



**Employment
Security
Department**
WASHINGTON STATE

Wagner-Peyser Comprehensive Monitoring Guide

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Federal Regulations

20 CFR Part 683 Subpart D Oversight and Resolution of Findings

§ 683.410 Oversight Roles and Responsibilities of Recipients and Sub Recipients awarded under Title I of WIOA and the Wagner-Peyser Act

- a. Each [recipient](#) and [subrecipient](#) of funds under title I of [WIOA](#) and under the [Wagner-Peyser Act](#) must conduct regular oversight and monitoring of its [WIOA](#) and [Wagner-Peyser Act](#) program(s) and those of its [subrecipients](#) and [contractors](#) as required under title I of [WIOA](#) and the [Wagner-Peyser Act](#), as well as under [2 CFR part 200](#), including [2 CFR 200.327](#), [200.328](#), [200.330](#), [200.331](#), and [Department](#) exceptions at [2 CFR part 2900](#), in order to:
 - (1) Determine that expenditures have been made against the proper cost categories and within the cost limitations specified in [WIOA](#) and the regulations in this part;
 - (2) Determine whether there is compliance with other provisions of [WIOA](#) and the [WIOA regulations](#) and other applicable laws and regulations;

- (3) Assure compliance with [2 CFR part 200](#); and 29 CFR 38.4 29 [CFR 38.4 Definitions Nondiscrimination and EEO under WIOA](#)
- (4) Determine compliance with the nondiscrimination, disability, and equal opportunity requirements of sec. 188 of [WIOA](#), including the [Assistive Technology Act of 1998 \(29 U.S.C. 3003\)](#).

20 CFR 651 General Provisions Governing the Wagner-Peyser Act Employment Service

[§ 651.10 Definitions](#)

20 CFR 652 Establishment and Functioning of State Employment Service

[§ 652.2 Scope and purpose of the Wagner-Peyser Act Employment Service.](#)

The basic purpose of the ES is to improve the functioning of the nation's labor markets by bringing together individuals who are seeking employment and employers who are seeking workers.

[§ 652.3 Public labor exchange services system.](#)

- a. Assist job seekers in finding employment, including promoting their familiarity with the Department's electronic tools;
- b. Assist employers in filling jobs;
- c. Facilitate the match between job seekers and employers;
- d. Participate in a system for clearing labor among the States, including the use of standardized classification systems issued by the Secretary, under sec. 15 of the Wagner-Peyser Act;
- e. Meet the work test requirements of the State unemployment compensation system; and
- f. Provide labor exchange services as identified in [§ 678.430\(a\) of this chapter](#), sec. 7(a) of the Wagner-Peyser Act, and sec. 134(c)(2)(A)(iv) of WIOA. Labor Exchange Services

[§ 652.100 Services for Veterans.](#)

Veterans receive priority of service for all Department-funded employment and training programs as described in [20 CFR part 1010](#). The Department's Veterans' Employment and Training Service (VETS) administers the Jobs for Veterans State Grants (JVSG) program under [chapter 41 of title 38 of the U.S. Code](#) and other activities and training programs which provide services to specific populations of eligible veterans. VETS' general regulations are located in [parts 1001, 1002, and 1010 of this title](#).

[§ 652.206](#) May a State use funds authorized under the Wagner-Peyser Act to provide applicable “career services,” as defined in the Workforce Innovation and Opportunity Act?

Yes, funds authorized under sec. 7(a) of the Wagner-Peyser Act must be used to provide basic career services as identified in [§ 678.430\(a\) of this chapter](#) and secs. 134(c)(2)(A)(i)-(xi) of WIOA, and may be used to provide individualized career services as identified in [§ 678.430\(b\) of this chapter](#) and sec. 134(c)(2)(A)(xii) of WIOA. Funds authorized under sec. 7(b) of the Wagner-Peyser Act may be used to provide career services. Career services must be provided consistent with the requirements of the Wagner-Peyser Act.

[§ 652.207](#) How does a State meet the requirement for universal access to services provided under the Wagner-Peyser Act?

- a. A State has discretion in how it meets the requirement for universal access to services provided under the Wagner-Peyser Act. In exercising this discretion, a State must meet the Wagner-Peyser Act's requirements.
- b. These requirements are:
 - 1) Labor exchange services must be available to all employers and job seekers, including unemployment insurance (UI) claimants, veterans, migrant and seasonal farmworkers, and individuals with disabilities;
 - 2) The State must have the capacity to deliver labor exchange services to employers and job seekers, as described in the Wagner-Peyser Act, on a statewide basis through:
 - i. Self-service, including virtual services;
 - ii. Facilitated self-help service; and
 - iii. Staff-assisted service;
 - 3) In each local area, in at least one comprehensive physical center, ES staff must provide labor exchange services (including staff-assisted labor exchange services) and career services as described in [§ 652.206](#); and
 - 4) Those labor exchange services provided under the Wagner-Peyser Act in a local area must be described in the Memorandum of Understanding (MOU) described in [§ 678.500 of this chapter](#)

[§ 652.209](#) What are the requirements under the Wagner-Peyser Act for providing reemployment services and other activities to referred unemployment insurance claimants?

- a. In accordance with sec. 3(c)(3) of the Wagner-Peyser Act, the SWA, as part of the one-stop delivery system, must provide reemployment services to UI claimants for whom such services are required as a condition for receipt of UI benefits. Services must be appropriate to the needs of UI claimants who are referred to reemployment services under any Federal or State UI law.
- b. The SWA also must provide other activities, including:
 - 1) Coordination of labor exchange services with the provision of UI eligibility services as required by sec. 5(b)(2) of the Wagner-Peyser Act;
 - 2) Administration of the work test, conducting eligibility assessments, and registering UI claimants for employment services in accordance with a State's unemployment compensation law, and provision of job finding and placement services as required by sec. 3(c)(3) and described in sec. 7(a)(3)(F) of the Wagner-Peyser Act; and
 - 3) Referring UI claimants to, and providing application assistance for, training and education resources and programs, including Federal Pell grants and other student assistance under title IV of the Higher Education Act, the Montgomery GI Bill, Post-9/11 GI Bill, and other Veterans Educational Assistance, training provided for youth, and adult and dislocated workers, as well as other employment training programs under WIOA, and for Vocational Rehabilitation Services under title I of the Rehabilitation Act of 1973.

[§ 652.210](#) What are the Wagner-Peyser Act's requirements for administration of the work test, including eligibility assessments, as appropriate, and assistance to unemployment insurance claimants?

- a. State UI law or rules establish the requirements under which UI claimants must register and search for work in order to fulfill the UI work test requirements.
- b. ES staff must assure that:
 - 1) UI claimants receive the full range of labor exchange services available under the Wagner-Peyser Act that are necessary and appropriate to facilitate their earliest return to work, including career services specified in [§ 652.206](#) and listed in sec. 134(c)(2)(A) of WIOA;

- 2) UI claimants requiring assistance in seeking work receive the necessary guidance and counseling to ensure they make a meaningful and realistic work search; and
- 3) ES staff will provide UI program staff with information about UI claimants' ability or availability for work, or the suitability of work offered to them.

20 CFR 653 Subpart B Services for Migrant and Seasonal Farmworkers (MSFW)

[§ 653.101 Provision of services to migrant and seasonal farmworkers.](#)

SWAs must ensure that ES staff at one-stop centers offer MSFWs the full range of career and supportive services, benefits and protections, and job and training referral services as are provided to non-MSFWs. SWAs must ensure ES staff at the one-stop centers tailor such ES services in a way that accounts for individual MSFW preferences, needs, skills, and the availability of job and training opportunities, so that MSFWs are reasonably able to participate in the ES.

[§ 653.102 Job information.](#)

All SWAs must make job order information conspicuous and available to MSFWs by all reasonable means. Such information must, at minimum, be available through internet labor exchange systems and through the one-stop centers. SWAs must ensure ES staff at one-stop centers provide assistance to MSFWs to access job order information easily and efficiently.

[§ 653.103 Process for migrant and seasonal farmworkers to participate in workforce development activities.](#)

- a. Each ES office must determine whether participants and reportable individuals are MSFWs as defined at [§ 651.10 of this chapter](#).
- b. SWAs must comply with the language access and assistance requirements at [29 CFR 38.9](#) with regard to all individuals with limited English proficiency (LEP), including MSFWs who are limited English proficient individuals, as defined at [29 CFR 38.4\(h\)](#). This includes ensuring ES staff comply with these language access and assistance requirements.
- c. One-stop centers must provide MSFWs a list of available career and supportive services.
- d. One-stop centers must refer and/or register MSFWs for services, as appropriate, if the MSFW is interested in obtaining such services.

§ 653.107 a-d Outreach and Agricultural Outreach Plan

a. State Workforce Agency (SWA) outreach responsibilities.

- 1) Each SWA must ensure outreach staff conduct outreach as described in [paragraph \(b\)](#) of this section on an ongoing basis. State Administrators must ensure State Monitor Advocates (SMAs) and outreach staff coordinate activities with WIOA title I sec. 167 grantees as well as with public and private community service agencies and MSFW groups. WIOA title I sec. 167 grantees' activities involving MSFWs does not substitute for SWA outreach responsibilities.
- 2) As part of their outreach, SWAs must ensure outreach staff:
 - i. Communicate the full range of workforce development services to MSFWs; and
 - ii. Conduct thorough outreach efforts with extensive follow-up activities identified at [paragraph \(b\)\(5\)](#) of this section.
- 3) When hiring or assigning outreach staff, SWAs must ensure hiring officials:
 - i. Seek and put a strong emphasis on hiring and assigning qualified candidates who speak the language of a significant proportion of the State MSFW population; and
 - (A) Who are from MSFW backgrounds; or
 - (B) Who have substantial work experience in farmworker activities.
 - ii. Inform farmworker organizations and other organizations with expertise concerning MSFWs of job openings and encourage them to refer qualified applicants to apply.
- 4) Each SWA must ensure that there are an adequate number of outreach staff employed in the State to conduct MSFW outreach in each service area of the State and to contact a majority of MSFWs in the State annually. In the 20 States with the highest estimated year-round MSFW activity, as identified by the Department, there must be full-time, year-round outreach staff to conduct outreach duties. Full-time means each individual outreach staff person must spend 100 percent of their time on the outreach responsibilities described in [paragraph \(b\)](#) of this section. For the remainder of the States, there must be year-round part-time outreach staff, and during periods of the highest MSFW activity, there must be full-time outreach staff. These staffing levels must align with and be supported by information about the estimated number of farmworkers in the State and the farmworker activity in the State as demonstrated in the State's Agricultural Outreach Plan (AOP) pursuant to [paragraph \(d\)](#) of this section. All outreach staff must be multilingual, if warranted by the characteristics of the MSFW population in the State, and must spend a majority of their time in the field.
- 5) The SWA must publicize the availability of ES services through such means as newspaper and electronic media publicity. Contacts with public and private

community agencies, employers and/or employer organizations, and MSFW groups also must be utilized to facilitate the widest possible distribution of information concerning employment services.

- 6) SWAs must ensure each outreach staff member is provided with an identification card or other materials identifying them as representatives of the State.
- b. Outreach staff responsibilities. Outreach staff must locate and contact MSFWs who are not being reached by the normal intake activities conducted by the ES offices. Outreach staff responsibilities include the activities identified in [paragraphs \(b\)\(1\) through \(11\)](#) of this section.
 - 1) Outreach staff must explain to MSFWs at their working, living, or gathering areas (including day-haul sites), by means of written and oral presentations either spontaneous or recorded, the following:
 - i. The services available at the local one-stop center (which includes the availability of referrals to training, supportive services, and career services, as well as specific employment opportunities), and other related services;
 - ii. Information on the Employment Service and Employment-related Law Complaint System;
 - iii. Information on the other organizations serving MSFWs in the area; and
 - iv. A basic summary of farmworker rights, including farmworker rights with respect to the terms and conditions of employment.
 - 2) Outreach staff must not enter work areas to perform outreach duties described in this section on an employer's property without permission of the employer unless otherwise authorized to enter by law; must not enter workers' living areas without the permission of the workers; and must comply with appropriate State laws regarding access.
 - 3) After making the presentation, outreach staff must urge the MSFWs to go to the local one-stop center to obtain the full range of employment and training services.
 - 4) If an MSFW cannot or does not wish to visit the local one-stop center, outreach staff must offer to provide on-site the following:
 - i. Assistance in the preparation of applications for ES services;
 - ii. Assistance in obtaining referral(s) to current and future employment opportunities;
 - iii. Assistance in the preparation of either ES or employment-related law complaints;
 - iv. Referral of complaints to the ES office Complaint System Representative or ES Office Manager;

- v. Referral to supportive services and/or career services in which the individual or a family member may be interested; and
 - vi. As needed, assistance in making appointments and arranging transportation for individual MSFW(s) or members of their family to and from local one-stop centers or other appropriate agencies.
- 5) Outreach staff must make follow-up contacts as necessary and appropriate to provide the assistance specified in [paragraphs \(b\)\(1\) through \(4\)](#) of this section.
 - 6) Outreach staff must be alert to observe the working and living conditions of MSFWs and if an outreach staff member observes or receives information about apparent violations, the outreach staff member must document and refer the information to the appropriate ES Office Manager (as described in [§ 658.419 of this chapter](#)).
 - 7) Outreach staff must be trained in one-stop center procedures and in the services, benefits, and protections afforded MSFWs by the ES, including training on protecting farmworkers against sexual harassment, sexual coercion, assault, and human trafficking. Such trainings are intended to help outreach staff identify when such issues may be occurring in the fields and how to document and refer the cases to the appropriate enforcement agencies. Outreach staff also must be trained in the Complaint System procedures at part 658, subpart E, of this chapter and be aware of the local, State, regional, and national enforcement agencies that would be appropriate to receive referrals. The program for such training must be formulated by the State Administrator, pursuant to uniform guidelines developed by ETA. The SMA must be given an opportunity to review and comment on the State's program.
 - 8) Outreach staff must maintain complete records of their contacts with MSFWs and the services they perform. These records must include a daily log, a copy of which must be sent monthly to the ES Office Manager and maintained on file for at least 3 years. These records must include the number of contacts, the names of contacts (if available), and the services provided (e.g., whether a complaint was received and if the complaint or apparent violation was resolved informally or referred to the appropriate enforcement agency, and whether a request for career services was received). Outreach staff also must maintain records of each possible violation or complaint of which they have knowledge, and their actions in ascertaining the facts and referring the matters as provided herein. These records must include a description of the circumstances and names of any employers who have refused outreach staff access to MSFWs pursuant to [paragraph \(b\)\(2\)](#) of this section.
 - 9) Outreach staff must not engage in political, unionization, or anti-unionization activities during the performance of their duties.

