



OC Community Resources

[DATE]

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To: WIOA Subrecipients of the Orange County Development Area

From: Carma Lacy
Director of Workforce Development

Subject: WIOA Transitional Jobs Policy
Information Notice No. ___-OCWDB-___

PURPOSE:

To provide guidance to Orange County Development Board providers regarding the provision of the Transitional Jobs (TJ) activity.

EFFECTIVE DATE:

This notice is effective on the date of issuance.

REFERENCES:

Workforce Innovation and Opportunity Act, Pub. L. 113-128

20 C.F.R. §§ 680.190, 680.195, and 683.275

USDOL, Training and Employment Guidance Letter No. 19-16, Operating Guidance for the Workforce Innovation and Opportunity Act, Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules, (March 1, 2017).

Fair Labor Standards Act of 1938, 52 Stat. 1060, 29 U.S.C. 201 et seq.

BACKGROUND:

Transitional jobs are a type of work-experience activity that is considered an Individualized Career Service. Transitional Jobs are time-limited and wage-paid work experiences that are subsidized up to 100 percent. These jobs are 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, as determined by this policy and its attachments.



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Because Transitional Jobs are a type of Work Experience, the requirements delineated in the policy letter on Work Based Learning and Work Experience for Adults and Dislocated Workers, including the requirement for the local Provider to establish a worksite agreement, apply to Transitional Jobs.

However, Transitional Jobs are differentiated from other types of work experiences by the following characteristics:

- Transitional Jobs are a paid, subsidized work experience, unlike other types of work experience that may be unpaid;
- Transitional Jobs are meant to establish work history while demonstrating success in an employer-employee relationship and developing skills, whereas the purpose of other types of work experience may be to explore various career options or to assess the participant's employability; and
- Transitional Jobs must be combined with the provision of comprehensive career services and supportive services, which is not mandated for other types of work experiences.

Similar to other types of work experience, neither the employer-of-record nor the host employer where the Transitional Job participant performs his or her work duties is required to employ the participant after the conclusion of the Transitional Job (however, retention, where appropriate, is preferred for the benefit of the worker and employer).

Local areas may only use up to 10 percent of adult and dislocated worker formula funds for Transitional Jobs. Also, national dislocated worker grant (NDWG) funding may be spent on Transitional Jobs in accordance with any requirements, limitations, or maximum expenditure amounts related to Transitional Jobs that apply to each such grant.

Definitions

Chronically Unemployed – means an individual meets one of the following criteria:

1. Low income (as defined in Informational Notice No. 17OCDB-08 WIOA Adult and Dislocated Worker Programs – Participants Eligibility Requirements Attachment I);
2. Having a work history showing primarily minimum wage employment;
3. Currently claiming and/or having exhausted unemployment insurance (UI) benefits;
4. Is on parole or probation, or has been released from prison/jail within the 12 months prior to application;
5. Currently employed but that employment is seasonal, temporary, employment is less than 10 weeks in length;
6. An individual who is working part time but desires full time employment, or who is working in employment not commensurate with the individual's demonstrated level of educational and/or skill achievement;
7. Individuals who fall below the self-sufficiency threshold found in Self-Sufficiency Information Notice No. 20-OCDB-01

Inconsistent Work History – means an individual meets one of the following criteria:

1. Has never held a full-time job (30+ hours per week) for more than 13 consecutive weeks.
2. Has been fired from a job within the 12 months prior to application.
3. Has held more than three jobs in the 52 weeks prior to application Has been unemployed for the 13 consecutive weeks prior to application.

4. Has been unemployed for 15 or more of the 26 weeks prior to application.

Individuals with barriers – For purposes of this policy, individuals who meet one or more of the criteria listed in Attachment I to this policy letter or anyone who certifies that they have been directly impacted by the opioid crisis.

Individual with a disability: An individual who:

1. Has a physical or mental impairment that substantially limits one or more major life activities of the individual;
2. Has a record of such an impairment; or
3. Is regarded as having such an impairment.

Local Provider Requirements

Participant Eligibility

To be eligible for a Transitional Job, participant must:

1. Be enrolled in the WIOA Adult or Dislocated Worker Program;
2. Participated and completed an Assessment;
3. Have a completed an Individual Employment Plan (IEP);
4. Received or currently receiving Basic Career Services triggering participation in WIOA or Individualized Career services;
5. Be chronically unemployed or have an inconsistent work history as defined by this policy
6. Have a barrier to employment (listed in Attachment I)

Appropriate Host Employers

Employers willing to work with participants in Transitional Job activities may be from the private for-profit sector, private non-profit sector, or the public sector. As Transitional Jobs are structured to help participants achieve success in the workplace and develop the skills needed to obtain or retain unsubsidized employment, the employer must be able to provide supervision and appropriate feedback to the participant at regular intervals during the course of the activity. Employers must be willing to participate in monthly on-site monitoring visits conducted by the Provider to evaluate the employer and the participant performance.

There is no expectation that the employer will retain the participant at the completion of the transitional job. However, if the employer is interested in hiring the participant after the Transitional Job activity has completed, and additional training is needed, an OJT may be developed that follows the area's OJT policy.

The employer of record may be the host employer, a training provider, a partner organization, the OCDB, or the OCDB designee.

An employer will NOT be eligible to participate as a WIOA transitional jobs placement site if:

- The employer has any other individual on layoff from the same or substantially equivalent position;
- The transitional job would infringe upon the promotion of or displacement of any currently employed worker or a reduction in their hours;
- The same or a substantially equivalent position is open due to a hiring freeze;
- Employers must also be compliant on their state and federal business

- taxes;
- Other employer limitations found in delineated in the policy letters on Work Based Learning and Work Experience for Adults and Dislocated Workers.

Transitional Jobs Worksite Agreement.

Transitional Jobs will require a written, signed agreement between OCDB, the host employer/employer of record, the Provider, and the Participant. That agreement will follow the guidelines in the delineated in the policy letters on Work Based Learning and Work Experience for Adults and Dislocated Workers.

Wages and Benefits

Participants will be compensated at the same pay rates as similarly situated trainees or employees. All Transitional Jobs must pay at least minimum wage. Participants must also be covered either by state workers' compensation or by relevant on-site insurance. If an entity other than the OCDB or its designee is the employer of record, the entity is entitled to a reimbursement of 100% of the wages. If the OCDB, or its designee, is the employer of record, the participant's wages will be paid at 100%. The wage rate and reimbursement rate will be clearly spelled out in the worksite agreement.

Length of Agreement

The length of a Transitional Job agreement will vary based upon the number of hours worked per week. If a position is full-time (meaning 30 or more hours per week), the maximum length of the agreement is 26 calendar weeks. Any part-time position (less than 30 hours) has a maximum of 52 weeks. A 26-week extension may be granted if the participant is an individual with a disability who requires more time to establish a sufficient work history and to develop employable skills.

Complementary Services

Transitional Jobs must be combined with Basic Career Services triggering participation in WIOA or Individualized Career services and supportive services if needed by the participant; participants must not be enrolled in Transitional Jobs without receiving these other WIOA services. The WIOA services provided to Transitional Jobs participants may include Job Readiness.

Reporting

All participants must be eligible and enrolled in WIOA (either the local adult or dislocated worker program or a discretionary grant), and any data about them that is required to be reported must be entered into the CALJOBS. Transitional Jobs participants may also be co-enrolled in other state-funded WIOA programs.

Monitoring

Through the State's monitoring system and during the onsite monitoring review of the local area, the state's program and fiscal monitors will review the local area's Transitional Jobs implementation, including participant file review and testing of actual expenditures, for compliance with all applicable federal and state laws, regulations, and guidance letters (including this guidance letter). Any findings will be addressed through the State's monitoring resolution process.

ACTION

Bring this policy to the attention of all affected staff and all relevant parties.

INQUIRIES

If you have any questions regarding this policy, please contact your Contract Administrator at 714-480-6500.

ATTACHMENTS

Attachment I: Transitional Jobs Barriers to Employment

Attachment I: WIOA populations with barriers to employment

Type	Definitions
Displaced homemaker	<p>An individual who has been providing unpaid services to family members in the home and who:</p> <ol style="list-style-type: none"> 1. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment; and who either: <ol style="list-style-type: none"> a. Has been depending on the income of another family member but is no longer supported by that income; or b. Is the dependent spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the family member.
Low income individual	<p>An individual who:</p> <ol style="list-style-type: none"> 1. Receives, or in the past six months has received, or is a member of a family that is receiving or in the past six months has received, assistance through SNAP, TANF, SSI, or State or local income-based public assistance; 2. Is in a family with total family income that does not exceed the higher of the poverty line or 70 percent of the lower living standard income level. 3. Is a homeless individual or homeless child or youth; 4. Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), (does not include students in school districts participating in the Community Eligibility Provision (CEP) Healthy, Hunger-Free Kids Act of 2010); 5. Is a foster child for whom State or local government payments are made; or 6. Is an individual with a disability whose own income meets the eligibility income requirement of clause (2) but who is a member of a family whose income does not meet this requirement.
Indian, Alaska Native, and Native Hawaiian	<p>An individual who meets the definition of the term:</p> <ol style="list-style-type: none"> 1. "Indian" as defined in subsections (d), (e), and (l) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b); 2. "Alaska Native" as defined in subsections (b) and (r) of section (3) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b), (r)); or 3. "Native Hawaiian" as defined in section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517).

Type	Definition
Individual with a disability	<p>An individual who:</p> <ol style="list-style-type: none"> 1. Has a physical or mental impairment that substantially limits one or more major life activities of such individual; 2. Has a record of such an impairment; or 3. Is regarded as having such an impairment.
Older individual	An individual who is age 55 or older.
Ex-offender	<p>An adult or juvenile who:</p> <ol style="list-style-type: none"> 1. Is or has been subject to any stage of the criminal justice process and for whom workforce services may be beneficial; or 2. Requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.
Homeless individual	<p>An individual who lacks a fixed, regular, and adequate nighttime residence including:</p> <ol style="list-style-type: none"> 1. An individual who: <ol style="list-style-type: none"> a. Is sharing housing with others due to loss of housing, economic hardship, etc.; b. Is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations; c. Is living in an emergency or transitional shelter; d. Is abandoned in a hospital; or e. Is awaiting foster care placement. 2. An individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or 3. Migratory children who qualify as homeless because the children are living in circumstances listed above.
Individual who is in, or has aged out of, the foster care system	<p>An individual who:</p> <ol style="list-style-type: none"> 1. Is in the foster care system; 2. Has aged out of the foster care system; 3. Has attained age 16 and left foster care for kinship guardianship or adoption; 4. Is a child eligible for assistance under the John H. Chafee Foster Care Independence Program; or 5. Is in an out-of-home placement.
Individual who is an English language learner, has low levels of literacy, or faces substantial cultural barriers	<p>An individual who:</p> <ol style="list-style-type: none"> 1. Has limited ability in reading, writing, speaking, or comprehending the English language and whose native language is a language other than English or who lives in a family or community environment where a language other than English is the dominant language; 2. Is unable to read, write or speak English at a level necessary to function on the job, or in the individual's family, or in society, or; 3. Perceives themselves as possessing attitudes, beliefs, customs or practices that influence a way of thinking, acting, or working that may serve as a hindrance to employment.

Type	Definition
Migrant or seasonal farmworker	An individual who is employed, or was employed for the last 12 months, in farmwork of a seasonal or temporary nature, including those whose agricultural labor requires travel to a job site such that they are unable to travel to a permanent place of residence in the same day.
Individual who is with two years of exhausting CALWORKS/TANF eligibility	Recipients of CALWORKS/TANF cash assistance who have received 24 months or more of their maximum 48 months of lifetime cash benefit payments.
Single or Pregnant Parent	As single, separated, divorced, or widowed individual who has primary responsibility for one or more dependent children under age 18 or a dependent with a disability (including a single pregnant woman).
Long term Unemployed Individual	An individual who is a currently unemployed individual that has been unemployed for 27 or more consecutive weeks.
An individual with a substance abuse problem	An individual that has been referred to or is being treated by an agency for a substance abuse problem.
A victim of domestic violence	An individual who has been documented as a victim of a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain control over another intimate partner.
Has serious emotional, medical, or psychological problems	An individual who has serious emotional, medical, or psychological problems that has been documented by a qualified professional.



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OC Community Resources

[Date]

To: SCSEP Subrecipients of the Orange County
Development Area

From: Carma Lacy
Director of Workforce Development

Subject: Emergency Paid Sick Leave for SCSEP Participants
Information Notice No. OC SCSEP ___ - ___

PURPOSE:

To establish a policy for Emergency Paid Sick Leave (EPSL) for active Senior Community Service Employment Program (SCSEP) participants impacted by the COVID-19 crisis. On **March 15, 2020** Governor Gavin Newsom issued guidance to all Californians aged 65+ and those with underlying medical conditions to home-isolate in order to limit the risks of exposure to the COVID-19 virus. This policy will be temporarily enacted at the provider level to ensure that impacted SCSEP participants are following the guidance received from the State.

IMPLEMENTATION/EFFECTIVE DATE:

March 15, 2020

POLICY:

The SCSEP provider will inform all active project participants of leave options for the duration of the state of emergency due to COVID-19. This policy will be temporarily enacted in any future declaration of State emergency, unless otherwise specified.

PROCEDURE:

General Information

- A. This policy will cover the hours following the guidance received from Governor Newsom on **March 15, 2020**.
- B. The Emergency Paid Sick Leave (EPSL) will apply to all currently active SCSEP participants who are not on an approved or administrative break in service.
- C. The SCSEP provider shall determine the hours of emergency sick leave to be paid per week based upon the local prevailing wage, current project expenditure, and enrollment levels.



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- D. Expenditures **may not exceed funding** in the Participant Wages and Fringe Benefits (PWFB) category for the current program year.
- E. The SCSEP provider shall reach out to Orange County Community Services Office on Aging/Community Investment Division for any instances regarding EPSL that this policy does not cover. Approved break in services in lieu of EPSL per the participant's request must be approved by OoA/CID and CDA on a case-by-case basis.
- F. During a period of declared State emergency, the SCSEP provider must contact each currently active SCSEP participant and provide them with two (2) leave options: unpaid break in service or Emergency Paid Sick Leave. Allowable methods of confirmation include receipt by mail, fax, and acknowledgment via email. The leave options will be discussed in the following sections.
- G. To provide the most efficient service to SCSEP participants and minimize disruption of pay, the SCSEP provider can take action prior to receiving the participant signature on the policy.
- H. The policy acknowledgment and confirmation of receipt must be kept in the participant records.
- I. The SCSEP provider will be responsible for tracking all currently active participants who avail of either leave option.

Unpaid Break in Service

- A. Currently active SCSEP participants can choose to be placed on an unpaid break in service.
- B. Active SCSEP participants who opt to be placed on an unpaid break in service will stop their Individual Durational Limit clock.

Emergency Paid Sick Leave (EPSL)

- A. Currently active SCSEP participants can choose to be placed on Emergency Paid Sick Leave (EPSL).
- B. Active SCSEP participants who opt to be placed on EPSL will receive pay at their current hourly rate for the number of weekly hours approved for participants in their project for as long as the EPSL is in effect.
- C. The use of EPSL will count towards the SCSEP participant's Individual Durational Limit.
- D. SCSEP participants are not allowed to volunteer at their host agency in lieu of completing standard community service assignment training hours.

Tracking

- A. The SCSEP provider must track and maintain a live list of SCSEP participants currently on EPSL.

- B. The list of SCSEP participants on EPSL must be completed by the SCSEP provider for each payroll period.
- C. All SCSEP participants on EPSL must be contacted prior to the end of the payroll period and the list should be updated to reflect any changes.
- D. The SCSEP provider must adhere to the record retention and audit policies detailed within their County contract.
- E. The OoA/CID will provide the SCSEP provider a tracking spreadsheet that will include the following items:
 - Pay period start and end dates
 - Participant first and last name
 - Participant PID
 - Number of hours paid to each participant (this number should only fluctuate in the event of necessary increase or decrease in spending)
 - Each date the participant was contacted or, if unreached, the date the attempt to contact was made
 - All changes in a participant's paid sick leave status
 - Additional comments – this section can be used to track participant contacts attempts, including messages left in participants' voicemails.
- F. The SCSEP provider must exercise due diligence in maintaining the EPSL tracking spreadsheet and must add detailed notes where applicable. The tracking sheet should be submitted as supporting documentation with all invoice submissions.

Timesheets (EPSL) and Participant Confirmation

- A. During a period of EPSL, timesheets can be completed and submitted for participants without their required signature.
- B. The timesheet hours and continued EPSL will be confirmed by SCSEP provider staff with the SCSEP participants via a phone call at the end of each payroll period.
- C. SCSEP participants can be called to conduct a general check in to maintain a connection and ask the following questions:
 - Confirm with the SCSEP participant if they still wish to receive EPSL
 - Confirm that the SCSEP participant has not obtained unsubsidized employment
 - Confirm if the SCSEP participant address on file is still current
 - Ask the SCSEP participant if they need any additional supportive services referrals
 - *For a SCSEP participant who has opted to take an unpaid approved break in service in lieu of EPSL* – confirm that the SCSEP participant still wish to remain on an approved break
- D. The SCSEP provider staff should exercise due diligence to contact the currently active SCSEP participants at the end of each payroll period. However, if a participant does not answer or return the phone call after multiple attempts, the SCSEP provider may opt to place them on an unpaid approved break in service.

- E. The SCSEP provider staff will complete a timesheet for each participant who is out on leave and sign the document once they receive verification by phone from the participant.
- F. To record the unique circumstances of the incomplete timesheet for future Data Validation purposes, an EPSL notation should be made.

ACTION

Bring this policy to the attention of all affected staff and all relevant parties.

INQUIRIES

If you have any questions regarding this policy, please contact your Contract Administrator at 714-480-6500.

ATTACHMENTS

Attachment I: EPSL Tracking Sheet

Attachment II: Acknowledgement Form

Emergency Paid Sick Leave (EPSL) Policy and Procedure Participant Acknowledgment

I, _____ do hereby acknowledge receiving a copy of the
SCSEP Emergency Paid Sick Leave (EPSL) Policy and Procedure. I have
read and understood the contents of the policy and procedure noted within
this document.

Participant Name (Printed): _____

Participant Signature: _____

Date Signed: _____



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OC Community Resources

[Date]

To: All WIOA Subrecipients of the Orange County Workforce Development Board
From: Carma Lacy
Director of Workforce Development
Subject: Customized Training Policy
Information Notice No. __-OCWDB-__
Supersedes Information Notice No. 14-OCWDA-03

PURPOSE:

This policy provides guidance to all Orange County Workforce Development Board (OCWDB) One Stop Service Providers on the requirements for the provision of the Workforce Innovation and Opportunity Act (WIOA) Customized Training services.

EFFECTIVE DATE:

This notice is effective on the date of issuance.

REFERENCES:

WIOA (Public Law 113-128)

Workforce Innovation and Opportunity Act, §§ 3(14), 106, 134(c) (3) (D), Public Law 113-128.

20 C.F.R. § 680.760

20 C.F.R. § 680.770

2 CFR Part 200, Appendix II.

BACKGROUND:

Work-based training is employer-driven with the goal of unsubsidized employment after participation. Generally, work-based training involves a commitment by an employer or employers to fully employ successful participants after they have completed the program. It can be an effective training strategy that provides additional opportunities for participants and employers in both finding quality work and in developing a quality workforce. Work-based models can be effectively used to target specific job seekers and employer needs.

Customized training is one type of work-based training model and is designed to meet the specific requirements of an employer or group of



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employers. Section 3 (14) of WIOA and the accompanying regulations in 20 CFR 680.760 and 680.770 establish that local workforce development boards (WDB) and the state may offer customized training through an agreement with either a vendor or employer.

Policies and Procedures

Customized training is one of several types of allowable training identified in Section 134 (c) (3) (D) of WIOA. Customized training is designed to meet the specific requirements of an employer (including a group of employers); is conducted with a commitment by the employer to employ an individual upon successful completion of the training; and for which the employer pays:

This training may be offered to individuals under local area formula-funded programs or as a type of incumbent worker training. As a type of training offered in local formula-funded programs, participants must meet all adult or dislocated worker eligibility requirements prior to the start of customized training.

Overall, customized training is training designed to meet the needs of a specific employer, or group of employers (employer consortiums). It may be provided for the introduction of new technologies, new production or service procedures, upgrading existing skills, or other appropriate purposes identified by the local WDB. The employer must commit to employ, or continue to employ, the worker(s) upon successful completion of any form of customized training. As with all training services, the customized training must enable individuals to obtain industry or employer-recognized skills.

Customized training may be provided through individual training accounts (ITAs) or through contracts for services. If the training is provided through an ITA, all requirements of such ITA must be followed, including the use of approved eligible training providers. If a contract is used to provide customized training, this contract must have been established through proper procurement procedures.

Business Considerations

A local provider must not enter into a customized training agreement with an employer who has exhibited a pattern of failing to retain individuals after successful completion of the customized training.

Businesses that fail to meet any of the following qualifying criteria are not eligible to receive funds for customized training:

- 1) Businesses must not be presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in transactions by USDOL or the state of California. Below are three websites that may be helpful in checking tax, environmental compliance, and debarment status.
 - Federal Debarment Site: <http://www.sam.gov>
 - California Department of Tax and Fee Administration: <https://www.cdtfa.ca.gov/>
- 2) Businesses must not have any outstanding tax liability for over six months to the state of California. Local providers will require the businesses to disclose any known outstanding tax liabilities with other states prior to entering into contract. The local provider may consider existing out-of-state violations when determining eligibility to receive customized training funds. The local provider must document any resolution of

outstanding tax liability, which may include letters from the business or from the State from which the tax liability occurred.

- 3) Businesses must ensure that they do not have more than one unfair labor practice contempt of court finding, and that they are not identified as such on the most recent list established by the Secretary of State.
- 4) California businesses must have all of the approvals, licenses, or other qualifications needed to conduct business in the state and all must be current. Should this status change during the course of the local customized training program activities and the business be disqualified from conducting business in California, all training under the customized training program must cease.
- 5) Governmental entities, including the city, county and state, may not participate in the local customized training program. Health care providers that are operating as not-for-profit entities are the only allowable exceptions to this prohibition.
- 6) Businesses that have employees in a lay-off status should not be considered for customized training unless the training would avert additional layoffs.
- 7) Businesses that have relocated to California and have laid-off workers at their former location in the United States may not be considered for this program until they have been in operation at the new location for 120 days.

To verify that a business is not relocating employment from another area, a pre-award review must be undertaken and documented by the local provider. The review must include the names under which the establishment conducts business, including predecessors and successors in interest; the name, title, and address of the company official certifying the information, and whether WIOA assistance is being sought in connection with past or impending job losses at other facilities of their company. The pre-award review should also include a review of whether appropriate notices have been filed, as required by the Worker Adjustment Retraining Notification (WARN) Act. The review may also include consultations with labor organizations and others in the affected local area(s).

- 8) Businesses must not have any outstanding civil, criminal or administrative fines or penalties owed to or pending in the state of California.

Training Considerations for Customized Training

Training for customized training will address:

- 1) Occupations in industries that have documented skill shortages. Careers on the State's in-demand list, high wages, high costs for recruitment, and/or positions that remain unfilled for long periods of time may indicate a shortage of skills within the workforce; and
- 2) Developing the skills of the workforce so as to lead to enhanced career pathways for individual employees.

Training providers should have satisfactory past performance, accreditation, curricula that lead to credentials, relevant training experience and programs, accredited instructors, high job placement rates, and/or high training completion rates. Training providers should also meet acceptable minimum retention rates for trainees in their field or occupation of training.

The training facility should provide an environment that supports learning and be within reasonable proximity to the participant. The training may take place in the business owned facility, a training provider's facility, or combination of sites.

Training Agreements

Customized training agreements may be written for unemployed as well as employed workers. This type of training may be provided to an eligible employed individual when the employee is not earning a sufficient wage as determined by the local workforce development area's policy, the requirements of a customized training are met, and the training relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, or other locally defined purposes. Employed workers may include full-time, part-time, and/or workers placed through private placement agencies.

The private placement agency and the placement employer should be included in the contract when offering customized training to employers that want to include workers placed through private placement agencies. This is to ensure that all parties agree that successful completion of the customized training will include the placement of the trainees into permanent employment.

Unless the trainee is unemployed, in order to participate in customized training, an "employer-employee" relationship must exist between the trainee and the business that is seeking local WDB approval to perform customized training. Individual workers who are independent contractors are not eligible to participate in customized training. Independent contractors fall under the category of self-employment.

Provisions to be included in the customized training agreement include all of the following:

- 1) Good and effective agreements should include:
 - a. The occupation for which training will be provided; the skills and competencies to be achieved and the length of time for the training;
 - b. The industry- or employer-recognized credential that will be attained upon completion of the training;
 - c. The number of employees to be trained;
 - d. The employer's assurance that customized training is needed based upon the individual skill sets of trainees;
 - e. The method and maximum amount of reimbursement (employer match);
 - f. Job description(s) of the trainees and a training outline;
 - g. The cost and documented description of any ancillary items or supportive services that may be needed; and
 - h. Other appropriate training outcomes related to the training (i.e. increases in earnings).

- 2) Customized training agreements are to contain appropriate assurances and certifications as specified in this issuance.

- 3) Written endorsement from a union official is required when the workplace is covered by a collective bargaining agreement.

When working with a group of employers (employer consortiums), the local provider may decide with whom to contract and the details set forth therein. If the consortium is a legal entity and the participating employers are in agreement on their match requirements, the local provider may contract with the consortium directly and accordingly, the match requirement would be paid by the consortium. It is also allowable to enter into individual contracts with each participating employer. Regardless of what entity the contract is with, all requirements, expected outcomes, and assurances described in this issuance must be met.

Prior to the execution of a training agreement, the local workforce development area must obtain a commitment from the participating employer(s) of the following, at a minimum:

- 1) That successful completion of the customized training will result in portable skills, and retention and placement of the trainee into permanent employment that offers good pay and benefits, with opportunities for career advancement;
- 2) That continued training will be provided for trainees who need help with remedial skills or other skills in order to retain their jobs; after completion of customized training; and
- 3) That training will be aligned with industry or employer recognized skill standards, as defined by the WDB and/or the employer.

Allowable and Unallowable Costs for Customized Training

Allowable costs may include only costs directly related to training. Examples of allowable costs include, but are not limited to the following:

- 1) Instructor's / trainer's training-related wages;
- 2) Curriculum development; and
- 3) Textbooks, instructional equipment, manuals, materials and supplies.

Unallowable costs for customized training include, but are not limited to:

- 1) Trainees' benefits/fringes;
- 2) Wages of trainees while attending customized training;
- 3) Costs that are not directly related to customized training for eligible individuals under Title I;
- 4) Foreign travel; and/or
- 5) Purchase of capital equipment.

Cost Per Participant

Subject to funding availability and the OJT Trainee's needs, CID limits the training costs to \$4,000 for jobs paying entry level wages defined as \$15.00 per hour; and \$7,000 for higher wage jobs, defined as paying more than entry level wages. Training costs that are more than these limits may be approved by the County of Orange Director of Workforce Development, under special circumstances. Participants who have utilized the maximum allowed under the CID's ITA Policy may also qualify for an OJT with training cost and duration limits described above.

Employer Match Requirements

The employer match cannot include federal, state, or other grant funds. The employer match can be in-kind. However, in-kind match must benefit the training and must be documented.

- Step 1 is to identify the individual training items and establish the total training budget. This budget may include trainee wages while attending training and the wages can count for the employer match. But, the WIOA costs cannot include trainee wages.
- Step 2 is to calculate the employer match and the WIOA cost. This calculation varies based upon allowable and unallowable WIOA costs. Typically, the variable is the trainee wages.

