



Program Year 2025 (PY25) Comprehensive Monitoring Guide

WIOA Adult and
Dislocated
Worker
Programs

PY25 WIOA ADULT AND DISLOCATED WORKER PROGRAM COMPREHENSIVE MONITORING GUIDE

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WIOA ADULT ELIGIBILITY

- Legally entitled to work in the U.S.
- Age 18 or older; and
- Selective Service Registration, for males who are 18 or older and born on or after January 1, 1960.

Legally Entitled to Work in the U.S.

20 CFR 683.285(5): Participation in programs and activities receiving funds under Title I of WIOA must be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, Asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.

Social Security Number (SSN) not required for eligibility.

TEGL 26-16: Eligibility to participate in any of the programs under WIOA is not contingent upon the individual providing a Social Security Number.

Requesting SSN and Providing Services – WorkSource System (WSS) Policy 1036:

- Organizations that provide services to individuals under Title I and III of WIOA must request SSNs from those individuals because matching SSNs against quarterly UI wage records remains the most timely, effective, and accurate way to ensure that performance data is available to the one-stop system and WIOA statutes direct states to use UI wage records for this purpose.
- Those same organizations, however, cannot require individuals to provide SSNs as a condition of program participation or receipt of services. Eligible individuals who do not provide SSNs must be provided all categories and types of services for which they qualify, subject to priority of service and resource availability considerations that otherwise apply to all eligible individuals.
- Exception: DOL has stated that U.S. IRS rules take precedence over WIOA rules. Therefore, per this WIN, individuals who do not want to provide their SSN must decide whether or not to continue to withhold that information when the service would require reporting income and wages to IRS. If those individuals choose to continue to withhold their SSN, LWDBs and their service providers may subsequently withhold those specific services.
- Services and case notes connected to individuals who do not provide SSNs must be recorded and tracked in WIT. Procedures are outlined in WSS Policy 1036, Attachment A.
- Service provider staff must explain to participants who receive services without providing SSN that they and possibly their future employers will be contacted in the future and asked about their employment and earnings outcomes.
- To that end staff must ensure that full and extensive contact information is collected from such participants (primary and secondary phone numbers, e-mail addresses mailing addresses, including the same for alternative and secondary contacts) and instruct such participants to provide updated contact information if anything changes. In following up with participants, staff should contact them as close as possible to the end of the second and fourth quarters after exit.

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WSS Policy 1019, **Rev. 12** Handbook:

- LWDBs are required to verify U.S. citizenship or legal right to work for all WIOA Title I programs.
- Self-attestation is the minimum documentation requirement, but LWDBs may choose to require commonly used I-9 documentation such as driver's license or ID cards along with Social Security cards.
- Other documentation *may only* be used to *supplement* self-attestation or accepted I-9 documentation.
- List of Acceptable Documents as listed on Form I-9

LIST OF I-9 ACCEPTABLE DOCUMENTS

Homeland Security at <http://www.uscis.gov/i-9-central/acceptable-documents/list-documents>

List A	OR	List B	AND	List C
Documents that Establish <u>Both Identity and Employment Authorization</u>		Documents that Establish <u>Identity</u>		Documents that Establish <u>Employment Authorization</u>
<ol style="list-style-type: none"> 1. U.S. Passport or U.S. Passport Card 2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551). Signatures not required. 3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa 4. Employment Authorization Document that contains a photograph (Form I-766) 5. Foreign passport with Form I-94 or Form I-94A, Arrival/Departure Report bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status that authorizes such alien to work for a specific employer. 6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI. 		<ol style="list-style-type: none"> 1. Driver's license or ID card 2. School ID card with Photograph 3. Voter's registration card 4. U.S. Military card or draft record 5. Military dependent's card 6. U.S. Coast Guard Merchant Mariner Card 7. Native American tribal document 8. Driver's license issued by Canadian government authority For persons under age 18 who are unable to present a document listed above: 9. School record or report card 10. Clinic, doctor or hospital record 11. Day-care or nursery school record 		<ol style="list-style-type: none"> 1. *Social Security Card. A card that includes any of the following restrictive wording <u>IS NOT ACCEPTABLE</u> for List C documents: <ul style="list-style-type: none"> • NOT VALID FOR EMPLOYMENT; • VALID FOR WORK ONLY WITH INS AUTHORIZATION; or • VALID FOR WORK ONLY WITH DHS AUTHORIZATION Note: According to the U.S. Citizenship and Immigration Services, <u>you may accept a Social Security card that has not been signed.</u> 2. Certification of Birth Abroad issued by the Department of State (Form FS-545) 3. Original or certified copy of birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal. 4. Native American tribal documents 5. U.S. Citizen ID Card (Form I-197) 6. Identification Card for Use of Resident Citizen in the United States (Form I-179) 7. Employment authorization document issued by DHS.

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Age 18 or older

WIOA Section 129(a): Participant was age 18 or older at program enrollment.

Selective Service Registration

Selective Service System Website: <https://www.sss.gov/>

Selective Service Registration Requirements - TEGL 11-11, Change 2

Men born on or after January 1, 1960, are required to register with Selective Service within 30 days of their 18th birthday (i.e. 30 days

before or 30 days after their birthday.) This includes males who are:

- Citizens of the U.S.;
- Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees, who take up residency in the U.S. before their 26th birthday; and/or
- Dual nationals of the U.S. and another country regardless of whether they live in the U.S.

For U.S. citizens, Selective Service registration is **not** required if the man falls within one of the following categories:

- Men who are serving in the military on full-time active duty;
- Men attending the service academies;
- Disabled men who are continually confined to a residence, hospital or institution; and/or
- Men who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday.

For non-U.S. citizens, Selective Service registration is not required if the man falls within one of the following categories:

- Non-U.S. male who came into this country for the first time after his 26th birthday.
Acceptable forms of supporting documentation include:
 1. Date of entry stamp in his passport;
 2. I-94 with date of entry stamp on it; or
 3. Letter from the U.S. Citizenship and Immigration Services (USCIS) indicating the date the man entered the United States presented in conjunction with documentation establishing the individual's age.
- Non-U.S. male who entered the U.S. illegally after his 26th birthday. He must provide proof that he was not living in the U.S. from age 18 through 25.
- Non-U.S. male on a valid non-immigrant visa.

Transgender / Non-Binary Person - <https://www.sss.gov/faq/#who-needs-to-register>

Selective Service bases the registration requirement on gender assigned at birth and not on gender identity or on gender reassignment. Individuals who are born male and changed their gender to female *are still required to register*. Individuals who are born female and changed their gender to male are not required to register.

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Requirement to Register - WSS Policy 1019, Rev. 12:

To be eligible to receive WIOA Title I-funded services, all males born on or after January 1, 1960, must present documentation showing compliance with the Selective Service registration.

Males 25 Years and Under:

- Before being enrolled in WIOA Title I services, all males who have not yet reached their 26th birthday must register with the Selective Service or provide documentation indicating they are covered by an exception.
- Males turning 18 while participating in WIOA Title I services must complete their Selective Service registration no later than 30 days after turning 18 to continue to receive WIOA Title I services.
- Males between 18 and 25 years of age who refuse to register with the Selective Service must be suspended from WIOA Title I services until registered.
- If a youth fails to provide verification of Selective Service registration within 30 days of his 18th birthday, services must be suspended (i.e. on the 31st day after his 18th birthday).
- LWDBs must stop providing services to participants who have not met Selective Service registration requirements until the requirements are met.
- These requirements apply to transgender females. Selective Service registration requirements are based on the gender assigned at birth and not on gender identity or gender reassignment. Individuals who are born male and change their gender identity or assignment to female are required to register. Individuals who are born female and change their gender identity or assignment to male are not required to register.