- 10) Outreach staff must be provided with, carry, and display, upon request, identification cards or other material identifying them as representatives of the State.
- 11) Outreach staff in significant MSFW one-stop centers must conduct especially vigorous outreach in their service areas. Outreach activities must align with and be supported by information provided in the State's AOP pursuant to [paragraph \(d\)](#) of this section.
- c. ES office outreach responsibilities. Each ES Office Manager must file with the SMA a monthly summary report of outreach efforts. These reports must summarize information collected, pursuant to [paragraph \(b\)\(8\)](#) of this section. The ES Office Manager and/or other appropriate staff must assess the performance of outreach staff by examining the overall quality and productivity of their work, including the services provided and the methods and tools used to offer services. Performance must not be judged solely by the number of contacts made by the outreach staff. The monthly reports and daily outreach logs must be made available to the SMA and Federal onsite review teams.
- d. State Agricultural Outreach Plan (AOP).

[Federal Register / Vol. 81, No. 161 / Friday, August 19, 2016 Page 56273 Section 653.107\(c\) ES Office Outreach Responsibilities Comments](#)

One commenter recommended the Department exempt non-significant ES offices from the requirement to file with the SMA a monthly summary report of outreach efforts because they do not normally conduct outreach and the requirement would impose an unnecessary burden on those offices. Another commenter requested clarification on § 653.107(c) regarding whether all States must establish outreach programs, or that only those top 20 States with significant MSFW populations establish an outreach program and their local ES office managers must report on outreach activities to the SMA.

Department Response: The Department will not provide an exemption for non-significant ES offices from submitting the monthly summary report because it is important for the SMA to know what efforts all ES offices are making to locate and contact MSFWs. However, the Department notes that summary reports must be submitted for months when outreach is conducted. The Department concluded that maintaining this requirement as proposed will not impose an unnecessary burden on offices any more than what was already required at 20 CFR 653.107(n).

[§ 653.108 State Workforce Agency and State Monitor Advocate responsibilities](#)

- a. State Administrators must ensure their SWAs monitor their own compliance with ES regulations in serving MSFWs on an ongoing basis. The State Administrator has overall

responsibility for SWA self-monitoring. The State Administrator and ES staff must not retaliate against staff, including the SMA, for self-monitoring or raising any issues or concerns regarding noncompliance with the ES regulations.

§ 653.109 Data collection and performance accountability measures

- g. Meet equity indicators that address ES controllable services and include, at a minimum, individuals referred to a job, receiving job development, and referred to supportive or career services.
- h. Meet minimum levels of service in significant MSFW States.

20 CFR Part 658 Subpart F-Agricultural Recruitment System for U.S. Workers (ARS)

§ 653.501 Requirements for processing clearance orders

d. Processing clearance orders

- 1) The order-holding ES office must transmit an electronic copy of the approved clearance order to its SWA. The SWA must distribute additional electronic copies of the form with all attachments (except that the SWA may, at its discretion, delegate this distribution to the local office) as follows:
 - i. At least one copy of the clearance order must be sent to each of the SWAs selected for recruitment (areas of supply);
 - ii. At least one copy of the clearance order must be sent to each applicant-holding ETA regional office;
 - iii. At least one copy of the clearance order must be sent to the order-holding ETA regional office; and
 - iv. At least one copy of the clearance order must be sent to the Regional Farm Labor Coordinated Enforcement Committee and/or other Occupational Safety and Health Administration and Wage and Hour Division regional agricultural coordinators, and/or other committees as appropriate in the area of employment.
- 2) The ES office may place an intrastate or interstate order seeking workers to perform farmwork for a specific farm labor contractor or for a worker preferred by an employer provided the order meets ES nondiscrimination criteria. The order would not meet such criteria, for example, if it requested a “white male crew leader” or “any white male crew leader.”
- 3) The approval process described in this paragraph (d)(3) does not apply to clearance orders that are attached to applications for foreign temporary

agricultural workers pursuant to part 655, subpart B, of this chapter; such clearance orders must be sent to the processing center as directed by ETA in guidance. For noncriteria clearance orders (orders that are not attached to applications under part 655, subpart B, of this chapter), the ETA regional office must review and approve the order within 10 business days of its receipt of the order, and the Regional Administrator or their designee must approve the areas of supply to which the order will be extended. Any denial by the Regional Administrator or their designee must be in writing and state the reasons for the denial.

- 4) The applicant holding office must notify all referred farmworkers, farm labor contractors on behalf of farmworkers, or family heads on behalf of farmworker family members, to contact an ES office, preferably the order-holding office, to verify the date of need cited in the clearance order between 9 and 5 business days prior to the original date of need cited in the clearance order; and that failure to do so will disqualify the referred farmworker from the first weeks' pay as described in paragraph (c)(3)(i) of this section. The SWA must make a record of this notification.
- 5) If the worker referred through the clearance system contacts an ES office (in any State) other than the order holding office, that ES office must assist the referred worker in contacting the order holding office on a timely basis. Such assistance must include, if necessary, contacting the order holding office by telephone or other timely means on behalf of the worker referred through the clearance system.
- 6) ES staff must assist all farmworkers to understand the terms and conditions of employment set forth in intrastate and interstate clearance orders and must provide such workers with checklists showing wage payment schedules, working conditions, and other material specifications of the clearance order.
- 7) If an order holding office learns that a crop is maturing earlier than expected or that other material factors, including weather conditions and recruitment levels have changed since the date the clearance order was accepted, the SWA must contact immediately the applicant holding office which must inform immediately crews and families scheduled to report to the job site of the changed circumstances and must adjust arrangements on behalf of such crews and families.
- 8) When there is a delay in the date of need, SWAs must document notifications by employers and contacts by individual farmworkers or crew leaders on behalf of

farmworkers or family heads on behalf of farmworker family members to verify the date of need.

- 9) If weather conditions, over-recruitment, or other conditions have eliminated the scheduled job opportunities, the SWAs involved must make every effort to place the workers in alternate job opportunities as soon as possible, especially if the worker(s) is/are already en route or at the job site. ES staff must keep records of actions under this section.
- 10) Applicant-holding offices must provide workers referred on clearance orders with a checklist summarizing wages, working conditions and other material specifications in the clearance order. The checklist must include language notifying the worker that a copy of the original clearance order is available upon request.
- 11) The applicant-holding office must give each referred worker a copy of the list of worker's rights described in Departmental guidance.
- 12) If the labor supply SWA accepts a clearance order, the SWA must actively recruit workers for referral. In the event a potential labor supply SWA rejects a clearance order, the reasons for rejection must be documented and submitted to the Regional Administrator having jurisdiction over the SWA. The Regional Administrator will examine the reasons for rejection, and, if the Regional Administrator agrees, will inform the Regional Administrator with jurisdiction over the order-holding SWA of the rejection and the reasons. If the Regional Administrator who receives the notification of rejection does not concur with the reasons for rejection, that Regional Administrator will inform the National Monitor Advocate, who, in consultation with the appropriate ETA higher authority, will make a final determination on the acceptance or rejection of the order.

20 CFR Part 658 Subpart E Employment Service and Employment-Related Law Complaint System (Complaint System)

§658.410 Establishment of local and State Complaint Systems

- a. Each State Workforce Agency (SWA) must establish and maintain a Complaint System pursuant to this subpart.
- b. The State Administrator must have overall responsibility for the operation of the Complaint System; this includes responsibility for the informal resolution of complaints. In the ES office, the ES Office Manager is responsible for the operation of the Complaint System.

- c. SWAs must ensure centralized control procedures are established for the processing of complaints and apparent violations. The ES Office Manager and the State Administrator must ensure a central complaint log is maintained, listing all complaints taken by the ES office or the SWA and apparent violations identified by ES staff, and specifying for each complaint or apparent violation:
 - 1) The name of the complainant (for complaints);
 - 2) The name of the respondent (employer or State agency);
 - 3) The date the complaint is filed or the apparent violation was identified;
 - 4) Whether the complaint is made by or on behalf of a migrant and seasonal farmworker (MSFW) or whether the apparent violation affects an MSFW;
 - 5) Whether the complaint or apparent violation concerns an employment-related law or the ES regulations; and
 - 6) The actions taken (including any documents the SWA sent or received and the date the SWA took such action(s)), and whether the complaint or apparent violation has been resolved, including informally.
- d. State agencies must ensure information pertaining to the use of the Complaint System is publicized, which must include, but is not limited to, the prominent display of an Employment and Training Administration (ETA)-approved Complaint System poster in each one-stop center.
- e. Each one-stop center must ensure there is appropriate staff available during regular office hours to take complaints.
- f. Complaints may be accepted in any one-stop center, or by a SWA, or elsewhere by outreach staff.
- g. All complaints filed through the ES office must be processed by a trained Complaint System Representative.
- h. All complaints received by a SWA must be assigned to a trained Complaint System Representative designated by the State Administrator. Complaints must not be assigned to the State Monitor Advocate (SMA).
- i. State agencies must ensure any action taken by the Complaint System Representative, including referral on a complaint from an MSFW, is fully documented and contains all relevant information, including a notation of the type of each complaint pursuant to Department guidance, a copy of the original complaint form, a copy of any ES-related reports, any relevant correspondence, a list of actions taken, a record of pertinent telephone calls, and all correspondence relating thereto.
- j. Within 1 month after the end of the calendar quarter, the ES office manager must transmit an electronic copy of the quarterly Complaint System log described in

[paragraph \(c\)](#) of this section to the SMA. These logs must be made available to the Department upon request.

- k. The appropriate ES staff processing a complaint must offer to assist the complainant through the provision of appropriate services.
- l. The State Administrator must establish a referral system for cases where a complaint is filed alleging a violation that occurred in the same State but through a different ES office.
- m. Follow-up on unresolved complaints. When an MSFW submits a complaint, the Complaint System Representative must follow up monthly on the processing of the complaint and must inform the complainant of the status of the complaint. No follow-up with the complainant is required for non-MSFW complaints.
- n. A complainant may designate an individual to act as their representative throughout the filing and processing of a complaint.

[§ 658.411 Action on Complaints](#)

- a. Filing complaints.
 - 1) Whenever an individual indicates an interest in filing a complaint under this subpart with an ES office, the SWA, or outreach staff, the individual receiving the complaint must offer to explain the operation of the Complaint System and must offer to take the complaint in writing.
 - 2) During the initial discussion with the complainant, the staff taking the complaint must:
 - i. Make every effort to obtain all the information they perceive to be necessary to investigate the complaint;
 - ii. Request that the complainant indicate all of the physical addresses, email addresses, telephone numbers, and any other helpful means by which they might be contacted during the investigation of the complaint; and
 - iii. Request that the complainant contact the Complaint System Representative before leaving the area if possible, and explain the need to maintain contact during the investigation.
 - 3) The staff must ensure the complainant (or their representative) submits the complaint on the Complaint/Referral Form or another complaint form prescribed or approved by the Department or submits complaint information which satisfies [paragraph \(a\)\(4\)](#) of this section. The Complaint/Referral Form must be used for all complaints, including complaints about unlawful discrimination, except as provided in [paragraph \(a\)\(4\)](#) of this section. The staff must offer to assist the complainant in filling out the form and submitting all necessary information and

must do so if the complainant desires such assistance. If the complainant also represents several other complainants, all such complainants must be named. The complainant, or their representative, must sign the completed form in writing or electronically. The identity of the complainant(s) and any persons who furnish information relating to, or assisting in, an investigation of a complaint must be kept confidential to the maximum extent possible, consistent with applicable law and a fair determination of the complaint. A copy of the completed complaint submission must be given to the complainant(s), and the complaint form must be given to the appropriate Complaint System Representative described in [§ 658.410\(g\)](#).