If trainee wages are less than or equal to the employer match, an adjustment is not necessary. Just multiply the total budget by the selected percentage to establish the employer and WIOA expense.

If trainee wages are greater than the employer match, an adjustment is necessary to prevent unallowable WIOA costs. When calculating the employer match and the WIOA costs, subtract the excess wages over selected percentage.

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

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

Regardless of the reimbursement rate, the following factors must be considered prior to approving a Customized Training contract:

- 1) The characteristics of the participant(s) with an emphasis on barriers to employment as defined in WIOA Section 3(24);
- 2) The quality of employer-provided training (e.g., an industry recognized credential, advancement opportunity);
- 3) The number of participants the employer agrees to hire;
- 4) The wage and benefit level of the participant (both during and after completion of the Customized Training);
- 5) The Customized Training position is an in-demand occupation as defined by WIOA Section 3(23) and determined by local labor market information;
- 6) The Customized Training employer is:
 - a. In an in-demand industry as defined by WIOA Section 3(23) and determined by local labor market information to supports economic self-sufficiency and local living wage; or
 - b. In a declining industry that has justification which supports reimbursement above 50 percent (e.g., evidence of long-term viability of the employer) and demonstrates compelling reasoning for Customized Training opportunity to support economic self-sufficiency and local living wage.

Each of the above factors leading to the approval of a Customized Training contract must be documented and placed in the contract file.

Participant Case File

All documentation relative to the selection of a candidate for a Customized Training opportunity and the development and maintenance of the participant's Customized Training Plan should be included in the participant hard or electronic case file. Participant files must be available to federal, state and local monitors for compliance review.

Employer Files

Customized Training Service Providers are required to keep an individual file for each Customized Training. Employer files will include the Employer Pre-Screening Checklist verifying employer eligibility. Employer files must be available to federal, state and local monitors for compliance review.

Monitoring

Monitoring at the local, state and federal level will include the Customized Training Service Provider's oversight of the participant training and corresponding employer payroll records.

On-site monitoring visits should be conducted by the Service Provider Case Manager shortly after the Customized Training Trainee begins work, with additional visits scheduled at appropriate intervals (determined by length of Customized Training Plan).

Effective monitoring also includes desk review of correspondence from the employer, including Customized Training reimbursement invoices and required documentation to support those invoices.

Service Provider Case Managers must regularly review each Trainee's progress in meeting program and service strategy objectives, including the Trainee's acquisition of basic/occupational skills and the adequacy of supportive services provided as related to Customized Training. Any deviations from the Customized Training Contract should be dealt with and documented promptly.

Exceptions

Any exceptions to this policy must be approved by the OCWDB, County of Orange Director of Workforce Development and documented in both the Trainee and Employer files. Exceptions may be allowed for:

- Employers new to County of Orange;
- Employers with workers in lay-off status less than 120 days;
- Training plans exceeding the cost or time limits, or other policy statements not contained in the WIOA or WIOA regulations.

ACTION

Bring this policy to the attention of all affected staff and all relevant parties.

INQUIRIES

If you have any questions regarding this policy, please contact your Contract Administrator at 714-480-6500.

ATTACHMENTS

Attachment I: Customized Training Plan/Invoice

Attachment I: Customized Training Plan/Invoice

CUSTOMIZED TRAINING PLAN/REIMBURSEMENT INVOICE

Participant:

Employer:

Occupation:

Training Plan List Work Elements, Skills, Duties, or tasks for which the training will be provided. Use additional pages if needed	Date Provided	Proficient Y/N
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

Itemization of actual costs incurred for training:

Direct staff/Instructor Time	\$	Amount of Reimbursement: \$
Training Materials	\$	
Other (list:)	\$	
Total Cost of Training	\$	

I certify that training was provided in the skills and duties outline above and the recorded costs are actual. The above information is accurate and represents my determination of the individual's performance

Employer's Signature

Date



DYLAN WRIGHT
DIRECTOR
OC COMMUNITY RESOURCES

CYMANTHA ATKINSON
ASSISTANT DIRECTOR
OC COMMUNITY RESOURCES

VACANT
DIRECTOR
ADMINISTRATIVE SERVICES

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RENEE RAMIREZ
DIRECTOR
OC COMMUNITY SERVICES

STACY BLACKWOOD
DIRECTOR
OC PARKS

JULIE QUILLMAN
COUNTY LIBRARIAN
OC PUBLIC LIBRARIES

OC Community Resources

[Date]

To: All WIOA Subrecipients of the Orange County Workforce Development Board
From: Carma Lacy
Director of Workforce Development
Subject: Determination of Dependent Status Information Notice No. __-OCWDB-__

PURPOSE:

This policy provides guidance to all Orange County Workforce Development Board (OCWDB) One Stop Service Providers on the requirements for the provision of the Workforce Innovation and Opportunity Act (WIOA) determination of dependent status for Adults and Young Adults/Youth.

EFFECTIVE DATE:

This notice is effective on the date of issuance.

REFERENCES:

29 U.S.C. 3101 et seq.

BACKGROUND:

This policy is intended to help avoid uncertainty and/or inconsistency in making eligibility decisions regarding family size and the inclusion of income when relevant for all appropriate members of the applicant's family. The support provided by parents or guardians must be carefully considered when determining eligibility for WIOA adult and youth program services. The definition of dependent is being expanded to include young adults, ages 18-24, as well as youth applicants and participants.

DEFINITIONS:

Dependent - an applicant who falls in any one of the following categories:

- Under 18 years of age, living with parents or guardians, and is receiving support from them; or
- Age 18-24 and parent(s) or guardian(s) pay(s) for more than 50% of the applicant's support.

Independent - an applicant who falls into any one of the categories below:

- Under 18 years of age, not living with parents or guardians, and is not receiving any support from them;



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- Individuals, age 18-24, providing more than 50% of their own support;
- Age 25 or older;
- Married (including separated, but not divorced);
- Has children that receive more than half of their support from the applicant;
- Has dependents other than a spouse or children who live with the applicant and receive more than half of their support from the applicant;
- Lives in own residence or in a residence without financial or other support from parents or guardians;
- Is on active duty in the U.S. armed forces for purposes other than training; or
- A veteran of the U.S. armed forces.

Support - as it relates to dependent, financial assistance from parents or guardians to help pay for food, clothing, shelter, utilities, education, medical and dental care, recreation, transportation, and any other living expenses; as well as government-provided cash public assistance and food assistance.

POLICY AND PROCEDURES:

WIOA Youth Program

Dependent status must be documented for all WIOA eligible youth applicants, ages 14-24, as defined in section 129 (a)(1), (2), and (3) of the WIOA. Verification of dependent status and means of support must be documented for each youth program participant by completion of checklist that incorporates, at a minimum, the categories listed in Attachment I. Self-attestation may be accepted to document parental support pursuant to self-attestation procedures outlined in Information Notice No. 20-OCWDB-09, Source Documentation.

An individual under 18 years of age is always considered to be a dependent child, unless the youth is not living with parents or guardians and is not receiving any support from them.

The issue of guardianship concerning dependent children is determined either by decree of court or by a state or federal agency that has established or assumed guardianship.

Determination of dependent status is particularly important for WIOA youth, ages 18-24, who are applying for WIOA youth-funded individual training accounts (ITAs) as not all out-of-school youth enrolled in the youth program are low income individuals.

WIOA Adult Program

Dependent status must be documented for all WIOA adults, ages 18-24, who are applying for WIOA adult-funded individual training accounts (ITAs). The determination of dependent status is driven by the following factors:

- The amount of support provided by the applicant by his or her parent(s) or guardian(s); and
- The applicant's age;
- The applicant's marital status;
- The applicant's dependents (biological/adopted children, disabled adults, and others dependent on the applicant for more than 50% of the applicant's support; and
- Veteran status.

Verification of dependent status and means of support must be documented for each WIOA adult participant, ages 18-24, who is applying for an ITA. This is done by completion of checklist that incorporates, at a minimum, the categories listed in Attachment III of Information Notice

No. 20-OCWDB-09, Source Documentation. The Self-Attestation Attachment to that policy may be accepted to document parental support when signed by a parent or guardian.

ACTION

Bring this policy to the attention of all staff.

INQUIRIES

If you have any questions regarding this policy, please contact your Contract Administrator at 714-480-6500.

ATTACHMENTS


Attachment I: Checklist to determine Dependent Child

Attachment I

Determination of WIA Dependent Status

If the answer of any of the above categories is "YES", the individual is considered to be independent.

*Support as it relates to dependent includes food, clothing, shelter, utilities, education, medical and dental care, recreation, and transportation; as well as cash public assistance and food assistance.

	Required Documentation	YES	NO	Documentation & comments on file
<input type="checkbox"/>	Are you 24 or older?	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Do you provide more than 50% of your own support *?	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Are you married? (Answer "Yes" if you are separated but not divorced)	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Do you have children who receive more than half of their support * from you?	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Do you have dependents (other than your children or spouse) who live with you and who receive more than half of their support from you?	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Are you currently serving on active duty in the U. S. armed forces for purposes other than training? (If you are a National Guard or Reserves enlistee, are you on active duty for other than state or training purposes?)	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Are you a veteran of the U. S. armed forces?	<input type="checkbox"/>	<input type="checkbox"/>	

By signing this document, you attest that all information provided is true and valid.

X _____

Signature

Date



DYLAN WRIGHT
DIRECTOR
OC COMMUNITY RESOURCES

CYMANTHA ATKINSON
ASSISTANT DIRECTOR
OC COMMUNITY RESOURCES

VACANT
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JULIE QUILLMAN
COUNTY LIBRARIAN
OC PUBLIC LIBRARIES

OC Community Resources

[Date]

To: All WIOA Subrecipients of the Orange County Workforce Development Board

From: Carma Lacy
Director of Workforce Development

Subject: WIOA Incumbent Worker Training Policy Information Notice No. __-OCWDB-__

PURPOSE:

This policy provides guidance to all Orange County Workforce Development Board (OCWDB) One Stop Service Providers on the requirements for the provision of the Workforce Innovation and Opportunity Act (WIOA) Incumbent Worker Training services.

EFFECTIVE DATE:

This notice is effective on the date of issuance.

REFERENCES:

Workforce Innovation and Opportunity Act (WIOA) (Public Law) Sections, 122(h)(i), 134(d)(4), 134(G)(ii), 134(c)(3)(H), and 194(4)

Title 20 Code of Federal Regulations (CFR) Sections 680.780 – 680.820

Training and Employment Guidance Letter [\(TEGL\) 10-16](#), Change 1, Subject: Performance Accountability Guidance for Workforce Innovation and Opportunity Act (WIOA) Title I, Title II, Title III and Title IV Core Programs (August 23, 2017)

TEGL [19-16](#): Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner- Peyser Act Employment Services (ES) as amended by title III of WIOA, and for Implementation of the WIOA Final Rules (March 1, 2017)

California Unemployment Insurance Code (CUIC) Section 14000-14530

Workforce Services Directive [WSD18-10](#), WIOA Training Expenditure Requirement (January 31, 2019)

[WSD18-03](#), Subject: Pathway to Services, Referral, and Enrollment (August 29, 2018)



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[WSD17-08](#), Subject: Procurement of Equipment and Related Services (March 14, 2018)

[WSD16-18](#), Subject: Selective Service Registration (April 10, 2017)

[WSD16-16](#), Subject: Allowable Costs and Prior Written Approval (February 21, 2017)

[WSD16-15](#), Subject: Dislocated Worker Additional Assistance Projects (December 28, 2016)

[WSD16-04](#), Subject: Rapid Response and Layoff Aversion Activities (July 22, 2016)

[WSD15-23](#), Subject: Transfer of Funds – WIOA Adult/Dislocated Worker Programs (March 29, 2016)

Workforce Services Information Notice [WSIN12-31](#) (PDF), Subject: Assisting Employers the New CalJOBSSM (February 15, 2013)

BACKGROUND

Work-based training is employer-driven with the goal of unsubsidized employment after participation. Generally, work-based training involves a commitment by an employer or employers to fully employ successful participants after they have completed the program. It can be an effective training strategy that can provide additional opportunities for participants and employers in both finding high quality work and in developing a high quality workforce. Work-based models can be effectively used to target different job seekers and employer needs.

Incumbent worker training (IWT) is one type of work-based training model and is designed to either assist workers in obtaining the skills necessary to retain employment or to avert layoffs and must increase both a participant's and a company's competitiveness. Local workforce development areas may use up to 20 percent of their local adult and dislocated worker formula funds for incumbent worker training. The training should, wherever possible, allow the participant to gain industry-recognized training experience.

DEFINITIONS

Business and Employer- A private sector, local government, for profit or not-for-profit place of business.

California Employer Account Number – An eight-digit payroll tax number issued to a registered Employer by the Employment Development Department, also known as the Employer Payroll Tax Number, State Identification Number, or state ID.

Eligible Employer – For an employer to be eligible for IWT services, the Local Board must consider the following:

- Whether the employer can provide a valid California Employer Account Number.
- The characteristics of the individuals in the program (see the IWT definition below)
- The relationship of the training to the competitiveness of an individual and the employer.

Employer Share – Employers are required to pay for a significant cost of the training for those individuals in IWT. The minimum amount of employer share in IWT depends on the size of the employer.

Follow-up – Shall be performed six months after reported completion of IWT to determine outcomes (retained employment, advancement, and increased wages).

Incumbent Worker – To qualify as an Incumbent Worker, the employee must meet the following:

- Be a current employee of an eligible employer and have an established employment history with the employer for six months or more. An individual is not held to the six-month employment requirement if the IWT is being provided to a cohort of employees. In this instance, not every employee must meet the employment history requirement as long as a majority of the employees being trained do meet the requirement.
- Meet the Fair Labor Standards Act requirements for an employer-employee
- Meet the Selective Service requirements.

IWT – The following characteristics define IWT:

- Designed to meet the special requirements of an employer (including a group of employers) to retain a skilled workforce, avert the need to lay-off employees by assisting the workers in obtaining the skills necessary to retain employment, and/or provide training that will result in progression on a career pathway and income mobility.
- Conducted with a commitment by the employer to retain employees, avert the layoff(s) of the incumbent worker(s) trained for a period of six months following completion of the training, or promote incumbent workers to higher paying positions.
- Increases the competitiveness of the employer or employee.
- Gives employees the opportunity to progress on their career pathway by providing opportunities to obtain certificates or credentials based on the employers need.

IWT Allowable Costs – The share of the cost of training (teacher, books, and materials) for the delivery of IWT. The amount excludes the cost of the individual wages paid by the employer while the employee is attending/participating in training.

Layoff Aversion - a continuum of strategies targeted to specific employers or industries that are experiencing a decline and have the potential to undergo layoffs, or are experiencing a serious skills gap that impacts their ability to compete and retain workers. A layoff is considered to be averted when:

1. A worker's job is saved at an existing employer facing a risk of downsizing or closing; or
2. A worker at risk of dislocation faces a brief gap of unemployment when transitioning to a different job with the same employer or is hired at a new job with a different employer.

Qualified Trainer – Qualified training can be delivered in-house, by a training agency, or by a third party. Training should be California based unless the training is so unique that a training provider cannot be found in California. The choice and method of training is determined by the employer.

Training Method – The following are types of training methods allowable in IWT:

- Classroom training
- Laboratory training
- Computer based training
- Video Conference training
- E-Learning

POLICIES AND PROCEDURES

IWT is a business service designed to develop a highly skilled workforce which will result in increased business financial viability, stability, competitiveness, and productivity. To avert the risk of closing, IWT may be developed with a business or business association to maintain their competitive status, incorporate new technology, or prevent downsizing.

Workers participating in IWT will benefit by enhancing existing skills, learning new skills, and earning employer or industry recognized credentials, in addition to retaining employment, maintaining their careers, and/or increasing their earnings potential. IWT will also allow the opportunity for backfilling vacated positions resulting from the promotion of newly trained workers.

Types of Incumbent Worker Training

IWT is restricted to skill attainment activities. The training should benefit workers by making them more qualified in their line of business and/or by providing them with skills for new products or processes. It is desired that the training results in credentials or industry recognizable skills that promote the worker's career and increases the overall employability.

Allowable types of training for incumbent workers:

- 1) Skills upgrading and retraining: Short-term training that enhances occupation-specific skills or basic skills that lead to a credential/certificate.
- 2) Customized training: Customized training is conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of training. Information Notice No. 20-OCWDB-03, Customized Training Policy contains further details on customized training.
- 3) Occupational skill training (individual training accounts): Training that leads to an industry recognized credential or a certificate. Information Notice No.04-OCDWA-09, Use of Individual Training Accounts, provides additional requirements for ITAs.

Eligibility for Participating Businesses

IWT is one of many business services offered through local workforce development boards (WDB). The criteria which the WDB must take into account for an employer to be eligible to receive local incumbent worker funds include:

- 1) The characteristics of the participants in the program;
- 2) The relationship of the training to the competitiveness of a participant and the employer; and
- 3) Other factors, including:
 - Number of employees trained,
 - Employees' employment advancement opportunities, including, wages and benefits (pre and post training increases),
 - The existence of other training opportunities provided by the employer,
 - Credentials and skills gained as a result of training,

- Utilization as part of larger sector and/or other career pathway strategy, and
- Employer Size

There are also businesses that should not participate in this activity due to past or current violations of local, state, or federal law; unfair labor practices; and other conditions identified during the course of conducting initial employer assessments and reviewing contract requirements, assurances, and certifications with the local WDB director or staff. Businesses that fail to meet any of the following qualifying criteria are not eligible to receive funds for incumbent worker training:

- 1) Businesses must not be presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in transactions by USDOL or the state of California. Below are two websites that may be helpful in checking tax, environmental compliance, and debarment status.
 - Federal Debarment Site: <http://www.sam.gov>
 - California Department of Tax and Fee Administration: <https://www.cdtfa.ca.gov/>
- 2) Businesses must not have any outstanding tax liability for over six months to the state of California. Local providers will require the businesses to disclose any known outstanding tax liabilities with other states prior to entering into contract. The local provider may consider existing out-of-state violations when determining eligibility to receive customized training funds. The local provider must document any resolution of outstanding tax liability, which may include letters from the business or from the State from which the tax liability occurred.
- 3) Businesses must ensure that they do not have more than one unfair labor practice contempt of court finding, and that they are not identified as such on the most recent list established by the Secretary of State.
- 4) California businesses must have all of the approvals, licenses, or other qualifications needed to conduct business in the state and all must be current. Should this status change during the course of the local customized training program activities and the business be disqualified from conducting business in California, all training under the customized training program must cease.
- 5) Governmental entities, including the city, county and state, may not participate in the local customized training program. Health care providers that are operating as not-for-profit entities are the only allowable exceptions to this prohibition.
- 6) Businesses that have employees in a lay-off status should not be considered for customized training unless the training would avert additional layoffs.
- 7) Businesses that have relocated to California and have laid-off workers at their former location in the United States may not be considered for this program until they have been in operation at the new location for 120 days.

To verify that a business is not relocating employment from another area, a pre-award review must be undertaken and documented by the local provider. The review must include the names under which the establishment conducts business, including predecessors and successors in interest; the name, title, and address of the company

official certifying the information, and whether WIOA assistance is being sought in connection with past or impending job losses at other facilities of their company. The pre-award review should also include a review of whether appropriate notices have been filed, as required by the Worker Adjustment Retraining Notification (WARN) Act. The review may also include consultations with labor organizations and others in the affected local area(s).

- 8) Businesses must not have any outstanding civil, criminal or administrative fines or penalties owed to or pending in the state of California.

Incumbent Worker Eligibility

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 established employment history with the employer for six months or more. An incumbent worker does not necessarily have to meet the eligibility requirements for career and training services for adults and dislocated workers under WIOA.

Funding

IWT is part of a comprehensive business engagement strategy designed to meet the special requirements of an employer (or a group of employers) to upskill current employees. To implement this strategy, up to 20 percent of the local area Adult and Dislocated Worker formula allocations for IWT activities. This 20 percent can only be used for programmatic activities and cannot be used for administrative functions.

Generally, IWT should be provided to private sector employers, but there may be instances where non-profit and local government entities may receive IWT funds. For example, IWT can be used in the health care industry where nursing upskilling opportunities are available in a hospital operated by a non-profit organization.

Under WIOA layoff aversion is now a Rapid Response Activity. Rapid Response funds can be leveraged by including IWT as part of a robust layoff aversion strategy for the whole area. The Orange County Board, or their designee, which strategies and activities are applicable in a given situation, based on the specific needs of the area.

Cost Sharing Requirements for Incumbent Worker Training

Employers participating in the IWT shall be required to pay for the non-Federal share of the cost of providing the training to incumbent workers of the employers. The non-federal share will be:

- 1) 10 percent of the cost, for employers with not more than 50 employees;
- 2) 25 percent of the cost, for employers with more than 50 employees but not more than 100 employees; and
- 3) 50 percent of the cost, for employers with more than 100 employees.

IWT Performance and Reporting Requirements

Since IWT eligibility is determined at the employer level (not the individual level), the Department of Labor (DOL) does not consider individuals in IWT to be a participant in the WIOA Adult and/or Dislocated Worker programs. Individuals who only receive IWT services are not included in performance calculations. However, DOL does require the reporting certain participant and performance data on all individuals participating in IWT. The required information is limited to demographic information, employment, median earnings, measurable

skills gain, and credential outcomes. For the purpose of calculating these metrics for IWT only individuals, the exit date is the last day of training, as indicated in the training contract.

To reduce the reporting burden on the employer and local area, DOL encourages the collection of the Social Security Numbers (SSNs) as part of the training contract with the employer. For all individuals where an SSN is collected, the state will conduct a wage match to obtain employment and earnings. For those individuals who do not provide an SSN the provider's responsibility to provide supplemental data. Additionally, it is the provider's responsibility to capture and enter credential information into CALJOBS for each IWT individual.

Note – If the individual in IWT becomes a participant in the WIOA Adult and/or Dislocated Worker program at any point, they are included in performance measures for the program they are enrolled in.

CALJOBS

All participants in IWT must be reported to DOL, regardless of whether they become a participant in any other WIOA programs. Individuals who participate in IWT must be registered in CALJOBS, and do the following:

Title I – Workforce Development application with an Incumbent Worker eligibility date entered. the application and eligibility requirements for the IWT eligibility is truncated and requires minimal information

On the Eligibility Summary tab of the Title I application:

- Set the "Incumbent Worker" to yes
- Add the appropriate IWT code, and then select Finish to save the application

CALJOBS Activity Code 308-IWT should be added to the application and associated to the appropriate funding stream for the duration of the IWT. If utilizing WIOA formula funds, staff must associate grant code 2284 – Incumbent Worker Training formula to 308 – IWT activity code

Employers – Local area staff must ensure that the employer participating in IWT is registered as a preferred employer (recruiting employer) in CALJOBS, and the CALJOBS Activity Code E68-IWT is added to the employer's account.

Training Provider Considerations

Incumbent worker training may be provided through ITAs or through contracts for services. If the training is provided through an ITA, all requirements of such ITA must be followed, including the use of approved eligible training providers. If a contract is used to provide the IWT, this contract must have been established through proper procurement procedures.

Training providers without satisfactory past performance, accreditation, curricula that lead to credentials, relevant training experience, accredited instructors, high job placement rates, and/or high training completion rates, should be avoided.

The training facility should provide an environment that supports learning and be within reasonable proximity to the trainees so the cost and time required for travel is minimized

Procurement of Training

Local providers have several options to determine how best to provide the training needed by a business as described below:

- 1) Local providers may enter into contracts with eligible training providers (ETP) without any additional procurement requirements. Utilization of the state of California's ETP list is for universally applicable off-the-shelf employer training and is not intended to include unique, specialized, or employer-specific training.
- 2) A business may be considered a "beneficiary" of this federal program and receive incumbent worker training assistance on a reimbursement basis. WIOA subrecipients and vendors are not considered to be beneficiaries. In order for a business to utilize the beneficiary option, the following guidelines must be followed:
 - a. Business beneficiaries may receive reimbursement for their actual training costs incurred under this program, on a reimbursement basis, as outlined in this policy.
 - b. The Director of Workforce Development or designee must approve the training plan which is required before reimbursement may be provided to a beneficiary. The development of training plans is the joint responsibility of the local director and the business.
 - c. The training plan must identify all of the following:
 - i. The provider(s) of training;
 - ii. Type of training;
 - iii. Planned start and end dates;
 - iv. Number of individuals to be trained;
 - v. The projected cost of training; and
 - vi. Any other information required by the Director of Workforce Development.
 - d. Training costs must be allowable as defined in this policy. Training plans must be approved by the local Director or Workforce Development prior to the start date of training. Beneficiaries must agree to provide all documentation required by the WDB in order to be reimbursed for the training.
 - d. Training providers are not required to be listed on the state's eligible training provider list for the purpose of providing training under paragraph 2 of this section. WDBs may assist business beneficiaries in identifying potential providers of training; however, the selection of a training provider is not subject to state or federal procurement requirements.
- 3) For businesses not following the guidelines in paragraph 2 of this section and have training needs that cannot be provided by California's eligible training providers, local WDBs will need to follow proper procurement procedures by federal and state law and polices, or local procurement policies if more restrictive.

Allowable and Unallowable Costs for Incumbent Worker Training Program

Allowable costs may include only costs directly related to training. Allowable costs may include:

- 1) Instructor/trainer salaries;
- 2) Curriculum development, textbooks, manuals, training software, materials and non-consumables; and
- 3) Other necessary and reasonable costs directly related to training.

Unallowable costs include but are not limited to:

- 1) Foreign travel;
- 2) Purchase or lease of capital equipment;
- 3) Encouragement or inducement of a business or part of a business to relocate from any location in the United States;
- 4) Use of IWT funds to pay for a worker's training wages;
- 5) Use of IWT funds to train management employees in management skills such as Six Sigma and LEAN.

ACTION

Bring this policy to the attention of all affected staff and all relevant parties.

INQUIRIES

If you have any questions regarding this policy, please contact your Contract Administrator at 714-480-6500.

ATTACHMENTS

Attachment I: Initial Trainee Information

Attachment II: Program Agreement

Attachment III: Multiple Business Collaborative Form

Attachment IV: Project Abstract

Attachment V: Training Plan Components

Attachment VI: Program Agreement Work Statement

Attachment VII: Application, Training Plan, Budget



Incumbent Worker Training Program Agreement

TRAINING OPERATOR (Local WDB)	CONTACT PERSON	TRAINING OPERATOR TELEPHONE NUMBER
EMPLOYER		FEIN
ADDRESS		AGREEMENT NUMBER
CONTACT PERSON (EMPLOYER)		CONTACT PERSON TELEPHONE NUMBER:

This training agreement is entered into between the _____, hereinafter called the Training Operator, and _____, Hereinafter called the Employer.

The parties hereto agree that occupational training will be provided to _____ currently employed individuals. The Employer agrees that this training will lead to a verifiable wage increase, at minimum, and may assist in increasing the competitiveness of the business and/or the employees, avert layoffs, or provide opportunities for advancement and backfill opportunities for less skilled workers.

Employer will be responsible for a fixed amount of the overall cost of training, equal to _____ %, to include in-kind matching contributions and direct cash payments, as agreed upon in accordance with the approved training application. The Training Operator will provide a total payment of \$_____ for the planned training and will be paid pursuant to the terms and conditions set forth in the General Assurances outlined within this agreement.

The majority of the workers trained under this agreement must be verified as having been employed at least 6 months with the employer. This verification must occur before the training is approved and begins. After training has been completed the Employer agrees to allow final monitoring to verify training completion, wage increase(s), and other details as outlined for training assistance.