Males 26 Years and Older:

- Before enrolling in WIOA Title I services, all males 26 years of age or older must provide:
- Documentation of compliance with Selective Service registration requirements;
- Documentation showing that they were not required to register; or
- If they were required to register but did not, documentation establishing that their failure to register was not knowing and willful, as determined by the LWDB (see TEGL 11-11, Change 2 for guidance)

Determining Knowing and Willful Failure to Register - WSS Policy 1019, Rev. 12:

TEGL 11-11, Change 2 provides LWDBs with detailed information about the Selective Service System (SSS) process to which they, as authorized organizations, can refer applicants to request Status Information Letters (SIL) that address whether or not their failure to register was knowing and willful. SIL, if they favor applicants, are the most definitive documents proving the failure to register was not knowing and willful.

The intent of the TEGL is to also provide a framework for LWDBs to develop local policies and procedures consistent with SSS requirements to determine whether or not an applicant's failure to register was knowing and willful through a recommended set of questions, individual statements and relevant evidentiary

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documentation (i.e., documentation that establishes through a preponderance of evidence that the reason for not registering was not knowing and willful).

Because circumstances will vary and need to be considered on a case-by-case basis, there is not an exhaustive list of acceptable evidence, but the SSS provides guidance in TEGl 11-11 Change 2, through the Status Information Letter process and form described on the SSS website, and through a table that can be found at this [link](#). Individuals should be encouraged to offer as much evidence and in as much detail as possible to support their case.

If LWDBs determine that an individual's failure to register was not knowing and willful and the individual is otherwise eligible, services may be provided. If LWDBs determine that the evidence shows an individual's failure to register was knowing and willful, services must be denied. Individuals denied services must be advised of available WIOA grievance procedures. LWDBs must keep documentation related to evidence presented in determinations related to Selective Service.

Individuals exempt from Selective Service registration - WSS Policy 1019, **Rev. 12:**

- Males on current non-immigrant visas as long as they remain on valid visas up until they turn 26.
- Male nationals or citizens of the Republic of the Marshall Islands, the Federated States of Micronesia, or Palau who reside in the U.S. for less than one year (non-habitual) under any status or are in the U.S. as employees of the government of their homeland or as students who entered the U.S. for the purpose of full-time studies as long as they maintain that status.
- Males who were neither citizens nor residents of the United States from 30 days before they turned 18 through the age of 25.
- Hospitalized or incarcerated males who can prove they were continuously institutionalized or confined from 30 days before they turned 18 through the age of 25.
- Males serving in the military on full-time active duty if they served continuously from age 18 to through age 25.
- Males attending U.S. military service academies.
- Transgender males (born females but identify as or transitioned to males).

The [Status Information Letter](#) process and form noted in TEGl 11-11, Change 2, cites documentation requirements for several registration exemption categories, as does the table found at this [link](#).

Self-Attestation – WSS Policy 1003, Rev. 6:

Under WorkSource System Policy 1023, Revision 1, local areas formally implementing Integrated Service Delivery with co-enrollment can utilize self-attestation to document that participants are 18 years of age or older, are legally entitled to work in the U.S., and have registered for Selective Service (as applicable) for the purposes of eligibility determinations for the WIOA Title I adult and dislocated worker programs so long as those individuals are provided basic career services only. If those participants subsequently pursue individualized career services or training services, full eligibility documentation is required.

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WIOA ADULT PRIORITY OF SERVICE

Priority of Service Requirements

TEGL 19-16 and WSS Policy 1019, Rev. 12: Priority requirements for the WIOA Adult Program are as follows:

1. Covered person (veterans and eligible spouses) who are low income, recipients of public assistance, or basic skills deficient.
2. Individuals (non-covered persons) who are low-income, recipients of public assistance, or basic skills deficient.
3. Covered persons (veterans and eligible spouses) who are not low income and not basic skills deficient.
4. (Optional) LWDBs may establish additional priority groups for priority of services beyond minimum adult eligibility.

WSS Policy 1019, Rev. 12: These targeted populations must first meet the eligibility requirements for the Adult Program.

20 CFR 680.600:

- (a) WIOA sec. 134(c)(3)(E) states that priority for individualized career services and training services must be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient.
- (c) The priority established under paragraph (a) of this section does not necessarily mean that these services only may be provided to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. The LWDB and the Governor may establish a process that also gives priority to other individuals eligible to receive such services, provided that it is consistent with priority of service for veterans and the priority provisions of WIOA sec. 134(c)(3)(E).

TEGL 19-16:

- ETA notes that individuals who are English language learners meet the criteria for “basic skills deficient” and must be included in the priority populations for the WIOA Adult program.
- Under WIOA, priority must be implemented regardless of the amount of funds available to provide services in the local area.

Underemployed individual Priority of Service Requirements:

- Individuals who are underemployed and meet the definition of a low-income individual may receive career and training services under the Adult program on a priority basis.
- Individuals who meet the definition of an individual with a barrier to employment (WIOA Sec. 3(24)) who are underemployed may also be served in the Adult program. *However*, they must be a recipient of public assistance, a low-income individual, or are basic skills deficient, to be eligible for services on a priority basis.

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Veterans and Eligible Spouses (Categories 1 and 3)

Veterans - WIOA Sec. 3(63):

- The term “veteran” has the meaning given the term in section 101 of title 38, United States Code.
- The term “recently separated veteran” means any veteran who applies for participation under this Act within 48 months after the discharge or release from active military, naval, or air services.

TEGL 10-09:

- The term “**veteran**” means a person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable, as specified in 38 U.S.C. 101(2).
- Active service includes full-time Federal service in the National Guard or a Reserve component.
- This definition of “active service” does not include full-time duty performed strictly for training purposes (i.e., that which often is referred to as “weekend” or “annual” training), nor does it include full-time active duty performed by National Guard personnel who are mobilized by State rather than Federal authorities (State mobilizations usually occur in response to events such as natural disasters).

20 CFR 680.650: Veterans under WIOA receive priority of service in all DOL funded training programs.

Eligible Spouse - TEGL 10-09: The term “**eligible spouse**” means the spouse of any of the following:

- Any veteran who died of a service-connected disability;
- Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
 - Missing in action;
 - Captured in the line of duty by a hostile force; or
 - Forcibly detained or interned in the line of duty by a foreign government or power;
 - Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; or
 - Any veteran who died while a disability was in existence.
 - A spouse whose eligibility is derived from a living veteran or service member (i.e., categories b. or c. above) would lose his or her eligibility if the veteran or service member were to lose the status that is the basis for the eligibility (e.g. if a veteran with a total service-connected disability were to receive a revised disability rating at a lower level).
 - Similarly, for a spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service member.

Washington’s Marriage Equality Act ([RCW 26.60](#)) expands the definition of a “married couple” beyond that of a male and a female. The federal Respect for Marriage Act of 2022 (Public Law 117-228) further codified this expanded definition. Accordingly, with respect to this policy, the State and Federal definition of a married couple extends beyond that of a male and a female.

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Income that is not Counted - 20 CFR 680.650: For income-based eligibility determinations, amounts paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA-funded programs are not to be considered as income in accordance with 38 U.S.C. 4213 and 20 CFR 683.230. See also TEGL 3-15 (page 7).