- 4) Any complaint in a reasonable form (letter or email) which is signed by the complainant, or their representative, and includes sufficient information to initiate an investigation must be treated as if it were a properly completed Complaint/Referral Form filed in person. A letter (via hard copy or email) confirming the complaint was received must be sent to the complainant and the document must be sent to the appropriate Complaint System Representative. The Complaint System Representative must request additional information from the complainant if the complainant has not provided sufficient information to investigate the matter expeditiously.

b. Complaints regarding an employment-related law.

- 1) When a complaint is filed regarding an employment-related law with an ES office or a SWA, and [paragraph \(c\)](#) of this section does not apply, the office must determine if the complainant is an MSFW.
 - i. If the complainant is a non-MSFW, the office must immediately refer the complainant to the appropriate enforcement agency, another public agency, a legal aid organization, and/or a consumer advocate organization, as appropriate, for assistance. Upon completing the referral, the local or State representative is not required to follow up with the complainant.
 - ii. If the complainant is a MSFW, the ES office or SWA Complaint System Representative must:
 - (A) Take from the MSFW or their representative, in writing (hard copy or electronic), the complaint(s) describing the alleged violation(s) of the employment-related law(s); and
 - (B) Attempt to resolve the issue informally at the local level, except in cases where the complaint was submitted to the SWA and the Complaint System Representative determines that they must take immediate action or in cases where informal resolution at the local level would be detrimental to the complainant(s). In cases where

informal resolution at the local level would be detrimental to the complainant(s), the Complaint System Representative must immediately refer the complaint to the appropriate enforcement agency. Concurrently, the Complaint System Representative must offer to refer the MSFW to other ES services should the MSFW be interested.

- (C) If the issue is not resolved within 5 business days, the Complaint System Representative must refer the complaint to the appropriate enforcement agency (or another public agency, a legal aid organization, or a consumer advocate organization, as appropriate) for further assistance.
- (D) If the ES office or SWA Complaint System Representative determines that the complaint must be referred to a State or Federal agency, they must refer the complaint immediately to the appropriate enforcement agency for prompt action.
- (E) If the complaint was referred under [paragraph \(b\)\(1\)\(ii\)\(D\)](#) of this section, the representative must notify the complainant of the enforcement agency to which the complaint was referred.
- (F) When a complaint alleges an employer in a different State from where the complaint is filed has violated an employment-related law:
 - 1) The ES office or SWA receiving the complaint must ensure the Complaint/Referral Form is adequately completed and then immediately send a copy of the Complaint/Referral Form and copies of any relevant documents to the SWA in the other State. Copies of the referral letter must be sent to the complainant, and copies of the complaint and referral letter must be sent to the ETA Regional Office(s) with jurisdiction over the transferring and receiving State agencies. All such copies must be sent via hard copy or electronic mail.
 - 2) The SWA receiving the complaint must process the complaint as if it had been initially filed with that SWA.
 - 3) The ETA Regional Office with jurisdiction over the receiving SWA must follow up with it to ensure the complaint is processed in accordance with these regulations.

- 2) If an enforcement agency makes a final determination that the employer violated an employment-related law and the complaint is connected to a job order, the SWA

must initiate procedures for discontinuation of services immediately in accordance with [subpart F of this part](#). If this occurs, the SWA must notify the complainant and the employer of this action.

- c. Complaints alleging unlawful discrimination or reprisal for protected activity. All complaints received under this subpart by an ES office or a SWA alleging unlawful discrimination or reprisal for protected activity in violation of nondiscrimination laws, such as those enforced by the Equal Employment Opportunity Commission (EEOC) or the Department of Labor's Civil Rights Center (CRC), or in violation of the Immigration and Nationality Act's anti-discrimination provision found at [8 U.S.C. 1324b](#), must be logged and immediately referred to the State-level E.O. Officer. The Complaint System Representative must notify the complainant of the referral in writing.
- b. Any complaints received either at the local and State level or at the ETA regional office, that allege violations of civil rights laws and regulations such as those under title VI of the Civil Rights Act or sec. 188 of WIOA, including for beneficiaries (as defined in [29 CFR 38.4](#)) only, on the basis of citizenship status or participant status, as well as reprisal for protected activity, must immediately be logged and directed or forwarded to the recipient's Equal Opportunity Officer or the CRC.
- d. Complaints regarding the ES regulations (ES complaints).
 - 1) When an ES complaint is filed with an ES office or a SWA, and [paragraph \(c\)](#) of this section does not apply, the following procedures apply:
 - i. When an ES complaint is filed against an employer, the proper office to process the complaint is the ES office serving the area in which the employer is located.
 - ii. When a complaint is against an employer in another State or against another SWA:
 - (A) The ES office or SWA receiving the complaint must ensure the Complaint/Referral Form is adequately completed, and then immediately send a copy of the Complaint/Referral Form and copies of any relevant documents to the SWA in the other State. Copies of the referral letter must be sent to the complainant, and copies of the complaint and referral letter must be sent to the ETA Regional Office(s) with jurisdiction over the transferring and receiving State agencies. All such copies must be sent via hard copy or electronic mail.
 - (B) The SWA receiving the complaint must process the complaint as if it had been initially filed with that SWA.

(C) The ETA Regional Office with jurisdiction over the receiving SWA must follow up with it to ensure the complaint is processed in accordance with these regulations.

(D) If the complaint is against more than one SWA, the complaint must so clearly state. Additionally, the complaints must be processed as separate complaints and must be processed according to procedures in this [paragraph \(d\)](#).

- iii. When an ES complaint is filed against an ES office, the proper office to process the complaint is the ES office serving the area in which the alleged violation occurred.
- iv. When an ES complaint is filed against more than one ES offices and is in regard to an alleged agency-wide violation, the SWA representative or their designee must process the complaint.
- v. When a complaint is filed alleging a violation that occurred in the same State but through a different ES office, the ES office where the complaint is filed must ensure that the Complaint/Referral Form is adequately completed and send the form to the appropriate local ES office for tracking, further referral if necessary, and follow-up. A copy of the referral letter must be sent to the complainant via hard copy or electronic mail.

2)

- i. If a complaint regarding an alleged violation of the ES regulations is filed in a ES office by either a non-MSFW or MSFW, or their representative(s) (or if all necessary information has been submitted to the office pursuant to [paragraph \(a\)\(4\)](#) of this section), the appropriate ES office Complaint System Representative must investigate and attempt to resolve the complaint immediately upon receipt.
- ii. If resolution has not been achieved to the satisfaction of the complainant within 15 working days after receipt of the complaint, or 5 working days with respect to complaints filed by or on behalf of MSFWs, (or after all necessary information has been submitted to the ES office pursuant to [paragraph \(a\)\(4\)](#) of this section), the Complaint System Representative must send the complaint to the SWA for resolution or further action.
- iii. The ES office must notify the complainant and the respondent, in writing (via hard copy or electronic mail), of the determination (pursuant to [paragraph \(d\)\(5\)](#) of this section) of its investigation under [paragraph \(d\)\(2\)\(i\)](#) of this section, or of the referral to the SWA (if referred).

- 3) When a non-MSFW or their representative files a complaint regarding the ES regulations with a SWA, or when a non-MSFW complaint is referred from an ES office the following procedures apply:
- i. If the complaint is not transferred to an enforcement agency under [paragraph \(b\)\(1\)\(i\)](#) of this section the Complaint System Representative must investigate and attempt to resolve the complaint immediately upon receipt.
 - ii. If resolution at the SWA level has not been accomplished within 30 working days after the complaint was received by the SWA (or after all necessary information has been submitted to the SWA pursuant to [paragraph \(a\)\(4\)](#) of this section), whether the complaint was received directly or from an ES office pursuant to [paragraph \(d\)\(2\)\(ii\)](#) of this section, the SWA official must make a written determination regarding the complaint and must send electronic copies to the complainant and the respondent. The determination must follow the procedures set forth in [paragraph \(d\)\(5\)](#) of this section.
- 4)
- i. When a MSFW or their representative files a complaint regarding the ES regulations directly with a SWA, or when a MSFW complaint is referred from an ES office, the Complaint System Representative must investigate and attempt to resolve the complaint immediately upon receipt and may, if necessary, conduct a further investigation.
 - ii. If resolution at the SWA level has not been accomplished within 20 business days after the complaint was received by the SWA (or after all necessary information has been submitted to the SWA pursuant to [paragraph \(a\)\(4\)](#) of this section), the Complaint System Representative must make a written determination regarding the complaint and must send electronic copies to the complainant and the respondent. The determination must follow the procedures set forth in [paragraph \(d\)\(5\)](#) of this section.
- 5)
- i. All written determinations by the SWA on complaints under the ES regulations must be sent by certified mail (or another legally viable method) and a copy of the determination may be sent via electronic mail. The determination must include all the following:
 - (A) The results of any SWA investigation;
 - (B) The conclusions reached on the allegations of the complaint;

- (C) If a resolution was not reached, an explanation of why the complaint was not resolved; and
 - (D) If the complaint is against the SWA, an offer to the complainant of the opportunity to request, in writing, a hearing within 20 business days after the certified date of receipt of the notification.
 - (E) If the SWA determines that the employer has not violated the ES regulations, the SWA must offer to the complainant the opportunity to request, in writing, a hearing within 20 business days after the certified date of receipt of the notification.
 - ii. If the SWA, within 20 business days from the certified date of receipt of the notification provided for in [paragraph \(d\)\(5\)](#) of this section, receives a written request (via hard copy or electronic mail) for a hearing, the SWA must refer the complaint to a State hearing official for hearing. The SWA must, in writing (via hard copy or electronic mail), notify the respective parties to whom the determination was sent that:
 - (A) The parties will be notified of the date, time, and place of the hearing;
 - (B) The parties may be represented at the hearing by an attorney or other representative;
 - (C) The parties may bring witnesses and/or documentary evidence to the hearing;
 - (D) The parties may cross-examine opposing witnesses at the hearing;
 - (E) The decision on the complaint will be based on the evidence presented at the hearing;
 - (F) The State hearing official may reschedule the hearing at the request of a party or its representative; and
 - (G) With the consent of the SWA and of the State hearing official, the party who requested the hearing may withdraw the request for the hearing in writing before the hearing.
 - iii. If the State agency makes a final determination that the employer who has or is currently using the ES has violated the ES regulations, the determination, pursuant to [paragraph \(d\)\(5\)](#) of this section, must state that the State will initiate procedures for discontinuation of services to the employer in accordance with [subpart F of this part](#).
- 6) A complaint regarding the ES regulations must be processed to resolution by these regulations only if it is made within 2 years of the alleged occurrence.
- e. Resolution of complaints. A complaint is considered resolved when:

- 1) The complainant indicates satisfaction with the outcome via written correspondence;
 - 2) The complainant chooses not to elevate the complaint to the next level of review;
 - 3) The complainant or the complainant's authorized representative fails to respond to a request for information under [paragraph \(a\)\(4\)](#) of this section within 20 working days or, in cases where the complainant is an MSFW, 40 working days of a written request by the appropriate ES office or State agency;
 - 4) The complainant exhausts all available options for review; or
 - 5) A final determination has been made by the enforcement agency to which the complaint was referred.
- f. Reopening of case after resolution. If the complainant or the complainant's authorized representative fails to respond pursuant to [paragraph \(e\)\(3\)](#) of this section, the complainant or the complainant's authorized representative may reopen the case within 1 year after the SWA has closed the case.

[§ 658.419 Apparent violations.](#)

- a. If an ES staff member observes, has reason to believe, or is in receipt of information regarding an apparent violation, except as part of a field check under § 653.503 of this chapter, the staff member must document the apparent violation and refer it to the ES Office Manager, who must ensure the apparent violation is documented in the Complaint System log, as described at § 658.410.
- b. If the employer has filed a job order with the ES office within the past 12 months, the ES office must attempt informal resolution provided at § 658.411.
- c. If the employer has not filed a job order with the ES office during the past 12 months, the suspected violation of an employment-related law must be referred to the appropriate enforcement agency in writing.
- d. Apparent violations of nondiscrimination laws must be processed according to the procedures described in § 658.411(c).