EMPLOYER ATTESTATIONS

- a. The Employer attests upon entering this agreement that the training position(s) have not been relocated from any of its assets within the United States within the prior 120 days. YES NO
- b. The Employer attests upon entering this agreement that it has: 1) attempted recall on all employees on active layoff of less than 365 days, and/or 2) not given notice of layoff from the same, or any substantially equivalent, position. YES NO
- c. The Employer attests that an employer-employee relationship exists as defined by the Fair Labor Standards Act. YES NO
- d. The Employer attests that all employees have been verified as authorized to work in the U.S. through the E-Verify federal work authorization program. YES NO

CONCURRENCE OF THE COLLECTIVE BARGAINING AGENT

- a. Is (Are) the occupation(s) in which employment and training to be offered subject to a collective bargaining agreement? YES NO
- b. If "Yes," has there been concurrence by the appropriate bargaining representative? YES NO

Please indicate the name, title, and union affiliation of the appropriate bargaining representative: _____

AUTHORIZED SIGNATURES	_____	_____
	EMPLOYER SIGNATURE	DATE
	_____	_____
	TYPE/PRINT NAME	TITLE
	_____	_____
	AUTHORIZED TRAINING OPERATOR SIGNATURE	DATE
	_____	_____
	TYPE/PRINT NAME	TITLE

LEGAL CERTIFICATIONS

By signature of this Training Program Agreement, the Employer provides the following Certification regarding Debarment and Suspension in accordance with 2 CFR Part 2998 and certifies that to the best of his or her knowledge and belief that it and its principals:

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal or State of California department or agency;
- Have not within a three-year period preceding this Training Program Agreement been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, State, or local) transaction or contract under a public transaction; violation of federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, State, or local) with commission of any of the offenses enumerated in this certification; and,
- Have not within a three-year period preceding this Training Program Agreement had one or more public transactions (federal, State, or local) terminated for cause or default.

Where the prospective primary Employer's representative is unable to certify to any of the statements in this certification, such representative shall submit an explanation to the Training Operator.

The Contracting Agency (Employer) assures, as a condition to the award of financial assistance under the Workforce Innovation and Opportunity Act (WIOA) from the U.S. Department of Labor (USDOL), with respect to operation of the WIOA-funded program or activity and all agreements or arrangements to carry out the WIOA- funded program or activity, that it will comply fully with the nondiscrimination and equal-opportunity provisions of WIOA Section 188, 20 CFR 683.600, and 29 CFR Part 38.

NONDISCRIMINATION & EQUAL OPPORTUNITY ASSURANCE

Note: This particular assurance (portions which are duplicated elsewhere in other assurances) is applicable to the extent that the Program activities are conducted as part of the One-Stop Delivery System (See 29 CFR 38.2).

As a condition to the award of financial assistance from the USDOL under Title I of WIOA, the Contracting Agency assures that it and its subrecipients will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

- (1) Section 188 of WIOA, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I financially assisted program or activity;
- (2) Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, and national origin;
- (3) Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- (4) The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
- (5) Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The Contracting Agency (and its subrecipients) also assures that it will comply with 29 CFR Part 38, as proposed, and all other regulations implementing the laws listed above. This assurance applies to the Contracting Agency's operation of the WIOA Title I financially assisted program or activity, and to all agreements the Contracting Agency makes to carry out the WIOA Title I financially assisted program or activity. The Contracting Agency understands that the United States has the right to seek judicial enforcement of this assurance.

The California Employment Development Department and the Local Workforce Development Boards are responsible for ensuring WIOA recipients comply with the nondiscrimination and equal-opportunity regulations. If the employer has 15 employees and 15 WIOA participants during a grant year, the employer will be monitored for compliance with 29 CFR Part 38.

EMPLOYER SIGNATURE

DATE

TYPE/PRINT NAME

TITLE

Conditions:

- This is a cost reimbursement agreement. The Administrative Entity agrees to reimburse the Business for allowable costs up to, but not exceeding the Agreement Amount, incurred during the delivery of Incumbent Worker Training as outlined in the agreement.
- Monthly program activity reports, including Trainee Information forms, must be submitted to the Administrative Entity no later than the _____ of the following month.
- Monthly Invoices/Requests for Payment and Cumulative Expenditure Reports, inclusive of all expenses up to and including the last day of the month, must be submitted to the Administrative Entity no later than the _____ of the following month.
- The Final Program Report must be submitted to the Administrative Entity no later than 45 days after the end of the agreement.
- All funds not expended by the end of the Agreement Period will be forfeited to the Administrative Entity.

Authorized Signature(s):

The following individual(s) is/are authorized to sign program and financial reports submitted to the Administrative Entity on behalf of this Business and relating to this Agreement.

Name/Title: _____ Name/Title: _____

Orange County Workforce Development Board, hereinafter called the Administrative Entity, hereby enters into an Agreement with the Business named above to implement an Incumbent Worker Training program. The Agreement consists of this Signature Sheet, IWT Program Agreement Work Statement, and approved Application, Training Plan, and Budget. By signing for the Business named above, I hereby certify that I am an authorized representative of said Business, with the authority to commit the Business to legally binding contracts and agreements.

Administrative Entity:

Business:

Name:

Name:

Title:

Title:

Signature:

Date:

Signature:

Date:



MULTIPLE BUSINESS COLLABORATIVE FORM



All of the companies included in the grant must complete this Attachment, but not the lead applicant, and each company must be included on the Application Overview.

This attachment(s) is to be included as part of the completed application.

A. Applicant Information

Business Name:			
Street/Mailing Address:			
City/State:		Zip:	County:
Business Contact Person:		Title:	
Phone:	Ext:	Fax:	
E-Mail Address:		Company Website:	
Description of Business Product(s) or Service(s):			
Years in business at training location:	Total number of paid employees at this location:		Total number of paid employees throughout NC:
	How many of these employees have an employer-employee relationship?		
Legal Structure of Business:	Sole Proprietor <input type="checkbox"/>		Partnership <input type="checkbox"/>
	Corporation (Designation)		
Tax Status of Business:	For-profit <input type="checkbox"/>		Other:
	Not-for-profit (Designation) <input type="checkbox"/>		
Employer's Federal ID #:		Unemployment Insurance ID #:	
B. Is your company a subsidiary of another company or affiliated with a parent company?			Yes <input type="checkbox"/> No <input type="checkbox"/>

If YES, please provide the following information about the corporate office/parent company, if different from above, or indicate 'SAME.'

Parent Business Name:			
Street/Mailing Address:			
City:		State:	Zip:
Authorized Representative:		Title:	
Phone:	Ext:	Fax:	
E-Mail Address:		Company Website:	

AUTHORIZATION AND CERTIFICATION FOR THIS ATTACHMENT

As authorized representative of the Collaborative Business submitting this application, I hereby certify that:

- I have read the Incumbent Workforce Development Training Program Guidelines and coordinated this application with the Orange County Workforce Development Board;
- The Business meets the requirements and is eligible to submit this application;
- The information contained in this application is true and accurate and reflects the intentions of the Incumbent Workforce Development Training Program;
- I am aware that any false information, intentional omissions, or misrepresentations may result in rejection of the application and possible disqualification for future funding;
- I am aware that any false information, intentional omissions, or misrepresentations may subject the Business to civil or criminal penalties;
- I understand that training materials purchased with funds awarded under this project will be in the public domain and will be available for use by other eligible entities at no costs;
- The Business agrees to adhere to all reporting requirements: and to respond to a Customer Satisfaction Survey(s), if asked; and
- The Business agrees to provide all requested data elements as required for federal reporting.

Further, this business shall not discriminate against any employee, applicant for employment, applicant or Workforce Innovation and Opportunity Act participant, subcontractor or potential beneficiaries of employment and training programs or projects because of race, color, disability, religion, age, sex, national origin, political affiliation or belief.

Print Name

Title

Authorized Signature
(Collaborative Business Representative)

Date



PROJECT ABSTRACT

Please provide the following information, not to exceed three (3) pages:

1. Background information on the company;
2. Overview of the training (not to exceed ½ page) and information to support the request and need for training;
3. Description of how the requested training will address the identified skills gaps, improve employee retention, impact company stability, and increase the competitiveness of the employee and employer;
4. Reason for requesting financial assistance to conduct the training



WIOA Incumbent Worker Training Plan Components

Title and Description of Training		Participating Employees	Cost
Title:			
Description:			
Title and Description of Training		Participating Employees	Cost
Title:			
Description:			
Title and Description of Training		Participating Employees	Cost
Title:			
Description:			
Title and Description of Training		Participating Employees	Cost
Title:			
Description:			
Title and Description of Training		Participating Employees	Cost
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Description:			
Title and Description of Training		Participating Employees	Cost
Title:			
Description:			
Title and Description of Training		Participating Employees	Cost
Title:			
Description:			
Title and Description of Training		Participating Employees	Cost
Title:			
Description:			
Title and Description of Training		Participating Employees	Cost
Title:			
Description:			
Total			\$0.00

TRAINING COMPONENT# _____

Course Title:		
Course Description and Objectives:		
Training Schedule (# hours of training):		Estimated Training Dates:
Number of Trainees for Component:		
Training Location:		
Component Cost:	Component Cost Charged to Grant:	
Please provide information for the training provider.		
Name of Training Provider:		
Name of Training Provider Contact:		Phone:
Address:		
City:	State:	Zip:
E-Mail Address:		
Provide the following information for <u>each</u> Instructor of this Component.		
Name of Trainer/Instructor:		
Qualifications of Trainer/Instructor to Teach Component:		
Please provide the information requested in questions 1-3.		
1. Identify the skills gaps of the employees to be trained.		
2. Explain how the training will address the identified skills gap, improve employee retention, impact company stability, and increase the competitiveness of the employee and employer by either:		
<p style="text-align: center;"> <input type="checkbox"/> Upgrading their skills and knowledge to retain their current job; OR <input type="checkbox"/> Gaining new skills and knowledge so they qualify for a different job with their employer. </p>		
3. How will this training component impact the employees' opportunity for advancement in the company and/or wage increases?		



WIOA INCUMBENT WORKER TRAINING PROGRAM

Program Agreement Work Statement

Agreement #

This agreement is entered into by _____ and _____, hereinafter referred to as the Administrative Entity and the Business/Consortium respectively.

1.1 Basis for Agreement

1.1.1 Pursuant to the provisions of the Workforce Innovation and Opportunity Act (WIOA) and its implementing regulations, this agreement is written for the purpose of providing incumbent worker training

1.1.2 This agreement is based on the application submitted by the Business/Consortium and negotiated between all parties. The Business/Consortium agrees to train employees as described in the approved application and negotiated budget.

1.1.3 The Business/Consortium warrants that the information set forth in the application is true, correct and complete in all material aspects and that as part of the agreement, may only be amended by prior approval of the Administrative Entity and subject to mutual agreement by all parties

1.1.4 The Administrative Entity is prepared to provide funds as outlined in the approved budget. These funds shall be expended solely for the purpose of the approved budget on a reimbursement and performance method of payment.

1.1.5 The Administrative Entity's liability under this agreement is contingent on the continued availability of appropriated and allocated funds under WIOA. The Business/Consortium agrees that the Administrative Entity shall be the final authority on the availability of such funds.

1.2 Terms of the Agreement

1.2.1 The agreement period is indicated on the signature sheet of this agreement. Training may not begin prior to the effective date of this agreement

1.2.2 During the term of this agreement, the Business/Consortium:

(a) Comply with all applicable federal, state, and local laws related to the execution of this agreement

(b) Cooperate with the Administrative Entity in every reasonable way to ensure the successful delivery of the training program and the attainment of specific training objectives.

1.2.3 Payments. Payments shall be made the Business/Consortium on a reimbursement and performance basis. The Business/Consortium will submit invoices to the Administrative Entity including the documentation of expenditures in such detail as to provide for the proper pre-audit and post-audit.

1.2.4 Ineligible Costs. The following activities shall not be funded with any of the grant funds:

- (a) Administrative costs incurred by the Business/Consortium
- (b) trainee wages or travel
- (c) training equipment
- (d) capital improvements
- (e) curriculum development
- (f) purchase of any item or service that may possibly be used outside of the training project including computer equipment and non-training related software
- (g) costs incurred prior to the effective date of the agreement

1.3 Business/Consortium Reporting Requirements

1.3.1 CALJOBS. Training projects are performance based with specific measurable outcomes. For performance and reporting purposes, the Business/Consortium and all IWT participants must be registered and tracked in CALJOBS using their Federal Identification Numbers and Social Security Numbers (SSNs), respectively.

To eliminate the need for the Business/Consortium, to provide the full SSN to the Administrative Entity, employees should register in CALJOBS using their full SSN once identified as in IWT participant but not later than the first day of training. Subsequent documentation provided by the Business/Consortium to the Administrative Entity should only need to be the last four digits of the employee's SSN to identify the individual in CALJOBS.

1.32 Trainee Information form. The Business/Consortium shall provide an itemized list of the individual trainee/employee information for each training class within 30 days of the start of each training. Such information will be collected in CALJOBS and used to measure the impact of this training. Only aggregate data will be used; no individual personal information will be reported. This documentation should include:

Participants name	Date of Birth	Last four digits of the SSN
Gender	Race	Ethnicity
Veteran Status	Disability Status	Limited English Proficiency
Highest Grade Completed	Current Hourly Wage	Training Course Name
Actual training start date	ONET code for training	Projected training end date

1.3.3 Expenditure Reports. During the term of this agreement, the Business/Consortium shall provide the Administrative Entity invoices and Cumulative Expenditure Reports, inclusive of all expenses up to and including the last day of the month must be submitted to the Administrative Entity no later than 20 days of the following month. These reports consist of:

(a) Cumulative Expenditures that outline an accounting of actual expenditures against budgeted expenditures; and

(b) Detailed supporting documentation.

1.3.4 Final trainee information. Within 30 days of training, the Business/Consortium will provide the Administrative Entity with Final Trainee information, which will include sufficient documentation for identification all participants that would allow for the calculation of performance measures and any other outcomes deemed pertinent to the Administrative Entity. At a minimum, that information will include: training outcomes, measureable skills gained, credentials received, any wage increases, promotions, and employment retention.

1.3.5 Final Program and Budget Reports. Within 45 days of the completion of training or within 45 days of the expiration of this agreement, whichever occurs first, the Business/Consortium will provide the Administrative Entity with a certification that the training program has been completed within compliance with the terms and conditions of this agreement. The Business/Consortium shall provide reports that specify:

Cumulative Expenditures;

The start and end dates of the training program;

The title and description of the training program;

The type and description of credential(s) earned;

The number of employees who completed the program;

The number of employees who earned a credential;

The number of promotions or wage increases as a result of completing the training program;

The number of existing jobs saved;

The number of new jobs created;

Layoff or closure;

Other outcomes.

The Administrative Entity shall withhold final payment until the Final Trainee Information and Final Program and Budget Reports are submitted.

1.4.1 **Business/Consortium Administrative Requirements**

- 1.4.2 Audit and Records. During the term of this agreement , the Business/Consortium agrees to comply with the following requirements:
- (a) Maintain books, records, and documents (including electronic storage media) in accordance with generally accepted accounting procedures and practices which efficiently and properly reflect all revenues and expenditures for funds provided by the Administrative Entity for a period of three years after the conclusion of the agreement. Such records, books, documents, and other evidence shall be subject at all times to inspection, review or audit by representatives of the Administrative Entity, state, and/or federal personnel responsible for the oversight, monitoring, and evaluation of WIOA.
 - (b) Submit all bills for fees or other compensation for services or expenses in detail sufficient for a proper pre-audit or post-audit;
 - (c) Include these record keeping requirements in contracts and subcontracts entered into by the Business/Consortium with any party for work required under terms of this agreement.
- 1.4.3 Liability. The Business/Consortium assumes the risk of any claims, suits, judgements, or damages arising from the Business/Consortium's performance of, or failure to perform, the tasks and duties which are subject to this agreement, and/or from the Business/Consortium participation in the program. The Business/Consortium shall indemnify, defend, and hold the Administrative Entity harmless from all claims, suits, judgements, or damages arising from intentional acts, negligence or omissions from the Business/Consortium's performance of tasks and duties that are subject to this agreement.
- 1.4.4 The Business/Consortium shall act independently and not as an employee of the Administrative Entity in the performance of the tasks and duties which are the specific obligations of the Business/Consortium pursuant to this agreement.
- 1.4.5 Non-discrimination. The Business/Consortium will not discriminate against any employee employed in performance of this agreement, or against any applicant for employment because of race, color, religion, sex, marital status, national origin, sexual orientation, age, disability, political affiliation, or belief.
- 1.4.6 Drug-Free Workplace. The Business/Consortium will provide a drug-free workplace by:
- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, or possession or use of a controlled substance is prohibited in the Business/Consortium workplace;
 - (b) Specifying that actions will be taken against employees for violation of such prohibition;
 - (c) Establishing a drug-free workplace program;
 - (d) Making it a requirement that each employee to be enrolled in training under the grant be given a copy of the statement required by paragraph (a);
 - (e) Notifying the employee that, as a condition of employment, the employee will:
 1. Abide by the terms of the statement in (a) above; and
 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than (5) days after the conviction;
 - (f) Notify the Administrative Entity within (10) days after receiving a notification in paragraph (e)2 from an employee or otherwise receiving actual notice of such conviction; and

(g) Take one of the following actions within (30) days of receiving notice of under subparagraph (e)2 , with respect to any employee who is so convicted-

1. Taking appropriate personnel action against such employee, up to and including termination; and
2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency; and

(h) Make a good faith effort to maintain a drug-free workplace.

1.4.7 Modification

1.51 No provision for automatic renewal or extension of this agreement shall be effective.

1.5.2 This writing contains the entire agreement of the parties. No representations were made or relied on by any party, other than those that are expressly set forth in the agreement. No agent, employee, or other representative of any party is empowered to alter any terms of this agreement, unless done in writing and signed and approved by authorized signatories of both the Administrative Entity and the Business/Consortium. The parties agree to renegotiate this agreement if revisions of any laws, regulations, or decreases in funds availability make changes to this agreement necessary.

1.6 Termination.

In the event the Business/Consortium materially defaults in the performance of any duty, obligation, covenant, or agreement imposed on it or made by it in this agreement, then the Administrative Entity shall provide the Business/Consortium notice of such default. The Business/Consortium shall have (15) calendar days within to initiate action to correct the default and (30) calendar days within which either to cure the default, or to demonstrate to the satisfaction of the Administrative Entity that corrective action has been taken and will likely result in curing the breach. In the event the Business/Consortium fails to cure the default, the Administrative Entity will have the right to terminate the agreement.

1.7 General Conditions.

1.7.1 The Business/Consortium acknowledges and agrees that any expenses incurred above and beyond the grant funds shall be borne and paid by the Business/Consortium. The Business/Consortium will be liable for any project funds used for purposes other than payment of costs listed in the approved budget. The Business/Consortium shall indemnify and hold the Administrative Entity harmless for claims made by any third party with respect to expenses incurred or activities performed by the Business/Consortium in fulfillment of the project.

1.7.2 The Business/Consortium certify that agreement funds shall not be used to lobby state or federal legislatures, judiciaries, or agencies.

1.7.3 The Business/Consortium acknowledges and agrees that:

(a) neither it or its principles are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this agreement by any federal department or agency; and

(b) where the Business/Consortium is unable to certify to any of the statement in 1.7.3 (a), the Business/Consortium shall provide an explanation.

1.7.4 The parties agree to comply with all terms and provisions of this agreement.



**ORANGE COUNTY WDB INCUMBENT WORKER
TRAINING GRANT APPLICATION, TRAINING
PLAN AND BUDGET**

Orange County Incumbent Worker Training Grant Application

For an application to be considered, all requested and applicable information must be provided.

SECTION I. BUSINESS INFORMATION

The sections of the application are to be completed by the Applicant. Please complete within the form; the space will expand.

A. Applicant Information

Business Name:			
Street/Mailing Address:			
City/State:		Zip:	County:
Company Contact Person:		Title:	
Phone:	Ext:	Fax:	
E-Mail Address:		Company Web-site:	
Description of Business Product(s) or Service(s):			
Years in business at training location:	Total number of paid employees at this location:		Total number of paid employees throughout California:
	How many of these employees have an employer-employee relationship?		
Legal Structure of Business:	Sole Proprietor <input type="checkbox"/>	Partnership <input type="checkbox"/>	Corporation (Designation)
	For-profit <input type="checkbox"/>	Not-for-Profit (Designation) <input type="checkbox"/>	Other:
Employer's Federal ID #:		Unemployment Insurance ID #:	

B. Parent Company

Is your company a subsidiary of another company or affiliated with a parent company?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If "Yes," please provide the following information about the corporate office/parent company, if different from above, or indicate 'SAME.'		

Parent Company Name:			
Street/Mailing Address:			
City:	State:	Zip:	County:
Authorized Representative: <input type="checkbox"/>		Title:	
Phone: <input type="checkbox"/>	Ext: <input type="checkbox"/>	Fax:	
E-Mail Address:		Company Website:	

C. Business Status Checklist

Has the company been in operation in the Orange County during the entire twelve-month period immediately preceding the state's submission deadline date? Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes	No
Is your company current on all California state taxes? Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes	No
Is your company current on all federal taxes? Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes	No
Is your company current on all county, city and local taxes? Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes	No
Does your company have an employer-employee relationship with all of the trainees? Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes	No
Is your company subject to a collective bargaining agreement? (If yes, please attach a letter of endorsement for the training from authorized union official) Yes <input type="checkbox"/> No <input type="checkbox"/>		

D. Has your company previously received an Incumbent Worker Training Grant?

If Yes, please provide the following information about each grant received:

Funding Source:	Amount of Award:	Dates of Grant Period:
Types of training provided:		
Have the terms and agreements of the training been completed? (If no, explain.)		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	

Summary of the outcome(s) from the training:	
Explain the relationship, if any, to the training described in this application:	

Funding Source:	Amount of Award:	Dates of Grant Period:
Types of training provided:		
Have the terms and agreements of the training been completed? (If no, explain.)		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Summary of the outcome(s) from the training:		
Explain the relationship, if any, to the training described in this application:		

E. Explain how the training will address the identified skills gaps, improve employee retention, impact company stability, and increase the competitiveness of the employer and employee by either:

Upgrading their skills and knowledge to retain their current job,

or

Gaining new skills and knowledge so they qualify for a different job with their employer.

SECTION II. TRAINING PLAN

A. Training Summary

Anticipated Project Start Date:	
Project Length: (to be no longer than 12 months from date of contract).	
Amount of Funds Requested:	
Number of Employees who will attend only an orientation/introduction of the training: (Do not count this number in the “Number of Employees to be trained”)	
Number of Employees to be trained (Count each one time):	

B. Collaborative Grant

If this is a Collaborative Grant, please provide the following for each company, including the lead applicant:

Company Name:	Number to be Trained (unique count):

If the application is for a collaborative grant, all of the companies included in the grant, but not the lead applicant, are to complete Section D and each company should be included on the Application Overview.

C. Training Components

See Attachment for the WIOA Incumbent Worker Training Plan Components. The form can be replicated as many times as necessary to include all Training Components requested for funding.

D. Incumbent Worker Defined:

An incumbent worker is:

- a. At least 18 years of age, a paid employee of the applicant business or businesses;
- b. In a relationship that meets the Fair Labor Standards Act requirements for an employer-employee;
- c. An employee with an established employment history with the employer for 6 months or more (the employee must be in an employer-employee relationship at least 6 months prior to the Orange County WDB IW Training Grant’s state submission deadline date);
- d. A citizen of the United States or a non-citizen whose status permits employment in the United States; and
- e. An employee to be trained that works at a facility located in Orange County.

Are all employees to be trained an eligible Incumbent Worker as described above?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
---------------------------------	--------------------------------

E. Project Abstract

Please provide the following information on attached Project Abstract :

1. Background information on the company;
2. Overview of the training (not to exceed ½ page) and information to support the request and need for training;
3. Description of how the requested training will address employees’ skills gaps, improve employee retention, impact company stability, and increase the competitiveness of the employee and employer.
4. Reason for requesting financial assistance to conduct the training.

SECTION III. BUDGET

A. The applicant is encouraged to apply only for the amount of funds needed to meet its immediate training needs. The project budget should clearly support and relate to the training plan and itemize how the award will be used. **The amount under the “Grant Funds Requested” column below should equal the total of the amounts shown under “Component Cost Charged to Grant” for all Training Components listed in Section III C. Training Components, Attachment A.** All proposed expenses must be allowable, reasonable and necessary (see Attachment C). Please provide the required information on this budget form, rather than submitting attachments.

The applicant must pay for a portion of the cost of providing the training to incumbent workers. This portion is defined as the non-federal share. The non-federal share is based on the following limits:

- Not less than 10% of the cost, for employers with not more than 50 employees;
- Not less than 25% of the cost, for employers with more than 50 employees, but not more than 100 employees;

The non-federal share provided by an employer participating in the program may include the amount of the wages paid by the employer to a worker while the worker is attending training. The employer may provide the share in cash or in kind, fairly evaluated. A column has been provided for this information.

Category	Grant Funds Requested	Employer’s Non-Federal Share (Wages, in-kind, cash, etc.)*	Explanation and Detail Please place a “G” after all explanation of costs to be paid by the NCWorks IW funds and Itemize the cost of each Training Component.
Training/Course Registration			(Example: CAD training \$300 x 10 employees=\$3000)
Manuals/Textbooks (itemize)			(Example: 10 Microsoft manuals at \$30 each=\$300)
Training Certifications, Certificates, Credentials, Licenses			(Specify number and type)
Materials and Supplies			

Category	Grant Funds Requested	Employer's Non-Federal Share (Wages, in-kind, cash, etc.)*	Explanation and Detail
Training equipment purchase (can be employer's non-federal share)			
On-site facility usage (can be employer's non-federal share)			
Employees' travel, food, lodging (can be employer's non-federal share)			
Employees' wages (can be employer's non-federal share)			
Total Funds (Both Grant and ENFS)	\$	\$	TOTAL TRAINING INVESTMENT (Grant + ENFS): \$

The Orange County Workforce Development Board and the NC Division of Workforce Solutions reserve the right to remove or adjust any part of the budget prior to grant approval.

*The number of employees is based on all locations within Orange County WDB

SECTION IV. AUTHORIZATION AND CERTIFICATION

As authorized representative of the Business submitting this application, I hereby certify that:

- I have read the Orange County WDB Incumbent Worker Training Grant Guidelines and coordinated this application with the Orange County Workforce Development Board;
- The Business meets the requirements and is eligible to submit this application;
- The information contained in this application is true and accurate and reflects the intentions of the Orange County WDB Incumbent Worker Training Grant;
- I am aware that any false information, intentional omissions, or misrepresentations may result in rejection of the application and possible disqualification for future funding;
- I am aware that any false information, intentional omissions, or misrepresentations may subject the Business to civil or criminal penalties;
- I understand that training materials purchased with funds awarded under this project will be in the public domain and will be available for use by other eligible entities at no costs;
- The Business agrees to adhere to all reporting requirements; and to respond to a Customer Satisfaction Survey(s), if asked; and
- The Business agrees to provide all requested data elements as required for federal reporting.

Further, this business shall not discriminate against any employee, applicant for employment, applicant or Workforce Innovation and Opportunity Act participant, subcontractor or potential beneficiaries of employment and training programs or projects because of race, color, disability, religion, age, sex, national origin, political affiliation or belief.