20 CFR 683.230: When past income is an eligibility determinant for Federal employment or training programs, any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits must be disregarded for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination. This applies when determining if a person is a “low-income individual” for eligibility purposes (for example, WIOA youth).

Low Income (Categories 1 and 2)

Low income is not an eligibility criterion for the WIOA Adult program

WIOA Final Rule, Department’s response, pages 56113 and 56147: Rather, it is a statutory emphasis on providing individualized career services and training services to public assistance recipients, low-income individuals or individuals who are BSD.

Low Income Individual - WIOA Sec. 3(36)(A): In general, the term “low-income individual” means an individual who-

- i. Receives, or in the past six (6) months has received, or is a member of a family that is receiving or in the past six (6) months has received, assistance through:
 - o Food stamps; or
 - o TANF; or
 - o SSI; or
 - o State or local income-based public assistance (e.g., Washington State Medicaid or Special Supplemental Nutritional Programs for Women, Infants, and Children (WIC)); or
- ii. Is in a family with total family income that does not exceed the higher of-
 - o The poverty line, or
 - o 70 percent of the Lower Living Standard Income Level (LLSIL), located at <https://www.doleta.gov/llsil/> ; or
- iii. Is a homeless individual, or a homeless child or youth; or
- iv. Receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); or
- v. Is a foster child on behalf of whom State or local government payments are made; or
- vi. Is an individual with a disability whose own income meets the income requirement of clause (ii) (*i.e., the poverty line; or 70% of the Lower Living Standard Income Level (LLSIL)*) but who is a member of a family whose income does not meet this requirement.

WSS Policy 1019, Rev. 12:

- Unemployed individuals do not automatically meet local parameters regarding low-income.
- The intent is to prioritize services to individuals based on family income (low-income).

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- To determine whether an individual is low-income under the definition at WIOA Section 3(36), it is also necessary to consider family size and family income.

DETERMINING FAMILY SIZE

Family - 20 CFR 675.300 & WSS Policy 1019, Rev. 12:

- Two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:
- A married couple and dependent children,
- A parent or guardian and dependent children; or
- A married couple

Washington's Marriage Equality Act ([RCW 26.60](#)) expands the definition of a "married couple" beyond that of a male and a female. The federal Respect for Marriage Act of 2022 (Public Law 117-228) further codified this expanded definition. Accordingly, with respect to this policy, the State and Federal definition of a married couple extends beyond that of a male and a female.

INDIVIDUAL WITH A DISABILITY

WSS Policy 1019, Rev. 12:

- Based on 20 CFR 681.280, even if the family of a disabled individual does not meet the income eligibility criteria, the disabled individual may be considered a low-income individual if their income meets the income criteria of WIOA Section 3(36)(A) or 3(36)(B).
- Disabled individuals would be considered a family of one and only their income considered in determining low-income.

WIOA sec. 3(25):

- An individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42. U.S.C. 12102) means, with respect to an individual:
- A physical or mental impairment that substantially limits one or more major life activities of such individual;
- A record of such an impairment; or
- Being regarded as having such impairment.

DEPENDENT

20 CFR 681.250 Department's response, page 56167: When determining when a youth is a dependent, use the [IRS definition of dependent](#)

WSS Policy 1019, Rev. 12: WIOA does not define dependent. To avoid uncertainty in making eligibility decisions regarding family size and income, the State has identified three circumstances where youth must be considered dependents of parents or legal guardians for the purpose of determining family size for WIOA Title I youth and adult program eligibility:

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1. Youth not yet 18, who are not emancipated youth nor runaway youth, living “at home” with their parents or legal guardians, including individuals in the temporary care of another individual or household (but not claimed as a dependent by that household)
 2. Youth age 18-19 who are full-time students in a secondary school or equivalent and are living “at home” with their parents or legal guardians.
 3. Youth age 18-24 who are not full-time students and are living “at home” with their parents or legal guardians and who are primarily supported by their parents.
- If LWDBs choose to identify youth in circumstances 1 and 3 as *independent*, the definition must be made explicit in local procedures to eliminate any confusion for the purpose of determining family size when making eligibility determinations for the WIOA Title I youth and adult programs.
 - LWDBs have the authority to develop additional criteria consistent with state and federal guidance to help staff determine family size and income for the purpose of determining WIOA Title I youth and adult program eligibility.

Basic Skills Deficient (Categories 1 and 2)

Applies to WIOA Adult program participants enrolled in Priority of Service Categories 1 and 2.

BSD Scores- WSS Policy 1011, Rev. 6: Basic Skills Deficiency is denoted by a CASAS score of 238 or below in reading or 235 or below in math.

Definitions - WIOA Sec. 3(5)(b): A youth or adult who is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society.

WIOA Final Rule, Department’s response, page 56113:

- An individual who lacks a secondary diploma or HSE may qualify based on this standard.

WIOA Final Rule, Department’s response, page 56148:

- States and Local WDBs have flexibility in determining when an individual meets this definition.

English Language Learner (ELL)- WSS Policy 1011, Rev. 6: Individuals who are English Language Learners meet the criteria for BSD and must be included in the priority populations for the Title I Adult program.

Accommodation Requirement - 20 CFR 681.290 (c): In assessing basic skills, local programs must use assessment instruments that are valid and appropriate for the target population, and must provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities.

Required Assessment Tool – CASAS - WSS Policy 1011, Rev. 6:

- ESD has approved CASAS tests as the only standard tools to determine BSD used for program enrollment.
- The Appraisal test must be given first (prior to the pre-test) to determine the appropriate level and form of the pre-test to be used.

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- The CASAS appraisal test cannot be used in lieu of the CASAS pre-test to determine BSD.
- When using the e-test format (called Locator), administration of CASAS to determine BSD is completed in one-step.
- Pre-tests determine BSD and EFL

Documentation Requirements - WSS Policy 1003, Rev. 6: Self-attestation is not acceptable for validating BSD.

WSS Policy 1011, Rev. 6:

BSD must be documented in the ETO WIOA Eligibility Application:

1. On the “Barriers” tab of the WIOA Eligibility Application, click the “yes” radio button for Basic Literacy Skills Deficiency.
2. On the dropdown list for BSD Verification, choose “Standardized Assessment Test”
3. Go to the “Notes” tab of the WIOA Eligibility Application and document the date of the test, score(s), name of the person or entity administering the test and any other supporting details.

Note: Staff must not upload into the case management system or retain in hard files any CASAS document(s) that contain test questions or other sensitive testing information.

Other Priority of Service (Optional Category 4 or More)

TEGL 19-16 and WSS Policy 1019, Rev. 12: Priority requirements for the WIOA Adult Program are as follows:

1. Covered persons (veterans and eligible spouses) who are low income, recipients of public assistance, **or** basic skills deficient.
2. Individuals (non-covered persons) who are low-income, recipients of public assistance, **or** basic skills deficient.
3. Covered persons (veterans and eligible spouses) who are not low income and not basic skills deficient.
4. (Optional) LWDBs may establish additional priority groups for priority of services beyond minimum adult eligibility

Washington’s Marriage Equality Act ([RCW 26.60](#)) expands the definition of a “married couple” beyond that of a male and a female. The federal Respect for Marriage Act of 2022 (Public Law 117-228) further codified this expanded definition. Accordingly, with respect to this policy, the State and Federal definition of a married couple extends beyond that of a male and a female.

20 CFR 680.600:

(a)WIOA sec. 134(c)(3)(E) states that priority for individualized career services and training services must be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient.