20 CFR Part 658 Subpart G- Review and Assessment of State Workforce Agency Compliance with Employment Service Regulation

[§ 658.601 State Workforce Agency responsibility.](#)

- a. Each SWA must establish and maintain a self-appraisal system for ES operations to determine success in reaching goals and to correct deficiencies in performance. The self-appraisal system must include numerical (quantitative) appraisal and non-numerical (qualitative) appraisal.
 - 1) Numerical appraisal at the ES office level must be conducted as follows:

- i. Performance must be measured on a quarterly-basis against planned service levels as stated in the Unified or Combined State Plan (“State Plan”). The State Plan must be consistent with numerical goals contained in ES office plans.
- ii. To appraise numerical activities/indicators, actual results as shown on the Department's ETA Form 9172, or any successor report required by the Department must be compared to planned levels. Differences between achievement and plan levels must be identified.
- iii. When the numerical appraisal of required activities/indicators identifies significant differences from planned levels, additional analysis must be conducted to isolate possible contributing factors. This data analysis must include, as appropriate, comparisons to past performance, attainment of State Plan goals and consideration of pertinent non-numerical factors.
- iv. Results of ES office numerical reviews must be documented and significant deficiencies identified. A corrective action plan as described in [paragraph \(a\)\(6\)](#) of this section must be developed to address these deficiencies.
- v. The result of ES office appraisal, including corrective action plans, must be communicated in writing to the next higher level of authority for review. This review must cover adequacy of analysis, appropriateness of corrective actions, and need for higher level involvement. When this review is conducted at an area or district office, a report describing ES office performance within the area or district jurisdiction must be communicated to the SWA on a quarterly basis.

2) Numerical appraisal at the SWA level must be conducted as follows:

- i. Performance must be measured on a quarterly basis against planned service levels as stated in the State Plan. The State Plan must be consistent with numerical goals contained in ES office plans.
- ii. To appraise these key numerical activities/indicators, actual results as shown on ETA Form 9172, or any successor report required by the Department must be compared to planned levels. Differences between achievement and plan levels must be identified.
- iii. The SWA must review statewide data and performance against planned service levels as stated in the State Plan on at least a quarterly basis to identify significant statewide deficiencies and to determine the need for

additional analysis, including identification of trends, comparisons to past performance, and attainment of State Plan goals.

- iv. Results of numerical reviews must be documented and significant deficiencies identified. A corrective action plan as described in [paragraph \(a\)\(5\)](#) of this section must be developed to address these deficiencies. These plans must be submitted to the ETA Regional Office as part of the periodic performance process described at [§ 658.603\(d\)\(2\)](#).

3) Non-numerical (qualitative) appraisal of ES office activities must be conducted at least annually as follows:

- i. Each ES office must assess the quality of its services to applicants, employers, and the community and its compliance with Federal regulations.
- ii. At a minimum, non-numerical review must include an assessment of the following factors:
 - (A) Appropriateness of services provided to participants and employers;
 - (B) Timely delivery of services to participants and employers;
 - (C) Staff responsiveness to individual participants and employer needs;
 - (D) Thoroughness and accuracy of documents prepared in the course of service delivery; and
 - (E) Effectiveness of ES interface with external organizations, such as other ETA-funded programs, community groups, etc.
- iii. Non-numerical review methods must include:
 - (A) Observation of processes;
 - (B) Review of documents used in service provisions; and
 - (C) Solicitation of input from applicants, employers, and the community.
- iv. The result of non-numerical reviews must be documented and deficiencies identified. A corrective action plan addressing these deficiencies as described in [paragraph \(a\)\(6\)](#) of this section must be developed.
- v. The result of ES office non-numerical appraisal, including corrective actions, must be communicated in writing to the next higher level of authority for review. This review must cover thoroughness and adequacy of ES office appraisal, appropriateness of corrective actions, and need for higher level involvement. When this review is conducted at an area or district level, a report summarizing local ES office performance within that jurisdiction must be communicated to the SWA on an annual basis.

- 4) As part of its oversight responsibilities, the SWA must conduct onsite reviews in those ES offices which show continuing internal problems or deficiencies in performance as indicated by such sources as data analysis, non-numerical appraisal, or other sources of information.
- 5) Non-numerical (qualitative) review of SWA ES activities must be conducted as follows:
 - i. SWA operations must be assessed annually to determine compliance with Federal regulations.
 - ii. Results of non-numerical reviews must be documented and deficiencies identified. A corrective action plan addressing these deficiencies must be developed.
- 6) Corrective action plans developed to address deficiencies uncovered at any administrative level within the State as a result of the self-appraisal process must include:
 - i. Specific descriptions of the type of action to be taken, the time frame involved, and the assignment of responsibility.
 - ii. Provision for the delivery of technical assistance as needed.
 - iii. A plan to conduct follow-up on a timely basis to determine if action taken to correct the deficiencies has been effective.
- 7)
 - i. The provisions of the ES regulations which require numerical and non-numerical assessment of service to special applicant groups (e.g., services to veterans at [20 CFR part 1001](#) - Services for Veterans and services to MSFWs at this [part](#) and [part 653 of this chapter](#)), are supplementary to the provisions of this section.
 - ii. Each State Administrator and ES office manager must ensure their staff know and carry out ES regulations, including regulations on performance standards and program emphases, and any corrective action plans imposed by the SWA or by the Department.
 - iii. Each State Administrator must ensure the SWA complies with its approved State Plan.
 - iv. Each State Administrator must ensure to the maximum extent feasible the accuracy of data entered by the SWA into Department-required management information systems. Each SWA must establish and maintain a data validation system pursuant to Department instructions. The system must review every local ES office at least once every 4 years.

The system must include the validation of time distribution reports and the review of data gathering procedures.

20 CFR Part 678 Subpart B-One-Stop Partners and the Responsibilities of Partners

§ 678.425 What are the applicable career services that must be provided through the one-stop delivery system by required one-stop partners?

- a. The applicable career services to be delivered by required one-stop partners are those services listed in § 678.430 that are authorized to be provided under each partner's program.
- b. One-stop centers provide services to individual customers based on individual needs, including the seamless delivery of multiple services to individual customers. There is no required sequence of services.

§ 678.430 What are career services?

- a. Basic career services must be made available and, at a minimum, must include the following services, as consistent with allowable program activities and Federal cost principles:
 - 1) Determinations of whether the individual is eligible to receive assistance from the adult, dislocated worker, or youth programs;
 - 2) Outreach, intake (including worker profiling), and orientation to information and other services available through the one-stop delivery system. For the TANF program, States must provide individuals with the opportunity to initiate an application for TANF assistance and non-assistance benefits and services, which could be implemented through the provision of paper application forms or links to the application Web site;
 - 3) Initial assessment of skill levels including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and supportive services needs;
 - 4) Labor exchange services, including—
 - i. Job search and placement assistance, and, when needed by an individual, career counseling, including—
 - A. Provision of information on in-demand industry sectors and occupations (as defined in sec. 3(23) of WIOA); and
 - B. Provision of information on nontraditional employment; and

- ii. Appropriate recruitment and other business services on behalf of employers, including information and referrals to specialized business services other than those traditionally offered through the one-stop delivery system;
- 5) Provision of referrals to and coordination of activities with other programs and services, including programs and services within the one-stop delivery system and, when appropriate, other workforce development programs;
- 6) Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—
 - i. Job vacancy listings in labor market areas;
 - ii. Information on job skills necessary to obtain the vacant jobs listed; and
 - iii. Information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for those jobs;
- 7) Provision of performance information and program cost information on eligible providers of education, training, and workforce services by program and type of providers;
- 8) Provision of information, in usable and understandable formats and languages, about how the local area is performing on local performance accountability measures, as well as any additional performance information relating to the area's one-stop delivery system;
- 9) Provision of information, in usable and understandable formats and languages, relating to the availability of supportive services or assistance, and appropriate referrals to those services and assistance, including: Child care; child support; medical or child health assistance available through the State's Medicaid program and Children's Health Insurance Program; benefits under SNAP; assistance through the earned income tax credit; and assistance under a State program for TANF, and other supportive services and transportation provided through that program;
- 10) Provision of information and meaningful assistance to individuals seeking assistance in filing a claim for unemployment compensation.
 - i. “Meaningful assistance” means:
 - A. Providing assistance on-site using staff who are well-trained in unemployment compensation claims filing and the rights and responsibilities of claimants; or
 - B. Providing assistance by phone or via other technology, as long as the assistance is provided by trained and available staff and within a reasonable time.

- ii. The costs associated in providing this assistance may be paid for by the State's unemployment insurance program, or the WIOA adult or dislocated worker programs, or some combination thereof.
- 11) Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA.
- b. Individualized career services must be made available if determined to be appropriate in order for an individual to obtain or retain employment. These services include the following services, as consistent with program requirements and Federal cost principles:
 - 1) Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include—
 - i. Diagnostic testing and use of other assessment tools; and
 - ii. In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
 - 2) Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about, the eligible training providers (as described in [§ 680.180 of this chapter](#));
 - 3) Group counseling;
 - 4) Individual counseling;
 - 5) Career planning;
 - 6) Short-term pre-vocational services including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment or training;
 - 7) Internships and work experiences that are linked to careers (as described in [§ 680.170 of this chapter](#));
 - 8) Workforce preparation activities;
 - 9) Financial literacy services as described in sec. 129(b)(2)(D) of WIOA and [§ 681.500 of this chapter](#);
 - 10) Out-of-area job search assistance and relocation assistance; and
 - 11) English language acquisition and integrated education and training programs.
- c. Follow-up services must be provided, as appropriate, including: Counseling regarding the workplace, for participants in adult or dislocated worker workforce investment activities who are placed in unsubsidized employment, for up to 12 months after the first day of employment.

- d. In addition to the requirements in [paragraph \(a\)\(2\)](#) of this section, TANF agencies must identify employment services and related support being provided by the TANF program (within the local area) that qualify as career services and ensure access to them via the local one-stop delivery system.

Training and Employment Guidance Letter No. 03-24-JVSG Program Reforms and Roles and Responsibilities of American Job Center Staff Serving Veterans

4. AJC Staff Roles in JVSG

This section highlights the areas of the VPL critical to coordination with AJC staff and JVSG staff. Since JVSG is a required partner program under WIOA, AJC staff play an important role in the JVSG program.

AJC intake staff determine the service needs of incoming customers and screen them for eligibility and referral to appropriate program staff for services. This section describes AJC staff responsibilities with respect to JVSG.

- a. **AJC Staff Services to Veterans.** AJC intake staff must refer veterans and covered persons who are not eligible for, or who do not want or need, DVOP specialist services to other workforce programs, as appropriate. ETA and VETS will continue to collaborate with states to ensure that these individuals receive seamless and optimal priority of service, and we encourage a similar collaboration among state grantees and local areas.
- b. **Screening and Referring Customers.** Appropriate initial screening can enhance customers' experience by ensuring they are initially referred to the program(s) best positioned to meet their needs. In carrying out states' JVSG programs, this screening also helps ensure that DVOP specialists deliver individualized career services to eligible customers as required by statute. Where a DVOP specialist is available to accept a new customer, each incoming customer must be screened and referred in accordance with this section.
 - i. **Identify Customer's Interests and Needs.** Not all customers who are eligible for DVOP services are interested in receiving them. Prior to referring a customer to a DVOP specialist, intake staff must affirm the customer's interest in receiving one or more individualized career services. This may be done, for example, by showing a list of available DVOP-provided individualized career services and asking whether they are interested in learning more. A customer who does not need or wish to

- receive any of these services must not be referred to a DVOP specialist at that time.
- ii. Ascertain Customer's Eligibility. AJC staff must determine whether a customer meets the eligibility criteria described in Section VI.A of VPL 05-24 before referral to a DVOP specialist.
 - iii. When a DVOP Specialist is Unavailable. If a DVOP specialist is not immediately available to accept a new participant, the AJC staff should provide appropriate services and referrals to meet the needs of the individual and to satisfy priority of service requirements, as described in VPL 07-09 and TEGl 10-09. AJC staff should inform the customer of the opportunity to make an appointment to see the DVOP specialist and/or be seen by other staff. The eligible customer may choose to make an appointment with the DVOP specialist at any point thereafter, even if they are participating in other workforce development program services. A DVOP specialist who 1) has a full caseload (as determined by the state); 2) is not present (physically or virtually); or 3) is in a meeting at the moment.
 - iv. Department of Veterans Affairs' Veteran Readiness and Employment (VR&E) Program¹ Participants. Because not all VR&E participants are eligible for DVOP services, there is no exception to the screening requirement for VR&E participants. They must be screened for eligibility based on the criteria described in Section VI of VPL 05-24 prior to being referred for DVOP services.
 - v. Documentation. VETS does not require documentation of the participant's eligibility at any point. States must follow ETA's guidance regarding documentation, including:
 - TEGl 23-19 Change 1 for data validation requirements;
 - TEGl 23-19 Change 2 Attachment 1 for program-specific instructions and Attachment 2 for source documentation and self-attestation guidance; and
 - TEGl 10-23 for guidance on balancing the need for documentation with optimizing customers' experience as they navigate the workforce development system.
 - vi. Eligibility Screening and Referral through State Management Information Systems. Although this section speaks to the AJC intake staff duties, states may use an online system to screen customers for eligibility for

DVOP services and to refer those who are eligible to an available DVOP specialist, subject to the following provisions:

- Eligibility screening must include ascertaining the customer's interest in receiving individualized career services, as well as the eligibility criteria listed in Section VI of VPL 05-24.
- States must apply a process to ensure that DVOP specialists do not receive more participant referrals than they have the capacity to serve. This process may be automated based on the DVOP specialist's current caseload, and/or it may include a manual override or intervention function to divert excess referrals to other AJC staff.