Print Name

Title

Signature

Date



DYLAN WRIGHT
DIRECTOR
OC COMMUNITY RESOURCES

CYMANTHA ATKINSON
ASSISTANT DIRECTOR
OC COMMUNITY RESOURCES

VACANT
DIRECTOR
ADMINISTRATIVE SERVICES

ANDI BERNARD
INTERIM DIRECTOR
OC ANIMAL CARE

JULIA BIDWELL
DIRECTOR
OC HOUSING & COMMUNITY DEVELOPMENT

RENEE RAMIREZ
DIRECTOR
OC COMMUNITY SERVICES

STACY BLACKWOOD
DIRECTOR
OC PARKS

JULIE QUILLMAN
COUNTY LIBRARIAN
OC PUBLIC LIBRARIES

OC Community Resources

[Date]

To: All WIOA Subrecipients of the Orange County
Workforce Development Board

From: Carma Lacy
Director of Workforce Development

Subject: Layoff Aversion Policy
Information Notice No. __-OCWDB-__
Supersedes Information Notice No. 17-OCDB-10

PURPOSE:

This policy provides guidance to all Orange County Workforce Development Board (OCWDB) One Stop Service Providers on the requirements for the provision of the Workforce Innovation and Opportunity Act (WIOA) Layoff Aversion services.

IMPLEMENTATION/EFFECTIVE DATE:

This notice is effective on- the date of issuance.

POLICY:

The SCSEP provider will inform all active project participants of leave options for the duration of the state of emergency due to COVID-19. This policy will be temporarily enacted in any future declaration of State emergency, unless otherwise specified.

REFERENCES:

Workforce Innovation and Opportunity Act § 134, Pub. L. 113-128.

20 C.F.R. §§ 682.300-682.370.

USDOL, Training and Employment Guidance Letter WIOA No 19-16, Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules (March 1, 2017).

ETA, Unemployment Insurance Program Letter No. 03-13, Financing of Temporary Federal Short-Time Compensation Programs under Section 2163 of the Middle-Class Tax Relief and Job Creation Act of 2012 (December 4, 2012).

BACKGROUND:

Under WIOA, workforce development, education, and economic development partners coordinate services and activities to meet the needs



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1300 SOUTH GRAND
BLDG. B, SECOND FLOOR
SANTA ANA, CA 92705
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of employers throughout the business cycle, including assisting with potential reductions in their labor force. Local WIOA-funded providers of employer services and other partners in workforce, economic development, and education programs should coordinate to provide a range of layoff aversion (LA) strategies as part of their routine and on-going menu of business services (e.g., identifying employers who are at-risk of downsizing, assessing employer needs, facilitating access to capital, providing worker training, helping to improve quality or production processes, etc.)

LA strategies save jobs and increase economic productivity by preventing or deferring layoff events, shortening the duration of unemployment, and minimizing the negative impacts on workers, the employer, and the community. A layoff is averted when:

1. A worker's job is saved with an existing employer that is at risk of downsizing or closing;
2. A worker at risk of dislocation transitions to a different job with the same employer; or
3. A worker at risk of dislocation transitions to a new job with a different employer and experiences no or a minimal period of unemployment.

LA strategies can be effective tools to assist employers in developing the skilled workforce necessary to adapt to the changing economy, to stay in business, and to retain talent. The local area should opt to deploy LA strategies that are most likely to retain jobs and critical industries in the region, promote new industry-sector growth strategies and new jobs in the economy, and provide improved coordination between partners. Such strategies may include, but are not limited to:

1. Assisting employers in managing reductions in force, which may include:
 - a. Early identification of firms at risk of layoffs (e.g., early warning networks or trend monitoring);
 - b. Assessment of the needs of, and options available to, at-risk firms (e.g., asset mapping, employee buy-outs, or succession planning); and
 - c. The delivery of services, or referrals to other resources and providers, to address the assessed needs;
2. Ongoing engagement, partnership, and relationship-building activities with businesses in the community to create an environment for successful LA efforts and to enable the provision of assistance to dislocated workers in obtaining reemployment as soon as possible;
3. Funding feasibility studies to determine if a company's operations may be sustained through a buyout, employee ownership, or other means to avoid or minimize layoffs;
4. Implementing incumbent worker training (IWT) programs;
5. Connecting companies to:

- a. Short-time compensation (e.g., Worksharing) or other programs designed to prevent layoffs or to quickly reemploy dislocated workers, available under Unemployment Insurance programs;
 - b. Employer loan programs for employee skill upgrading; and
 - c. Other Federal, State, or local resources as necessary to address other business needs that cannot be funded by WIOA;
6. Establishing linkages with economic development activities at the Federal, State, and local levels, including Federal Department of Commerce programs and available State and local business retention and expansion projects;
 7. Partnering or contracting with business-focused organizations to assess risks to companies, propose strategies to address those risks, implement services, and measure impacts of services delivered;
 8. Conducting an analysis of the suppliers of an affected company to assess their risks and vulnerabilities from a potential closing or shift in production of their major customer;
 9. Engaging in proactive measures to identify opportunities for potential economic transition and for fulfilling worker training needs in growing industry sectors or expanding businesses; and
 10. Connecting businesses and workers to short-term, on-the-job, or customized training programs and apprenticeships before or after layoff to help facilitate rapid reemployment.

In addition to providing services following a layoff or closure, the WIOA Rapid Response program is designed to be proactive by helping local areas implement these and other Layoff Aversion strategies.

DEFINITIONS

Business Cycle - A business cycle is identified as a sequence of four phases:

Contraction – A slowdown of business activity

Trough – The lower turning point of a business cycle, where a contraction turns into a contraction

Expansion – A speedup in the pace of economic activity

Peak - The upper turning of a Business cycle

Customer Relationship Management Module (CRM) – The CRM is a CALJOBS based tool, supported by the Employment Development Department (EDD), which allows local boards and their partners who have access to the CALJOBS system to record, track, and report a variety of business engagement activities at the individual company level.

Economic Development - The International Economic Development Council defines Economic Development as a program, group of policies, or activity that seeks to improve the economic well-being and quality of life for a community, by creating and/or retaining jobs that facilitate growth and provide a stable tax base.

Employer - An individual, business, company, firm, agency, organization, etc. that employs one or more people.

Employer Contact (122 Report) - This form is only used to report the development, implementation, and completion of business solution strategy(s) relating to and resulting in job retention at the current place of employment and the rapid re-employment (talent transfer) of affected workers.

Employment Training Panel - The ETP provides Incumbent Worker Training (IWT) funding to employers to assist in upgrading the skills of their workers through training that leads to good paying, long term jobs. The ETP is a funding agency, not a training agency. Businesses determine their own training needs and how to provide training. ETP staff is available to assist in applying for funds and other aspects of participation.

Imminent Layoffs - Workforce reductions by an employer that, according to documented foreseeable circumstances, are likely to occur within the next 36 months, and likely to result in the potentially affected workers remaining out of work for at least 6 months.

Incumbent worker - An employed individual who meets the Fair Labor Standards Act requirements for an employer-employee relationship and has an established employment history with the employer for six months or more or is a member of a training cohort in which most of the workers have such an employment history.

Incumbent worker training (IWT) - Training 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. IWT is conducted with the commitment of the employer to retain or avert the layoffs of the incumbent workers trained. IWT may be funded with local adult or dislocated worker formula grants or with state RR funding.

Jobs Retained - A layoff is averted when (1) a worker's job is retained with the current employer that at risk of downsizing or closing; (2) when a worker at risk of dislocation transitions to a different job with the same employer.

Layoff - A separation due to the lack of work or other factor(s) not related to the behavior or performance of the employee.

Layoff Aversion (LA) - The process of using a series of activities, studies, and networks to examine a business, or sector's cycle, organizational conditions, markets, and broad community relationships etc., in an effort to determine workforce and economic solutions that can mitigate job loss or save jobs.

Manufacturing Extension Partnership (MEP) - The National Institute of Standards and Technology Hollings MEP works with small and mid-sized manufacturers to help them create and retain jobs, increase profits, and save time and money. The MEP also works with partners at the state and federal levels on programs that put manufacturers in position to develop new customers expand markets and create new products.

Notification - The process by which an individual on the RR team is made aware of a possible layoff or employer closing. A notification can come from a variety of sources, including, but not limited to: a WARN letter, word of mouth, the media, local Chamber of Commerce, California Trade Unit, One Stop Center, union officials, local government, affected workers, etc.

Orange County Workforce development board (OCDB) director - The individual hired or designated by the local OCDB to assist in completion of duties for the local OCDB, including oversight of workforce development employment and training programs and development of the budget for the local area.

Planning region - Two or more local workforce development areas assigned by the State to align workforce development activities and resources with larger regional economic development areas and available resources to provide coordinated and efficient services to both job seekers and employers.

Potentially affected workers (PAW) - Employees at risk of becoming unemployed due to an event.

Rapid Re-Employment (Talent Transfer) - A laid off worker is hired by a different employer and experiences a short unemployment (45 days or less). To qualify for this activity, a confirmed job offer must be on file from the hiring employer and issued 45 days of the date the participant becomes unemployed.

Small Business Development Centers of California (SBDC) - The SBDCs provide training a no cost one-on-one counseling to help small businesses and entrepreneurs overcome obstacles to growth. Topics range from: start-up assistance, planning for growth and expansion, technology, innovation, and capital.

Worker Adjustment Retraining Notification Act (WARN) - The Federal Act that protects workers, their families, and communities by requiring most employers with 100 or more employees to provide notification 60 calendar days in advance of plant closings and mass layoffs. General provisions of WARN covers employers with 100 or more employees, not counting those who have worked less than 6 months in the last 12 months and those who work an average of less than 20 hours a week. Additional material for compliance and assistance can be found at <http://www.doleta.gov/layoff/warn.cfm> .

Worksharing Program/Short Term Compensation - Work Sharing is described in Section 1279.5 of the California Unemployment Insurance Code and provides employers with an alternative to layoffs and provides their employees with payment of reduced Unemployment Insurance benefits. Note: This activity is considered a job saved/retained as this strategy does minimize the impact on the Unemployment Insurance fund and should be reported on the Layoff Aversion Form 122.

POLICY AND PROCEDURE

OCWDB subrecipients shall observe the state guidance on rapid response and layoff aversion provided in WSD 16-04.

Use of Rapid Response Funds

The Categorization of Rapid Response Activities table provided below lists the required and allowable uses of Rapid Response funds. Layoff Aversion are a required activity in WIOA, and OCDB abides by the state policy that the full scope of Rapid Response activities must be provided in the local area.

The scope of business solutions that may be provided at Rapid Response events is not restricted to the activities listed in Section 134 of the WIOA. Subrecipients are encouraged to leverage other funding sources (local or state) to provide a broader scope of business solutions. Examples include: Trade Adjustment Assistance (TAA), Unemployment Insurance Claim filing, economic development, financial counseling, and mental health counseling.

Categorization of Rapid Response Activities Title 20 Code of Federal Regulations Notice of Proposed Rule Section 682.330

Activity	Required	Allowable	Prohibited
Conducting planning meeting with employer	X		
Assessing layoff aversion potential	X		
Conducting orientation meeting with employees	X		
Providing TAA orientation	X		
Delivering/ mailing Rapid Response informational materials	X		
Providing access to CalJOBS SM and SkillsMatch on-site, using company's or mobile facility	X		
Enabling participants to register with America's Job Center of California SM onsite	X		
Job fair or information expo focused on one or more dislocation events, at or not at the dislocation site	X		
Coordinating Labor-Management/Workforce Transition Committee	X		
Providing information about services available in the AJCCs and setting up systems to provide on-site access to information and services	X		
Providing training orientation on industry specific opportunities (ex: Biotech)	X		
Providing resources for food, shelter, clothing and other emergency assistance	X		
Conducting Business Engagement Activities	X		
Conducting Research on Business Activities	X		
Devising layoff aversion strategies with employer	X		
Providing layoff aversion technical assistance to employer	X		
Conducting business services workshops	X		
Training affected workers to upgrade skills for another position in company	X		
Attending Regional Roundtable		X	
Attending conferences		X	
Conducting interview technique workshops		X*	
Conducting job search assistance and resume writing workshops		X*	
Completing Unemployment Insurance applications			X
Job fair or information expo not related to a dislocation event			X

* Local Workforce Development Areas may conduct group workshops (e.g. job search assistance and/or resume writing workshops) as part of on-site Rapid Response to business closures or significant layoffs and charge the cost to their 25 Percent Rapid Response funds if they have determined, in consultation with the local workforce services manager, that EDD workforce services staff are not available to conduct such workshops.

Layoff Aversion Employer Contact

OCDB Subrecipients shall contact employers who may be at-risk of layoffs or closures through a series of activities, studies, and networks to examine a business' sector's cycle, organizational condition, markets, and broad community relationships, in an effort to determine workforce and economic solutions that can mitigate job loss or save jobs.

20 CFR 682.320(a) provides that layoff aversion consists of strategies and activities, including those in sections 680.320(b), 680.330, and 680.340, to minimize or prevent the duration of unemployment resulting from layoffs. Those strategies include but are not limited to:

- Providing assistance to employers in managing the reduction in force, which may include early identification of firms at risk of layoff, assessment of the needs and the options for at-risk firms, delivery of services to address those needs;
- Ongoing engagement, partnership, and relationship activities with the businesses in the community;
- Funding feasibility studies to determine if the company's operation may be sustained through a buyout or other means to avoid or minimize layoffs;
- Developing, funding, and managing incumbent worker training programs or other worker upskilling approaches;
- Connecting companies to Work-sharing or other programs available under Unemployment Insurance;
- Establishing linkages with economic development activities at the federal, state, or local levels
- Partnering or contracting with business focused organizations to assess risks to companies and propose strategies to address those risks;
- Conducting analysis of suppliers of an affected company to assess their risks and vulnerability to a potential closing or shift in production;
- Engaging in proactive measures to identify opportunities for potential economic transitions;
- Connecting businesses and workers to short-term, on-the-job, or customized training programs and registered apprenticeships before or after layoffs to facilitate rapid reemployment.

Contact with employers may be conducted on-site, by telephone, or the use of other interactive technology and shall take place prior to notice of layoffs. Subrecipients shall coordinate with One Stop system partners to identify the needs of businesses and help identify the needs of businesses and help identify and design appropriate layoff interventions.

Local Area Strategic Framework for Layoff Aversion Activities

Local workforce development boards (WDB) have the unique opportunity to implement proactive programs meant to predict and avert layoffs, thereby saving jobs and helping their communities grow and prosper. Under the strategic direction of the OCDB, the partners in the local area must establish processes and procedures to:

1. Effectively deliver services to employers throughout the business cycle (i.e., normal expansions and contractions of the economy);
2. Develop an operations protocol for local area and regional partner programs that provide employer services to coordinate their efforts;

3. Identify opportunities to conduct Layoff Aversion activities;
4. Determine the appropriate Layoff Aversion strategy or mix of strategies that best fits each opportunity;
5. Develop the Rapid Response funding request for implementation of Layoff Aversion strategies when local area resources are insufficient to address the local needs;
6. Implement the approved Layoff Aversion strategies; and
7. Capture the data associated with Layoff Aversion in the appropriate State-designated information systems.

When the need to implement one or more Layoff Aversion strategies has been identified, local area partner or community resources available to implement the strategy must be explored, including WIOA adult and dislocated worker formula funds.

Incumbent Worker Training (IWT)

One of the most commonly implemented and effective Layoff Aversion strategies is the provision of IWT to enable workers to obtain the skills necessary to avert potential layoffs.

Many employers express the need to upgrade the skills of their workforce to enhance profitability and competitiveness, but the primary focus of the Rapid Response program must remain on serving unemployed workers and averting layoffs. Examples of situations that would justify the need for IWT funding to prevent imminent layoffs include, but are not limited to:

- An employer experiences ongoing losses or declining sales that are likely to be mitigated by IWT;
- A significant share of the employer's revenue is derived from contracts or agreements that risk being discontinued if worker skills are not upgraded to complete the deliverables; or
- Successful implementation and operation of new equipment or technology necessary for the sustained viability of the company requires specialized or intensive worker training.

IWT services must be implemented in compliance with the IWT guidelines (i.e., employer eligibility requirements, training provider considerations, procurement options, allowable costs, etc.). See Information Notice No. 20-OCWDB-05 Incumbent Worker Training for complete guidelines on Incumbent Worker Training.

Asset Mapping

Asset mapping identifies resources in the community and provides local areas with an inventory of key resources in their local workforce development area. Key resources include entities that provide business services that align with the employer's future goals and focus on business retention, offering a broad base of advice and coaching on profitability, operations, and financing. Providers must ensure that these sources are tapped only when it is determined that an employer is targeted for assistance is in need of services, at which time Providers can facilitate a connection or provide the employer with contact information.

An asset mapping list includes entities with which the Provider already has relationships, such as local government; chambers of commerce; local, regional, or state economic development

entities; local banks; and utility companies. Once core partners have been established and confidentiality agreements in place, the partners can leverage other resources, whether public or private, to help the employer recover.

It is recommended that Providers sign confidentiality agreements, when appropriate, and remain cognizant of the sensitive nature of the information shared about employers with entities in the asset mapping process.

Proactive LA Strategies

Local areas should utilize proactive Layoff Aversion strategies that target industries that will most significantly improve the labor market and economy of the region. This includes industries that:

- Provide the types of long-term wages, benefits, and career opportunities that will allow individuals and families to become and/or remain financially independent and self-sufficient;
- Employ a relatively large share of the local or regional workforce;
- Have established career pathways for low-income populations;
- Diversify job opportunities for workers in the labor market; and
- Create economic spin-off activity or technological advancement.

Prefeasibility Studies

Providers may devise and oversee development of prefeasibility studies for the aversion of plant closures. Prefeasibility studies provide objective evidence to the likelihood of an employer remaining operational and, if so, under what conditions. Providers must ensure confidentiality of the information collected in developing a prefeasibility study and involve management and labor in the process.

Typical feasibility studies assess the employer's business operations in the following areas:

- Organizational Structure
- Market
- Operations/Manufacturing
- Financial
- Legal
- Conclusions and Methodology

Early Warning Indicators (EWS)

- Detecting early warning indicators is a strategy that complements other information gathered through EWS and aids in identifying and tracking companies in possible distress.
- Early warning indicator data sources include:
 - Unemployment Insurance data;
 - UI Worksharing program data;
 - Payday claims;
 - Employment Rolls; and
 - Labor Market Information (LMI), which is useful in analyzing trends of industries of a region, whether a region is growing, stable, or declining in sales, employment, etc. Information collected by California's Labor Market Information department includes:
 - Labor force and employment information;
 - Employment and projected data by industry and occupation;

- Population and other demographic data;
- Local economic trends and characteristics, including cost of living information;
- Occupational data by race, gender, and wage rates, including earning data by industry and geographic data; and
- Skill sets by occupation.

Additional evidence to support information provided through early warning indicators include the following:

- WARN notices which are useful in analyzing layoff activity by industry sector and occupations laid off;
- Declining Sales;
- Supply Chain Issues;
- Adverse Industry/Market Trends;
- Changes in Management or Ownership;
- Workers do not have In-Demand Skills
- Public loan defaults-information shared through state and local economic development offices;
- Utility companies-reports on usage drops can indicate elimination of a shift, cutbacks in overtime, fewer machines operating, etc.;
- Representatives from among an employer's customers and suppliers;
- Major trade journals, business journals, and local and regional newspapers;
- Employer annual and quarterly financial information;
- Dun & Bradstreet or Experian-these companies provide information on firms and industries under stress. Reports are generated monthly and relevant information can be found in the financial stress score and the commercial credit score.

Layoff Aversion and Reporting Requirements

- The OCDB Layoff Aversion Form 122 shall be completed by subrecipients to report the development, implementation, and completion of business solution strategies to prevent layoff, (e.g. IWT, Work-sharing, Talent Transfer, etc.) delivered to businesses during the stages of the business cycle that relate to and result in job retention and/or rapid re-employment.
- Subrecipient shall complete OCDB Layoff Aversion Form 122 following the line item instructions in Attachment II.
- Supporting documentation of outcomes are required to be attached to each OCDB Layoff Aversion Form 122
 - Letter from the business affirming that the layoff aversion activity are coordinated or provided resulted in jobs saved/retained
 - Written letter job offer from the hiring employer
- The OCDB Layoff Aversion Form 122 may be submitted for a "single" job retained at an existing employer and/or single rapid re-employment with a different employer
- The OCDB Layoff Aversion Form 122 and instructions are included as Attachment I and II of this policy. OCDB subrecipients shall provide, by the (7th) calendar day of each month a Layoff Aversion Activity Tracking report for the preceding months activities, in a format approved by the OCDB.
- Prior to providing and providing Training for Layoff Aversion, Providers shall submit the Layoff Aversion Documentation Form (which is attached) for OCWB approval.

The EDDs WSIN 15-21 communicated to the local workforce system the availability of the module for CALJOBS, the Customer Relationship Management Module (CRM). The CRM meets the business needs of managing, recording, and conducting all business

engagement activities. It states that the use of this module regionally across the local areas will help eliminate duplicate contacts from local/regional agencies to the same employers, provide information regarding historical activities and the types of activities being conducted with an individual employer.

Case Files

Case files are maintained by the subrecipient to document Rapid Response and the Layoff Aversion Activities provided to employers and affected employees. These files must be kept in a centralized location and available to staff providing Rapid Response and Layoff Aversion services to employers. Please note these activities and documentation of outcomes are subject to local, state, and federal monitoring processes.

Case files shall include documentation of the services reported to the OCDB Rapid Response Required Activities Form 121.

Documentation shall include but is not limited to:

- Company Information
- Notice of layoff/closures or determination of need
- California WARN notices
- All source documents needed for validation of reported dates, meeting attendees, or members of the Rapid Response Team
- Initial and/or comprehensive assessments
- Written approval from the OCDB, to conduct group workshop (e.g. job search assistance and/or resume writing workshops)
- Contracts with employers for customized training, incumbent worker training, and Work-sharing strategies which shall include:
 - Number of employees participating in training
 - Wage and benefit levels of those employees (both pre and post participation earnings)
 - List of other training and advancement opportunities provided by the employer
 - Breakdown of the employer share in the cost (both cash or in-kind)
- Training progress reports, timesheets, and attendance reports
- Invoices which may include the employer in-kind such as wages paid to participants, while in training and shall include paystubs, timesheets, and certificates
- Letter from business affirming that layoff aversion activity coordinated or provided results in jobs saved/retained
- Complete resume for clients being referred to Talent Transfer
- Talent Transfer hires confirmed by the hiring employer through a written job offer that includes a start date
- Printed case management notes showing provision of all substantial services provided and coordination between team members and partners

ACTION

Bring this policy to the attention of all staff.

INQUIRIES

If you have any questions regarding this policy, please contact your Contract Administrator at 714-480-6500.

ATTACHMENTS

Attachment I: OCWDB Layoff Aversion Form 122

Attachment II: Layoff Aversion Form 122 Line Item Instructions

Attachment III: Layoff Aversion Documentation Form

LAYOFF AVERSION ACTIVITIES FORM 122

- Jobs Retained
 Rapid Re-Employment

COMPANY INFORMATION

Company Name	<input type="text" value="2"/>	Amazing Company
Address		1234 Example Street
City		Somewhere
State		CA
Zip		92725
Local Priority Sector	<input type="text" value="9"/>	Yes
Contact Name		Mr. James Reliable
Title		President
Phone		(714) 652-4545
Email		jamesreliable@amazingco.com
Local RR Number		#5322
Industry Sector	<input type="text" value="8"/>	56_Administrative_and_Support_and_Waste_Management_and_Remediation

LOA LOGISTICS

Date of Initial Contact	<input type="text" value="1"/>	Wednesday, January 25, 2017
LOA or RRE Start Date	<input type="text" value="5"/>	Monday, February 13, 2017
LOA or RRE End Date	<input type="text" value="6"/>	Tuesday, February 28, 2017
Total Jobs Retained	<input type="text" value="10"/>	11
Retention Documented	<input type="text" value="12"/>	Yes
RRE Company Name	<input type="text" value="3"/>	In The Black Inc.
RRE Address		1234 Sample Avenue Ste. 55
RRE City	<input type="text" value="4"/>	Anywhere
RRE Zip		98556
RRE Documented	<input type="text" value="13"/>	Yes
RRE Total	<input type="text" value="11"/>	2

BUSINESS ENGAGEMENT TEAM

OCDB Subrecipient	Contractor Name	<input type="checkbox"/> One-Stop Staff	Region / Contact Name
Lead Staff	Mrs. Jackie Local	<input type="checkbox"/> SBDC Rep.	Region / Contact Name
<input type="checkbox"/> Employer Rep.	Contact Name	<input type="checkbox"/> DSN Rep.	Agency / Contact Name
<input type="checkbox"/> Union Rep.	Contact Name / Local #(s)	<input type="checkbox"/> Industry Association	Agency / Contact Name
<input type="checkbox"/> Employment Development Dept.	Contact Name / Phone	<input type="checkbox"/> Training Rep.	Agency / Contact Name
<input type="checkbox"/> Regional Partner	Region Name	<input type="checkbox"/> Chamber of Commerce	City / Contact Name
	Contact Name / Phone	<input type="checkbox"/> Other	Agency / Contact Name
			Description of Participation

BUSINESS SOLUTION DELIVERED

<input type="checkbox"/> Business Solution Strategy <input type="checkbox"/> Incumbent Worker Training <input type="checkbox"/> Customized Training <input type="checkbox"/> Facilitation and Coordination with Partners <input type="checkbox"/> Work Sharing <input type="checkbox"/> RRE Talent Transfer (hiring within 45-days)	Provide brief description of solution delivered: <input type="text" value="7"/> Incumbent Worker Training, Work Sharing, etc. and by whom (Employment Training Panel, Vendor, Partner)
--	--

SUMMARY

Identify the details of services provided here.

122 REPORT LINE ITEM INSTRUCTIONS

The LAYOFF AVERSION ACTIVITIES FORM 122 are those relating to layoff aversion (LOA) activities resulting in job retained at the current employer and/or rapid re-employment (RRE) services (Talent Transfer) at new employer, conducted during any stage of business cycle as defined in the directive.

Complete a separate LAYOFF AVERSION ACTIVITIES FORM 122 for each layoff aversion solution and/or rapid re-employment service delivered.

The LAYOFF AVERSION ACTIVITIES FORM 122 and required attachments must be completed within 24 hours of completion of activities. OCDB subrecipients shall provide, by the seventh (7th) calendar day of each month, a Layoff Aversion Activity tracking report for the preceding months activities, in a format approved by OCDB.

Type of LOA		
Jobs Retained	R	A business solution is offered that resulted in the company retaining its employees. Use the toggle button to select or deselect this option.
Rapid Re-Employment (Talent Transfer)	RE	A talent transfer service is coordinated with compatible company to transition employment between companies within 45-days of the employee's layoff date. Use the toggle button to select or deselect this option.
Company Information		
Company Name (1)	R	Name of the company retaining jobs and a business solution delivered.
Address	R	Street address of company, which is the location where Rapid Response services were provided.
City	R	City of company.
State	R	State of company.
Zip	R	Zip code of company.
Local Priority Sector	R / RE	Yes or No -- Is the Sector identified in the local/regional Strategic Plan as a Priority (Select item from drop down menu)
Contact Name	--	Name of the company point of contact.
Title	--	Title or position of the company point of contact.
Phone	--	Phone of the company point of contact.
Email	--	Email address of the company point of contact.
Local RR Number	--	The unique identifying number assigned to an employer when an employer agrees to services. This number can be applied to more than one 122 form for the purpose of tracking activities reported over several days.
Industry Sector	R/ RE	Select NAICS Code item from drop down menu.
LOA Logistics		
Date of Initial Contact (1)	R / RE	Insert date of initial contact (mm/dd/yy)
Date of 121 Planning	--	Date on which the Provider staff met with company to plan layoff aversion activities for its affected workers.
LOA or RRE Start Date (5)	R	Insert Date (mm/dd/yy)
LOA or RRE End Date (6)	R	Insert Date (mm/dd/yy)
Total Jobs Retained (10)	R	Enter total number of jobs retained resulting from Business Solution.