(c)The priority established under paragraph (a) of this section does not necessarily mean that these services only may be provided to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. The LWDB and the Governor may establish a process that also gives priority to other individuals eligible to receive such services, provided that it is consistent with priority of service for veterans and the priority provisions of WIOA sec. 134(c)(3)(E).

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WIOA DISLOCATED WORKER ELIGIBILITY

- Legally entitled to work in the U.S.;
- Selective Service Registration, for males who are 18 or older and born on or after January 1, 1960; and
- One of the DW categories listed below in the Dislocated Worker Definition.

Dislocated Worker Definition

WIOA Sec. 3(15): The term “*dislocated worker*” means an individual who-

(A): has been terminated or laid off, or who has received a notice of termination or layoff, from employment;

- is eligible for or has exhausted entitlement to unemployment compensation; or
- has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 121(e), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and
- is unlikely to return to a previous industry or occupation;

(B): has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise;

- is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or
- for purposes of eligibility to receive services other than training services described in section 134(c)(3), career services described in section 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;

(C): was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;

(D): is a displaced homemaker; or

(E): is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of Title 10, United States Code), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or

- is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in paragraph (16)(B).

Displaced Homemaker Definition - WIOA Sec. 3(16): The term “*displaced homemaker*” means an individual who has been providing unpaid services to family members in the home and who:

(A): has been dependent on the income of another family member but is no longer supported by that income; or

- is the dependent spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of Title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of Title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of Title 10, United States Code, a permanent change of station, or the service-

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connected (as defined in section 101(16) of Title 38, United States Code) death or disability of the member; and

(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Underemployed Definition - TEGL 19-16 & WSS Policy 1019, Rev. 12: The State allows under-employed workers to qualify for the WIOA Title I Dislocated Worker program if they have been dislocated from full-time employment and meet one of the following eligibility criteria:

- Employed less than full-time but actively seeking full-time employment;
- Employed in a position that is inadequate with respect to their documented skills and training;
- Employed but meet the definition of “low-income” in WIOA Sec. 3(36); and
- Employed but current earnings are insufficient compared to earnings from previous employment.

Legally Entitled to Work in the U.S.

20 CFR 683.285(5): Participation in programs and activities receiving funds under Title I of WIOA must be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, Asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.

Social Security Number (SSN) not required for eligibility - TEGL 26-16: Eligibility to participate in any of the programs under WIOA is not contingent upon the individual providing a Social Security Number.

Requesting SSN and Providing Services – WSS Policy 1036:

- Organizations that provide services to individuals under Title I and III of WIOA must request SSNs from those individuals because matching SSNs against quarterly UI wage records remains the most timely, effective and accurate way to ensure that performance data is available to the one-stop system and WIOA statutes direct states to use UI wage records for this purpose.
- Those same organizations, however, cannot require individuals to provide SSNs as a condition of program participation or receipt of services. Eligible individuals who do not provide SSNs must be provided all categories and types of services for which they qualify, subject to priority of service and resource availability considerations that otherwise apply to all eligible individuals.
- Exception: DOL has stated that U.S. IRS rules take precedence over WIOA rules. Therefore, per this WIN, individuals who do not want to provide their SSN must decide whether or not to continue to withhold that information when the service would require reporting income and wages to IRS. If those individuals choose to continue to withhold their SSN, LWDBs and their service providers may subsequently withhold those specific services.
- Services and case notes connected to individuals who do not provide SSNs must be recorded and tracked in WIT. Procedures are outlined in the WIT SSN Procedure Guide.
- Service provider staff must explain to participants who receive services without providing SSN that they and possibly their future employers will be contacted in the future and asked about their employment and earnings outcomes.
- To that end staff must ensure that full and extensive contact information is collected from such participants (primary and secondary phone numbers, e-mail addresses mailing addresses, including the same for alternative and secondary contacts) and instruct such participants to provide updated

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contact information if anything changes. In following up with participants, staff should contact them as close as possible to the end of the second and fourth quarters after exit.

LIST OF I-9 ACCEPTABLE DOCUMENTS

Homeland Security at <http://www.uscis.gov/i-9-central/acceptable-documents/list-documents>

List A	<i>OR</i>	List B	<i>AND</i>	List C
Documents that Establish <u>Both Identity and Employment Authorization</u>		Documents that Establish <u>Identity</u>		Documents that Establish <u>Employment Authorization</u>
7. U.S. Passport or U.S. Passport Card 8. Permanent Resident Card or Alien Registration Receipt Card (Form I-551). Signatures not required. 9. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa 10. Employment Authorization Document that contains a photograph (Form I-766) 11. Foreign passport with Form I-94 or Form I-94A, Arrival/Departure Report bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status that authorizes such alien to work for a specific employer. 12. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI.		6. Driver's license or ID card 7. School ID card with Photograph 8. Voter's registration card 9. U.S. Military card or draft record 10. Military dependent's card 6. U.S. Coast Guard Merchant Mariner Card 7. Native American tribal document 8. Driver's license issued by Canadian government authority For persons under age 18 who are unable to present a document listed above: 9. School record or report card 10. Clinic, doctor or hospital record 11. Day-care or nursery school record		3. *Social Security Card. A card that includes any of the following restrictive wording <u>IS NOT ACCEPTABLE</u> for List C documents: <ul style="list-style-type: none"> • NOT VALID FOR EMPLOYMENT; • VALID FOR WORK ONLY WITH INS AUTHORIZATION; or • VALID FOR WORK ONLY WITH DHS AUTHORIZATION Note: According to the U.S. Citizenship and Immigration Services, <u>you may accept a Social Security card that has not been signed.</u> 4. Certification of Birth Abroad issued by the Department of State (Form FS-545) 3. Original or certified copy of birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal. 4. Native American tribal documents 5. U.S. Citizen ID Card (Form I-197) 6. Identification Card for Use of Resident Citizen in the United States (Form I-179) 7. Employment authorization document issued by DHS.

WSS Policy 1019, Rev. 12:

- LWDBs are required to verify U.S. citizenship or legal right to work for all WIOA Title I programs.

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- Self-attestation is the minimum documentation requirement, but LWDBs may choose to require commonly used I-9 documentation such as driver's license or ID cards along with Social Security cards.
- Other documentation may only be used to supplement self-attestation or accepted I-9 documentation.

Selective Service Registration

Selective Service System Website: <https://www.sss.gov/>

Selective Service Registration Requirements - TEGL 11-11, Change 2

Men born on or after January 1, 1960, are required to register with Selective Service within 30 days of their 18th birthday (i.e. 30 days

before or 30 days after their birthday.) This includes males who are:

- Citizens of the U.S.;
- Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees, who take up residency in the U.S. before their 26th birthday; and/or
- Dual nationals of the U.S. and another country regardless of whether they live in the U.S.

For U.S. citizens, Selective Service registration is **not** required if the man falls within one of the following categories:

- Men who are serving in the military on full-time active duty;
- Men attending the service academies;
- Disabled men who are continually confined to a residence, hospital or institution; and/or
- Men who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday.

For non-U.S. citizens, Selective Service registration is not required if the man falls within one of the following categories:

- Non-U.S. male who came into this country for the first time after his 26th birthday.
Acceptable forms of supporting documentation include:
 1. Date of entry stamp in his passport;
 2. I-94 with date of entry stamp on it; or
 3. Letter from the U.S. Citizenship and Immigration Services (USCIS) indicating the date the man entered the United States presented in conjunction with documentation establishing the individual's age.
- Non-U.S. male who entered the U.S. illegally after his 26th birthday. He must provide proof that he was not living in the U.S. from age 18 through 25.
- Non-U.S. male on a valid non-immigrant visa.