Training and Employment Guidance Letter No. 10-23, Change 2-Work Authorization Verification in Grant Programs Administered by the Employment and Training Administration

4. Verification of Work Authorization Status. For the grant programs covered by this guidance, grantees may only deliver participant-level services to individuals authorized to work in the United States. The legal considerations for limiting services to these individuals include the following:

- WIOA - Section 188(a)(5) of WIOA states, "Participation in programs and activities or receiving funds under [Title I of WIOA] shall be available to citizens and nationals[4] of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General[5] to work in the United States."
- PRWORA - Title IV of the PRWORA restricts the eligibility of aliens (non-U.S. citizens and non-U.S. nationals) to receive what the law defines as "federal public benefits," 8 U.S.C. § 1611, limiting eligibility for such benefits to certain "qualified aliens," defined at 8 U.S.C. § 1641.
 - Qualified Alien - At 8 U.S.C. 1611(a), PRWORA states, "an alien who is not a qualified alien (as defined in section 1641 of this title) is not eligible for any Federal public benefit." The law then defines "qualified aliens" to include, among others, lawful permanent residents and individuals who have been granted asylum or refugee status.
 - Federal Public Benefit - PRWORA defines "federal public benefit" to include "any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment

benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of the United States or by appropriated funds of the United States.”

- Note on Certain Nonimmigrants - Aliens in certain employment-based nonimmigrant categories, such as H-2A, H-2B, and CW-1 workers, are ineligible to receive participant-level services in WIOA and related programs as they are not included in WIOA Section 188’s category of “other immigrants authorized to work in the United States” or in PRWORA’s definition of “qualified alien.” See 29 U.S.C. § 3248; 8 U.S.C. § 1641.

All grantees must verify work authorization for individuals who otherwise meet participant eligibility requirements prior to delivering participant-level services.⁷ (If an individual does not meet participant eligibility requirements, the grantee will not deliver services and does not need to verify work authorization for that individual.) Work authorization must be verified by submission of documentation with a unique identifier (also called a “verifiable enumerator”). Some examples of acceptable documents for Form I-9, Employment Eligibility Verification, purposes include an unrestricted Social Security card; a Form I-551, Permanent Resident Card, (informally called green card); Form I-765, Employment Authorization Document (EAD); a U.S. birth certificate; and a U.S. passport. Several other documents might be specifically held by refugees, asylees, parolees, and other immigrants with work authorization. Grantees should give individuals the Lists of Acceptable Documents included on the Form I-9, so that individuals know which documents they can use to establish their work authorization. Individuals can choose from the acceptable types of documents which documentation they will show to establish their work authorization. This does not require individuals or grantees to complete an I-9 form; these requirements refer to the documents described in the I-9 that can demonstrate work authorization.

If an individual certifies that they are a non-citizen or if an individual’s documentation indicates they are a non-citizen, valid work authorization and immigration status can be verified through the U.S. Citizenship and Immigration Services’ Systematic Alien Verification for Entitlements (SAVE). SAVE is an online service for registered federal, state, territorial, tribal, and local government agencies to verify U.S. citizenship and immigration status of applicants seeking benefits. In most instances, SAVE can also verify work authorization. ETA strongly recommends that grantees who are registered for SAVE (state, territorial, tribal, and local government agencies) use SAVE to verify immigration status in relation to work authorization. State workforce agencies that are not registered for SAVE

can apply with USCIS for SAVE access in order to use SAVE. As announced in April 2025, SAVE is now free to use for state, local, tribal, and territorial government agencies.

As grantees conduct verification of work authorization, they must ensure they comply with the nondiscrimination provisions at Section 188 of WIOA and its implementing regulations at 29 C.F.R. part 38. To ensure equal treatment, all participants must provide, and grantees must keep copies in case files, proof of authorization to work in the United States. Grantees must update all policies and procedures to conform to these requirements. For individuals whose work authorization is temporary, grantees must verify their continued work authorization at a reasonable interval determined by when their temporary authorization is expected to expire, but no less than once every three months. If, at any time, a grantee becomes aware that a participant's employment authorization has expired or been revoked outside that 3-month check, then the grantee should exit the participant. Grantees who are registered to use SAVE can use the SAVE system for this continuous verification procedure. Grantees that cannot access SAVE should review documents listed as acceptable on the I-9 as described above.

The above requirements reference verifying work authorization prior to delivering participant-level services. In the WIOA title I Adult and Dislocated Worker programs, to become a participant, an individual must meet all applicable program requirements to receive services aside from self-service or information-only services or activities. A chart that details which services go beyond self-service or information-only service and therefore trigger participation is included as Attachment II in TEGL 19-16. For other WIOA programs, refer to program-specific guidance regarding what services trigger determination of "participant" status. For the W-P Employment Service program, which provides access to all job seekers, an individual must receive a service other than self-service and information-only services or activities to be considered a participant. Additionally, filing complaints via the W-P Employment Service and Employment-Related Law Complaint System is not a participant level service, see 20 C.F.R. part 658, subpart E. For SCSEP, a participant is defined as an individual who is determined to be eligible, is given a community service assignment, and is receiving any service funded by the program as described in 20 C.F.R. part 641, subpart E. WIOA Section 166 Indian and Native American Program (INAP) grantees are not subject to the requirements of this TEGL.

[Training and Employment Notice-10-23-Announcing Release of Wagner-Peyser Act Staffing Final Rule](#)

4. Final Rule Changes.

The Federal Register published the Wagner-Peyser Act Staffing Final Rule on November 24, 2023, available at <https://www.federalregister.gov/documents/2023/11/24/2023-25372/wagner-peyser-actstaffing>. The final rule amends several portions of the ES regulations. The Wagner-Peyser Act Staffing final rule makes the following changes related to state merit staffing and MSFW-related ES regulations. Please note that this TEN does not provide an exhaustive list of all changes.

Training and Employment Notice-08-23-Required Employment Service and Employment-Related Law Complaint System Posters

1. Purpose. To announce the release of updated Employment and Training Administration (ETA) approved posters for the Employment Service (ES) and Employment-Related Law Complaint System (Complaint System), described at 20 CFR 658.410(d), and to provide instructions for State Workforce Agencies (SWAs) to prominently display the posters in each one-stop center (American Job Center) and online. This Training and Employment Notice (TEN) rescinds TEN No. 15-09.
2. Action Requested. By April 1, 2024, SWAs must distribute this notice and the attached posters to each one-stop center, ES office managers, as well as any interested and potentially interested stakeholders. By April 1, 2024, SWAs must also publish the posters on their ES website's main page.

Unemployment Insurance Program Letter No. 14-18 Unemployment Insurance and the Workforce Innovation Act

Section 5 Wagner-Peyser Act Employment Service (ES) Program

WIOA amends Section 7(a) of the Wagner-Peyser Act in several important ways that impact service delivery to UI claimants (section 305(a) and (b), WIOA). The Wagner-Peyser Act authorizes funding for states to deliver a wide array of services to job-seekers. WIOA added new language that reemphasizes the need for Wagner-Peyser Act funds to be used specifically to support reemployment and related services to UI claimants. The coordination of employment services and UI claimant services is essential to ensure an integrated approach to reemployment service delivery. The WIOA amendments to the Wagner-Peyser Act are intended to strengthen the connectivity between the ES and UI programs, and maximize the opportunities for claimants to return to employment as quickly as possible.

Consistent with 20 CFR Part 652.209, the state ES agency, as part of the one-stop delivery system, must deliver reemployment services to UI claimants for whom such services are required as a condition for receipt of UI benefits. Services must be appropriate to the needs of the UI claimants who are referred to reemployment services under any Federal or state UI program or law. The state must also carry out other activities, as appropriate, including:

- Coordinating and providing basic career services, particularly labor exchange services with the provision of UI claimant services, as required by the Wagner-Peyser Act;
- Administering the work test, conducting eligibility assessments, and registering UI claimants for employment services in accordance with a state's UI law, and provision of job finding and placement services; and
- Referring UI claimants to, and providing application assistance for, training and education resources and programs, including Federal Pell Grants and other student assistance under Title IV of the Higher Education Act; the Montgomery GI Bill; Post9/11 GI Bill; training provided for youths, adults and dislocated workers, as well as training and education programs under WIOA; and for Vocational Rehabilitation Services under Title I of the Rehabilitation Act of 1973.

Staff funded under the Wagner-Peyser Act must ensure that:

- UI claimants receive the full range of reemployment services, including labor exchange services available under the Wagner-Peyser Act that are necessary and appropriate to facilitate their earliest return to work, including career services specified in WIOA;
- UI claimants requiring assistance in seeking work receive the necessary and appropriate guidance and counseling to assist them to make a meaningful and realistic work search; and
- ES staff provides UI staff with information about potential UI eligibility issues such as a claimant's ability to work, availability for work, or work search activities, and the suitability of available work or employment. Sharing such information with UI staff may help to accelerate the claimant's return to suitable employment and otherwise ensure their continued eligibility to receive UI. To meet the requirement of providing the necessary information related to UI eligibility, states must ensure that:

- An effective feedback loop is in place to advise UI staff whether the claimant reported as directed and participated in the eligibility assessment and/or services, as appropriate;
- The feedback loop is in place for all reemployment service activities in which UI claimants are required to participate, and includes a process for referral to UI adjudication any eligibility issues identified in an eligibility review;
- ES staff are trained to conduct a thorough eligibility assessment to be able to identify potential eligibility issues for referral to UI staff;
- ES staff are trained to properly document information for use by UI staff in adjudicating, as appropriate, any UI eligibility issues;
- A process to provide feedback to UI staff is in place and clearly documented. To the extent possible, states are encouraged to integrate IT systems among workforce partners and the UI agency to provide feedback to UI. If systems integration is not feasible, states must ensure a secure method of exchanging information exists. (Either way, states must comply with the requirements of 20 CFR Part 603.); and
- Only state UI merit staff members have authority to adjudicate UI eligibility issues.

Veterans' Program Letter No. 05-24-JVSG Staff Roles and Responsibilities and Coordination with WIOA Services to Veterans

A. Populations Eligible for DVOP Services. DVOP specialists must limit their activities to providing services to eligible populations who:

- Are interested in receiving one or more individualized career services, and
 - Meet at least one of the following two criteria:
 - Are defined as an eligible veteran or eligible person and are experiencing at least one of the qualifying employment barriers defined in Section VI.A.1 below; or
 - Are members of additional populations eligible for DVOP specialist services as authorized by the current annual appropriations act, as outlined in Section VI.A.2. below.
1. Qualifying Employment Barriers. To receive DVOP services, an eligible veteran or eligible person must affirm that they are experiencing at least one of the following employment barriers:
 - a. Has a disability, which may include any of the following:

- i. Special disabled veteran, defined in 38 U.S.C. § 4211(1) as a veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs for a disability rated at 30 percent or more, or rated at 10 or 20 percent in the case of a veteran who has been determined to have a serious employment handicap; or person who was discharged or released from active duty because of a service-connected disability.
 - ii. Disabled veteran, defined in 38 U.S.C. § 4211(3) as a veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs ² ; or a person who was discharged or released from active duty because of a service-connected disability.
 - iii. Other disability. Eligible veterans and eligible persons who self-identify as having a disability, as defined by the Americans with Disabilities Act, 42 U.S.C. § 12102.
- b. Is a Vietnam-era veteran, as defined by 38 U.S.C. § 4211(2) as an eligible veteran any part of whose active military, naval, or air service was during the Vietnam era, as defined by 38 U.S.C. § 101(29).
- c. Is a recently separated veteran, defined in 38 U.S.C. § 4211(6) as a veteran who was discharged or released from active duty within the last three years.
- d. Has been referred for employment services by a representative of the Department of Veterans Affairs.
- e. Is experiencing homelessness, as defined in Sections 103(a) and (b) of the McKinney Vento Homeless Assistance Act (42 U.S.C. § 11302(a) and (b)).
- f. Is justice-involved, as defined in WIOA Section 3(38), 29 U.S.C. § 3102(38) (definition of “offender”).
- g. Is between the ages of 18–24 years of age at the time of enrollment.
- h. Is educationally disadvantaged, meaning that the individual lacks a high school diploma or equivalent certificate.
- i. Is economically disadvantaged, which means any of the following:
 - i. Meets the definition of a low-income individual in WIOA Section 3(36), 29 U.S.C. § 3102(36).

- ii. Unemployed.
- iii. Heads of single-parent households containing at least one dependent child.

