal or state guidance, terms, conditions, and/or requirements.

## References:

WIOA Sec. 134; 20 CFR 680. et al

New Jersey Department of Labor & Workforce Development Workforce Innovation Notice 10-16(A)

## Individual Training Accounts

MCWDB Policy # PY-2022-08

**October 25, 2022**

**THE WORKFORCE DEVELOPMENT BOARD OF MIDDLESEX COUNTY, IS AUTHORIZED TO ISSUE INTERPRETATIONS AND EXCEPTIONS AS SUPPORTED BY APPLICABLE LAW, RULES, AND REGULATIONS OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA). THE PURPOSE OF THIS POLICY IS TO ESTABLISH CRITERIA BY WHICH THE PROVISION OF INDIVIDUAL TRAINING ACCOUNTS (ITA) WILL BE ISSUED TO CUSTOMERS SEEKING TRAINING IN THE WIOA ADULT AND DISLOCATED WORKER PROGRAMS.**

**Background:** WIOA Title I training services for WIOA eligible Adults and Dislocated Workers are provided through Individual Training Accounts (ITAs). Using ITA funds, WIOA eligible Adults and Dislocated Workers purchase training services from eligible training providers they select in consultation with a WIOA Title I Education and Training Counselor. Customers are expected to utilize information such as skills assessments, labor market conditions/trends, and training provider performance, and to take an active role in managing their employment future through the use of ITAs.

## **POLICY**

ITA funding is limited to customers who:

- Complete an assessment that:
  - Identifies a need for training that leads to self-sufficiency or wages comparable to or higher than wages from previous employment, and
  - Demonstrates the customer has the skills and qualifications to successfully complete the training program.

- Complete an Individual Employment Plan (IEP) that identifies the selected training program with anticipated start and end dates.
  - Are unable to obtain grant assistance from other sources to pay the costs of training or require assistance beyond available grant resources from other sources, such as Pell Grants in order to complete their training goals.
  - Select training programs that are:
    - Included on the New Jersey Eligible Training Provider List, and
    - Directly linked to an in-demand industry sector or occupation or sectors that have a high potential of sustained demand or growth in the local area or in the planning region or in another area in which the customer is willing to travel or relocated.
  - Maintain satisfactory progress/grades throughout the training program.
- The above documentation must be placed in both the customers electronic and hard files.

## **A. Coordination of WIOA Training Funds and Other Federal Assistance**

WIOA Career Services Providers must consider the availability of other sources of grants, excluding loans, to pay for training costs so that WIOA funds are used to supplement but not supplant other sources. WIOA funding for training is limited to customers who are unable to obtain grant assistance from other sources to pay the cost of their training. In making the determination, the full cost of participating in the training services, including the cost of supportive services and other appropriate costs may be considered.

As stated in WIOA Final Rules, page 56121 and TEGL 19-16, Department of Veteran Affairs benefits for education and training services are not included in the category of “other resources of training grants” listed in 20 CFR sec 680.230(b). Therefore, veterans and their spouses are not required to first use any available benefit entitlements associated with their military service before being considered eligible for WIOA-funded training, and Service Providers are not required to consider the availability of those funds.

WIOA Career Service Providers must consider and document in the customer's file the availability of other sources of grants, excluding loans, to pay for training costs so that WIOA funds are used to supplement but not supplant other sources. The use of WIOA funds to make payments towards a personal loan of an otherwise eligible customer is prohibited. However, the mere existence of a federal loan, regardless of status must not impact ITA eligibility determinations.

WIOA Career Service Providers must document the availability and coordination of other training funds in the customer files.

## **B. ITA Authorization**

ITAs must be approved by a WIOA Career Services Provider authorized representative prior to issuance. ITA authorization must be documented in the customer's files.

ITAs are authorized only for training programs listed on the New Jersey Eligible Training Provider List (NJETPL), as required in WIOA Section 134(C)(F)(iii). ITA funds are paid directly to the training provider.

ITAs may be used for pre-apprenticeship programs however, only pre-apprenticeship programs listed on the NJETPL may be approved.