Transgender / Non-Binary Person - <https://www.sss.gov/faq/#who-needs-to-register>

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Selective Service bases the registration requirement on gender assigned at birth and not on gender identity or on gender reassignment. Individuals who are born male and changed their gender to female *are still required to register*. Individuals who are born female and changed their gender to male are not required to register.

Requirement to Register - WSS Policy 1019, Rev. 12:

To be eligible to receive WIOA Title I-funded services, all males born on or after January 1, 1960, must present documentation showing compliance with the Selective Service registration.

Males 25 Years and Under:

- Before being enrolled in WIOA Title I services, all males who have not yet reached their 26th birthday must register with the Selective Service or provide documentation indicating they are covered by an exception.
- Males turning 18 while participating in WIOA Title I services must complete their Selective Service registration no later than 30 days after turning 18 to continue to receive WIOA Title I services.
- Males between 18 and 25 years of age who refuse to register with the Selective Service must be suspended from WIOA Title I services until registered.
- If a youth fails to provide verification of Selective Service registration within 30 days of his 18th birthday, services must be suspended (i.e. on the 31st day after his 18th birthday).
- LWDBs must stop providing services to participants who have not met Selective Service registration requirements until the requirements are met.
- These requirements apply to transgender females. Selective Service registration requirements are based on the gender assigned at birth and not on gender identity or gender reassignment. Individuals who are born male and change their gender identity or assignment to female are required to register. Individuals who are born female and change their gender identity or assignment to male are not required to register.

Males 26 Years and Older:

- Before enrolling in WIOA Title I services, all males 26 years of age or older must provide:
- Documentation of compliance with Selective Service registration requirements;
- Documentation showing that they were not required to register; or
- If they were required to register but did not, documentation establishing that their failure to register was not knowing and willful, as determined by the LWDB (see TEGL 11-11, Change 2 for guidance)

Determining Knowing and Willful Failure to Register - WSS Policy 1019, Rev. 12:

TEGL 11-11, Change 2 provides LWDBs with detailed information about the Selective Service System (SSS) process to which they, as authorized organizations, can refer applicants to request Status Information Letters

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(SIL) that address whether or not their failure to register was knowing and willful. SIL, if they favor applicants, are the most definitive documents proving the failure to register was not knowing and willful.

The intent of the TEGl is to also provide a framework for LWDBs to develop local policies and procedures consistent with SSS requirements to determine whether or not an applicant's failure to register was knowing and willful through a recommended set of questions, individual statements and relevant evidentiary documentation (i.e., documentation that establishes through a preponderance of evidence that the reason for not registering was not knowing and willful).

Because circumstances will vary and need to be considered on a case-by-case basis, there is not an exhaustive list of acceptable evidence, but the SSS provides guidance in TEGl 11-11 Change 2, through the Status Information Letter process and form described on the SSS website, and through a table that can be found at this [link](#). Individuals should be encouraged to offer as much evidence and in as much detail as possible to support their case. If LWDBs determine that an individual's failure to register was not knowing and willful and the individual is otherwise eligible, services may be provided. If LWDBs determine that the evidence shows an individual's failure to register was knowing and willful, services must be denied. Individuals denied services must be advised of available WIOA grievance procedures. LWDBs must keep documentation related to evidence presented in determinations related to Selective Service.

Individuals exempt from Selective Service registration - WSS Policy 1019, Rev. 12:

- Males on current non-immigrant visas as long as they remain on valid visas up until they turn 26. The list of supporting documentation can be found [here](#).
- Male nationals or citizens of the Republic of the Marshall Islands, the Federated States of Micronesia, or Palau who reside in the U.S. for less than one year (non-habitual) under any status or are in the U.S. as employees of the government of their homeland or as students who entered the U.S. for the purpose of full-time studies as long as they maintain that status.
- Males who were neither citizens nor residents of the United States from 30 days before they turned 18 through the age of 25.
- Hospitalized or incarcerated males who can prove they were continuously institutionalized or confined from 30 days before they turned 18 through the age of 25.
- Males serving in the military on full-time active duty if they served continuously from age 18 to through age 25.
- Males attending U.S. military service academies.
- Transgender males (born females but identify as or transitioned to males).

The [Status Information Letter](#) process and form noted in TEGl 11-11, Change 2, cites documentation requirements for several registration exemption categories, as does the table found at this [link](#).

Self-Attestation – WSS Policy 1003, Rev. 6

Under WorkSource System Policy 1023, Revision 1, local areas formally implementing Integrated Service Delivery with co-enrollment can utilize self-attestation to document that participants are 18 years of age or

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older, are legally entitled to work in the U.S., and have registered for Selective Service (as applicable) for the purposes of eligibility determinations for the WIOA Title I adult and dislocated worker programs so long as those individuals are provided basic career services only. If those participants subsequently pursue individualized career services or training services, full eligibility documentation is required.

General Dislocation (Category 1)

WSS Policy 1019, Rev. 12:

An individual who was terminated, laid off, or received a notice of termination or layoff,

AND

Is determined unlikely to return to previous industry or occupation (*as defined by LWDB policy*),

AND

Is eligible for or has exhausted entitlement to unemployment compensation;

OR

Is not eligible for unemployment compensation but can show attachment to the workforce of sufficient duration.

Military Service Members and Spouses of Dislocated Military Service members have been included as individual categories (below) to allow for specificity, though it is commonly understood that these categories fall under the *General Dislocation* category.

UI Good Cause Voluntary Quits

Individuals can qualify under Category 1 (General Dislocation) **if they file and are approved** for Unemployment Insurance (UI) benefits after having been determined by the Employment Security Department (ESD) as having voluntarily left employment due to no fault of their own for one of the following good cause reasons (RCW 50.20.050; WAC 192-150, et al):

- Illness or disability of the claimant or death, illness, or disability of an immediate family member.
- Relocate to follow spouse's or registered domestic partner's employment.
- Need to protect the claimant or immediate family member from domestic violence or stalking.
- Usual hours, compensation, or benefits are reduced by 25 percent or more.
- Involuntary change in work site or location (no minimum distance or mile threshold).
- Work site safety has deteriorated.
- Illegal activities at work site
- Usual work changed to work that violates religious or moral beliefs.
- Left part-time work to accept full-time job that was eliminated without prior knowledge.

Under these circumstances, claimants have satisfied criteria 1.1. **because ESD recognizes them as terminated** even though they, rather than their employers, are the moving party. Such individuals must also be determined unlikely to be return to the industry or occupation they left for a UI good cause voluntarily quit reason (criteria 1.2). Finally, they must satisfy criteria 1.3.1 (*1.3.2 is not an option*) by documenting their status as having been determined eligible for or exhausted UI benefits as *good cause voluntary quits are inseparably tied to UI and documented through separation determination letters provided by the Employment Security Department or, if that is not available, other documentation in the form of UI correspondence from the Employment Security Department.*

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Use of Unemployment Insurance Self-Service (eServices) Web Site: WorkSource Information Notice (WIN) 0027, Change 4 provides information on the use of data accessible to Unemployment Insurance (UI) claimants through the Unemployment Insurance Self-Service web site to secure information that can assist in determining Dislocated Worker program eligibility. Staff can use printouts of UI information provided by UI claimants who have Secure Access Washington (SAW) accounts that allow them to access, view and print their on-line UI claim information.