Note: An eligible person must personally meet eligibility criteria. In other words, they must both: a) meet the definition found in 38 U.S.C. § 4101(5), and b) be experiencing at least one of the criteria listed above (e.g., homeless, justice-involved, etc.). An eligible person who is not a veteran may not claim eligibility for DVOP services based on their spouse's status as, for example, a Vietnam-era veteran.

2. Additional Populations. Annual appropriations acts may authorize JVSG staff to serve certain non-veteran populations. Continued service to these individuals is contingent upon future appropriations act authorization. States are responsible for consulting with the DVET and reviewing the appropriations act each year to ensure DVOP specialists are serving only eligible populations. At the time of publication of this VPL, Congress has authorized DVOP specialists to serve, and LVERs to work with employers on behalf of, the following additional populations:
 - a. Transitioning Service Members (TSM) who, at the time of enrollment have participated in any part of the Transition Assistance Program, including self-paced online modules and Individualized Initial Counseling.
 - b. Wounded, ill, or injured members of the Armed Forces who are receiving treatment in military treatment facilities or warrior transition units.
 - c. Spouses or other family caregivers of those wounded, ill, or injured service members described in subparagraph b.
3. Participant Eligibility and Privacy. States must accept an individual's verbal, written, or electronic confirmation of their eligibility status and experiences as sufficient evidence for referral to DVOP services.

States must protect participants' privacy to the greatest extent possible. When requesting information about a participant's disability or employment barriers, states must:

- a. Clearly state that the information is solely for determining eligibility and service prioritization.
- b. Emphasize that participation is voluntary.

- c. Guarantee confidentiality of all shared information.
- d. Affirm that refusing to provide information will not result in negative consequences.
- e. Assure that information will be used only in compliance with legal guidelines.

IX. AJC Staff Roles in JVSG

Since JVSG is a required partner program under WIOA, AJC staff play an important role in the JVSG program. This guidance uses the term “AJC staff” to describe any wholly or partly DOL-funded program staff who work in an AJC, other than those funded by JVSG.

AJC intake staff determine the service needs of incoming customers and screen them for eligibility and referral to appropriate program staff for services. This section describes AJC staff responsibilities with respect to JVSG.

- A. **AJC Staff Services to Veterans.** AJC intake staff must refer veterans and covered persons who are not eligible for, or who do not want or need, DVOP specialist services to other workforce programs, as appropriate. ETA and VETS will continue to collaborate with states to ensure that these individuals receive seamless and optimal priority of service, and we encourage a similar collaboration among state grantees and local areas.
- B. **Screening and Referring Customers.** Appropriate initial screening can enhance customers’ experience by ensuring they are initially referred to the program(s) best positioned to meet their needs. In carrying out states’ JVSG programs, this screening also helps ensure that DVOP specialists deliver individualized career services to eligible customers as required by statute. Where a DVOP specialist is available to accept a new customer, each incoming customer must be screened and referred in accordance with this section.
 - 1. **Identify Customer’s Interests and Needs.** Not all customers who are eligible for DVOP services are interested in receiving them. Prior to referring a customer to a DVOP specialist, intake staff must affirm the customer’s interest in receiving one or more individualized career services. This may be done, for example, by showing a list of available DVOP-provided individualized career services and asking whether they are interested in learning more. A customer who does not need or wish to receive any of these services must not be referred to a DVOP specialist at that time.

2. Ascertain Customer's Eligibility. AJC staff must determine whether a customer meets the eligibility criteria described in Section VI.A before referral to a DVOP specialist.
3. When a DVOP Specialist is Unavailable. If a DVOP specialist is not immediately available to accept a new participant, the AJC staff should provide appropriate services and referrals to meet the needs of the individual and to satisfy priority of service requirements, as described in VPL 07-09 and TEGl 10-09. AJC staff should inform the customer of the opportunity to make an appointment to see the DVOP specialist and/or be seen by other staff. The eligible customer may choose to make an appointment with the DVOP specialist at any point thereafter, even if they are participating in other workforce development program services. A DVOP specialist who 1) has a full caseload (as determined by the state); 2) is not present (physically or virtually); or 3) is in a meeting at the moment when a customer would otherwise be referred is considered "unavailable" for the purposes of this subsection.
4. Department of Veterans Affairs' Veteran Readiness and Employment (VR&E) Program 2F 3 Participants. Because not all VR&E participants are eligible for DVOP services, there is no exception to the screening requirement for VR&E participants. They must be screened for eligibility based on the criteria described in Section VI prior to being referred for DVOP services.
5. Documentation. VETS does not require documentation of the participant's eligibility at any point. States must follow ETA's guidance regarding documentation, including:
 - TEGl 23-19 Change 1 for data validation requirements;
 - TEGl 23-19 Change 2 Attachment 1 for program-specific instructions and Attachment 2 for source documentation and self-attestation guidance; and
 - TEGl 10-23 for guidance on balancing the need for documentation with optimizing customers' experience as they navigate the workforce development system.
6. Eligibility Screening and Referral through State Management Information Systems. Although this section speaks to the AJC intake staff duties, states may use an online system to screen customers for eligibility for DVOP services and to refer those who are eligible to an available DVOP specialist, subject to the following provisions:

- a. Eligibility screening must include ascertaining the customer's interest in receiving individualized career services, as well as the eligibility criteria listed in section VI.
- b. States must apply a process to ensure that DVOP specialists do not receive more participant referrals than they have the capacity to serve. This process may be automated based on the DVOP specialist's current caseload, and/or it may include a manual override or intervention function to divert excess referrals to other AJC staff.

Washington State (Policy/Procedures/Desk Aids)

WorkSource System Policy 1003, Revision 6-Data Element Validation

The Employment Security Department (ESD), as the state administrative entity, provides guidance on data validation and source documentation requirements for WIOA Title I-B formula programs, the Wagner-Peyser Employment Services program as amended by WIOA, including the Monitor Advocate System, and the Trade Adjustment Assistance (TAA) program. The Monitor Advocate System protects the standard of services provided to migrant and seasonal farmworkers (MSFWs) under the Wagner-Peyser Act Employment Service program. Therefore, as part of a WIOA Core Program, all the requirements that apply to the Wagner-Peyser Act Employment Service for data validation will apply to the Monitor Advocate System. ESD, as the grantee receiving funding from the U.S. Department of Labor (DOL), requires WIOA Title I-B formula programs to maintain and report accurate and reliable program and financial information. Data validation requires the state to ascertain the validity, accuracy and reliability of report and participant record data submitted to DOL, as set forth in Section 116 of WIOA. Data validation consists of two separate functions: report validation and data element validation (DEV). Report validation checks the accuracy of the state calculations used to generate USDOL performance reports as submitted through the Workforce Integrated Performance System (WIPS). Data element validation checks the validity, accuracy and reliability of the data used by the state to perform the calculations. DEV is an annual activity conducted by ESD. Selected samples of participant data reported on the most current annual Participant Individual Record Layout (PIRL) data submitted through WIPS is reviewed against source documentation in customer records for compliance with federal definitions. ESD also validates Wagner-Peyser records.

- a. State level responsibilities

1. Provide overall guidance, training and technical assistance for data validation standards in accordance with federal guidance;
2. Conduct DEV activities during annual monitoring visits in accordance with 2 CFR 200.328.
3. Utilize the feedback process outlined in WIOA Title I Policy 5414, Revision 1 (WIOA Title IB Monitoring) to identify and resolve any errors identified.
4. Maintain records per state and federal records retention rules;
5. Provide annual DEV training as part of Workforce Monitoring tool reviews; and
6. Annually review the results of data validation efforts and the effectiveness of the data validation process and revise as needed.

b. Local level responsibilities

1. Develop internal controls to ensure data reported in the state MIS is valid, reliable, and aligns with source documentation in accordance with this policy;
2. Provide training to LWDB staff and/or local subrecipient staff on the importance of correct data entry and allowable source documentation on an annual basis, at a minimum;
3. Regular (recommend quarterly) data element review of program data for errors, missing data, and other anomalies, including missing documentation;
4. Ensure appropriate staff receive ESD's statewide DEV training annually;

[Attachment B-Allowable Source Documentation for DEV](#)

[WorkSource System Policy 1012, Revision 2-Customer Concern and Complaint Resolution](#)

[WorkSource Program Complaint Handbook-Attachment A](#)

Federal law and regulations require procedures for handling program complaints alleging violations of WIOA Title I, Wagner-Peyser and Trade Adjustment Assistance (TAA) laws (attached). Policy and procedure specific to discrimination complaints is found in WSS Policy 1017, Discrimination Complaint Processing Policy and Handbook. This policy establishes delineation between program and discrimination complaints, provides standard expectations for processing customer concerns and formal complaints, minimum requirements for referring program complaints to partners located in the

WorkSource system for additional processing and resolution, and provides distinct definitions of a customer “concern” and a customer “complaint”. The oversight responsibility of LWDBs is also clarified when dealing with complaints from “other interested parties affected by the local workforce development system, including One-Stop partners and service providers” as described in 20 CFR 683.600 (c) (1).

WorkSource System Policy 1019, Revision 12-Eligibility Policy Handbook

1.2 Career Services

There are three types of career services: basic, individualized, and follow-up. There is no sequence requirement for basic and individualized, which can be provided in any order to provide flexibility in targeting services to the needs of the customer. Follow-up, however, can only be provided after exit. Section 4 of TEGL 19-16 identifies the services that fall under the basic, individualized, and follow-up categories.

Per 20 CFR 680.120 and 680.130 and TEGL 19-16, individuals 18 years of age or older who are registered, meet the eligibility criteria for, and are enrolled in the WIOA adult program are eligible to receive career services. Per 20 CFR 680.130, individuals who meet WIOA dislocated worker program criteria are also eligible to receive career services.

Staff-assisted Wagner-Peyser employment services fall under the category of basic career services and must be provided in coordination with other one-stop center partners. Wagner-Peyser staff can also provide individualized career services in coordination with other one-stop center partners. Although Wagner-Peyser employment services are available to all individuals, only those who are legally entitled to work in the U.S. can obtain employment. To ensure that individuals who apply or are referred are legally entitled to work in the U.S., the WorkSourceWA.com registration requires customer attestation to legal entitlement to work in the U.S.

In addition to universal access under Wagner-Peyser, basic career services can be provided with WIOA Title I-B funding. Individuals must be determined eligible and enrolled to receive WIOA Title I-B funded, staff-assisted career services beyond self-service or informational activities. These services are offered under WIOA Title I-B (in addition to Wagner-Peyser) to ensure seamless service delivery in one-stops to minimize referrals and to ensure leveraging of resources between programs.

Per 20 CFR 680.110, self-service and information-only activities are services made available and accessible to the general public that are designed to inform and educate individuals about the labor market and the range of services appropriate to their situation, and that do not require significant staff involvement with the individual in terms of

resources or time. Both can be provided before registration and neither constitutes enrollment as neither is formally recognized as a staff-assisted WIOA Title I-B or III service. More information on reportable individuals and self-service and information-only activities can be found in Sections 8 and 9 of TEGL 10-16, Change 2.

NOTE: This policy covers basic eligibility requirements for Wagner-Peyser, including priority of service requirements for Covered Persons (using the broad definition of veteran – see Section 5.3). For verification of veteran status, the Wagner-Peyser program has specific requirements. For an overview of services for veterans (using the standard definition) under Wagner-Peyser, please refer to Veterans Policy 6000, Services for Veterans.

6. Jobs for Veterans State Grant (JVSG) Eligibility

Eligibility for the Disabled Veterans' Outreach Program (DVOP) under the Jobs for Veterans State Grant (JVSG) is separate and distinct from consideration of either veterans' and eligible spouses' priority of service under the WIOA Title I Adult program (refer to Section 3.2) or Dislocated Worker program eligibility for transitioning military service members and eligible spouses (refer to Section 4.2).