ITAs may be authorized for training programs in other states or online training if the training program is listed on the NJETPL and the ETPL of that state or if a reciprocity agreement exists with other states.

## **C. Funding Mechanisms other than ITAs**

Mechanisms other than ITAs may be used to provide training services that do not rise to the level of occupational skills training, including individualized services such as workforce preparation activities or short-term prevocational services. WIOA Sections 134 (d)(3)(C) and 134(d)(3)(C)(vi) describe these services. Individualized services may include literacy, internship, work experience and other training activities that may not provide formal occupational skills training or be appropriate for an ITA.

Similarly, short-term prevocational services are designed to prepare a customer for work but do not provide formal occupational skills training. As such, ITAs are not authorized for individualized short-term prevocational training. Short-term prevocational training may include the development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, professional conduct or other non-occupation specific topics that are intended to prepare individuals for unsubsidized employment or training. Short-term prevocational training should not exceed 40 hours of instruction except in documented special circumstances.

20 CFR 680.320 provides additional guidance regarding exceptions to the use of ITAs.

## **D. ITA Funding Limit**

The ITA funding limit is \$6,000.00 for tuition. WIOA Title I Career Services providers have the authority to include testing, credential, and/or certification costs depending on the customer's need. These costs are a one-time payment and must be clearly outlined in both the addendum to the ITA and on the NJETPL. Documentation of need must be included in the customer's file and recorded in the case notes of AOSOS.

The maximum ITA limit is NOT an entitlement. The amount and duration of each customer's ITA award is determined on an individual basis. Funding amounts will take into account the total costs of the selected training program, any other financial assistance available to the customer, and the WIOA funding available to the Adult and Dislocated Worker programs. Participants may select training programs that cost more than the maximum authorized limit when other sources of funds such as Pell Grants, scholarships, severance pay, or other resources are available to supplement the ITA. The ITA must include all costs of training services such as instructor costs, classroom space, instructional materials, academic fees, educational testing and certifications, tuition, books, individual materials, supplies, tools, and equipment.

### **E. ITA Continued Funding, Satisfactory Progress**

Continued funding of an ITA is contingent on the availability of WIOA funds and on the customer's satisfactory progress in the training program, except for good cause. The customer's progress is reviewed and monitored monthly with the submission of the training provider's monthly invoice. A customer's training progress will be considered satisfactory upon earning:

- A grade point average that does not fall below a B.
- A grade point average sufficient to graduate from, or receive certification in, the individual's approved area of study.
- Sufficient credit hours to finish the approved course of study within the timeframe established under the approved training plan.
- In the case of self-paced or ungraded learning programs, satisfactory progress means participating in classes and passing certification examinations within the timeframe established under the approved training plan.

WIOA Title I Career Services providers must arrange to receive training progress reports and/or transcripts from vendors in adequate time to process ITA payments. Progress reports, transcripts or other training-issued updates must be documented in the customer's records.

WIOA Title I Career Services providers, in collaboration with the customer, must develop a service strategy to overcome barriers impacting progress for customers who are not earning satisfactory progress in their coursework. WIOA ITA funding may be terminated if a customer is not earning satisfactory progress for two (2) invoice cycles.

**Good Cause** – "Good Cause" for failure to make satisfactory progress in training includes specific factors that would cause a reasonably prudent person in similar circumstances to fail to make satisfactory progress. Good cause includes, but is not limited to:

- Illness, injury, disability of the customer or a member of the customer's immediate family.
- Severe weather conditions or natural disaster precluding safe travel.
- Destruction of the customer's school records due to a natural disaster or other catastrophe not caused by the customer.
- Acting on advice received from an authority such as the training provider, instructor, or counselor.
- Training is delayed or cancelled.

- Accepting stop-gap employment with hours or other work conditions that conflict with the training.
- Accepting goal-related employment prior to completion of training.