Plant Closure / Substantial Layoff (Category 2)

WSS Policy 1019, Rev. 12:

An individual who was terminated, laid off, or received a notice of layoff from employment at a plant, facility, or enterprise as a result of a permanent closure or substantial layoff;

OR

An individual employed at a facility at which the employer has made a general announcement that the facility will close within 180 days.

Self-Employed (Category 3)

WSS Policy 1019, Rev. 12:

Was self-employed (including employment as a farmer, rancher or fisherman), but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.

Displaced Homemaker (Category 4)

WSS Policy 1019, Rev. 12:

An individual who was dependent on the income of another family member and is no longer supported by the income of that family member;

OR

Is the dependent spouse of a member of the armed forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty, or a service-connected death or disability of the member.

AND

Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

WSS Policy 1019, Rev. 12: Military spouses can be served as dislocated workers if they meet the definitional requirements for *displaced homemakers* at WIOA Section 3(15)(A)(ii).

Washington's Marriage Equality Act ([RCW 26.60](#)) expands the definition of a "married couple" beyond that of a male and a female. The federal Respect for Marriage Act of 2022 (Public Law 117-228) further codified this expanded definition. Accordingly, with respect to this policy, the State and Federal definition of a married couple extends beyond that of a male and a female.

TEGL 26-13:

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- Individuals cannot cite long-term partners to whom they were not married as family members.
- Individuals can cite adult children upon whom they were financially dependent as family members so long as it is appropriately documented.

WSS Policy 1003, Rev. 6: *Date of Dislocation does not apply to Displaced Homemaker.*

Dislocated / Separating Military Service Members (Category 5)

20 CFR 680.660: If the separating service member is separating from the Armed Forces with a discharge that is anything *other than dishonorable*, the separating service member qualifies for dislocated worker activities based on the following criteria:

- (a) The separating service member has received a notice of separation, a DD-214 from the Department of Defense, or other documentation showing a separation or imminent separation from the Armed Forces to satisfy the termination or layoff part of the dislocated worker eligibility criteria in WIOA sec. 3(15)(A)(i);
- (b) The separating service member qualifies for the dislocated worker eligibility criteria on eligibility for or exhaustion of unemployment compensation in WIOA sec. 3(15)(A)(ii)(I) or (II); and,
- (c) As a separating service member, the individual meets the dislocated worker eligibility criteria that the individual is unlikely to return to a previous industry or occupation in WIOA sec. 3(15)(A)(iii).

WSS Policy 1019, Rev. 12:

- A non-retiree military service member who was discharged or released from service under other than dishonorable or has received a notice of military separation (defined by LWDB).
- Separating military service members automatically qualify as unlikely to return to a previous industry or occupation and as eligible for or exhausted entitlement to UI.
- This category includes National Guard or Reserve members who have been discharged from active-duty service, but not from other reserve commitments such as training.
- While still active, transitioning military service members may qualify for DW services, they would not be considered “veterans” for DOL reporting.
- Retirement orders do not qualify as “terminated” or “laid off”.
- Length of service to qualify an individual for such discharges or separations under WIOA guidance may be as few as one day of service.
- Qualified individuals can receive services up to twelve (12) months prior to discharge.

Military Spouse (Category 6)

TEGL 22-04 & WSS Policy 1019, Rev. 12: The term “military spouse” includes individuals who are:

- Married to active-duty service members (including National Guard or Reserve personnel on active duty) and,
- Surviving spouses of active-duty service members who lost their lives while on active duty service in combat-related areas.

WSS Policy 1019, Rev. 12:

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- When the spouse is unable to continue an employment relationship due to the service member's permanent change of military station, or the military spouse loses employment as a result of the spouse's discharge from the military, then the separation from employment meets the termination component of the WIOA definition of Dislocated Worker.
- Eligibility determinations must align with UI policy regarding "good cause" for voluntary quits.

Below are two common scenarios that would qualify:

The spouse of a member of the armed forces on active duty, and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member;

OR

The spouse of a member of the armed forces on active duty and who is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

- Good cause is not found when claimants quit work to relocate someplace other than their military spouse's or domestic partner's new duty location, including relocation to the home of record or elsewhere.
- In most cases, military spouses impacted by a service member's duty reassignment or discharge will meet the "unlikely to return to a previous industry or occupation" criterion under WIOA and could be served as dislocated workers.

TEGL 19-16: Military spouses may qualify if they are a dependent spouse of a member of the Armed Forces on active duty whose family income is significantly reduced, as determined by the State or local area, because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the service member.

Washington's Marriage Equality Act ([RCW 26.60](#)) expands the definition of a "married couple" beyond that of a male and a female. The federal Respect for Marriage Act of 2022 (Public Law 117-228) further codified this expanded definition. Accordingly, with respect to this policy, the State and Federal definition of a married couple extends beyond that of a male and a female.

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Date of Actual Dislocation

WSS Policy 1003, Rev. 6:

- Date must include month, day and year
- Date of Dislocation does not apply to Displaced Homemaker. (Do not record a date of dislocation for Displaced *Homemakers in MIS.*)

Under-Employed Workers

WSS Policy 1019, Rev. 12:

Per Section 11 of TEGL 19-16, the State allows under-employed workers to qualify for the WIOA Title I Dislocated Worker program if they have been dislocated from full-time employment and meet one of the following eligibility criteria:

- Employed less than full-time but actively seeking full-time employment, or
- Employed in a position that is inadequate with respect to documented skills and training, or
- Employed but meet the definition of “low-income” in WIOA Section 3(36), or
- Note: Underemployed workers also qualify for the WIOA Title I Adult Program, while those who meet the “low income” definition also receive priority of service.
- Employed but current earnings are insufficient compared to earnings from previous employment (See Self-Sufficiency Policy Requirement, below)

Stop-Gap Employment

WSS Policy 1019, Rev. 12:

- An otherwise eligible dislocated worker remains eligible if either prior to or during DW participation, stop-gap employment is obtained for the purpose of income maintenance.
- Stop-Gap Employment is temporary work an individual accepts only because they have been laid off from the customary work for which their training, experience or work history qualifies them.
- Stop-gap employment must be temporary in nature with the intent to end employment upon completion of training, obtaining self-sufficient employment or as specified in the individual employment plan (IEP).
- Typically, stop-gap employment will pay less than the individual’s wage of self-sufficiency (as defined by the LWDB).
- However, there may be specific circumstances (determined locally based on local criteria) where stop-gap employment does provide a sufficient wage temporarily but is not considered permanent employment that leads to self-sufficiency. This stop-gap employment would not change the individual’s dislocated worker status if it meets the LWDB’s criteria.

Dislocation from Stop-Gap Employment - WSS Policy 1019, Rev. 12: If dislocation from a stop-gap position occurs, the job of dislocation remains the original job that established the self-sufficient income. If, at any time, an individual obtains employment that meets LWDBs’ definition of self-sufficiency, including a scenario where the employment period exceeds LWDB-established criteria for temporary employment, then that position would be considered the self-sufficient job of dislocation in the event of a future dislocation.