Individuals must be screened as wanting and be eligible for case-managed DVOP individualized career services if they meet Category 2 or 3 criteria.

a. Category 1 – Base eligibility for eligible veterans and persons

- i. The customer must first attest to being interested in receiving one or more individualized career services; and
- ii. Meet at least one of the following two criteria:
 - A. Are defined as an eligible veteran:
 1. Served on active duty for a period of more than 180 days and was discharged with other than a dishonorable discharge (Per 38 U.S.C. § 101(2), if the veteran had more than one period of service, any one other-than-dishonorable discharge qualifies as an eligible veteran, even if their most recent discharge was dishonorable); or
 2. Was discharged or released from active duty because of a service-connected disability; or
 3. Was a member of a reserve component under an order to active duty— pursuant to 10 U.S.C. §§ 12301(a), (d), or (g); 12302; or 12304—who served on active duty during a period of war or in a campaign or expedition for which a campaign badge

is authorized and was discharged or released from such duty with other than a dishonorable discharge; or

4. Was discharged or released from active duty by reason of a sole survivorship discharge.

B. Are defined as an eligible person:

1. The spouse of any person who died of a service-connected disability, even if they remarry; or
2. The spouse of any member of the Armed Forces serving on active duty who, at the time of application for assistance has been listed for a total of more than ninety days as:
 - aa. Missing in action; or
 - bb. Captured in line of duty by a hostile force; or
 - cc. Forcibly detained or interned in line of duty by a foreign government or power; or

C. The spouse of any person who has a total disability permanent in nature resulting from a service-connected disability, or the spouse of a veteran who died while a disability so evaluated was in existence

- b. Category 2 – Veterans and Eligible Persons who meet the criteria in Category 1 and attest to meeting at least one of the following Qualifying Employment Barriers are eligible for referral to DVOP services

i. Has a disability, which may include any of the following:

- A. Special disabled veteran, rated at 30 percent or more, or rated at 10 or 20 percent in the case of a veteran who has been determined to have a serious employment handicap; or person who was discharged or released from active duty because of a service-connected disability;
- B. Disabled veteran, defined in 38 U.S.C. § 4211(3) as a veteran who is entitled to compensation; or a person who was discharged or released from active duty because of a service-connected disability (an individual who attests to having a disability claim pending with the VA should be considered to have an approved claim for the purposes of determining the qualifying employment barrier);
- C. Other disability - eligible veterans and eligible persons who self-identify as having a disability, as defined by the Americans with Disabilities Act, 42 U.S.C. § 12102.

- ii. Is a Vietnam-era veteran, as defined by 38 U.S.C. § 4211(2) as an eligible veteran any part of whose active military, naval, or air service was during the Vietnam era, as defined by 38 U.S.C. § 101(29).
 - iii. Is a recently separated veteran, defined in 38 U.S.C. § 4211(6) as a veteran who was discharged or released from active duty within the last three years.
 - iv. Has been referred for employment services by a representative of the Department of Veterans Affairs.
 - v. Is experiencing homelessness, as defined in Sections 103(a) and (b) of the McKinney Vento Homeless Assistance Act (42 U.S.C. § 11302(a) and (b)).
 - vi. Is justice-involved, as defined in WIOA Section 3(38), 29 U.S.C. § 3102(38) (definition of “offender”).
 - vii. Is between the ages of 18–24 years of age at the time of enrollment.
 - viii. Is educationally disadvantaged, meaning that the individual lacks a high school diploma or equivalent certificate.
 - ix. Is economically disadvantaged, which means any of the following:
 - A. Meets the definition of a low-income individual in WIOA Section 3(36), 29 U.S.C. § 3102(36).
 - B. Unemployed.
 - C. Heads of single-parent households containing at least one dependent child.
- c. Category 3 – Those Transitioning Service Members; Wounded, ill, or injured service members; or spouse or family caregiver who do not meet Category 1 but attest to meeting at least one of the following criteria are identified as an approved Additional Population. Additional Populations are eligible for a DVOP services without needing to meet any additional Qualifying Employment Barriers
- i. Transitioning members of the Armed Forces who have participated in any part of the Transition Assistance Program (TAP) and self-identify as in need of individualized services.
 - ii. Members of the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities (MTF) or warrior transition units (WTU). Page 21 of 34
 - iii. Spouses or other family caregivers, who provide personal care services of such wounded, ill, or injured service members, who are receiving treatment in a MTF or WTU include:
 - A. A parent;

- B. A spouse;
- C. A child;
- D. A step-family member;
- E. An extended family member;
- F. Lives with, but is not a member of the family of the service member.

Note: Available on the Workforce Professionals Center website is a training video featuring Veterans Priority of Service and the Veteran's Screening Tool that covers JVSG program eligibility

WorkSource System Policy 1020, Revision 2-Data Integrity and Performance Policy

WIOA Act Data Integrity and Performance Policy Handbook

1.1 Alignment of Wagner-Peyser and WIOA Title I-B Services

The underlying principle of the one-stop system (WorkSource system) is coordination of programs, services and governance structures so job seekers have relatively seamless access to a system of federally funded workforce investment services. WIOA provides five categories of services: basic career services, individualized career services, training services, supportive services, and follow-up services.

Note: There is no requirement for participation in one type of service before proceeding to the next type. The intent of WIOA is to allow flexibility based on each individual customer's assessed needs.

States and local areas must use the state MIS to document at least the minimum requirements required by law under WIOA (demographics, program participation information, and performance indicators) in order to take full advantage of the one-stop system's potential for efficiency and effectiveness. WIOA Title I-B programs and Wagner-Peyser (WP) are allowed to provide the same set of basic and individualized career services found at WIOA Section 134(c)(2)(A). There is a natural alignment of service delivery under WP since any individual legally entitled to work in the U.S. is eligible for these services.

TEGL 10-16 Change 2 emphasizes alignment of performance-related definitions, streamlining of performance indicators, reporting integration, and comparable data collection and reporting across WIOA core programs. The state MIS supports WIOA's intent as it is used by multiple WorkSource-affiliated programs beyond Department of

Labor (DOL)-funded programs and these programs are part of integrated case management and performance.

Note: Personal records of WIOA registrants are private and confidential and must not be disclosed to the public. Refer to WIOA Title I Policy 5403, Revision 2, Records Retention and Public Access and RCW 50.13 for additional guidance on data privacy and security.

1.1.1 Basic Career Services, Self-Services, and Informational Services

WP (Employment Services) basic career services can be provided to all job seekers and employers and are available through self-services, facilitated self-help services, and staff-assisted services to ensure universal access (20 CFR 652.207(b)(2) and 652.208).

Only individuals who are legally entitled to work in the U.S. can receive assistance obtaining employment. To ensure that individuals who apply or are referred are legally entitled to work in the U.S., WorkSourceWA requires customers to attest to legal entitlement to work in the U.S.

In addition to universal access under Labor Exchange, certain services, such as self-service or informational services, can be provided universally with WIOA Title I-B funding.

Self-service and informational services are those basic career services that are readily available and accessible to the general public. They are designed to inform and educate individuals about the labor market, their employment strengths and weaknesses, the range of services appropriate to their situation, and to provide instructions on how to use one-stop resources. These services do not require significant staff engagement or an assessment of the individual's skills, education, or career objectives.

Self-service occurs when individuals serve themselves by accessing WorkSource information and tools, including WorkSourceWA, either at a one-stop site or from a remote electronic location. For reporting purposes, it is necessary for self-service participants to be identifiable. Because WIOA Title I-B and Wagner-Peyser funds support development of the WorkSourceWA infrastructure, self-servicing individuals will be included in both WIOA Title I-B and Wagner-Peyser service reportable individual counts. However, reportable individuals who only obtained WIOA Title I-B self-service and information are not participants in any program and therefore are excluded from WIOA performance measures.

Basic career services may be informational (self-services and staff-assisted services), but it is important for staff to understand the point at which a basic career service requires more significant staff involvement. This determination can be based on assessment

results of the participant's inability to obtain employment through self-service alone. However, individuals must be determined eligible and enrolled to receive WIOA Title I-B funded services beyond self-service or informational services. These services are offered under WIOA Title I-B (in addition to WP) to ensure seamless service delivery in the WorkSource system to minimize referrals and to ensure leveraging of resources between programs.

1.1.2 Significant Staff-Assisted Services (Participation-level Services)

A significant staff-assisted service is any assistance provided by staff beyond the informational services (i.e., readily available information) described above, regardless of the length of time involved in providing such assistance). Significant staff involvement includes staff assessment of an individual's skills, education, or career objectives in order to assist with any of the following:

- Determination of appropriate next steps in the search for employment, training, and related services, including job referral;
- Assessment of personal barriers to employment; or
- Access to other services necessary to enhance employability and individual employment related needs.

Staff-assisted services are captured in ETO. They are entered either in the Basic Services or Individualized, Training and Support TouchPoints. Accurate data entry for types of services and dates of service is critical to implementation of federal Primary Indicators of Performance in Washington.

A significant staff-assisted service is one that triggers an individual's inclusion as a participant in one of the following funded programs listed below. Such participation level services are entered in ETO and included in federal reporting as required in the Participant Individual Record Layout (PIRL):

Core DOL WIOA Programs WIOA Title III Wagner-Peyser Employment Service (WP) WP Migrant Seasonal Farmworkers (MSFW) WIOA Title I-B Adult Dislocated Worker Youth (Youth participants must have first satisfied all applicable program requirements for the provision of services, including eligibility determination, objective assessment, development of an individual service strategy, and receipt of one or more of the 14 WIOA Youth program elements) Additional Programs National Dislocated Worker Grants (DWG) Trade Adjustment Assistance (TAA) Jobs for Veterans State Grants (JVSG)

In an effort to avoid misinterpretation and provide consistency across all programs, the WorkSource Services Catalog, which is accessible on the Workforce Professionals Center website, under the One-Stop System tab, defines each service and its applicability to participation and performance measurement. Refer to Section 4 for more information.

1.1.3 Individualized Career Services

Individualized career services are those services that have been customized to address an individual's needs. They may be provided under the WP Act (WIOA Title III) and WIOA Title I-B.

Individualized career services funded under the WP Act are available universally to all job seekers who are seeking to obtain employment, retain employment, or increase earnings, and may benefit from WorkSource services.

Adults and Dislocated Workers who receive services funded under WIOA Title I-B (other than self-service or informational activities) must be determined eligible and enrolled. Participants receiving individualized career services funded under WIOA Title I-B must be determined eligible, enrolled, and deemed to be in need of individualized career services in order to obtain or retain employment. Individualized career services include comprehensive assessments, development of individual employment plans and counseling and career planning.

See Section 2 of this Handbook for information regarding Youth Program enrollment and participation.

1.3 Case Note Guidance

WIOA provides an opportunity for a greater emphasis on customer-focused and effective case management. Integral to this approach is the utilization of multiple techniques to address and provide solutions for a variety of barriers and assessed needs of participants. Recording case notes is critical because it weaves each service element into a comprehensive service plan. Individualized case notes provide a complete, accurate, and concise explanation of frequency and type of contact with participants, including the types of services provided and the outcomes associated with those services.

Case notes are a tool to help service providers organize and analyze the information gathered on participants and to plan case management strategies. It is imperative that LWDBs, their Title I-B sub-contractors, one-stop system partners, and federal and state monitors and auditors be able to recognize and discern each service and expenditure provided to, and made on behalf of, a one-stop system customer.

Additional Considerations

- Information contained in case notes belongs to participants.
- Case notes are legal documents that may be subpoenaed by the courts or disclosed through public records requests.
- Case notes are also used to represent the local WIOA Title I-B and WP activities and their compliance with federal, state, and local policies.
- Case files and case notes are subject to monitoring and data validation reviews.

Any case notes containing confidential medical information must be kept separately in a secure location apart from participants' regular program files (see WIN 0023).

Case notes should not be entered to represent service delivery without also entering a participation-level service from the WorkSource Services Catalog. In other words, case notes do not represent documentation of services and are not substitutes for proper entry of service TouchPoints in the state MIS.

1.10 Real-Time Data Entry

In the interest of data integrity, it is imperative, to the fullest extent possible, that data entered into the state MIS accurately reflect the service provided at the time the service is provided. Therefore, the minimal MIS data entry requirements are as follows:

- Services must be entered at the point in time they are delivered.
- If services cannot be entered at the time they are delivered, Basic Services and ITSS services must be entered within 14 calendar days of service delivery and the service date entered must always reflect the date the service was delivered.

Note: Other than the Basic Service and ITSS TouchPoints noted above, these data entry limitations do not impact any other TouchPoints, including the follow-up services or placement information TouchPoints. This requirement will only limit staff to entering Activity Start Dates for the Basic Services and ITSS TouchPoints for services within 14 calendar days of providing the service. In addition, this requirement will not prevent staff from appropriately updating/editing the Activity End Date, Notes, Actual Outcome, Contract and other data fields in the two service TouchPoints.

1.10.1 Basic Services and ITSS

For any Activity Start Date of Basic and ITSS services errors identified after the 14-day calendar restriction, staff must correct the errors and request Department Head review

and approve the correction. Department Head approval must be documented with a case note. The case note must identify the service name, the reason for the correction, and the Department Head's review and approval of the correction.

Case Note Example: "The [enter service name, i.e.: Occupational Skills service that was provided on {date service occurred}] was not entered within the 14-day allowable timeframe. As a department head, I reviewed and approved the late entry."

NOTE: Each local area has at least one designated point of contact (Department Head) to handle the appropriate exceptions to data entry after the 14-day calendar restriction. They are responsible for ensuring the appropriate documentation and data integrity of the service dates in their local areas.