Retention Documented (12)	R	Yes or No -- Do you have documentation from the employer attesting to the jobs retained? (Select from drop down menu) (Documentation must be attached to this report and retained at the local level)
RRE Company Name (3)	RE	Insert company name where worker(s) are rapidly re-employed.
RRE Address	--	Insert company address where worker(s) are rapidly re-employed.
RRE City (4)	RE	Insert company city where worker(s) are rapidly re-employed.
RRE Zip	--	Insert company zip where worker(s) are rapidly re-employed.
RRE Documented (13)	RE	Yes or No -- Do you have documentation from the gaining employer(s) attesting to the placement/hiring of the worker(s). A pay stub from the participant is acceptable documentation. (Select from the drop down menu) (Documentation must be attached to this report and retained at the local level)
RRE Total (11)	RE	Enter number of workers rapid re-employed (Talent Transfer).
Business Engagement Team		
Business Engagement Team	R / RE	Select check boxes to identify, for quick reference, members of the business engagement team. Provide contact names and other descriptions requested next to the check box selected
Business Solution Delivered		
Business Solution Delivered	R / RE	Select the check boxes to identify, for quick reference, the services delivered. Provide a brief description of solution delivered. Include the type and by whom the service was coordinated with or provided by.
Summary		
Summary	R / RE	Identify the details of services provided.

Legend:

R = Jobs Retained

RE = Rapid Re-Employment



This document must be completed prior to entering into or implementing any agreement(s) with a company(ies) for incumbent worker training. The Grantee may proceed with this project once approval has been obtained from OCWB.

Date Submitted:

Name of Employer:

Grantee:

Employer Sector / Industry:

Grant Number:

Total Number of Employees at Work Site:

Project Name:

Number of Employees to be Trained:

Training Cost:

Start/End Date of Training:

Project Cost:

Participant will Receive

(if different than the training cost)

Training Only

Industry Recognized Certificate or Credential

1 – Check the layoff aversion “at-risk” indicator(s) below that are applicable for this company:

(More than one may be checked – check as many as applicable. See pages 2 and 3 of this document for descriptions of the at-risk indicators)

Below each at-risk indicator that is checked, you must provide specific/detailed information/discussion that supports the “at-risk” indicator as the factor on which the layoff aversion strategy is, or will be based.

Declining Sales

Supply Chain Issues

Adverse Industry / Market Trends

Changes in Management Philosophy or Ownership

Worker Does Not Have In-Demand Skills

Strong Possibility of a Job if a Worker Attains New Skills

Other “at-risk” Indicators

2 – Describe how that training will address the “at-risk” indicator(s) identified above and explain how the training will result in averting the layoff of employees.

3 – If the Grantee is not the training provider, discuss who will be providing the training, and if not provided in-house confirm that the trainer selected or to be selected were done so through an appropriate procurement process. If more than one training provider is used, describe the specific responsibilities of each.

OCWB -- Lay-off Aversion Documentation

4. – Describe the training that will be provided. Attach a course syllabus, or course/training outline for the training to be provided.
- a. – Discuss the workers that will be trained and provide the number of trainees by position title that will receive training. In the case of multi-class training, identify which positions will take each element
- b. – Provide specifics such as but not limited to; type of training; training mechanism length of training; training outcome (i.e., certificate, credential, etc.)
- 5 – Provide us with the name of the staff that will be responsible for entering the appropriate information in the Incumbent Worker Tracking System (IWTS).

--- **Layoff Aversion At-Risk Indicator Descriptions** ---

Layoff aversion is often dependent on the particular situation and potential options. Successful outcomes depend on a variety of factors. There are various strategies to consider when averting closures or business failures to ensure job retention. The first step in determining the appropriate layoff aversion strategy is to understand the “at-risk” indicators. In many cases, more than one “at-risk” indicator will apply to a given event. Below are some of the “at-risk” indicators Illinois has identified to determine if a business is in need of intervention.

- Declining sales** - A company has undergone or will undergo (must be confirmed) a significant loss in sales that puts part of their workforce in threat of layoff. Declining sales must be expressed in terms of X dollars or Y units for Z period of time (months or years), along with information that provides known or suspected reasons for the decline. When determining if a decline in sales is the cause of a potential layoff, have considerations been given to the industry as a whole; is the decline a percentage of the market; has product quality, production delays, or pricing contributed to the decline in sales, etc.

- Supply chain issues** - A company loses a supplier or consumer that threatens the employment of part of their workforce, or acquired a new supplier that requires new skills to maintain the workforce. Supply chain issues must be accompanied by an explanation as to why the change occurred. When determining whether a supply chain issue will contribute to a potential layoff, have considerations been given to other suppliers' ability to provide same or like products, has the company considered alternative product(s) production and sales that would not require retraining of staff or layoff, can the new training required be conducted by the new supplier, etc. Supply chain issue must be supported by documentation of the factors causing the supply problem.

- Industry /market trends** - The industry / market standards have changed to the point where new training is needed to retain the current workforce. For example, have the employer’s customers asked for production or delivery of products to be handled in a specific way that requires skill upgrade training? When considering whether industry / market trends may cause a potential layoff, has the company consulted with industry experts to determine if assistance is available to assist with upgrades to the manufacturing process

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or employee knowledge, or contacted other companies in the industry to share upgrades in skills training or equipment, etc.

- **Changes in management philosophy or ownership** - A company has undergone a new approach to conducting business or new ownership requires new skills to maintain the employment of part of the workforce. Changes in ownership are generally the result of a lack of profitability, but may also occur where a company is profitable, but not profitable enough (this level of profit may meet the profit requirements of another owner) or the current owners do not have the resources to take advantage of new business strategies. An owner may also pass away unexpectedly without a succession plan in place. New or changes in philosophies will generally accompany new ownership. Changes in philosophy may also occur when operations no longer meet their core business application or are viewed as excess capacity to their overall operations. When considering changes in ownership or philosophy as the cause of a potential layoff, has new ownership been determined (including such options as employee stock ownership plans), have alternatives been considered in the restructuring of the company that might reduce the number of layoffs, have community groups and labor organizations been involved in the discussions to lend their expert advice, etc.

- **Worker does not have necessary skills** - A worker's skills or functions are no longer relevant to the employer's production process and the worker is at risk of losing their employment without undergoing training to acquire new skills. A lack of necessary skills may be the result of a change in philosophy or product line or a change in the industry demands that results in the need for new technologies and abilities by the current workforce. Products and production lines are ever changing as they adapt to the needs of the market. With this change comes a need for evolution of the skill set of the workers. When considering if the lack of necessary skills is the cause of potential layoffs, has it been determined which workers have the ability to attain new relevant skills, are there other considerations to be made with an increase in skills such as new equipment / machinery needs or safety devices, etc.

- **Strong possibility of a job if a worker attains new skills** - The worker is in a position that is subject to layoff, and by acquiring new skills training he / she can move into a position that is not subject to layoff. New skills attainment may avert a layoff for individuals within a company or may make them more attractive to other companies. When considering whether the new skills will provide a strong possibility to prevent layoffs, what considerations have been given towards where the positions would be moved (in-house or with a new company), does the company have the capacity to expand another line of product (new or existing) to support the workers subject to layoff, has the business community shown a need and capacity for additionally trained workers, are the workers willing to relocate if the new opportunities are with another location of the same company or with a new company in a different locale, etc.

- **Other "at-risk" indicators** - Additional causes for potential layoffs may exist that the company and local area need to outline in making a case for assistance for incumbent workers. These may be other criteria that the Local Workforce Investment Area (LWIA) can gather with the consultation of the employer that puts part of their workforce "at-risk" for layoff (e.g., trend in company layoffs).



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COUNTY LIBRARIAN
OC PUBLIC LIBRARIES

OC Community Resources

[Date]

To: All WIOA Subrecipients of the Orange County Workforce Development Board

From: Carma Lacy
Director of Workforce Development

Subject: WIOA Local Workforce Development Area Monitoring Policy
Information Notice No. __-OCDB-__
Supersedes Information Notice No. 17-OCDB-22

PURPOSE:

This policy provides guidance to all Orange County Workforce Development Board (OCWDB) One Stop Service.

Providers on the requirements for the provision of the Workforce Innovation and Opportunity Act (WIOA) establish the OCWDB procedure for the monitoring of the subgrant agreements funded with WIOA monies and in accordance with the general standards of the Orange County Workforce Development Board oversight responsibilities.

EFFECTIVE DATE:

This notice is effective on the date of issuance.

REFERENCES:

WIOA (Public Law 113-128)

WIOA Section 107(d)(8)

WIOA Sections 184(a)(2 & 3), Cost Principles and Uniform Administrative Requirements

Federal Register Final Rules 683.410(a)

Title 2 CFR Part 200

BACKGROUND:

The WIOA Section 107(d)(8) requires that the Local Area Workforce Development Board (WDB), in partnership with the Local Elected Official (LEO), shall conduct oversight of the WIOA programs and the One-Stop delivery system in the local area.

The WIOA Section 184(a)(2), Fiscal Control, requires that each state and local area, Local Boards, LEO and providers receiving funds under Title I



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shall comply with the applicable uniform cost principle included in the Title 2 CFR Part 200 for the type of entity receiving the funds.

The WIOA Section 184(a)(3), Uniform Administrative Requirements, requires that each state and Local Area, Local Boards, LEO and providers receiving funds under Title I shall comply with the appropriate uniform administrative requirements for grants and agreements applicable for the type of entity receiving the funds, as promulgated in Title 2 CFR Part 200.

The 20 CFR Section 683.410 sets forth the general fiscal and administrative rules applicable to the use of WIOA Title I funds. It stipulates that entities receiving WIOA Title funds must follow the uniform administrative cost requirements in Title 2 CFR Part 200, as applicable to their type of organization. For non-profit organizations, the applicable requirements are at Title 2 CFR Part 200.70.

Title 20 CFR Section 683.410 requires that subrecipients must continuously monitor grant-supported activities in accordance with the uniform administrative requirements at Title 2 CFR Part 200, as applicable. Title 20 CFR Section 683.410 requires that each subrecipient must conduct regular oversight and monitoring of its WIOA activities and those of its subrecipients and contractors. The purpose of this requirement is to ensure that expenditures meet the cost category and cost limitation requirements of WIOA and the regulations, that there is compliance with other provisions of WIOA and the regulations and other applicable laws and regulations, and to provide technical assistance as needed.

The Title 2 CFR Part 200.318 requires subrecipients to ensure that the procurement, receipt and payment for goods and services received from vendors comply with laws. Title 20 CFR Section 683.410(a)(6) states that the Governor may issue additional requirements and instructions to subrecipients regarding monitoring activities.

Policies and Procedures

Standards for Local Workforce Development Board (WDB) Oversight

The WDB, in partnership with the LEO, shall oversee activities funded under WIOA Title I, conducted under the Local Plan established pursuant to WIOA Section 108. In addition, the Local Board, in partnership with the LEO, shall oversee activities of the One-Stop delivery system established pursuant to WIOA Section 121. The monitoring and oversight must be consistent with the requirements stated in WIOA and its associated regulations, as well as other relevant regulations and Title 2 CFR Part 200. The WDB and LEO have delegated oversight to the administrative entity.

The oversight shall include the following:

- 1) As required by Title 2 CFR Part 200.318 the workforce area shall ensure that the procurement, receipt, and payment for goods and services received from vendors including on-the-job training employers are in accordance with laws, regulations, and the provisions of contracts or agreements.
- 2) The administrative entity must conduct on-site monitoring visits to all of its subrecipients each program year.
- 3) The on-site review of each subrecipient is both fiscal and programmatic consistent with the requirements stated in Title 20 CFR Sections 683.410 (a).
- 4) Programs and activities conducted in the Local Workforce Area must be operated in compliance with WIOA and all applicable federal, state, and local laws and regulations.

- 5) All WIOA funded service provider contracts must be for allowable activities, contract charges must be allocated to appropriate cost categories, and proper fiscal records must be maintained.
- 6) Programs and activities must be effective in meeting the goals established in the five-year local plan.
- 7) The training and work environment must be safe for participants and staff members.
- 8) The administrative entity must establish and operate appropriate and effective systems that comply with the nondiscrimination and equal opportunity provisions of WIOA and other federal and state nondiscrimination laws.

Monitoring Process

The monitoring process is intended to promote a greater understanding by all parties involved in the procedures used in conducting monitoring reviews, promote clarity of communication and efficiency in completing reviews.

- 1) Monitoring Schedule
 - a. A schedule of monitoring visits will be provided to service providers. This schedule will ensure that each service provider is monitored twice during each program year.
 - b. At least one of the on-site monitoring reviews will be a fiscal review.

- 2) Notice of Selection for Review
 - a. Service providers will be notified prior to their scheduled monitoring review as soon as practicable and will be provided with the monitoring guide so they may be fully informed as to the scope and depth of the review.
 - b. Notification of monitoring reviews will include identification of what subject areas are to be reviewed, whether participant or employer interviews will be required, and what kinds of files and sample documentation will be needed. Notification will also include the anticipated duration of the review and the length of any visits.

- 3) Entrance Conferences

The assigned monitor will participate in an entrance conference with the Service Provider Director or their Designee. The entrance conference will accomplish the following:

 - a. The monitor will provide information on the names of all monitors who will be on-site, a description of the scope of the review, notification of which areas will be reviewed and the expected timetable.
 - b. The Service Provider Director will designate staff responsible for the selected review areas, to act as contact persons for the monitors.
 - c. The contact persons for the monitors will establish a schedule of appointments (if necessary) for the assigned monitor.

- 4) On-Site Review Process
 - a. To the extent possible, the monitor will secure and review monitoring reports for prior findings and completed corrective actions.
 - b. During monitoring reviews, the monitor will notify a designated service provider contact person if he or she sees an issue that could be cited in a report. The

service provider will have the opportunity to perform corrections on-site during the review. If the corrections are acceptable to the monitor, the issue may appear in the report with the notation that corrective action has been taken and that further corrective action is not necessary.

- c. No original documents may be removed from the service provider offices unless approved by the Service Provider Director or by legal authorization. However, the monitor may obtain copies of the original documents for purposes of the review.

5) Exit Conferences

- a. At the completion of the fieldwork, and the monitoring notes, the monitor will hold an exit conference with the Service Provider Director or their Designee.
- b. During the exit conference, the monitor will disclose all findings they intend to reference in the report. If, after the exit conference, the monitor adds additional findings or substantially revises any finding, the Service Provider Director will be notified before publication of the report. If the additional findings or revisions are significant in the judgement of the Service Provider Director, they can request a second exit conference to discuss new items.
- c. The monitor will always cite the applicable WIOA, state, or local law, regulations, or policy that applies to the finding.
- d. The monitor will provide full information on the procedures for responding to the report and will describe the appeal procedure (if applicable).

6) Monitoring Report

- a. The monitor will issue a report to the service provider within 60 days after the exit conference and will request a response within 15 working days of the date of the report. The monitoring report will clearly differentiate the following two ways:
 - Recommendations or suggestions which are based on the monitor's experience in reviewing the subject area; and,
 - Corrective actions that monitors determine to be required by WIOA, the state, and local regulations and policies.
- b. The monitor will ensure that technical assistance is afforded to the service provider in developing corrective action to resolve the findings.

7) Service Provider Response to the Monitoring Report

The Service Provider response to the monitoring report may include:

- a. A statement agreeing or disagreeing with the monitor's factual statements which led to the findings;
- b. The proposed corrective action(s) to resolve the cited findings, including identification of the major tasks involved and the appropriate timelines for their implementation; and
- c. The Service Provider's interpretation of any issue and any additional information that may help resolve the findings.

8) Resolution of Monitoring Findings

- a. Staff of the OCWDB will work with the Service Provider to secure acceptable corrective action for each finding. OCWDB staff will develop procedures in assisting Service Providers to resolve findings.
- b. Within 15 days of the date of the monitoring report, the Service Provider must submit to the monitor a Corrective Action Plan (CAP) describing all major tasks or activities that are planned to correct problems. The CAP must include appropriate schedules for the implementation of the corrective action. OCWDB staff will meet with the Service Providers, as needed, to ensure resolution of the findings. The monitor will ensure that the CAP adequately addresses the findings.
- c. Within 10 working days the monitor will either notify in writing to the Service Provider Director that the CAP is either satisfactory or unsatisfactory as submitted. If no CAP was submitted by the deadline or if the monitor determines that the CAP is unsatisfactory (does not adequately address outstanding findings in a timely manner), the monitor will notify the Service Director that a satisfactory CAP is due on 10 working days.

If no CAP is received after an additional 10 working days have elapsed, the monitor will notify the Workforce Development Board Chair in writing of these circumstances and will request immediate action. If appropriate is not taken in the next 10 working days, the monitor will notify the chief elected official that an approved CAP has not been submitted.

- d. Except as agreed to the by the monitor in advance, the Service Provider is required to close any finding within 60 working days following receipt of the report. The monitor will provide written notice regarding closed findings or completed corrective actions.
- e. The Service Provider Director may initiate a request for the OCWDB to negotiate a resolution of any finding involving questioned or disallowed costs. Informal resolution will involve accepted audit resolution procedures that include:
 - Identifying and clarifying all pertinent issues related to a specific finding;
 - Identifying acceptable records or documentation required;
 - Negotiating non-cash settlements for payment where permissible; and
 - Negotiating an incremental payment schedule if cash payments are required.
- f. Cash reimbursements will be processed with normal debt collection procedures.
- g. Provide for the appropriate retention of monitoring reports and related documentation per the Information Notice No. Records Retention Policy.

ACTION

Bring this policy to the attention of all affected staff and all relevant parties.

INQUIRIES

If you have any questions regarding this policy, please contact your Contract Administrator at 714-480-6500.



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[Date]

To: All WIOA Subrecipients of the Orange County Workforce Development Board

From: Carma Lacy
Director of Workforce Development

Subject: Conflict of Interest -Serving Applicants/Participants with a Close Relationship
Information Notice No. __-OCWDB-__
Supersedes Information Notice No.18-OCDB-11

PURPOSE:

This policy provides guidance to all Orange County Workforce Development Board (OCWDB) One Stop Service Providers on the requirements for the provision of the Workforce Innovation and Opportunity Act (WIOA) training services.

EFFECTIVE DATE:

This notice is effective on the date of issuance.

REFERENCES:

Workforce Innovation and Opportunity Act, Public Law 113-128

20 CFR 684.630

BACKGROUND:

The WIOA program, while not an entitlement, should be accessible to any individual who is eligible and suitable for services available in the local area, subject to local workforce development board (WDB) policies and procedures. However, when applicants have a close relationship to the WIOA staff, management, and other specific stakeholders of the workforce development system, attention must be given to ensure access to program services is not based upon this relationship or political influence. It is possible that even without an intention to misuse WIOA funds, the decision to enroll an individual in the program could be perceived as improper and cause potential non-compliance with state and/or federal law.

All subrecipients of WIOA funds agree, that they will comply with the standards of conduct for maintaining the integrity of the program and avoid any conflict of interest in its administration including, but not limited to, 29 U.S.C. 2832 (g), chapter 6301 of the Revised Code, and California ethics law.

Local elected officials, WDBs, designated fiscal agents, and administrative entities must help meet the objectives of the WIOA through effective



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policies, procedures, and safeguards that ensure the integrity of these public funds. Safeguards must be in place throughout the State that ensure all individuals served in the program are not only eligible and suitable, but also served in a manner that is free from the perception of any impropriety or conflict of interest.

Definitions

Bright-line test - an objective rule that resolves a legal issue in a straightforward, predictable manner.

Close relationship - the applicant's prior and/or present social interactions and/or business dealings with stakeholders of the workforce development system gives a reasonable observer cause to believe that the applicant's access to WIOA program services would be based upon this relationship, as opposed to demonstrated need.

Close family member - parents, stepparents, spouse, domestic partner, children, stepchildren, foster children, siblings, grandchildren, grandparents, and any immediate relatives by blood or marriage (i.e., in-laws, cousins, nieces, nephews, aunts, and uncles).

Stakeholders - individuals not related but have direct or indirect management or responsibility for managing the WIOA workforce system (including WIOA executive staff, supervisors, local elected officials, contractors (e.g., adult, dislocated worker, or youth program vendors), WDB and subcommittee members, WIOA employees, and One Stop center partner staff.

Policies and Procedures

When applicants have a close relationship to WIOA staff, management, and other specific stakeholders of the workforce development system, attention must be given to ensure access to program services is not based upon this relationship or political influence. Although this determination may be simple if the applicant is a close family member or friend, it may be more difficult if the applicant has a close relationship with WIOA staff, management, and other stakeholders.

There is no bright-line test for the determination of such a relationship. WIOA staff, management, and other workforce development systems are advised to avoid the appearance of impropriety by abstaining from directly assisting and/or influencing the application process of friends, close family members, former and/or present colleagues, and persons with whom they have an ongoing social or business relationship.

An "arms-length determination" of eligibility must be conducted by a staff member that has no relationship with the individual. Likewise, decisions relating to approving training, supportive services, job referrals, or other service needs must be made by the OCDB director or an authorized designee with no such relationship to the applicant. Stakeholders identified in this issuance shall not use their position to influence a decision to enroll an individual in the WIOA program.

General Requirements

When applicants have a close relationship to WIOA staff, management, and other specific stakeholders of the workforce development system, attention must be given to ensure access to program services is not based upon this relationship. Although this determination may be

simple if the applicant is a close family member or friend, it may be more difficult if the applicant has a close relationship with WIOA staff, management, and other stakeholders.

However, at a minimum, when an applicant for services is friends, a close family member, former and/or present colleague, and/or has an ongoing social or business relationship with any of the following categories of individuals, said relationship must be disclosed if known to the applicant, and managed in accordance with the terms and conditions of this policy:

- WDB members
- Local Elected Officials
- WIOA executive staff and supervisors
- WIOA employees
- One Stop center partner staff
- WIOA sub-recipients and/or contractors, and/or
- County employees

Disclosure of potentially conflicting relationships will be solicited from individuals seeking services other than basic career services, or minimally staff assisted basic career services, otherwise individuals who are being considered to be enrolled/registered for services. Documentation of the disclosure, including the name of the person and the nature of the relationship, must be maintained in the participant's file. When a relationship exists, it must be disclosed at the time of application to the program.

Also, when the individuals listed above are aware that friends, close family members, former and/or present colleagues, and persons with whom they have an ongoing social or business relationship is seeking any enrolled/registered WIOA services (those other than basic career services, or minimally staff assisted basic career services), disclosure must be made by that individual to the highest supervisor/manager of the organization where individual works, and/or the Director for the Workforce Area. The individual must identify the individual or individuals. Upon so being so notified, the Provider Director of that organization will make a written disclosure to the Area Workforce Executive Director. If it is the Director for the Area Workforce that has to make the disclosure, s/he shall make the required disclosure to the Chief Elected Official for the Workforce Area.

Once an immediate family or close personal relationship is disclosed, the existence of that relationship must be documented. Each Provider Director in charge of WIOA staff shall maintain a list of all disclosed individuals seeking WIOA services other than core services and provide a copy of said list to all state or local program monitors and auditors at the onset of all monitoring visits.

In addition to the documentation of the personal relationship and maintenance of the list, before any enrolled/registered WIOA services can be provided, the WIOA agency and staff that is attempting to address the needs of the applicant will after seeking the consultation and approval of the Director for the Area, develop a written plan for determining the eligibility of the individual in a way that resolves all real or potential conflicts of interest, and/or perceptions of impropriety following the procedures outlined below. If the Area Director is the one with the conflicting family relationship, then the Chief Local Elected Official shall be consulted and provide the approval for an alternative plan for determining eligibility. In the rare case that this process will not resolve a real conflict, or the appearance of a conflict, the Area will have the eligibility determination made by another Job Center or another Youth Provider. If that cannot resolve the conflict then the Area will have another Area WIB determine eligibility, preferably one that is adjacent to the same.

General Procedures for Resolving Disclosed Potential Conflicts of Interest

When it can, and when it will resolve the conflict of interest or potential conflict of interest, the Area Workforce in conjunction with its contractual partners will resolve the disclosure of an applicant for services is friends, a close family member, former and/or present colleague, and/or has an ongoing social or business relationship with any of the categories of individuals seeking services in the social or business relationship with any of the categories of individuals seeking services:

- 1) A staff member with no personal relationship, bias, special interest or prejudice will develop the individual employment plan ("IEP") and/or the individual service plan ("ISP") for the applicant.
- 2) An unbiased WIOA supervisor will be assigned to determine initial eligibility status.
- 3) The appointed supervisor will attest to having no personal relationship, bias, special interest or prejudice regarding the applicant.
- 4) After eligibility has been established by the appointed supervisor, the applicant will be referred to a WIOA staff person who has no personal relationship, bias, special interest or prejudice to assess the applicant's skills, barriers and training needs.
- 5) Following the completion of this step, the individual's ISS, IEP, and/or all training plans will be drafted in final for and forwarded to the individual(s) responsible for making the final determination decision.
- 6) The Provider Director will review the training request and either approve or deny the application. One Stop staff who may have a personal relationship, bias, special interest or prejudice regarding the applicant must remove themselves from making the decision, as appropriate.
- 7) The applicant will at all times be provided with WIOA intensive and/or training services as staff person will remain the contact person for the applicant until the applicant is exited and deemed necessary and appropriate per WIOA rules and regulations. The assigned WIOA provide follow-up services to the applicant.

When the preceding procedures cannot be used to resolve the conflict, (i.e., situations in which the conflict involves a family relationship of an individual that would stand in supervision of those individuals that would normally be assigned/involved), then this procedure will not be used and a different procedure addressing all potential conflicts will be determined and agreed upon before any services requiring registration/enrollment are provided.

ACTION

Bring this policy to the attention of all staff.

INQUIRIES

If you have any questions regarding this policy, please contact your Contract Administrator at 714-480-6500.



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OC Community Resources

[Date]

To: All WIOA Subrecipients of the Orange County
Workforce Development Board

From: Carma Lacy
Director of Workforce Development

Subject: WIOA Documentation Requirements
Information Notice No. __-OCDB-__
Supersedes Policy and Procedure No. 10-OCWDA-04

PURPOSE:

The purpose of this policy is to communicate the documentation requirements necessary to support eligibility determinations in the Workforce Innovation and Opportunity Act (WIOA) adult, dislocated worker, and youth programs.

EFFECTIVE DATE:

Immediately

REFERENCES:

Workforce Innovation and Opportunity Act, Pub. L. 113-128.

29 U.S.C. 3101 et seq.

USDOL, Training and Employment Guidance Letter No. 39-11, Guidance on Handling and Protection of Personally Identifiable Information (PII), (June 28, 2012).

Training and Employment Guidance Letter (TEGL) 7-18 Data Validation Attachment 1 Source Documentation for WIOA Core Programs

State of California WSD19-03 Performance Guidance

State of California WSD18-03 Pathways to Services, Referral, and Enrollment

State of California WSD17-07 Youth Program Requirements

State of California WSD16-18 Selective Service Requirements

BACKGROUND:

On December 19, 2018 the United States Department of Labor (USDOL) released TEGL 7-18 which outlined the requirements on the performance accountability system requirements set forth in section 116 of WIOA. The

guidance provided information about the guidelines the state and local areas must use for ensuring data submitted are valid and reliable.

All Subrecipients are responsible for ensuring that adequate documentation is retained to minimize the risk of disallowed costs. The Local Board supports the development of a balanced documentation and verification policy that is not excessively intrusive and burdensome and is, at the same time, a good faith and reasonable effort to establish WIA eligibility.

Definitions

Personal information and personally identifiable information (PII) - Any information describing anything about a person, indicating actions done by or to a person, or indicating a person's personal characteristics, which can be retrieved from a system by a name, identifying number, symbol, or other identifier assigned to a person. This information 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.

Registration - The process of collecting information to support a determination of eligibility for the WIOA adult, dislocated worker, and youth programs. This information may be collected through methods, including electronic data transfer, personal interview, or an individual's application.