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Definition of Long Term Unemployed for NDWGs

Definition of Long Term Unemployed for National Dislocated Worker Grants - WSS Policy 1019, Rev. 12: For National Dislocated Worker Grants (NDWG) that do not define Long-Term Unemployed and direct States to define the term, Washington defines them as individuals legally entitled to work in the U.S. and of legal working age who are looking for a job, available for work, and:

- a. Have never been employed (i.e., no prior attachment to either an employer or self-employment);
- b. Have dropped out of the labor force, but desire to return (e.g., discouraged workers – who were not actively looking for work because they did not think they could find work; individuals who took time off to raise a child or care for another family member; individuals who took time off to further their education;
- c. Have regular or frequent spells of unemployment (i.e., seasonal or sporadic attachment to work);
- d. Are determined ineligible for WIOA Title I Dislocated Worker programs but unemployed for 13 or more weeks;
- e. Are under-employed (i.e., working part-time out of necessity but desirous of full-time work; working full-time but wages or working conditions are unsuitable);
- f. Are ex-offenders who are unemployed after incarceration;
- g. Are currently incarcerated offenders within one year of release;
- h. Are individuals who suffered an on-the-job injury, non-work-related injury or illness, were institutionalized, or were victims of a crime and have been out of work as a result; or
- i. Are active-duty service members (or spouses) who face involuntary, other than dishonorable, discharge from the military.

Note: The minimum source documentation requirement for Long-Term Unemployed eligibility is written self-attestation.

PROGRAM ENROLLMENT

Date of Program Entry, Participation

Participant - 20 CFR 680.110(a):

- Registration is the process for collecting information to support a determination of eligibility.
- Individuals are considered participants when they have received a WIOA service other than self-service or information-only activities and have satisfied all applicable programmatic requirements for the provision of services, such as eligibility determination.
- Adults who receive services funded under Title I other than self-service or information-only activities must be registered and must be a participant.

TEGL 19-16:

- In the WIOA Title I Adult and Dislocated Worker programs, in order to become a participant, an individual must meet all applicable program requirements to receive services, such as being

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determined eligible and have received a service other than self-service or accessed information-only services or activities.

- It is important to note that the receipt of one or more services that would trigger participation means that a person is considered a participant and therefore should be included in the performance accountability measures reported through the Annual Statewide Performance Reports.
- ETA notes that individuals may receive virtual services and virtual career planning that demonstrates sufficient interaction or engagement with the system to be considered participants.

WSS Policy 1020, Rev. 2 Handbook: For adults, the date of participation is the date when a participation-level service is delivered.

Participant (Title I Adult and Dislocated Worker) - A reportable individual who has satisfied all applicable programmatic requirements for the provision of individualized or training services, per TEGL 10-16 Change 3, page 32-34. Notes: Eligibility must be determined before staff provide participation-level services (other than self-service or information-only), per TEGL 10-16 Change 3, page 32, and supportive services do not trigger or extend participation for Adults or Dislocated Workers.

TEGL 10-16, Change 3: Receipt of any training services or individualized career services makes a reportable individual a participant. For basic career services, a reportable individual becomes a participant when he or she receives a service that is neither self-service nor information-only. See the chart in [Attachment VII](#), Table A, which lists types of services received; identifies those services as basic career services, individualized career services, or training services; and states whether each type of service triggers inclusion in participation for the title I Adult and Dislocated Worker programs and for the title III Employment Service program.

Reportable Individual vs Participant - WIOA Joint Rule, Departments' Responses - Page 55823: "the difference between "reportable individual" and "participant" is the point when a reportable individual uses services other than those identified in 677.150(a)(3). ***See "Performance Indicators" section of this tool for more information

WSS Policy 1023, Rev. 1 – Co-enrolled Integrated Service Delivery Policy and Operations Manual Handbook:

- The job seeker is counted in the service pool when a qualifying service is recorded and linked to an Active Program Enrollment.
- All services must be linked to an Active Program Enrollment.

Services that Trigger Participation - TEGL 19-16, Attachment II

Initial Assessment	Staff-assisted career counseling
Staff-assisted job search assistance	Assistance establishing eligibility for financial aid
Development of an IEP	Comprehensive and specialized assessments
Individual counseling	Group counseling
Career planning	Short-term prevocational services
Workforce preparation activities	Internships and work experiences (including transitional jobs)

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Financial literacy services	Out-of-area job search assistance and relocation assistance
Training services except incumbent worker training	English-language acquisition and integrated education and training programs
Staff-assisted placement assistance (includes "Referred to Employment")	Provision of information and meaningful assistance filing for UI

Concurrent Program Enrollment

Integrated Service Delivery (ISD) - WSS Policy 1023, Rev. 1: Local areas practicing co-enrolled ISD must establish local policies/guidance that:

- Identify which services in the local area require full Title1 program eligibility,
- Whether any individualized career services cited under WIOA Sec. 134(c)(2)(xii) will be categorized as basic career services because they are delivered in a group or workshop format, and
- Whether there are any supportive services that do not require full eligibility determination of job seekers.

WIOA Adult/WIOA Youth Co-enrollment - TEGL 19-16:

- WIOA creates an opportunity for the Adult program to work closely with the Youth program to ensure young adults receive the services they need to succeed in education and the workforce. Individuals aged 18-24 may be eligible for both the WIOA Youth and Adult programs and can be co-enrolled in the two programs. ETA encourages the WIOA Adult and Dislocated Worker programs, along with the Employment Services (ES) program, to coordinate closely with the WIOA Youth program to maximize flexibility and service delivery to eligible populations.
- Some examples where enhanced coordination could take place are as follows:
 - Referring 18-24-year-old individuals to the Title I Youth program if they need more intensive support around specific program elements described under WIOA sec. 129(c)(2).
 - Utilizing WIOA Adult formula program funded ITAs as part of a career pathway strategy for Youth program participants co-enrolled as adults or dislocated workers;
 - Utilizing work-based training opportunities for Youth program participants co-enrolled as adults or dislocated workers, as identified in their Individual Service Strategy (ISS) as part of a career pathway; and
 - Career pathway planning.

(Note: This is not an exhaustive list of ways to coordinate activities and service delivery but is meant to illustrate some of WIOA's flexibilities and services to improve educational and employment opportunities for participants.)

WIOA DW/TAA Co-enrollment - TEGL 19-16:

- Co-enrollment of workers as eligible for TAA in partnership with WIOA DW, allows for the timely provision of individualized career services and improves the effectiveness of the TAA program.

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- Strict deadlines must be met if individuals are to take full advantage of the Trade benefits available to TAA-certified workers. Since most “trade-impacted” workers meet DW eligibility criteria, these individuals should enter the one-stop delivery system immediately following the announcement of a layoff. Immediately beginning the process of needs and skills assessment improves TAA participation rates and allows individuals more time to consider all of the options available to them, even before these workers may become eligible for TAA. Once TAA eligibility has been established, all partner staff should continue to work together rather than use parallel processes that duplicate services.
- Co-enrolled TAA participants are not subjected to duplicative assessment for TAA and WIOA; duplicative job search benefits are prohibited.
- WIOA and TAA Program funds must be managed in a coordinated manner to best meet the needs of the workers while abiding by all applicable statutes, regulations and federal policies.
- Under certain circumstances, the costs of training may be shared, but such an arrangement must not authorize reimbursement from TAA funds of any training costs that were incurred before a participant was certified and determined individually eligible for TAA and that training was TAA-approved.
- The TAA Program will be the primary source of assistance to adversely affected workers covered by a certification and that to the extent adversely affected workers covered by a certification enrolled in the TAA Program require assistance or services not authorized under the TAA Program, or for which TAA Program funds are unavailable or insufficient (including for required employment and case management services), such assistance will be made available through the American Job Center network.
- TAA-certified workers may receive WIOA-funded training otherwise provided under TAA under limited circumstances. The most common circumstance is when a TAA petition has been filed by or on behalf of a group of workers, but a determination of group eligibility has not been made.
- In this case WIOA funding should be used for training in the short-term, until an affirmative decision is rendered after a completed TAA investigation and the state agency operating the TAA Program as an agent of the United States determines the worker’s individual eligibility and approves the training.
- In the event a negative decision is rendered, and the petition is denied, the worker can continue as a WIOA participant.
- Systems must be in place to seamlessly accommodate a change in the funding of training, as appropriate, after TAA program approval is obtained.
- Training may be modified by the TAA Program to allow a worker additional training under the TAA Program in order to meet retraining needs as indicated in individual reemployment plans. Such a participant may remain enrolled in WIOA and the TAA Program as the individual may need continued career and supportive services through WIOA.
- To effectuate this seamless service, the states should ensure that the six criteria for the approval of training under Trade, found at 20 CFR 617.22 are used for determining the appropriateness of training.
- Also note, under co-enrollment, training is a benefit available to TAA-certified adversely affected incumbent workers. See Section D.2. of TEGL No. 5-15, Change 1 for additional information regarding the training benefit for adversely affected incumbent workers.