1.10.2 Accuracy of Service Entries

Not all services in the MIS count for performance participation. When a service is provided, the appropriate qualifying service must be identified, even if case notes are entered. It is important to note that:

- Qualifying services are identified in the WorkSource Services Catalog.
- Follow-up services, self-service and providing workforce information do not trigger or extend participation, nor do they factor into performance calculations.
- Services must only be entered when delivered to a participant and only the actual services delivered must be entered.
- Services must be entered on the Basic Services TouchPoint; Individualized, Training and Support TouchPoint; or the Follow-Up TouchPoint.
- Case notes should support, not contradict, service entries.
- Case notes should not be entered to represent service delivery without also entering a qualifying service from the WorkSource Services Catalog.
- Case notes can refer to voice or e-mail messages left for or sent to participants. However, such case notes are not a reportable service.

1.10.3 Risks of Non-Compliance

Delaying the exit of successfully placed participants puts local areas at risk of losing positive outcomes for WIOA common measures as well as losing the timely capture of successful participants in the federal reports. Intentionally delaying exit also increases the risk of data validation findings.

1.10.4 Late Entry Reports in the state MIS

Two reports are available in the MIS to help staff and supervisors identify services that have been entered late since the state MIS launched in May 2016. Each service has its

own late entry report, and both are available in the MIS under Reports > View Reports Menu > Operational Reports. The names of the reports are Data Entry Issue - Basic Services Late Entry and Data Entry Issue - Individualized/Training Services Late Entry. If you are already logged into MIS, these hyperlinks will take you directly to the reports. Please remember to refresh the report after it opens to get the most recent data. The reports show all services entered late, meaning that the list of services will include all services entered with a service date prior to the data entry date.

4.3 Use of the Services Catalog

Services within the catalog are the source data for performance and outcome measurements across the WorkSource system. Stakeholders within the system must review the Services Catalog on a regular basis to ensure their knowledge of available services and definitions is maintained. Workshop services represent multiple services delivered within that specific class. Staff must not select multiple services to represent a single class. They must instead select the service that most closely resembles the service provided.

WorkSource System Policy 1036-Creating accounts in Efforts to Outcomes (ETO) when individuals do not provide Social Security Numbers

Services and case notes connected to individuals who do not provide SSNs must be recorded and tracked in ETO. That is done by staff with Department Head Page 2 of 4 permissions in ETO using procedures outlined in [Efforts to Outcomes \(ETO\) No Social Security Number Procedure](#) located on the Workforce Professionals Center website, Technology Tab, Training Resources, Case management training section.

Veterans Policy 6000-Services for Veterans

All offices, regardless of whether JVSG staff are assigned, must provide priority of service to veterans and eligible persons in all programs that are partially or fully funded by DOL. Priority of service means that veterans and eligible persons either receive access to a service earlier in time than a noncovered person, or, if the resource is limited, the veteran or eligible person receives access instead of or before the non-covered person.

a. Responsibilities of the WorkSource/Affiliate Delivery Sites

Local management is responsible for all services for veterans within their respective offices, including the development, maintenance, and publication of written local policies and procedures on the conduct of services for veterans by all point-of-service staff. The local policies and procedures include, but are not limited to, the specific methodology used to ensure veterans receive priority of service in employment

services. Local management is encouraged to work with the LVER to develop the local policies and procedures. In developing local policy and procedure, offices must consider the roles of all partners (WIOA and other) and encourage their participation in providing priority of service. Co-enrollment with agency and partner programs should be utilized to the greatest extent, where applicable. Veterans are served by both JVSG and non-JVSG staff.

Veterans Policy 6010-Priority of Service for Veterans and Eligible Spouses

b. Program Operational Requirements:

ESD, LWDBs and other program operators must implement processes for the “qualified” programs they administer to identify veterans and eligible spouses who physically or virtually access services at the point of entry so they can learn about and take full advantage of veteran’s priority and to indicate whether they are entitled to priority of service. In addition to allowing applicants to claim entitlement to priority, applicants claiming priority are to be given a menu of programs and services to which the entitlement applies, and eligibility requirements for those programs. Point of entry is defined as the point of contact with the one-stop system, either in-person or virtually, whether or not a service is provided. It may include reception at the front-end of a WorkSource Center, as part of a program-specific application process, or any other method by which veterans and eligible spouses express an interest in receiving services, either in-person or virtually. It cannot only be at initial registration as not all veterans and eligible spouses who touch the one-stop system reach that point.

Veterans Policy 6015-Referral of Veterans and Other Population with Significant Barriers to Employment to the Disabled Veterans Outreach Program

a. Identification of Veterans and other Populations with SBE

Staff of programs under the WIOA State Plan (Attachment A) who work directly with customers must familiarize themselves with the criteria for veterans and other populations with SBE in Attachment B.

b. Referral of Veterans and other populations with SBE to DVOP

If, through formal or informal means (e.g., intake processes, general discussion, use of a list such as that reflected in Attachment B), WIOA State Plan core and partner program staff identify veterans with an SBE, they must offer those individuals a referral to the DVOP

in the nearest WorkSource (one-stop) center. The WorkSource directory can be found at this link. Whether or not to accept or follow through on a referral is up to the customer.

WorkSource Information Notice 0077, Change 16-WorkSource Services Catalog

[WorkSource Services Catalog](#)

Local Workforce Development Boards and their contractors, as well as Employment Security Regional Directors, must distribute this guidance broadly throughout the system to ensure that WorkSource System staff are familiar with its content and requirements.

WorkSource Information Notice 0090, Change 2-Assisting Unemployment Insurance Claimants in WorkSource Offices

UI claimants can receive a variety of assistance when visiting WorkSource offices. WorkSource (one-stop) staff well-trained in UI subject matter such as claimant rights and responsibilities, UI issue detection and reporting and basic claims filing (e.g. designated Employment Security Department UI Ambassadors or trained Reemployment Services and Eligibility Assessments (RESEA) funded staff can provide Meaningful UI Assistance as outlined in this WIN. Any one-stop staff, including staff well-trained in UI subject matter, can provide access to general information as outlined in this WIN and use the Provided Workforce Information (2.0) service from the WorkSource Services Catalog.

Examples of Meaningful UI Assistance is when properly trained staff in one-stop centers provide UI basic claims filing assistance, facilitate direct access to the UI Claims Center, escalate hardship requests, reopen basic claims or provide information beyond that which is readily available. This includes coordinating access to the UI Claims Center for claimants who request language assistance or use of auxiliary aids.

No one-stop staff, which includes ESD merit (state government) staff in one-stop environments, should serve as interpreters of UI laws and regulations. “Interpreting” in this context refers to explaining the meaning of law, rule or policy based on one’s personal opinions or beliefs.

Washington state does not permit individuals to have someone else file unemployment claims on their behalf. WAC 192-110-150 requires claimants to personally certify on the initial application and weekly claims that the information the claimant has provided to the Department is correct. Under no circumstances should one-stop staff assist UI claimants by inputting information into eServices, interpret correspondence or answer questions verbally or in writing on behalf of claimants (“Interpret” in this context refers to explaining

the meaning of something based on one's personal opinions or beliefs.). The Handbook for Unemployed Workers instructs claimants to not share their password or Personal Identification Number (PIN) with anyone, including staff. Additionally, staff may not lead nor coach claimants on how to respond to UI questions. Staff must refrain from providing any guidance to UI claimants that could potentially affect their eligibility. Discretion and integrity in the program must be exercised at all times.

One-stop system staff who are not properly trained as described in the first paragraph may assist a claimant by taking rote acceptance of information. Rote acceptance is merely the acceptance of information to be relayed to government employees who process claims (e.g. claims center staff) and does not involve the exercise of substantial discretion (UIPL 12-01, Change 1). General or informational assistance to claimants (including Training Benefits claimants) will most often fall under the service category of Provided Workforce Information (2.0) in the WorkSource Services Catalog. This kind of assistance, as well as rote acceptance of information, encompasses, but is not limited to, these types of informational guidance:

1. Helping an individual understand the claims filing process,
2. Explaining the meaning of a question,
3. Educating customers on where to locate information referenced in UI correspondence,
4. Giving individuals general information about their responsibilities as a claimant,
5. Directing claimants to online tools and resources, such as the Handbook for Unemployed Workers, eServices or ESD.WA.GOV,
6. Referring customers to a dedicated phone line for UI help,
7. Guidance regarding their work search requirements,
8. Assistance with navigating technology to establish a Secure Access Washington (SAW) or eServices account,
9. Faxing agency documents to the appropriate department at the claimant's request,
10. Help navigating training available through state approved training/education providers, and
11. Information regarding available reemployment, training or supportive services within the WorkSource system or community.

These functions are informational in nature and are not directly connected to determining the claimants' initial or continued eligibility for benefits nor does it involve more extensive assistance from a staff person who has a higher level of UI-related training. Any staff, including those well-trained in UI may provide general informational assistance to claimants and use the Provided Workforce Information (2.0) service in the state MIS. For example customer scenarios, see attachment A in policy.

Employment Services Wagner-Peyser staff assisting UI claimants are required to notify the UI Claims Center via Report of Potential Issue (RPI) with any information about potential UI eligibility issues such as a claimant's ability to work, availability for work, or the suitability of work the claimant is seeking or being offered (20 CFR 652.210 (b)(3)). RPI's must be submitted the same day the issue is detected. (ETA Handbook 301 5th)

Job Seeker Full Registration-ETO Desk Aid

Purpose

This desk aid provides guidance on the correct way to achieve a complete a job seeker registration in ETO, also referred to as Full Registration. Full registration should be completed before providing participation triggering, staff assisted services to customers. When customers receive participation triggering, staff assisted services they are captured as a Participant for federal reporting purposes in the Participant Individual Record Layout, also referred to as the PIRL.

Full registration is not required for customers receiving self-services only.

For a list of services that trigger participation for federal reporting purposes, please see the WorkSource Services Catalog which can be found in the Workforce Professionals Center (wpc.wa.gov).

The focus of the job seeker registration process will be around identifying two primary customers to ensure that we have captured all the required data.

- New Customers - refers to a customer that doesn't have an ETO record or a WorkSourceWA account and is typically new to the WorkSource system.
- Existing Customers- refers to a customer that has an ETO record and/or WorkSourceWA account and is not new to the WorkSource system.

Program Operations Desk Aid/Resources

Clearance Orders

Located on Workforce Services Division One Stop Site-Clearance Order Process Training Folder under Wagner-Peyser Staff Learning

Wagner-Peyser Complaint Process

Located on WSD One Stop Site-Phase I-Wagner-Peyser Complaint Process Training Folder under Wagner-Peyser Staff Learning

DVOP Eligibility Screening Process-Individual Screening for Transition and Employment Planning (IN-STEP)Tool/Desk Aid

IN-STEP Desk Aid

IN-STEP Screening Tool

Wagner-Peyser Monitoring Checklist

1. Complaint System

658.410 Establishment of local and State Complaint Systems

658.411 Action on Complaints

TEN 08-23-Required Employment Service and Employment-Related Law Complaint System Posters

WorkSource Services Policy 1012, Revision 2-Customer Concern and Complaint Resolution

2. Non-Numerical Self-Appraisal

658.601(a)(3) Non-Numerical Self-Appraisal

3. Migrant and Seasonal Farm Worker Responsibilities for Offices

653.101 Provision of Services to migrant and seasonal farmworkers.

653.10 Job Information

653.103 Process for migrant and seasonal farmworkers to participate in workforce development activities.

653.107 Outreach and Agricultural Outreach Plan.

653.109 g-h Data collection and performance accountability measures.

4. Veteran and Eligible Spouse Responsibilities for Offices

652.100 Services for Veterans.

VPL No 05-24-JVSG Staff Roles and Responsibilities and Coordination with WIOA Services to Veterans

TEGL No. 03-24-JVSG Program Reforms and Roles and Responsibilities of American Job Center Staff Serving Veterans

WorkSource System Policy 1019-Eligibility Policy Handbook

Washington State Veterans Policy 6000-Services for Veterans

Washington State Veterans Policy 6010-Priority of Services for Veterans and Eligible Spouses

Washington State Veterans Policy 6015-Referral of Veterans and Other Population with Significant Barriers to Employment to the Disabled Veterans Outreach Program.

5. Labor Exchange Services and Documentation

652.3 Public labor exchange services system.

652.209 What are the requirements under the Wagner-Peyser Act for providing reemployment services and other activities to referred unemployment insurance claimants?

652.210 What are the Wagner-Peyser Act's requirements for administration of the work test, including eligibility assessments, as appropriate, and assistance to unemployment insurance claimants?

678.425 What are the applicable career services that must be provided through the one-stop delivery system by required one-stop partners?

678.430 What are career services?

UIPL No. 14-18 Unemployment Insurance and the Workforce Innovation Act

WorkSource System Policy 1020-Data Integrity and Performance Policy and Handbook

WorkSource Services Catalog

WorkSource Information Notice 0120-Procedures for Adding Participants to ETO When Individuals are Unable to Create a WSWA Account

WorkSource Information Notice 0090-Assisting Unemployment Insurance Claimants in WorkSource Offices

Job Seeker Full Registration-ETO Desk Aid

6. Agricultural Recruitment System

653.501 Requirements for processing clearance orders

Wagner-Peyser Desk Aid/Resources for Clearance Orders (Formerly H-2A)