Workforce service providers (WSPs) - Local areas, career services providers, youth program providers, and CCMEP lead agencies that carry out a workforce development activity or program.

Policies and Procedures

The guidelines in this policy are intended to provide information to subrecipient to ensure compliance with the data collection and reporting requirements.

Workforce service providers (WSPs) Local areas, career services providers, youth program providers, and Youth lead agencies must verify or confirm eligibility requirements through an examination of documents or by using one or more of the additional methods of source documentation described below.

Documentation requirements to support WIOA adult and dislocated worker eligibility are tied to the level of services provided to the participant. For adults and dislocated workers receiving only basic career services which do not trigger participation in the WIOA program, the local area may accept information provided by these reportable individuals at face value to complete the basic intake process without requiring source documentation.

Documentation requirements increase for participants who receive basic career services triggering participation, individualized career services, or training services. WIOA youth program eligibility documentation does not vary between types of services or program elements received.

Attachment A provides guidance for the specific types of source documents that may be used to verify participant eligibility at each level of service.

Electronic Files

Through the use of document scanning, subrecipients are no longer required to maintain hard copy files of participant information that are scanned into the CALJOBS system. Additionally, documents scanned into the CALJOBS system take the place of hard files for verification, monitoring, and audit purposes. Such records shall only be maintained in the CalJOBS system unless a subrecipient chooses to maintain both a CalJOBS electronic file and a paper file. Subrecipients must ensure that all scanned documents are inspected visually to ensure they are complete, clear, and easily read. Visual inspections for documents that are scanned into CalJOBS system must be complete, clear and legible as well as properly aligned.

Original content of a scanned document must not be altered or modified once it has been finalized. While scanning the original document is preferred, scanning legible verified documents provided by partners may serve as sufficient documentation. Documents uploaded into the CalJOBS system must always be current and kept current through program participation. In addition, case notes must identify the intent and purpose of all documents that are uploaded into the CalJOBS system.

Subrecipients must upload verification documents within CalJOBS as soon as documentation is made available and in accordance with eligibility guidelines and timeframes. Subrecipients must ensure that participant information is accurately reported in CalJOBS and that documents are uploaded for all fields that require verification.

However, the documentation requirements remain unchanged. If WSPs use electronic files, the documents must be available to the program and fiscal monitors and auditors for monitoring purposes.

Attaching Documents to Case Notes and/or Activities

All documents pertinent to participant activities should be scanned through case notes and/or activities to support those entries. Subrecipient specific forms that aid in assessing the needs of the participant (e.g. supportive services determination, training eligibility determination, etc.) must be attached to the case notes of specific activities. Subrecipients must also attach documents to case notes and/or activities for documentation of services that provided under the appropriate activity (e.g. job referral verification, resume assistance, etc.)

Electronic Signatures

Document Imaging includes the addition of electronic signatures to any necessary documents or forms. Subrecipients are encouraged to use electronic signatures for participant convenience.

Additional methods of Source Documentation

For documentation of eligibility for WIOA adult, dislocated worker, and youth programs, there are multiple forms of acceptable source documentation. In most instances, one of the source documents listed in Attachment I, Allowable Source Documentation for WIOA Program Eligibility, should be used to verify the eligibility of a participant.

Below are additional methods that WSPs may use if, per Attachment A of this policy letter, the method is permissible for the eligibility criteria or data element being verified.

1) Telephone or Electronic Communication

In instances where telephone or electronic communication is acceptable and used, the case file must contain the name of the agency representative, the date of the conversation, and the result of the eligibility verification.

WSPs must use Attachment II: WIOA Telephone Eligibility Verification, to document telephone communication. If a telephone communication is used to verify dislocation, the case file must contain the date and reason for termination, and a possible recall date if applicable.

2) Self-Attestation

Self-Attestation occurs when a participant states his or her status for an eligibility or set of eligibility criteria, and then signs and dates a form acknowledging this status. The key elements for self-attestation are:

- The participant identifying his or her status for permitted eligibility criteria; and
- Signing and dating the form attesting to this self-identification.

WSPs must use Attachment III: Self-Attestation Form.

Note that self-attestation is not to be used as the primary method of gathering documentation to verify data elements. Self-attestation as a documentation source is only to be used when the preferred options of paper documentation or third-party corroboration are not available.

Local areas may add the Self Attestation form to a local area WIOA Adult and Dislocated Worker eligibility determination form if all the components of the form, including language, remain intact. The self-attestation is not blanket verification for all eligibility components as noted in Attachment I. Within this self-attestation, the individual must document which specific elements of eligibility he or she is attesting (e.g., authorization to work, proof of termination or layoff, etc.) and how he or she meets the eligibility criteria

WSPs must be cognizant that not all eligibility source documentation may be verified with self-attestation. Therefore, self-attestation does not alleviate or replace the need to collect documentation of some eligibility elements from the individual.

3) Case Notes

Case notes refer to statements placed in CALJOBS by the case manager and identify, at a minimum, the following:

- A participant's status for a specific eligibility criterion or set of eligibility criteria;
- The date on which the information was obtained; and
- The case manager who obtained the information.

4) Cross-Match

A cross-match requires the WSP staff to acquire detailed supporting evidence for the eligibility criteria in another database (e.g., public assistance records). An indicator or presence of a social security number in a database alone is not sufficient evidence to document WIOA eligibility; additional details such as the date of the eligibility

determination, date of participation, and services rendered should be obtained from the cross-match to confirm the accuracy and currency of the information.

5) State Management Information System (MIS)

State MIS refers to specific, detailed information that is stored in CALJOBS and supports eligibility criteria. An indicator such as a checkmark or date on a computer screen is not acceptable source documentation.

Handling and Protecting Personally Identifiable Information (PII)

Identifying information collected about adult, dislocated worker, and youth workforce program participants is not considered a public record, should only be used for workforce program administrative purposes, and should not be disclosed to the general public or to unauthorized individuals. Identifying information includes, but is not limited to, names, home and email addresses, phone numbers, social security numbers, dates of birth, and other identifying information collected or maintained about individual job-seekers, those seeking education or training, and those seeking assistance in overcoming their barriers to employment.

Moreover, certain types of personally identifiable information (PII) about workforce participants are more sensitive and confidential than others, because the disclosure of such information could result in financial or other harm to the individual whose name or identity is linked to that information. Such information requires a higher level of security — including staff training — to prevent unauthorized access, use and disclosure. Examples of the types of PII that are more sensitive, and therefore subject to a higher level of security, include, but are not limited to, social security numbers (SSN), state and federal tax identification numbers, driver's license numbers, state identification numbers, credit and debit card numbers, bank and financial account numbers, student educational records (including transcripts, and information about current or prior enrollment, course progress, or graduation), medical history and information about an individual's current or prior physical or mental status, financial information, and information identifying the individual as an applicant for or recipient of unemployment compensation benefits, or food or cash assistance.

Any WSP staff who work directly with job-seekers and other workforce program participants, or who handle or process PII about workforce participants, must take steps to ensure that PII is processed in a manner that will protect the confidentiality of the records/documents, and that PII is not accessed, viewed, or used by either the general public, or unauthorized staff at OMJ Center partner organizations.

Federal law, OMB Guidance, and United States Department of Labor (USDOL) policies require that PII and other sensitive information be protected. To ensure that PII and sensitive information is handled appropriately, WSPs must:

- 1) Ensure PII is not transmitted to unauthorized users and all PII transmitted through e-mail or stored electronically (e.g., DVD or thumb drive) is encrypted.
- 2) Take necessary steps to ensure the privacy of all PII obtained from participants and/or other individuals and to protect such information from unauthorized disclosure.
- 3) Ensure that any PII used as part of the WIOA grant has been obtained in conformity with applicable Federal and state laws governing confidentiality of information. PII shall not be stored on personally owned equipment, at off-site locations (e.g., employee's home), and on personal e-mail accounts.

- 4) Ensure that all PII obtained through the WIOA grant is stored in an area that is physically safe from access by unauthorized persons at all times.
- 5) Store PII only on secure work servers and equipment that are approved by ODJFS or the local board. Storing PII on personally owned equipment, at off-site locations (e.g., employee's home), and on personal e-mail accounts is prohibited.
- 6) Advise all local area and/or provider staff who have access to sensitive/confidential/proprietary/private data of the confidential nature of the information, the safeguards required to protect the information, and the civil and criminal sanctions for noncompliance with such safeguards.
- 7) Implement policies and procedures regarding the handling of PII, including staff acknowledgement of their understanding of the confidential nature of the data and the safeguards with which they must comply in their handling of such data.

Outlined below are requirements to protect PII

- 1) Before obtaining a participant's SSN, the WSP should have the participant sign a release acknowledging the use of social security numbers for eligibility determination and federal grant purposes only.
- 2) WSPs should use unique identifiers for participant tracking instead of the SSN. If SSNs are to be used for tracking purposes, they must be stored or displayed in a way that is not attributable to an individual, such as using a truncated or masked SSN (e.g., last 4 digits only).
- 3) WSPs using an electronic system in addition to CALJOBS for basic career services tracking or other registration processes must truncate or mask an individual's SSN in such systems.
- 4) WSPs using paper applications containing SSNs must, at a minimum, enter the basic intake information and the SSN in CALJOBS the day the information is received and destroy the paper application if feasible. If all eligibility information is not placed in CALJOBS that day, staff must mask the SSN on the paper application and store in a secure manner.
- 5) Documentation of SSNs (e.g., physical copy of social security card) shall not be obtained until such time WIOA eligibility is determined, the individual receives a WIOA adult, dislocated worker, or WIOA CCMEP youth program service which triggers participation in the program, and the individual becomes a participant.
- 6) When an individual becomes a participant, the WSP must attempt to obtain and verify the SSN for performance reporting purposes but shall not deny access to the American Job Center's resource room or to WIOA program services if the individual does not disclose his or her SSN. If the individual refuses to provide an SSN, the local area will assign a temporary alternative identifying number. The individual will use this number for identification during subsequent visits to the One Stop center or for program-funded activity tracking.
- 7) WSPs should keep SSNs electronically in CALJOBS minimizing the use of paper files. If paper files are used or if the participant's SSN is listed on other forms of source documentation listed in Attachment A, the WSP must ensure that the SSN on the paper document has been masked.

- 8) WSPs must use appropriate methods for destroying sensitive PII in paper files and securely deleting sensitive electronic PII.
- 9) WSP staff at the One Stop center or other service delivery location shall not leave records containing PII open and unattended.
- 10) WSPs shall store documents containing PII in locked cabinets when not in use.
- 11) Local providers shall report within 24 hours any breach or suspected breach of PII by the area or its subrecipient to the Director of Workforce Development and follow any instructions provided.

Retention of Records

Subrecipients are to retain records for a period of at least three (3) years after submittal of the final closeout expenditure report for that funding period.

ACTION

Bring this policy to the attention of all affected staff and all relevant parties.

INQUIRIES

If you have any questions regarding this policy, please contact your Contract Administrator at 714-480-6500.

ATTACHMENTS

Attachment I: Allowable Source Documentation for WIOA Program Eligibility

Attachment II: WIOA Telephone Eligibility Verification Form

Attachment III: Self-Attestation Verification Form

Attachment IV: Citizenship/Authorization to Work Verification Form

Allowable Source Documentation for WIOA Program Eligibility

Adult Verification Items by Service Level

Adult Program Eligibility Criteria	Documentation in File (one document per group required)
<p>Age/Birth Date</p>	<p>Basic Career Service Triggering Participation, Individualized Career Service or Training:</p> <ul style="list-style-type: none"> ▪ Birth certificate ▪ Baptismal record if date of birth is shown ▪ DD214 transfer or discharge paper ▪ Hospital record of birth ▪ Driver's license ▪ State, federal, or local government ID ▪ Passport ▪ Work permit ▪ Cross match with public assistance records via state MIS system ▪ Other public assistance records ▪ School record or ID cards ▪ Tribal records
<p>Citizenship Status/ Authorization to Work in the US</p> <p>Cannot collect for self-service or information services only</p> <p>May collect for May verify for activities such as initial assessment, career counseling, occupational career counseling, aptitude testing, mentoring, classroom training and group counseling</p> <p>Must verify for employment activities such as work experiences, transitional jobs, internships, and pre- apprenticeship training, job placement assistance</p>	<p>Basic Career Service Triggering Participation, Individualized Career Service, or Training:</p> <ul style="list-style-type: none"> ▪ Verification document(s) that satisfy List A, List B, or List C of the Form I-9
<p>Selective Service Registration</p>	<p>Basic Career Service Triggering Participation, Individualized Career Service, or Training:</p> <ul style="list-style-type: none"> ▪ Selective service card ▪ Selective Service acknowledgement letter ▪ Report of Separation form (Form DD-214) ▪ Selective Service registration card. ▪ Selective Service verification form (Form 3A). ▪ Stamped post office receipt of registration. ▪ Verification from the Selective Service web site: https://www.sss.gov/ ▪ Documentation that failure was not willful and knowing if an applicant failed to register or too old to register and approval to serve individual

Adult Program Eligibility Criteria	Documentation in File
Adults Low-Income	Priority is given to adult participants receiving an individualized career service or training service who are recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient
1. TANF – Receives, or is a member of a family that receives, cash payments under the Temporary Assistance for Needy Families, which is a Federal income-based public assistance program	Basic Career Service Triggering Participation, Individualized Career Service, or Training: <ul style="list-style-type: none"> ▪ Cross match with public assistance records via state MIS system
2. Other Cash Public Assistance – Receives, or is a member of a family that receives, cash payments under a federal, state, or local income-based public assistance program (includes refugee assistance and other cash public assistance)	Basic Career Service Triggering Participation, Individualized Career Service, or Training: <ul style="list-style-type: none"> ▪ Copy of authorization to receive cash public assistance ▪ Verification by the public assistance agency ▪ Cross match with public assistance records via state MIS system ▪ Other public assistance records ▪ Refugee assistance records ▪ Verification from the refugee assistance provider
3. Family Income – Determined when an individual received income, or is a member of a family that received income that in relation to family size does not exceed the higher of poverty line or 70 percent of lower living standard income (see workforce glossary for list of includable/ excludable income)	Basic Career Service Triggering Participation, Individualized Career Service, or Training: <ul style="list-style-type: none"> ▪ Pay stubs ▪ Employer statement of earnings ▪ Compensation award letters ▪ Social Security retirement benefits letter ▪ Pension statement ▪ Bank statements ▪ Court award letter ▪ Family or business financial records ▪ Quarterly estimated tax for self-employed persons ▪ Alimony agreements ▪ Award letter from Veterans Affairs ▪ Unemployment Insurance documents ▪ Low-income Housing Authority verification ▪ Documentation of Child Support ▪ Documentation of Old-Age Survivors Insurance benefits ▪ Self-Attestation, only in cases when an individual has no income or receives very little undocumented income; the statement should include some description of how the applicant has been supported

Adult Program Eligibility Criteria	Documentation in File
<p>4. Supplemental Nutrition Assistance Program (SNAP) – Is a member of a household that receives (or has been determined within the six-month period prior to the application for the program involved to be eligible to receive) SNAP</p>	<p>Basic Career Service Triggering Participation, Individualized Career Service, or Training:</p> <ul style="list-style-type: none"> ▪ Verification by the public assistance agency ▪ Cross match with public assistance records via state MIS system ▪ Other public assistance records ▪ Copy of authorization to receive SNAP
<p>5. Supplemental Security Income program (SSI) – Is a member of a household that receives (or has been determined within the six-month period prior to the application for the program involved to be eligible to receive) SSI</p>	<p>Basic Career Service Triggering Participation, Individualized Career Service, or Training:</p> <ul style="list-style-type: none"> ▪ Verification by the public assistance agency ▪ Cross match with public assistance records via state MIS system ▪ Other public assistance records ▪ Copy of authorization to receive SSI
<p>Basic Skills Deficient An individual 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 (WIOA Section 3[5]). Rather than limit assessment to formal testing, state policy provides flexibility to assess individuals who may be basic skills deficient through staff observation, enrollment in Title II Adult Education/Literacy programs, lack of a secondary school credential or its equivalent, or other objective criteria as defined by local policy.</p>	<ul style="list-style-type: none"> • School Records • A referral or records from a Title II Basic Adult Education program or English Language Learner program • Results of academic assessment • Case notes • Self-Attestation

Adult Eligibility Criteria	Documentation in File
<p>Employed Adults</p>	<p>If an individual is being considered for training services and is employed, local areas must determine if the applicant is self-sufficient before providing those services</p>
<p>Self-Sufficiency – Documentation is based on the local definition of self-sufficiency</p>	<p>Training:</p> <ul style="list-style-type: none"> ▪ Pay stubs ▪ Employer statement of earnings ▪ Compensation award letters ▪ Social Security retirement benefits letter ▪ Pension statement ▪ Bank statements if the income is received by direct deposit ▪ Court award letter ▪ Family or business financial records ▪ Quarterly estimated tax for self-employed persons ▪ Alimony agreements

Dislocated Worker Eligibility Criteria and Documentation by Service Level

Dislocated Worker Eligibility Criteria	Documentation in File (one document per group required)
<p>Age/Birth Date</p>	<p>Basic Career Service Triggering Participation, Individualized Career Service, or Training:</p> <ul style="list-style-type: none"> ▪ Birth certificate ▪ Baptismal record if date of birth is shown ▪ DD214 transfer or discharge paper ▪ Hospital record of birth ▪ Driver's license ▪ State, federal, or local government ID ▪ Passport ▪ Work permit ▪ Cross match with public assistance records via state MIS system ▪ Other public assistance records ▪ School record or ID cards ▪ Tribal records
<p>Citizenship Status/ Authorization to Work in the US Cannot collect for self-service or information services only. May collect for May verify for activities such as initial assessment, career counseling, occupational career counseling, aptitude testing, mentoring, classroom training and group counseling</p> <p>Must verify for employment activities such as work experiences, transitional jobs, internships, and pre-apprenticeship training, job placement assistance</p>	<p>Basic Career Service Triggering Participation, Individualized Career Service, or Training:</p> <ul style="list-style-type: none"> ▪ Citizenship Status/Authorization to Work Self-Attestation ▪ U.S. passport, certificate of U.S. citizenship, certificate of naturalization, permanent resident card, unexpired refugee travel document ▪ U.S. Social Security card issued by the Social Security Administration (other than a card stating not valid for employment), Certificate of Birth Abroad issued by the U.S. Department of State, birth certificate issued by a state, county, municipal authority or outlying possession of the U.S., U.S. citizen ID card, ID card for use of Resident Citizens in the U.S. ▪ Cross match with public assistance records via state MIS system ▪ Other public assistance records
<p>Selective Service Registration</p>	<p>Basic Career Service Triggering Participation, Individualized Career Service, or Training:</p> <ul style="list-style-type: none"> ▪ Selective service card ▪ Selective Service acknowledgement letter ▪ Report of Separation form (Form DD-214) ▪ Selective Service registration card. ▪ Selective Service verification form (Form 3A). ▪ Stamped post office receipt of registration. ▪ Verification from the Selective Service web site ▪ Documentation that failure was not willful and knowing if an applicant failed to register or too old to register and approval to serve individual
<p>Date of Dislocation</p>	<p>Basic Career Service Triggering Participation, Individualized Career Service, or Training:</p> <ul style="list-style-type: none"> ▪ Verification from employer ▪ Rapid response list ▪ Determination of UI Benefits letter ▪ Notice of public announcement with follow-up cross-match with Unemployment Insurance ▪ Self-Attestation

Dislocated Worker Program Eligibility Criteria	Documentation in File All dislocated workers must be within one of the following categories (one document per group required)
A. Terminated or laid off, or received a notice of termination or layoff from employment (If dislocated workers are RESEA/UCRS eligible, they only have to document number 5 below. If dislocated workers are not RESEA/UI eligible, they must document numbers 1, 2, 3 and 4 to document the eligibility criteria.)	
1. Proof of employment with layoff employer	Basic Career Service Triggering Participation, Individualized Career Service, or Training: <ul style="list-style-type: none"> ▪ Pay stub ▪ Letter from employer ▪ Determination of Unemployment Compensation Benefits letter if names of both company and participant are stated • DE 8406 Personalized Job Search Assistance (PJSA) appointment notice form • DE 8530 Reemployment Eligibility Assistance (REA) letter • DE 1106/Z Appointment notice of referral to an Initial Assistance Workshop (IAW) • Screen print of IAW schedule • Reemployment plan generated from IAW • Invitation letter to Self-Employment Assistance (SEA) orientation • Screen print of SEA schedule. ▪ DD214 ▪ Bank statements if direct deposit is used and the name of the employer is stated ▪ Individual's name on a WARN notice ▪ Employer contact: phone or electronic verification ▪ For Trade Eligible – CALJOBS Screen Shot ▪ Self-Attestation
2. Proof of termination or layoff	Basic Career Service Triggering Participation, Individualized Career Service, or Training: <ul style="list-style-type: none"> ▪ Layoff letter from employer ▪ Employer contact: phone or electronic verification ▪ Individual's name on a WARN notice ▪ Determination of Unemployment Compensation Benefits letter or check ▪ For Trade Eligible – CALJOBS Screen Shot ▪ DD214 if dislocation is based on the participant discharge from the military ▪ Military orders if the participant is a military spouse ▪ Self-Attestation

¹ Military spouses can be served under the dislocated worker category if the spouse is unable to continue an employment due to the service member's permanent change of military stations, or if the spouse loses employment as a result of discharge from the military. The spouse must also satisfy "unlikely to return to previous industry of occupation."

<p>Dislocated Worker Program Eligibility Criteria</p>	<p>Documentation in File All dislocated workers must be within one of the following categories (one document per group required)</p>
<p>A. Terminated or laid off, or received a notice of termination or layoff from employment (If dislocated workers are RESEA/UCRS eligible, they only have to document number 5 below. If dislocated workers are not RESEA/UC eligible, they must document numbers 1, 2, 3 and 4 to document the eligibility criteria.)</p>	
<p>3. Is eligible for or has exhausted entitlement to UI</p> <p>or</p> <p>Proof of attachment to the workforce, but UI ineligible due to insufficient earnings or services not covered by UI law</p>	<p>Basic Career Service Triggering Participation, Individualized Career Service, or Training:</p> <ul style="list-style-type: none"> ▪ Determination of Unemployment Compensation Benefits letter ▪ Phone or email verification with UI staff ▪ UC check • UI records, including the DE 1180PH Claim Status and History form, DE 4581 Continued Claim Paper form, DE 8406 PJSA appointment notice form, DE 8530 REA letter, and Employment Development Department (EDD) Web-CertSM printout • DE 1106/Z Appointment notice of referral to an IAW • Screen print of IAW schedule • Reemployment plan generated from IAW • Invitation letter to SEA orientation ▪ Screen print of SEA schedule ▪ For Trade Eligible – CALJOBS Screen Shot <p>or</p> <ul style="list-style-type: none"> • UI records, including DE 429Z Notice of UI Award and DE 4581 Continued Claim paper form • Statement by a UI representative ▪ Determination of Unemployment Compensation Benefits letter ▪ Pay stub showing insufficient earnings to date ▪ Letter from employer noting not subject to UI law ▪ Employer contact: phone or electronic verification that services are not subject to UI law ▪ Phone verification with UI staff ▪ DD214 if dislocation is based on the participant discharge from the military ▪ W2 and/or tax returns ▪ Self-Attestation

<p>Dislocated Worker Program Eligibility Criteria</p>	<p>Documentation in File All dislocated workers must be within one of the following categories (one document per group required)</p>
<p>A. Terminated or laid off, or received a notice of termination or layoff from employment (If dislocated workers are RESEA/UCRS eligible, they only have to document number 5 below. If dislocated workers are not RESEA/UI eligible, they must document numbers 1, 2, 3 and 4 to document the eligibility criteria.)</p>	
<p>4. Unlikely to return to previous industry or occupation</p>	<p>Basic Career Service Triggering Participation, Individualized Career Service, or Training:</p> <ul style="list-style-type: none"> • Internet site, such as CalJOBSSM that indicates lack of industry/occupation availability • Screen print of Labor Market Information Division screens that indicates lack of industry/occupation availability • Doctor statement indicating applicant's inability to return to previous industry/occupation due to physical limitations • Vocational rehabilitation counselor's statement indicating applicant's inability to return to previous industry/occupation due to physical limitations • Employment Specialist's determination <ul style="list-style-type: none"> ▪ DE 1106/Z Appointment notice of referral to an IAW • Screen print of IAW schedule • Reemployment plan generated from IAW • Invitation letter to SEA orientation • Screen print of SEA schedule • If one of the above is not available, documented telephone verification from the EDD field office will suffice • DE 8406 PJSA appointment notice form <ul style="list-style-type: none"> ▪ For Trade Eligible - CALJOBS Screen Shot ▪ Self-Attestation
<p>5. Has been identified as meeting the criteria for REA selection</p>	<p>Basic Career Service Triggering Participation, Individualized Career Service, or Training:</p> <ul style="list-style-type: none"> ▪ UI letter to claimant ▪ Phone verification with UI staff ▪ Printout of REA selection

<p>B. Plant closure or substantial layoff (An individual must be in each of the three sub-categories below.)</p>	
<p>I. Terminated or laid off, or received a notice of termination or layoff from employment as a result of any permanent closure of, or any substantial layoff at a plant, facility, or enterprise (Must document each of the following three categories to document the eligibility criteria.)</p>	
<p>1. Proof of employment with an employer that closed or is experiencing substantial layoffs</p>	<p>Basic Career Service Triggering Participation, Individualized Career Service, or Training:</p> <ul style="list-style-type: none"> ▪ Pay stub ▪ Letter from employer ▪ Determination of Unemployment Compensation Benefits letter if names of both company and participant are stated ▪ Bank statements if direct deposit is used and the name of the employer is stated ▪ Individual's name on a WARN notice ▪ Employer contact: phone or electronic verification ▪ Self-Attestation
<p>2. Proof of termination or layoff</p>	<p>Basic Career Service Triggering Participation, Individualized Career Service, or Training:</p> <ul style="list-style-type: none"> ▪ Layoff letter from the employer ▪ Determination of Unemployment Compensation Benefits letter if names of both company and participant are stated ▪ Individual's name on a WARN notice • Bankruptcy documents, if declared under Chapter 7, Title 11 U.S.C. Notice of foreclosure or a similar document provided by a financial institution when such document clearly shows that a closure or mass layoff will occur as a result of its issuance • UI Form 501 (Separation Statement), when completed on both sides and signed by an employer representative ▪ Employer contact: phone or electronic verification ▪ Self-Attestation
<p>3. Proof of closure or substantial layoff</p>	<p>Basic Career Service Triggering Participation, Individualized Career Service, or Training:</p> <ul style="list-style-type: none"> ▪ Employer notice ▪ WARN notice ▪ Employer contact: phone or electronic verification ▪ News article/general announcement

<p>II. Is employed at a facility at which the employer has made a public announcement that such facility will close within 180 days (Must document both of the following two categories to document the eligibility criteria.)</p>	
<p>1. Proof of employment in closing facility</p>	<p>Basic Career Service Triggering Participation, Individualized Career Service, or Training:</p> <ul style="list-style-type: none"> ▪ Pay stub • Bankruptcy documents, if declared under Chapter 7, Title 11, U.S.C. • Notice of foreclosure or a similar document provided by a financial institution when such document clearly shows that a closure or mass layoff will occur as a result of its issuance ▪ Bank statements if direct deposit is used and the name of the employer is stated ▪ Letter from employer or union representative ▪ Individual's name on a WARN notice ▪ Employer contact: phone or electronic verification ▪ Self-Attestation
<p>2. Proof of a public announcement of closure within 180 days</p>	<p>Basic Career Service Triggering Participation, Individualized Career Service, or Training:</p> <ul style="list-style-type: none"> ▪ Employer notice ▪ WARN notice ▪ Employer contact: phone or electronic
<p>III. For purposes of eligibility to receive services other than training services described in Section 134(c)(3), career services described in Section 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close (Must document both of the following two categories to document the eligibility criteria.)</p>	
<p>1. Proof of employment at closing facility</p>	<p>Basic Career Service Triggering Participation and Individualized Career Service:</p> <ul style="list-style-type: none"> ▪ Pay stub ▪ Bank statements if direct deposit is used and the name of the employer is stated ▪ Letter from employer ▪ Individual's name on a WARN notice ▪ Employer contact: phone or electronic verification ▪ Self-Attestation
<p>2. Proof of announcement</p>	<p>Basic Career Service Triggering Participation and Individualized Career Service:</p> <ul style="list-style-type: none"> ▪ Employer notice ▪ News article/media announcement ▪ Employer contact: phone or electronic verification ▪ WARN notice