**F. ITA Modifications**

An ITA may be modified to ensure the customer attains their educational goals and subsequent employment. In some circumstances, such as when a program of training is removed from the ETPL, or when extraordinary program expenses develop, the participant and counselor must agree on whether to complete the plan of training with the existing provider, seek a similar program, or discontinue training.

When a program of training is removed from the NJETPL, WIOA participants in that program can complete their training. However, an ITA should not be modified or extended for a participant beyond the original plan approval as it relates to a program of training that is no longer on the ETPL.

WIOA Title I Career Service Providers must use discretion in determining the amount of ITA modifications to authorize. Any modifications to the ITA must be documented in case notes in AOSOS.

**G. ITA Obligations**

In order to obligate ITA funds, the customer information and obligation amounts identified on the ITA must be forwarded to the fiscal analyst. The obligation would document a three-way commitment between the customer, the WIOA Title I Career Services provider, and the training vendor. All expenditures must be billed monthly by the training vendor.

**H. Recovery of Tuition Funds**

In the event a customer discontinues training, the counselor must demonstrate due diligence to ensure the recovery of WIOA funds provided to training institutions. Counselors must demonstrate the following:

- The refund policy of the training provider for early termination from the training program.
- A requirement for the training provider to notify the counselor of early customer dropout.
- The percentage of the payments to be returned.
- Turnaround timeframe for the refund.
- Time spent in training before a refund will no longer be honored.

**I. Documentation Requirements**

The following must be included in the customer record and documented in case notes in AOSOS:

- Documented assessment results that justify the need for training and includes evidence of:
  - The customer has the skills and qualifications necessary to successfully complete the training program. AND
  - The customer is unlikely or unable to obtain or retain employment that leads to self-sufficiency or higher wages from previous employment through career services alone.
- Evidence the selected program of study will result in employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment.
- Evidence the selected training program is directly linked to an in-demand industry sector or occupation or sectors that have a high potential of sustained demand or growth in the local area or in the planning region or in another area in which the customer is willing to travel or relocate.
  - If applicable, documentation of the customer's willingness and ability to travel to locations outside of Middlesex County if the selected training program and/or demand occupation is outside of Middlesex County must be documented in case notes and on the IEP/ISS.

- Completed IEP documenting the selected program of study, anticipated and actual start/end dates and training outcomes.
- Evidence the customer is unable to obtain grant assistance from other sources to pay the costs of training or require assistance beyond available grant resources from other sources, such as Pell Grants in order to complete their training goals.
- Verification of FAFSA or other financial award status, if applicable.
- Evidence the selected training program is on the Eligible Training Provider List (ETPL).
- Authorization of the ITA and any approved increase or modification.
- Copies of transcripts, grades, progress reports or other documentation providing evidence of participant's satisfactory progress training.
- Training outcome. This includes:
  - If applicable, reason for the participant's discontinuation of training and the change in service delivery as a result of this decision.
  - Copy of degree, certificate, or other evidence of satisfactory completion of training.

## **REFERENCES**

- WIOA Sec. 129 and Sec. 134
- 20 CFR 680.230, 680.300, 680.310 (d), 680.320, 680.330
- 20 CFR 681.550

## Youth Work Experience

MCWDB Policy # PY-2022-09

**October 25, 2022**

### **Background**

WIOA Sec. 129 lists the 14 required program elements that every workforce development board must make available in their Local Area. Includes in these is the following: paid and unpaid work experiences that have academic and occupational education as a component of the work experience, which may include the following types of work experiences:

Youth Work Experience and other Work-Based Learning activities available throughout each program year.

- Pre-apprenticeship programs
- Internships and job shadowing
- On-the-Job Training (OJT) opportunities
- Paid Work Experience

WIOA Sec. 129 (C)(4) requires that local workforce development area expend at least 20 percent of the funds allocated to them to provide youth being served with paid and unpaid work experiences. Work experience is defined in 20 CFR 681.600 as a planned, structured learning activity that takes place in a workplace setting for a limited period of time.