<p>C. Self-employed individual, including employment as a farmer, rancher, or fisherman, but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters (Must document both of the following two categories to document the eligibility criteria.)</p>	
<p>1. Evidence of self-employment</p>	<p>Basic Career Service Triggering Participation, Individualized Career Service, or Training:</p> <ul style="list-style-type: none"> ▪ Business license or permits • Bankruptcy documents listing both the name of the business and the applicant's name • Copy of a printed media article/announcement describing the closure/mass layoff; the copy must include the name of the medium in which published and the date of publication • Copy of articles of incorporation for the business listing the applicant as a principal ▪ IRS forms ▪ Other evidence of self-employment ▪ Self-Attestation
<p>2. Evidence of business closure</p>	<p>Basic Career Service Triggering Participation, Individualized Career Service, or Training:</p> <ul style="list-style-type: none"> ▪ Chapter 7 or Chapter 11 bankruptcy published in newspaper, with the date shown ▪ Evidence of business failure of supplier or customer ▪ Insurance claims, or other proof of income loss ▪ Disaster insurance claim ▪ Federal or state declaration of disaster ▪ Self-Attestation

<p>D. Displaced homemaker, an individual who has been providing unpaid services to family members in the home</p>	
<p>An individual who has been providing unpaid services to family members in the home and has been dependent on the income of another family member but is no longer supported by that income and is unemployed or underemployed and is experiencing difficulty obtaining or upgrading employment</p>	<p>Basic Career Service Triggering Participation, Individualized Career Service, or Training:</p> <ul style="list-style-type: none"> ▪ Court records ▪ Divorce documents ▪ Bank records ▪ Public assistance records ▪ Spouse's layoff notice ▪ Spouse's death record ▪ Notice of deployment, call or order to active duty or change of station ▪ Pay Stubs, tax returns or other documents to verify decrease in income ▪ State MIS ▪ Self-Attestation

E. Military Spouse	
<p>Spouse of a member of the Armed Forces on active duty and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty state of such member</p> <p>Or</p> <p>Spouse of a member of the Armed Forces who meets the criteria of a displaced homemaker who is unemployed or underemployed and is experiencing difficulty obtaining or retaining employment</p>	<p>Basic Career Service Triggering Participation, Individualized Career Service, or Training:</p> <ul style="list-style-type: none"> ▪ DD214 if dislocation is based on the participant discharge from the military ▪ Marriage license or Income Tax return; and ▪ Notice of deployment, call or order to active duty or change of station; or ▪ Self-Attestation to substantiate loss of employment as a direct result of relocation of member of Armed Forces; or ▪ Self-Attestation to substantiate unemployment or underemployment

Employment Status at Participation	<p>Employed</p> <ul style="list-style-type: none"> ▪ Pay Stub ▪ Case notes showing information collected from participant <p>Not Employed</p> <ul style="list-style-type: none"> ▪ Case notes showing information collected from participant <p>Underemployed</p> <ul style="list-style-type: none"> ▪ Career planners determination ▪ Telephone verification ▪ Self-attestation
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Youth Eligibility

Documentation in File (one document per group required)	
Age/Birth Date	<ul style="list-style-type: none"> ▪ Birth certificate ▪ Baptismal record if date of birth is shown ▪ DD214 transfer or discharge paper ▪ Hospital record of birth ▪ Driver's license state, federal, or local government ID ▪ Passport ▪ Work permit ▪ Cross match with public assistance records via state MIS system ▪ Other public assistance records ▪ School record or ID cards ▪ Tribal records ▪ Crossmatch with Department of Public Health vital records ▪ Hospital Record of birth

Documentation in File (one document per group required)	
Citizenship Status/ Authorization to Work in the US Consideration of TEGL 2-14 must be followed	<ul style="list-style-type: none"> ▪ Verification document(s) that satisfy List A, List B, or List C of the Form I-9
Selective Service Registration	<ul style="list-style-type: none"> ▪ Selective service card ▪ Selective Service acknowledgement letter ▪ Report of Separation form (Form DD-214) ▪ Selective Service registration card. ▪ Selective Service verification form (Form 3A). ▪ Stamped post office receipt of registration. ▪ Selection Service status information letter ▪ Verification from the Selective Service web site: https://www.sss.gov/ <ul style="list-style-type: none"> ▪ Documentation that failure was not willful and knowing if an applicant failed to register or too old to register and approval to serve individual
School Status at Participation	<ul style="list-style-type: none"> ▪ Applicable records from educational institution ▪ Training provider verification of enrollment ▪ Case notes with verification of enrollment from educational institution ▪ State MIS ▪ Self-Attestation
Receipt of High School Diploma	<ul style="list-style-type: none"> ▪ School records ▪ Diploma ▪ Letter or other documentation from school system ▪ Self-Attestation
Employment Status at Participation	<p>Employed</p> <ul style="list-style-type: none"> ▪ Pay Stub ▪ Case notes showing information collected from participant <p>Not Employed</p> <ul style="list-style-type: none"> ▪ Case notes showing information collected from participant <p>Underemployed</p> <ul style="list-style-type: none"> ▪ Career planners determination ▪ Telephone verification ▪ Self-attestation

Youth Eligibility Criteria	Documentation in File
<p>Low-Income Individual</p>	<p>Low-income is required for all in-school youth and for out-of-school youth who has a secondary school diploma and is basic skills deficient (or an English language learner), or requires additional assistance to enter or complete an education program or to secure or hold employment</p>
<p>1. TANF – Receives, or is a member of a family that receives, cash payments under the Temporary Assistance for Needy Families, which is a Federal income-based public assistance program</p>	<ul style="list-style-type: none"> ▪ Cross match with public assistance records via state MIS system ▪ Public Assistance Check/Records ▪ Medical card showing Public Assistance status ▪ Refugee assistance records ▪ Statement from county welfare office
<p>2. Other Cash Public Assistance – Receives, or is a member of a family that receives, cash payments under a federal, state, or local income-based public assistance program (includes refugee assistance and other cash public assistance)</p>	<ul style="list-style-type: none"> ▪ Copy of authorization to receive cash public assistance ▪ Verification by the public assistance agency ▪ Cross match with public assistance records via state MIS system ▪ Other public assistance records ▪ Refugee assistance records ▪ Verification from the refugee assistance provider
<p>3. Family Income – Determined when an individual received income, or is a member of a family that received income that in relation to family size does not exceed the higher of poverty line or 70 percent of lower living standard income (see workforce glossary for list of includable/ excludable income)</p>	<ul style="list-style-type: none"> ▪ Pay stubs ▪ Employer statement of earnings ▪ Compensation award letters ▪ Social Security retirement benefits letter ▪ Pension statement ▪ Bank statements ▪ Court award letter ▪ Family or business financial records ▪ Quarterly estimated tax for self-employed persons ▪ Alimony agreements ▪ Award letter from Veterans Affairs ▪ Unemployment Insurance documents ▪ Low-income Housing Authority verification ▪ Documentation of Child Support ▪ Documentation of Old-Age Survivors Insurance benefits ▪ Public Assistance Records ▪ Self-Attestation, only in cases when an individual has no income or receives very little undocumented income; the statement should include some description of how the applicant has been supported

Youth Eligibility Criteria	Documentation in File
4. Supplemental Nutrition Assistance Program (SNAP) – Is a member of a household that receives (or has been determined within the six-month period prior to the application for the program involved to be eligible to receive) SNAP	<ul style="list-style-type: none"> ▪ Verification by the public assistance agency ▪ Cross match with public assistance records via state MIS system ▪ Other public assistance records ▪ Medical card with Food Stamp status ▪ Food stamp card with current date • Current food stamp receipt • Postmarked food stamp mailer with applicable name and address ▪ Copy of authorization to receive SNAP
5. Supplemental Security Income program (SSI) – Is a member of a household that receives (or has been determined within the six-month period prior to the application for the program involved to be eligible to receive) SSI	<ul style="list-style-type: none"> ▪ Verification by the public assistance agency ▪ Cross match with public assistance records via state MIS system ▪ Other public assistance records (CRIS-E printout) ▪ Copy of authorization to receive SSI
6. Free or Reduced Price Lunch	<ul style="list-style-type: none"> ▪ The most recent school year reduced price or free lunch eligibility status document for the individual or school ▪ Approval Letter ▪ WIOA Application ▪ Self-Attestation
7. Youth living in a high-poverty area	<ul style="list-style-type: none"> ▪ Must use Census tract data to determine if the youth is living in a high poverty area ▪ www://FactFinder.census.gov/ (For directions for using this website and determining a high-poverty area, consult USDOL Training and Employment Guidance Letter (TEGL) No. 21-16

Youth Eligibility Criteria	Documentation in File	
Youth Barriers	Youth must document one of the following barriers	
1. Basic skills deficient (<i>In-School and Out-of-School</i>)	In-School <ul style="list-style-type: none"> ▪ Standardized assessment test ▪ School records ▪ Case notes 	Out-of-School <ul style="list-style-type: none"> ▪ Standardized assessment test
2. English language learner (<i>In-school and Out-of-School</i>)	<ul style="list-style-type: none"> ▪ School records ▪ Case notes ▪ Self-Attestation 	
3. School dropout (<i>Out-of-School</i>)	<ul style="list-style-type: none"> ▪ Applicable records from educational institution ▪ State MIS ▪ WIOA Intake form ▪ School board verification of dropout status ▪ Dropout Letter ▪ Self-Attestation 	
4. Not attending school (<i>Out-of-School</i>)	<ul style="list-style-type: none"> ▪ School records ▪ Court documents ▪ Self-Attestation 	

Youth Eligibility Criteria	Documentation in File
Youth Barriers	Youth must document one of the following barriers
5. Homeless or Runaway (<i>In-School and Out-of-School</i>)	<ul style="list-style-type: none"> ▪ Verification from a shelter or social services agency ▪ Written statement from individual providing residence ▪ WIOA Application ▪ Self-Attestation
6. Foster Child or Emancipated Foster Child (<i>In-School and Out-of-school</i>)	<ul style="list-style-type: none"> ▪ Case notes ▪ Court documentation ▪ Verification from a social services
7. Pregnant or parenting youth (<i>In-school and Out-of-school</i>)	<ul style="list-style-type: none"> ▪ Physician's statement ▪ Birth certificate if parenting ▪ Baptismal record ▪ Case notes ▪ Verification with social service ▪ Self-Attestation
8. Offender (<i>In-school or Out-of-School</i>)	<ul style="list-style-type: none"> ▪ WIOA intake ▪ Court records ▪ Halfway house resident ▪ Letter or phone call from parole ▪ Letter or phone call from probation officer ▪ Police records ▪ Self-Attestation
9. Individual with a disability (<i>In-school and Out-of-School</i>)	<ul style="list-style-type: none"> ▪ Letter from drug or alcohol rehabilitation agency ▪ Medical records ▪ Physician's statement ▪ Case notes ▪ Psychologist or Psychiatrist diagnosis ▪ Social Security disability records <ul style="list-style-type: none"> • Sheltered workshop certification ▪ School record of disability determination ▪ Social services records ▪ Veterans Affairs award letter ▪ Vocational rehabilitation letter ▪ Worker's compensation record <ul style="list-style-type: none"> • Observable condition (self-attestation with the interviewer serving as the corroborating witness) • Rehabilitation evaluation • Telephone verification • Other applicable, verifiable, documentation ▪ Self-Attestation

Youth Eligibility Criteria	Documentation in File
Youth Barriers	Youth must document one of the following barriers
10. Require additional assistance to complete educational program or to secure and hold employment (In-School and Out-of-School)	
Is an emancipated youth	<ul style="list-style-type: none"> ▪ Case notes ▪ Court documentation ▪ Verification from a social services
Has been referred to or is being treated by an agency for a substance abuse problem	<ul style="list-style-type: none"> ▪ Physician statement ▪ Medical records ▪ Court Records ▪ Group Home Letter ▪ Letter from a Social Services Agency ▪ Self-Attestation
Has experience a traumatic event, is a victim of abuse, or resides in an abusive environment as documented by a school official or other qualified professional	<ul style="list-style-type: none"> ▪ School Records ▪ Medical records ▪ Court Records ▪ Shelter Statement
Has Serious medical, emotional, or psychological problems documented by a qualified professional	<ul style="list-style-type: none"> ▪ Medical records ▪ Psychological ▪ Evaluation Letter ▪ School Counselor ▪ Social Services Records
Has never held a job (does not apply to a youth 17 years of age or younger)	<ul style="list-style-type: none"> ▪ EDD Records ▪ Self-Attestation
Has been fired from a job within 12 months prior to application (does not apply to a youth 17 years of age or younger)	<ul style="list-style-type: none"> ▪ Employer Records ▪ School Representatives Statement ▪ Probation/Parole Officers Statement ▪ Self-Attestation
Has never held a job for more than 13 consecutive weeks (does not apply to a youth 17 years of age or younger)	<ul style="list-style-type: none"> ▪ EDD Records ▪ School Representatives Statement ▪ Self-Attestation
Attends Continuation School	<ul style="list-style-type: none"> ▪ School Records ▪ School ID
Has an incarcerated parent/legal guardian	<ul style="list-style-type: none"> ▪ Letter from a Corrections Facility ▪ Correction/Probation/Police Officers Statement ▪ Court Records ▪ Criminal Background Check ▪ Self-Attestation
Immigrant/Refugee youth with substantial cultural barriers	<ul style="list-style-type: none"> ▪ School Records ▪ Documentation from Agencies that work with Immigrant/Refugee Populations ▪ Employer Statement

Data Element Documentation

Some individual data elements that are not related to eligibility must be documented due to federal reporting requirements (when applicable).

Data Element Validation	Documentation in File (one document per group required)
Date of Program Entry	<p>Basic Career Service Triggering Participation, Individualized Career Service, or Training for Adults and DW or eligibility and a service for Youth:</p> <ul style="list-style-type: none"> ▪ Individual Plan for Employment ▪ Electronic Records ▪ Program intake documents, such as eligibility determination documentation or program enrollment forms.
Employment status at participation	<p>Basic Career Service Triggering Participation, Individualized Career Service, or Training for Adults and DW or eligibility and a service for Youth: :</p> <ul style="list-style-type: none"> ▪ Case notes ▪ Pay stub ▪ Bank statements ▪ State MIS ▪ Self-Attestation
Veteran status	<p>Basic Career Service Triggering Participation, Individualized Career Service, or Training for Adults and DW or eligibility and a service for Youth::</p> <ul style="list-style-type: none"> ▪ DD214 ▪ Cross match with veteran data ▪ Letter from U.S. Department of Veterans Affairs ▪ State MIS
Other reasons for exit (global exclusions from performance)	<ul style="list-style-type: none"> ▪ Case notes ▪ Information from partner services ▪ MIS systems ▪ Information from institution or facility ▪ WIOA status/exit forms ▪ Electronic Records ▪ Withdrawal form with explanation
Type of Training Service	<ul style="list-style-type: none"> ▪ Copy of enrollment record ▪ File documentation with notes from program staff ▪ Cross-match between dates of service and vendor training information ▪ Vendor training documentation ▪ Electronic Records ▪ Individual Training Account ▪ Attendance records

Data Element Validation	Documentation in File (one document per group required)
Participated in Postsecondary Education During Program Participation	One of the following: <ul style="list-style-type: none"> ▪ Data match with postsecondary data system ▪ Copy of enrollment record ▪ File documentation with notes from program staff ▪ School records ▪ Transcript or report card
Enrolled in Secondary Education Program	<ul style="list-style-type: none"> ▪ Copy of enrollment record ▪ File documentation with notes from program staff ▪ School Records ▪ Transcript or Report Card ▪ Data match to School K-12 data system
Date Enrolled in Post Exit Education or Training program leading to a Post-Secondary Credential	<ul style="list-style-type: none"> ▪ Copy of enrollment record ▪ File documentation with notes from program staff ▪ School Records ▪ Transcript or Report Card ▪ Data match to Post Secondary data system
Employment post exit	<ul style="list-style-type: none"> ▪ Detailed Case notes ▪ Automated employment data base systems ▪ Administrative records ▪ Survey of participants ▪ Contacts with employers ▪ Employer statement of earnings ▪ Family or business financial records ▪ Self-employment worksheets signed and attested to by participant <ul style="list-style-type: none"> ▪ Quarterly estimated tax for self-employed persons ▪ UI wage records ▪ Pay stub
Type of Recognized Credential	<ul style="list-style-type: none"> ▪ Data Match ▪ Copy of Credential/Diploma ▪ School Records/Transcripts ▪ Follow up survey of program participants ▪ Case notes documenting information obtained from education or training provider
Date attained Recognized Credential	<ul style="list-style-type: none"> ▪ Data Match ▪ Copy of Credential ▪ School Records ▪ Follow up survey of program participants ▪ Case notes documenting information obtained from education or training provider

Data Element Validation	Documentation in File (one document per group required)
Date of most recent measurable skills gain: EFL	<ul style="list-style-type: none"> ▪ Pre and Post Test measuring EFL Gain ▪ Adult High School transcript showing EFL Gain ▪ Post-Secondary education or training determined through data match, survey documentation, or program notes
Date of most recent measurable skills gain: EFL: Post-Secondary Transcript/Report Card	<ul style="list-style-type: none"> ▪ Transcript ▪ Report Card <p>These must meet the following state standards:</p> <ul style="list-style-type: none"> ▪ the participant is meeting the State's academic standards outlined by the CDE ▪ Enrolled in secondary education: transcript or report card for one semester meeting the State's academic standards. ▪ Enrolled in postsecondary education: transcript or report card showing a completion of a minimum of 12 hours per semester, or for part-time students a total of at least 12 credit hours over two completed consecutive semesters during the PY, and showing that the participant is meeting the State's academic standards
Date of most recent measurable skills gain: EFL: Secondary Transcript/Report Card	<ul style="list-style-type: none"> ▪ Transcript ▪ Report Card
Date of most recent measurable skills gain: EFL: Training Milestone	<ul style="list-style-type: none"> ▪ OJT or Registered Apprenticeship ▪ Contract and/or Evaluation from employer or training provider <p>These must show a satisfactory or better progress report from the OJT employer or training provider documenting progress of meeting established benchmarks</p>
Date of most recent measurable skills gain: EFL: Skills Progression	<ul style="list-style-type: none"> ▪ Results of knowledge based exam or certification of completion ▪ Documentation demonstrating progress in attaining technical or occupation skills ▪ Documentation from employer or training provider ▪ Copy of credential
Youth Placement in Quarter 2 or 4	<ul style="list-style-type: none"> ▪ Cross Data match with other agencies ▪ Copy of enrollment record ▪ File documentation with notes from program staff ▪ School records ▪ Transcript or report card ▪ Vendor/Training Provider training documentation ▪ Automated employment database systems ▪ Survey of participants ▪ Contacts with employers ▪ Pay stubs ▪ Employer statement of earnings ▪ Apprenticeship verification ▪ Documentation of military service ▪ Family or business financial records ▪ Quarterly estimated tax for self-employed persons ▪ UI wage records

WIOA Telephone Eligibility Verification

Applicant Name Last	First	MI
Customer ID Number	Date	

Documents have been verified for the following eligibility criteria

Name of Document Inspected

Agency Providing Verification
Name of Agency Representative
Agency Representatives Phone Number
Date and time of Verification
Name of Eligibility Staff Person

I attest that the information recorded by me on this document was obtained through a telephone contact on the above date. As indicated by the agency representative, all information was obtained from data previously determined in the applicant’s records at the agency providing the eligibility verification.

Eligibility/Intake Person Signature	Date
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Self Attestation

Applicant Name Last	First	MI
Customer ID Number	Date	

I hereby certify, under penalty of perjury, that the following information is true:

I attest that the information stated above is true and accurate, and understand that the above information, if misrepresented, or incomplete, may be grounds for immediate termination and/or penalties as specified by law.

Applicant signature	Date
Applicant Phone #	
Applicant Address	
Signature of Parent or Guardian (as needed)	

The above applicant signature self-attestation statement is being utilized for documentation of the following eligibility criteria:

Intake Person Name	
Signature	Date

Citizenship Status/ Authorization to Work Self Attestation

Applicant Name Last		First	MI
Customer ID Number		Date	
I hereby certify, under penalty of perjury, that I am one of the following: <input type="checkbox"/> A citizen, or national of the United States, or <input type="checkbox"/> A lawful permanent resident, or <input type="checkbox"/> A refugee, asylee, parolee, or other immigrant authorized by the Attorney General to work US			

I attest that the information stated above is true and accurate, and understand that the above information, if misrepresented, or incomplete, may be grounds for immediate termination and/or penalties as specified by law.

Applicant signature		Date
Applicant Phone #		
Applicant Address		
Signature of Parent or Guardian (as needed)		

The above applicant self-attestation statement is being utilized for documentation of citizenship status/authorization to work in the United States

Intake Person Name	
Signature	Date

:



DYLAN WRIGHT
DIRECTOR
OC COMMUNITY RESOURCES

CYMANTHA ATKINSON
ASSISTANT DIRECTOR
OC COMMUNITY RESOURCES

VACANT
DIRECTOR
ADMINISTRATIVE SERVICES

ANDI BERNARD
INTERIM DIRECTOR
OC ANIMAL CARE

JULIA BIDWELL
DIRECTOR
OC HOUSING & COMMUNITY DEVELOPMENT

RENEE RAMIREZ
DIRECTOR
OC COMMUNITY SERVICES

STACY BLACKWOOD
DIRECTOR
OC PARKS

JULIE QUILLMAN
COUNTY LIBRARIAN
OC PUBLIC LIBRARIES

OC Community Resources

[Date]

To: All WIOA Subrecipients of the Orange County Workforce Development Board
From: Carma Lacy
Director of Workforce Development
Subject: WIOA Youth Work Experience Policy
Information Notice No. __-OCDB-__
Supersedes Information Notice No. 14-OCWDA-01

PURPOSE:

This policy provides guidance to all Orange County Workforce Board (OCWDB) One Stop Service Providers on the requirements for the provision of the Workforce Innovation and Opportunity Act (WIOA) Youth Work Experience services.

EFFECTIVE DATE:

This notice is effective on the date of issuance.

REFERENCES:

Workforce Innovation and Opportunity Act, Pub. L. 113-128

29 U.S.C. 3101 et seq

2 CFR 200

Fair Labor Standards Act of 1938, 52 Stat. 1060, 29 U.S.C. 201 et seq.

USDOL, Training and Employment Guidance Letter No. 12-09, Joint Guidance for States Seeking to Implement Subsidized Work-Based Training Programs for Unemployed Workers, (January 29, 2012).

USDOL, U.S. Secretary’s Commission on Achieving Necessary Skills, A SCANS Report for America 2000, (June 1991).

I.R.S. Revenue Ruling 75-246, 1975-1 C.B. 24, Scenarios distinguish between amounts paid in connection with training—excludable under general welfare exception—and amounts paid in connection with services.

BACKGROUND:

Under the Workforce Innovation and Opportunity Act, paid and unpaid work experience is an allowable activity and one of the fourteen (14) youth program elements required to be competitively procured when selecting a youth service provider for this activity.



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Definitions

Incentive - Remuneration to participants for successful participation and achievement of expected outcomes as defined in the individual service strategy (ISS).

Internship - A system of gaining on-the-job experience by placement in a work environment for a period of time with the goal to build technical and job awareness skills. Internships may be paid or unpaid.

Job shadowing - A short-term unpaid activity which introduces a participant to the workplace and provides exposure to occupational areas of interest to increase career awareness. Job shadowing is limited and allows youth to observe only.

On-the-job training (OJT) - Training by an employer that is provided to a paid participant while engaged in productive work in a job that:

- Provides knowledge or skills essential to the full and adequate performance of the job;
- Is made available through a program that provides reimbursement to the employer of a percentage of the wage rate of the participant; and
- Is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, prior work experience of the participant, and the service strategy for the participant.

Pre-apprenticeship programs - Programs or set of strategies designed to prepare individuals to enter and succeed in Registered Apprenticeship programs and have a documented partnership with at least one, if not more, Registered Apprenticeship programs.

Stipend - A fixed and regular small payment such as an allowance.

Summer employment opportunities - An activity conducted mainly during the summer months which involves work experience as the primary strategy and must provide direct linkages to academic and occupational learning.

Work experience - A planned, structured learning activity that takes place in a workplace setting for a limited period of time. Youth Work Experience can also be referred to WEX.

Policies and Procedures

Work experience is one of the fourteen (14) required program elements that must be made available to all registered youth and should be offered throughout the program year. It is a planned, structured learning activity that takes place in a workplace setting for a limited period of time and has an academic and occupational education component. Work experience may be paid or unpaid.

The primary intent of work experience is to help the youth understand proper workplace behavior and what is necessary in order to attain and retain employment. Work experiences should help youth acquire the personal attributes, knowledge, and skills needed to obtain a job and advance in employment. Work experience can serve as a stepping stone to unsubsidized employment and is an important step in the process of developing a career pathway for youth. All work experiences should expose youth to realistic working conditions and task as much as possible.

Work experience must be based on identified needs of the individual youth. Use of work experience situation must be based on an objective assessment and identified on the youth's individual service plan (ISP).

Paid and unpaid work experience must include academic and occupational education. The broad term Work Experience Focus (WEF) shall apply to the types of work experiences in the following categories:

- Work Experience
- Internship and job shadowing;
- Summer employment opportunities;
- On-the-Job training (for OJT requirements see Information Notice No. 14-OCWDA-03);
- Pre-apprenticeship programs.

Work experience may be conducted in the private-for profit, private non-profit and public sectors. Although a business, public agency or non-profit (hereafter collectively referred to as "work experience provider") may also receive some benefit from work experience in the form of work being done or recruiting a potential new employee, the primary goal of work experience is to benefit the participant.

Formula funds may be used to pay a participant's wages and related work experience when the participant's objective assessment and individual service plan indicate work experience is appropriate. Additionally, funds may be used to pay wages and staffing costs for the development and management of work experience.

Per section 129 (c)(4) of the WIOA, not less than 20% of the youth program funds shall be used to provide youth participants with paid and unpaid work experiences. The OCWIB has determined that Service Providers must spend at least 30% of their overall WIOA youth funding on WEF activities in a program year including wages as well as staffing costs. Staffing costs may be included only for the experience is unpaid.

The duration of WEX shall be no more than 10 months and shall not exceed 600 hours. A tracking sheet shall be maintained by the service provider to ensure the actual do not exceed this limit. The OCDB director (or designee) may approve a waiver of this requirement.

For complete guidance on Work-based learning please see Information Notice No. 17-OCDB-21 Work-based Learning.

Appropriate Employers

The youth provider should seek employers that are committed to helping participants receive the experience and training that is required for employment beyond the work experience period. Employers should be willing to work closely with program staff and be flexible in working with youth who have barriers to employment.

Attention must be given to ensure that work experience arrangements do not unfavorably impact current employees and do not impair existing contracts for services or collective bargaining agreements. Work experience, including internships, in the private for-profit sector must be structured so as not to appear to be subsidizing private for-profit operations. The work of the participant should not materially impact the profit margin of a private-for-profit company.

The local provider may encounter employers reluctant to assume responsibility for youth as employees. If an employer/employee relationship does exist, the youth provider may deem it advisable to be the employer of record and refer youth participants to host sites so they may receive experience.

Determining "Trainee" versus "Employee"

Work experience may be paid or unpaid. It is expected that work experience will be paid in most cases and the federal Fair Labor Standards Act (FLSA) will apply in any situation where an employer/employee relationship exists. WIOA participants are subject to the requirements of the FLSA to the extent that the activities performed in the work experience constitute employment.

A local provider shall ensure that the youth provider makes a determination regarding whether work experience is a "training" situation or an "employment" situation. The local WDB should establish a process for making these determinations.

Trainee

Because the FLSA's definition of "employee" is broad, the excluded category of "trainee" is necessarily quite narrow. In general, the more a training program is centered around a classroom or academy as opposed to the work experience provider's actual operations, the more likely the activity is training. The more the training is providing the participants with skills that can be used in multiple employment settings, as opposed to skills particular to one work experience provider's operations, the more likely the participant is a trainee.

According to the Wage and Hour Division of the U.S. Department of Labor, Employment Standards Administration, if all of the following six (6) items exist, the work experience can be considered a "training" situation and an employment relationship does not exist under the FLSA:

- 1) The training, even though it includes actual operation of the facilities of the work experience provider is essentially a training experience similar to a vocational school;
- 2) The participant is primarily the beneficiary of the experience;
- 3) Regular employees are not displaced and the experience is closely supervised/observed;
- 4) The work experience provider that hosts the experience derives no immediate or significant advantage (and may even be adversely impacted);
- 5) The participant is not guaranteed a job at the conclusion of the experience; and
- 6) There is mutual understanding between the participant and the host agency that the participant is not entitled to wages for this time because the activity is essentially a training experience.

As the participant is a "trainee" and an employment relationship does not exist under the FLSA, the FLSA's minimum wage and overtime provisions do not apply to the participant.

Employee

On the other hand, if the youth participants are engaged in the primary operations of the work experience provider and are performing productive work (for example, filing, performing other clerical work, or assisting customers), then receiving some benefits in the form of a new skill or improved work habits is unlikely to make the participant a trainee, given the benefits received by the work experience provider.

If the worksite uses the youth participants as substitutes for regular full time or part time employees, it is more likely that the participants are employees as opposed to trainees. Also, if the work experience provider would have needed to hire additional employees or require overtime had the participants not performed the work, then the participants are likely employees.

Employer of Record

- 1) Employer - If the work experience provider is relying on the participant to perform real work, i.e., to be productive, then the situation should be recognized as an employer-employee relationship. In this situation, the site employer is the employer of record. Participants must receive no less than the applicable state or federal minimum wages, related benefits are required and payroll taxes should be deducted. The employer of record will be responsible for paying all taxes and providing similar benefits as are available to other employees.
- 2) Youth Provider - The youth provider has the option of being the employer of record for the youth participant. The employer of record is responsible for paying the participant and negotiating with the host site the activities that will be performed by the participant. The work experience may occur at the youth service provider location or the participant may be referred to a host site to receive the work experience. The host site is the location where work experience tasks will occur.

"Trainee" versus "Employee" when Job Shadowing

If the employer is providing job shadowing opportunities whereby the participant learns certain functions under the close and constant supervision of regular employees, but performs no or minimal work, this type of activity is more likely to be a bona fide training program. However, if the participant receives the same level of supervision as employees, this would suggest an employment, rather than training, relationship.

Child Labor Laws

The local area must ensure compliance with child labor laws. The employer must comply with all applicable federal laws and with state child labor laws if the participant is less than 18 years of age. The Fair Labor Standards Act (FLSA); Permit to Employ and Work (Education Code (EC) 49160; EC 49141; Labor Code (LC) 1299; CA Labor Code 1294.1(b)); CA Labor Code 1391, 1392; CA Education Code 49112, 49116; CA Labor Code 1391, 1392; CA Education Code 49116; CA Labor Code 1286; and CA Labor Code 1286(c).

Proof of age and parental consent must be given for both paid and unpaid work experience. Minors participating in a work experience while school is in session also require a work permit. Minors who are under 16 also must have an Age and Schooling Certificate (work permit).

Health and Safety Standards

The local areas must apply the same health and safety standards otherwise applicable to working conditions of employees to working conditions of participants in programs and activities under Title I of the WIOA.

The state workers' compensation law may or may not apply to a participant in work experience depending on the work experience arrangements and employer's benefits. If the state workers' compensation law does not apply to a participant in work experience, the administrative entity must secure insurance coverage for injuries suffered by the participant in work experience.

Unpaid Work Experience

Unpaid work experience is an activity exposing participants to the working environment, and an individual does not expect payment for tasks performed. An employer and employee relationship must not exist, which means that all six conditions listed in the Determining "Trainee" versus "Employee" section of this policy letter must be met. The use of unpaid work experience should be limited.

For unpaid work experience, WIOA funds may be used for incentives and/or a stipend for youth. Incentives and stipends encouraging successful completion are beneficial to youth.

Stipends should be reasonable and allocable and issued through a uniform payment system. Such incentives or stipends are not considered income for WIOA eligibility purposes, are not required to meet minimum wage requirements, are not to be dispersed as payroll, and income tax is not to be withheld.

It is recommended that the youth program provider consult with other public assistance case managers where applicable to ensure that the receipt of incentives or stipends do not negatively impact the youth participant's receipt of public assistance.

Incentives

Unpaid work experience participants may receive remuneration in cash or non-cash incentives. The incentive should equate to an achievement, and should be tied to training and education, a work readiness skill attainment and/or an occupation skill attainment goal identified in the ISP.

Incentives payments may only be made to youth participants for recognition of and achievement directly tied to training activities and work experiences. Incentives may be awarded for, but are not limited to, the following goals/accomplishments:

- 1) Attainment of skill goal (basic skills, work readiness, and/or occupational goal)
- 2) Attainment of degree or recognized certificate (Incentives can be awarded only if young adults do not possess their H.S. Diploma, GED, Post-Secondary certificates at the time of enrollment in the program.)
- 3) Placement in employment or education
- 4) Retention of employment or education

Funds for incentives shall be funded from each of the WIOA service providers allocation and included in their budget's incentive line item. Incentives are not to be dispersed as payroll or supportive services. Incentives shall be presented in the form of coupons (i.e. gift certificates) and not be redeemable for cash.

Guidelines for Incentives

All WIOA Young Adult Service Providers who implement a young adult incentive plan shall ensure the following:

- 1) All incentive payments must be relevant to the results of the objective assessment of each participant's ISP.
- 2) All incentive details must be specified in the participant's WIOA Incentives Log, including the amount that was provided, the funding source used and the participant acknowledgement of receipt.
- 3) Appropriate activity code for incentives shall be entered in CalJOBS, updated during the participation in the program, and closed on the actual end date of the service. If

participants receive incentives during follow-up, designated activity code for follow-up incentives shall be used and entered in CalJOBS.

- 4) Participant records (ISP/Case Notes/Incentives Log) and financial records pertaining to incentive payments must be made available for review by local, state, and federal monitors and must meet financial management standards in WIOA including sufficient information to provide:
 - a. A comparison of actual expenditures with the budgeted amounts of each contract.
 - b. Support for accounting records to ensure proper charging of costs and cost allocation.
- 5) Incentives shall not exceed \$500.00 per participant during the participant's enrollment in the program, including the post-exit follow-up phase.

Acceptable Documentation for Incentives include: Pre and Post tests to measure gains, H.S. Diploma, GED, Post-Secondary certificates, Training certificates, Attendance records, ISPs and case notes, and Incentive Logs.

Each WIOA Young Adult Service Provider has the flexibility to develop its own young adult incentive plan as long as it is directly linked to the young adult's attainment of WIOA performance outcomes, key benchmarks toward those outcomes, and/or successful engagement in program and follow-up activities. The young adult incentive plan must be submitted to and approved by the OCWIB Contract Administrator and, at minimum, contain the elements identified in this policy as well as articulate the award amount for each associated activity.

Stipends

A stipend is a fixed regular small payment made to a WIOA young adult participant during his/her enrollment to encourage the WIOA young adult to participate in certain activities (seat/participation time payments).

WIOA, Title I is silent on using the term "stipend." Reasonable stipends are allowable expenditures for unpaid work experience for youth when the provision of stipend is included in the participant's ISP. A youth may receive a stipend for an entire day if at least 51% of the youth's time is spent in unpaid work experience. For example, if a youth spends five hours per day in unpaid work experience and three hours in GED, the participant may receive a stipend for the day.

Stipends may not exceed the California minimum wage. Stipends may be paid based on actual hours of attendance, not to exceed eight (8) hours a day for the activity. Payment must be based on actual (seat) time of participant in the activity as documented on the attendance sheet. Attendance in the activity must as the documented as the basis for stipend payments as kept in the participant's file. The attendance sheet must be signed by the participant and the appropriate staff before reimbursement can be made. Justification of the need must be documented in the participant's file.

Incentives may be awarded but are not limited to the following goals/accomplishment:

- 1) Attainment at GED
- 2) Attainment at workshops
- 3) Participants in community service projects, service-learning projects, and/or job shadowing

Each WIOA Young Adult Service Provider has the flexibility to develop its own young adult stipend plan as long as it is directly linked to the young adult's attainment of WIOA performance outcomes, key benchmarks toward those outcomes, and/or successful engagement in program and follow-up activities. The young adult incentive plan must be submitted to and approved by the OCWDB Contract Administrator and, at minimum, contain the elements identified in this policy as well as articulate the award amount for each associated activity.

Funds for stipends shall be funded from each of the WIOA service providers allocation and included in their budget's stipend line item. Stipends must be issued through a uniform payment system.

Guidelines for Stipends

All WIOA Young Adult Service Providers who implement a young adult stipend plan shall ensure the following:

- 1) All stipend payments must be relevant to the results of the objective assessment of each participant's ISP.
- 2) All stipend details must be specified in the participant's WIOA Stipends Log, including the amount that was provided, the funding source used and the participant acknowledgement of receipt.
- 3) Appropriate activity code for stipends shall be entered in CalJOBS, updated during the participation in the program, and closed on the actual end date of the service.
- 4) Participant records (ISP/Case Notes/Stipends Log) and financial records pertaining to stipend payments must be made available for review by local, state, and federal monitors and must meet financial management standards in WIOA including sufficient information to provide:
 - a. A comparison of actual expenditures with the budgeted amounts of each contract.
 - b. Support for accounting records to ensure proper charging of costs and cost allocation.
- 5) Stipends shall not exceed \$500.00 per participant during the participant's enrollment in the program, including the post-exit follow-up phase. Special projects may be determined to be exempt from the \$500 stipend per participant limit with OCWDB approval.

Acceptable documentation for stipends include the following: attendance records, ISP's and case notes, and stipend logs.

For complete OCWDB guidance on Youth Stipends and Incentives please see Information Notice No. 15-OCWIB-05 WIOA Young Adult Incentives and Stipends Policy.

General Requirements for Work Experience, Summer Work Experience, Internships, and Transitional Jobs Worksites

- 1) Worksites selection shall be based on Orange County's in-demand industry sectors.
- 2) Each worksites shall have no more than (5) participants, concurrently, without prior OCWDB approval.

- 3) A pool of worksites shall be developed and maintained to provide a wide range of training opportunities to the participants and enhance their skills development. The list of worksites will be maintained with the following information:
 - a. The name and address of the employer/worksite
 - b. Name, position/title, email address, and phone number of the supervisor
 - c. Status: Active, Inactive, or In Progress
 - d. For Active Worksites: the name of participants placed, Cumulative number of hours completed, and Actual Start Date and Anticipated/Actual End Date
- 4) Service providers shall develop a pre-evaluation tool to determine the appropriateness of utilizing the employer for work experiences. The evaluation components should include provisions for the worksite agreement safety, labor law agreements, status of layoffs, etc. In addition, it should evaluate age appropriateness and level of exposure to work readiness and job skills, type of supervision available, as well as review the previous work experience placements in the same location.

Potential worksite employers should also demonstrate a commitment to helping participants receive experience and training needed to meet their goals. As part of participation, these employers should be willing to work closely with Provider staff, especially since participants will have barriers to employment. Proper worksite supervision should be one of the factors that are reviewed prior to placement of the participant in the activity.

- 5) Worksite Agreement
 - a. A worksite agreement shall be fully executed before a participant is allowed to start.
 - b. A worksite agreement template provided by OCWDB shall be used.
 - c. A copy of the worksite agreement and timesheets will be kept in the participant file
 - d. At minimum, the worksite agreement template shall include the following:
 - Name and contact information of all parties
 - Name and titles of employer staff authorized to sign the participants time sheet
 - Responsibilities and expectations of participants, Worksite/Employer, and Provider staff
 - The job title, wage, detailed list of specific skills to be learned, timeline and benchmarks to be achieved, weekly schedule, and number of hours to be completed by the participant
 - Worksite will regularly submit timesheet of participants
 - Worksite will provide regular written evaluation of participants
 - Worksite will provide a written job description and responsibilities to participant
 - Identification of the legal requirements that must be met, including worksite requirements

- Statement informing the worksite that they shall be subject to worksite monitoring by local, state, or federal representatives, as well as regular visitations by Provider staff
- Provision of termination of the agreement/contract for non-performance or failure to meet the requirements of the agreement/contract
- Non-discrimination and equal opportunity clauses
- Statement that the work experience activity will not displace regular employees
- Statement that the participants must not be engaged in sectarian activities
- Signatures and dates from the worksite, participants, and Provider staff

6) Worksite Monitoring

Active worksites shall be monitored by the service provider at least two times a program year to ensure compliance with the Worksite Agreement. Written results of the monitoring evaluation will be kept on file by provider for review by OCWDB, state, or federal staff. Any worksite that demonstrates a pattern on non-compliance shall not continue as a worksite.

7) Timesheets

Payroll will be handled by the Provider. Payroll must be strictly based on timesheets completed by the participants, reviewed and signed by the supervisor, duly approved by the designated service provider staff for payment. Payroll records will be available for review by OCWDB, state, or federal staff. All timesheets (or a copy of the timesheets) will be kept in the participants file. Availability of additional funding may also be cause for changes and/or exemptions to this policy. This determination will be made by the OCWDB.

8) Work Experience Training Summary

A Work Experience Training Summary will be completed for every participant prior to starting any Work Experience assignment and will accompany the Worksite Agreement. All Work Experience Training Summary documents will be kept in the participants file.

9) Documentation

Documentation of the work experience must be maintained in the participant's file. Documentation will be kept in the participant's file, which should include, at a minimum, the following items:

- a. An objective assessment and ISS indicating a need for work experience;
- b. Justification for incentive/stipend, and description of type of payment method and amount, if applicable;
- c. A copy of the agreement between the participant, the worksite or host site and the local workforce investment board, including the Work Experience Training Summary and any other attachments to the agreement;
- d. Time sheets, attendance sheets and performance records, as appropriate; and

- e. Documentation of receipt of incentives, stipends and supportive services received by the participant.

MIS CALJOBS Requirements

Activities must be coded in CALJOBS using the appropriate activity codes and indicating corresponding start and end dates. Applicable Measurable Skill Gains must be recorded in CALJOBS.

ACTION

Bring this policy to the attention of all affected staff.

INQUIRIES

If you have any questions regarding this policy, please contact your Contract Administrator at 714-480-6500.

ATTACHMENTS

Attachment I – Agreement/Contract Template

Attachment II – Model Timesheet

Attachment III - Work Experience Training Summary

WORKSITE AGREEMENT



PURPOSE

This Agreement entered into by the following parties: (Name of the Service Provider), (Name of the Worksite or Employer), and (Name of the Participant), is for the purpose of providing Work Experience training opportunity to (Name of Participant) in accordance with the Workforce Innovation and Opportunity Act (WIOA), County of Orange Policies and Procedures, and the terms and conditions of this Agreement.

SPECIFIC PROVISIONS

SERVICE PROVIDER: _____

PROVIDER STAFF: _____ PHONE NUMBER: _____

ALTERNATE SERVICE PROVIDER STAFF: _____ PHONE NUMBER: _____

WORKSITE:

EMPLOYER NAME: _____

ADDRESS: _____

NAME OF SUPERVISOR: _____ PHONE NUMBER: _____

NAME OF ALTERNATE SUPERVISOR: _____ PHONE NUMBER: _____

TYPE/STATUS: PRIVATE FOR-PROFIT PRIVATE NON-PROFIT PUBLIC

NUMBER OF PARTICIPANTS IN THIS WORKSITE (INCLUDING THIS PARTICIPANT): _____

ARE ALL PARTICIPANTS REPORTING TO THE SAME SUPERVISOR? Yes No COMMENTS: _____

PARTICIPANT:

PARTICIPANT NAME: _____ PHONE NUMBER: _____

ADDRESS: _____

WIOA ELIGIBILITY OF PARTICIPANT DETERMINED BY (NAME OF THE SERVICE PROVIDER) ON : _____

INDIVIDUAL EMPLOYMENT/SERVICE PLAN COMPLETED WITH THE SERVICE PROVIDER STAFF ON : _____

ASSIGNMENT INFORMATION:

JOB/ASSIGNMENT TITLE: _____

JOB TITLE O*NET CODE: _____

JOB DESCRIPTION AND DUTIES: _____

SKILLS TO BE ACQUIRED AFTER ASSIGNMENT COMPLETION: _____

WORKSITE AGREEMENT

TOTAL NUMBER OF HOURS: _____ START DATE: _____ END DATE: _____

WEEKLY WORK SCHEDULE (NOT EXCEEDING 40 HOURS):

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY

HOURLY RATE: _____ TO BE PAID BY (NAME OF THE SERVICE PROVIDER)

RESPONSIBILITIES

WORKSITE AGREES TO:

- a) Attend a worksite/employer orientation offered by the Service Provider and understand the goals and expectations of the work experience opportunity.
- b) Read and understand the Work Experience Employer Handbook.
- c) Explain rules, procedures and regulations of the worksite to the participant.
- d) Explain job description and responsibilities to the participant.
- e) Provide training and demonstrations on the work activities and proper use of any equipment utilized.
- f) Provide sufficient workload to the participant during work hours, consistent with the job description and duties specified in this Agreement.
- g) Provide adequate supervision at all times. Provide an alternate supervisor for the participant to report to at all times when designated supervisor is not available.
- h) Review and sign on the participant timesheet as verification of participant’s actual hours worked and attendance.
- i) Monitor work habits and progress of the participant. Provide appropriate feedback to the Service Provider Staff on the progress and performance of the participant.
- j) Notify Service Provider Staff of any problems or circumstances that could potentially lead to an early termination of the contract. In addition, provide notification of any intent to terminate this agreement earlier than what is outlined in this agreement.
- k) Report any work accidents or injuries related to the participant to the Service Provider staff.
- l) Ensure that the participant maintains the designated work schedule, within the defined time frame. Participants are not allowed to accrue overtime, sick leave, or holiday pay.
- m) Provide a performance evaluation of the participant during and upon completion of the work experience, as defined within this agreement.

PARTICIPANT AGREES TO:

- a) Attend a participant orientation offered by the Service Provider and understand the goals and expectations of the work experience opportunity.
- b) Provide best efforts to acquire all necessary skills and to fulfill all work requirements consistent with the job description and duties specified in this Agreement.
- c) Abide by all rules and regulations of the worksite while understanding that failure to do so may result in termination from the program.
- d) Report the actual hours worked on the provided timesheet. (Overtime, sick time, or holiday pay cannot be authorized or accrued.)
- e) Attend all job interviews and/or workshops arranged by assigned Service Provider Staff as coordinated with the Worksite Supervisor.

WORKSITE AGREEMENT

- f) Communicate with the Worksite Supervisor and Service Provider Staff regarding site progress, problems, tardiness, absences, or any time away from the work site.
- g) Notify the Service Provider Staff immediately of any concerns regarding the work experience placement, or any problems that cannot be worked out with the Worksite Supervisor.
- h) Secure reliable transportation to and from the worksite, including access to child care, when applicable.
- i) Immediately report any personal work accidents or injuries to the Worksite Supervisor and Service Provider staff.
- j) Complete a work readiness evaluation before and after the work experience to determine competency levels upon completion.

SERVICE PROVIDER AGREES TO:

- a) Establish Program eligibility of the participant and determine suitability of the activity based on objective assessment results and individual service plan of the participant.
- b) Provide worksite/employer orientation and participant orientation and explain the goals and expectations of the work experience opportunity.
- c) Explain program requirements to both Worksite Supervisor and participant including civil rights, grievance and complaint procedure, incident reporting, and guidelines.
- d) Ensure that Service Provider staff is assigned to liaise with the worksite supervisor and participant. Provide an alternate Service Provider Staff when designated staff is not available.
- e) Assess and identify any services anticipated throughout the work experience and incorporate those activities into the employment plan.
- f) Maintain regular contact with the worksite supervisors and the participant, in order to provide necessary counseling and address the needs of all parties.
- g) Monitor and evaluate the worksite, work activities, and performance of participant and worksite to ensure that defined activities are completed, and that applicable labor laws are followed.
- h) Pay the participant in an amount computed based on agreed upon hourly rate and actual number of hours worked as verified by the Worksite Supervisor and approved by the designated Service Provider staff.
- i) Review the completed timesheets for accuracy and consistency for all authorized hours worked.
- j) Provide a payroll schedule to participant and worksite supervisor.
- k) Ensure that wages and workers' compensation benefits are provided to the participant.
- l) Notify worksite supervisor and participant of any problems or circumstances that could potentially lead to an early termination of the contract. In addition, provide notification of any intent to terminate this agreement earlier than what is outlined in this agreement
- m) Provide a pre- and post-evaluation (and mid-term, when applicable) to determine the participant's increased level of work readiness upon completion.

GENERAL PROVISIONS

- 1. MAINTENANCE OF EFFORT, LAYOFFS AND RELOCATION:** No currently employed worker shall be displaced by the Participant (including partial displacement such as a reduction in the hours of non-overtime work wages or employment benefits), nor shall the Participant be placed in a job when the Worksite has terminated the employment of any regular employee or otherwise reduced its work force with the intention of filling the vacancy with the Participant. The placement of the Participant under this Agreement may not infringe upon the promotional opportunities of currently employed individuals. No Participant shall be placed in a job if the employer has relocated in the last year and the relocation caused the layoff or termination of any individuals in substantially equivalent jobs.
- 2. POLITICAL/SECRETARIAN ACTIVITIES:** Involvement of the Participant in political or sectarian activities as part of his/her work experience program is prohibited.

WORKSITE AGREEMENT

3. **UNION:** Participant shall not be placed into a job that is in conflict with a collective bargaining agreement, unless the appropriate bargaining representative has been advised of the proposed activities, and written concurrence has been granted.
4. **DISMISSAL POLICY:** Except for serious violations of Worksite policies, the Worksite WILL NOT dismiss the Participant without contacting the Service Provider and allowing for counseling and corrective action to occur. In the event of dismissal for serious violations, the Worksite must notify the Service Provider immediately.
5. **EEO/NONDISCRIMINATION:** The assurances at 29 CFR 37.20 (a) apply to this Agreement. No person shall be denied employment, excluded from benefits, or suffer discrimination under this Agreement because of race, color, religion, sex, national origin, age, disability, political affiliation or belief, marital status, sexual orientation, citizenship, or solely because of his/her status as a Participant under this Agreement.
6. **DELEGATION/SUBCONTRACTING:** The subcontractor shall not sub-contract or assign training duties under the Agreement.
7. **DISPUTES:** All disputes shall be resolved informally between the Participant, the Worksite, and the Service Provider. If resolution does not occur to the satisfaction of any party, the first step is to use existing grievance procedures, if any, established by the Worksite to resolve disputes with Participants. If the Worksite has no internal grievance procedures or if the dispute remains unresolved, the parties agree to participate in, and be bound by determinations resulting through, the administrative process of the County of Orange/ Orange County Community Resources (OCCR)/Orange County Development Board (OCDB), in lieu of litigation.
8. **TERMINATION FOR CONVENIENCE:** Either the Worksite or the Service Provider may terminate this Agreement with written notice to the other party within fourteen (14) days prior to termination date.
9. **CONTINGENCY OF FUNDING:** This Agreement may remain in force provided funding is available. The loss or disruption of funding shall be cause for termination of the Agreement.

AGREEMENT SIGNATURES

The parties agree to all the terms and conditions in this Agreement by affixing their signatures below. The Participant signature is to acknowledge his/her responsibilities and terms and conditions of this Agreement, and does not imply contractual obligations on the part of the Service Provider and the Worksite.

Print Worksite Supervisor's Name	Signature	Date
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Print Participant's Name	Signature	Date
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Print Provider Staff's Name	Signature	Date
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[For minors, Parent's/Guardian's signature is required.]

Print Parent's/Guradian's Name	Signature	Date
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WORKSITE AGREEMENT

TIMESHEET SIGNATURE CARD

The supervisor or designee is responsible for reviewing the timesheet to ensure accuracy in recording total hours work, along with providing information on progress.

Supervisor Name (Print or Type)

Supervisor Signature

Date

Alternate Supervisor Name (Print or Type)

Alternate Supervisor Signature

Date



Model Timesheet



Participant's Name		Worksite Name	
Address		Address	
ID Number		Supervisor's Name	
Program Name/Code		Phone Number	
Hourly Pay Rate		Alt Supervisor's Name*	
Job Title		Phone Number	

* Additional employer representatives authorized to sign this timesheet

Start Date		End Date	
Pay Period Start Date		Pay Period End Date	

Worksite Supervisor Rating of Employee Performance					
<i>Please circle the appropriate ratings below</i>					
Poor (P) Fair (F) Satisfactory (S)					
Good (G) Excellent (E)					
Job Knowledge	P	F	S	G	E
Work Quality	P	F	S	G	E
Attendance	P	F	S	G	E
Dependability	P	F	S	G	E
Communication/Listening Skills	P	F	S	G	E

Column A	B	C	D	E	F	G
	Date	Time In	Time Out	Number of Hours	Break (meal)	Total Hours Worked: (Column E minus F)
Day of Week						
Monday						
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
Monday						
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						

Worksite Supervisor
Please comment on your work experience participant's progress and performance on the job

Terms and Conditions: All parties certify that the number of hours worked are listed correctly; that the services of this employee were performed per the rating above; and that employer has reported any areas of concern to the Provider representative.

Worksite Supervisor Signature and Date: _____

Provider Staff Signature and Date: _____

Participant Signature and Date: _____

WIOA WORK EXPERIENCE TRAINING SUMMARY

Participant: _____

EMPLOYER: _____

SUPERVISOR(S): _____
(AUTHORIZED TO SIGN TIME SHEETS)

PHONE #: _____

OCCUPATION: _____

O'NET CODE: _____

WAGE: \$ _____ HOURS PER WEEK: _____

Work Experience START DATE: _____

Work Experience END DATE: _____

List work elements, skills, duties and tasks for which the client will receive training or perform during the hours listed above. Use additional pages if required.	Initial Skills	
	Yes	No
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		

INSTRUCTIONS: Complete each section of summary by providing appropriate information. Worksite supervisor(s) please list all individuals that have authorization to sign the time sheets. Job duties should relate to the actual duties, work elements and skills required of that job that the client will be doing. Use only those lines necessary to list the actual job duties; not all lines need to be used. Mark Initial Skills yes or no depending on the client's skill level at the time the client is placed at the worksite. Initial Skills are provided to assist the Administering Agency in tracking job specific skills competency attainment. Attach one copy of the training summary to the Work Experience agreement. Give one copy to the supervisor and place one copy in the client's file. If more than one supervisor is identified, photocopies of the training summary may be made and distributed accordingly.