A work experience may take place in the private for profit-sector, the non-profit sector, or the public sector. Labor standards apply in any work experience where an employee/employer relationship exists. Consistent with 20 CFR 680.840, funds provided for work experiences may not be used to directly or indirectly aid in the filling of a job opening that is vacant because the former occupant is on strike or is



being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage. Work experiences provide the youth participant with opportunities for career exploration and skill development.

## **POLICY**

Per WIOA, Local Area workforce developments boards are responsible for creating and directing policy and a service delivery strategy for administering youth work experience and incentive payments. An agency providing youth work experience as part of the competitively procured WIOA youth component will adhere to this policy for work experience wages and incentive payments.

**Goal of work experience:** Work experience is designed to aid participants in a structured environment, learning good work habits with the focus on career exploration. Work goals and objectives, where possible should be reflective of career choices where youth have expressed interest.

**Duration of work experience:** Work experience must be a minimum of 75 hours and a maximum of 150 hours. Youth that require less than 75 hours or more than 150 hours require WDB director approval.

A youth who stops attending work experience prior to meeting the minimum hours required because of accepting employment or starting a training/education program, is considered a positive termination from work experience.


**Wages/incentive/stipends:** Any agency providing work experience as a result of a competitively procured contract is required to pay youth work experience at minimum wage. Unpaid work experience, incentive or stipends are not appropriate for work experience activities.

**Worksite Agreements:** Agencies may use their own worksite agreement as long as it minimally contains the information in the worksite agreement sample in NJ WIN 1-17.

**Monitoring:** Youth progress towards meeting goals are regularly monitored by employment counselors. The WDB will monitor each work site at least once per contract year. (Attachment A)

### Attachment A

1. The worksite agreement was available upon request and included a training plan.
2. The youth's worksite duties are for training purposes and not gainful employment.
3. The work experience did not aid, directly or indirectly, in the filling of a job opening that is vacant because the former occupant is on strike, or is being locked out during a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.
4. Attendance is documented and being signed by the worksite supervisor.
5. The worksite will not allow youth to participate in hazardous/prohibited activities.
6. Required postings are visible (child labor laws, EEO, employee rights and DOL minimum wage law).



**MIDDLESEX  
COUNTY • NJ**

**DEPARTMENT OF BUSINESS INNOVATION, EDUCATION,  
and OPPORTUNITY**

**Office of Career Opportunity**

**MEMORANDUM OF UNDERSTANDING (MOU) Between  
MIDDLESEX COUNTY OFFICE OF CAREER OPPORTUNITY  
and**

---

This Memorandum of Understanding (MOU) is between the Middlesex County Office of Career Opportunity, (MCOCO) and \_\_\_\_\_ (employer) to establish a non-financial agreement to facilitate a program through which the MCOCO Entry Level Internship Training and Employment (ELITE) Youth Program will implement a Work Based Learning (WBL) Program. The agreement establishes responsibilities of each of the parties, as follows:

**Employer will:**

- Interview the candidate(s) and either accept or not accept the candidate(s).
- Provide hands on training/soft skills to 16-24-year-olds just starting their employment career.
- Work with and develop a valuable, enthusiastic employee without any salary costs for a period of three (3) to six (6) months.

**MCOCO-ELITE Program will:**

- Provide qualified trained candidates who will be interviewed and evaluated before being placed in an employment situation.
- Pay entire salary of the first three (3) to six (6) months of employment for the candidate by MCOCO.
- Candidates will be employees of the Middlesex County Office of Career Opportunity.

\*This MOU is a nonbinding agreement that both parties have entered into in good faith. Either party may disassociate from the effort without penalty or liability by notifying the other party in writing. Written notice shall be sent two (2) weeks prior to the disassociation.

**Signed and Attested:**

Signature	Signature
Title	Title
Date	Date

One-Stop Career Center  
550 Jersey Ave, New Brunswick NJ 08901  
Phone: 732-745-3970

One-Stop Career Center  
161 New Brunswick Ave, Perth Amboy NJ 08861  
Phone: 732-826-3200

[www.middlesexcountynj.gov](http://www.middlesexcountynj.gov)