WIOA Title I-B Policy 5617, Rev. 3: TAA participants must be co-enrolled in the WIOA Title I-B DW program, unless the participant declines. For TAA participants being served under the TAARA of 2015, co-enrollment would include Adversely Affected Incumbent Workers (AAIW) (see definition below). However, AAIW do not

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qualify under TAA Reversion 2021. Local Workforce Development Boards (LWDBs) must have policies for co-enrolling TAA participants into the WIOA Title I-B DW program.

Definitions - Adversely Affected Incumbent Workers (AAIW) - A worker who: (1) Is a member of a worker group certified as eligible to apply for the TAA program under subpart B of the TAA Final Rule; (2) has not been totally or partially separated from adversely affected employment; and (3) DOL determines, on an individual basis, is threatened with total or partial separation.

WIOA DW/WIOA Youth Co-enrollment - TEGL 19-16:

WIOA creates an opportunity for the Adult program to work closely with the Youth program to ensure young adults receive the services they need to succeed in education and the workforce. Individuals aged 18-24 may be eligible for both the WIOA Youth and Adult programs and can be co-enrolled in the two programs. ETA encourages the WIOA Adult and Dislocated Worker programs, along with the ES program, to coordinate closely with the WIOA Youth program to maximize flexibility and service delivery to eligible populations. Some examples where enhanced coordination could take place are as follows:

- Referring 18-24-year-old individuals to the Title I Youth program if they need more intensive support around specific program elements described under WIOA sec. 129(c)(2).
- Utilizing WIOA Adult formula program funded ITAs as part of a career pathway strategy for Youth program participants co-enrolled as adults or dislocated workers;
- Utilizing work-based training opportunities for Youth program participants co-enrolled as adults or dislocated workers, as identified in their Individual Service Strategy (ISS) as part of a career pathway; and
- Career pathway planning.

Note: This is not an exhaustive list of ways to coordinate activities and service delivery but is meant to illustrate some of WIOA's flexibilities and services to improve educational and employment opportunities for participants.

Determining Appropriate Services - TEGL 19-16:

- Local program operators may determine, for these individuals, the appropriate level and balance of services under the Youth and Adult programs.
- Such determinations regarding the appropriate program for the participant must be based on the service needs of the participant and if the participant is career-ready based on an assessment of his/her occupational skills, prior work experience, employability, and the participant's needs.
- An important difference to note here is that while receiving an assessment from the Adult, Dislocated Worker, or ES programs does trigger participation and inclusion in the performance accountability calculations for those programs, an objective assessment carried out under WIOA sec. 129(c)(1)(A) does not trigger participation in the Youth program.

Tracking of Funds - TEGL 19-16: Local program operators must identify and track the funding streams which pay the costs of services provided to individuals who are participating in Youth and Adult programs concurrently and ensure no duplication of services.

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Veteran Status at Participation

WIOA Sec. 3(63):

- (A) The term “veteran” has the meaning given the term in section 101 of title 38, United States Code.
- (B) The term “recently separated veteran” means any veteran who applies for participation under this Act within 48 months after the discharge or release from active military, naval, or air services.

38 U.S.C. 101: The term “veteran” means a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.

Priority of Service - 20 CFR 680.650: Veterans under WIOA receive priority of service in all DOL funded training programs.

Income not Counted- 20 CFR 680.650: For income-based eligibility determinations, amounts paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA-funded programs are not to be considered as income in accordance with 38 U.S.C. 4213 and 20 CFR 683.230. See also TEGL 3-15 (page 7).

20 CFR 683.230: When past income is an eligibility determinant for Federal employment or training programs, any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits must be disregarded for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination. This applies when determining if a person is a “low-income individual” for eligibility purposes (for example, WIOA youth).

Documentation Requirements - WSS Policy 1003, Rev. 6:

Source documentation beyond Self-Attestation for this element is only required at the point in which a decision is made to enroll a covered person over a non-covered person and commit financial resources, which does not include staff time. (Per TEGL 10-09, Section 9.)

Employment Status at Program Entry

Employment Status Definitions - Federal Register Vol. 80, No. 140:

- **Employed:** At program entry,
 - Is currently performing any work at all as a paid employee;
 - Is currently performing any work at all in his or her own business, profession, or farm;
 - Is currently performing any work as an unpaid worker in an enterprise operated by a member of the family, or
 - Is one who is not working, but currently has a job or business from which he or she is temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reason, whether or not paid by the employer for time-off, and whether or not seeking another job.
- **Employed, but Received Notice of Termination of Employment or Military Separation:** At program entry, is a person who, although employed, either
 - Has received a notice of termination of employment or the employer has issued a Worker Adjustment and Retraining Notification (WARN) or other notice that the facility or enterprise will close, or

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- Is a transitioning service member (i.e., within 12 months of separation or 24 months of retirement).
- **Not in the Labor Force:** At program entry, is not in the labor force (i.e., those who are not employed and are not actively looking for work, including those who are incarcerated).
- **Actively Seeking Employment:** At program entry is not employed but is seeking employment, makes specific effort to find a job, and is available for work.

Reporting - WIOA Joint Rule, Departments' response, page 55849: Employment status at enrollment does not impact performance indicators for employment during the 2nd and 4th quarters after exit.

SERVICES

Individual Employment Plan (IEP)

MIS – WIN 0077, Change 16; WorkSource Services Catalog:

Individualized, Development of IEP: Joint development of an individual employment plan between the participant and case manager to identify employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals, including eligible providers of training services and career pathways to attain career objectives.

Definition - 20 CFR 680.170:

- The IEP is an individualized career service that is developed jointly by the participant and career planner when determined appropriate by the one-stop operator or one-stop partner.
- The plan is an ongoing strategy to identify employment goals, achievement objectives, and an appropriate combination of services for the participant to achieve the employment goals.

Requirements - WIOA Final Rule, Department's response, pages 56116:

- The Department strongly encourages the use of IEPs as a tool in the career planning process.
- Determining when an IEP is appropriate for individuals is a local decision.
- The Department encourages Local WDBs to develop policies and procedures for the appropriate use of IEPs.

Reporting / Participation - TEGL 10-16, Change 3 Attachment VII, Table A: Development of an IEP triggers participation.

Supportive Services

MIS - WIN 0077, Change 16; WorkSource Services Catalog:

Program Support Services-Other (3.0)

- This service is used when the support services being provided does not fall into the transportation category.

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- This may include assistance with clothing, counseling, family/health care, housing, tools, union dues, driver's licenses, or car repairs, assistance with books, fees, and school supplies, and payments for employment and training-related applications, tests, and certifications.
- The purpose of support services is to offer a resource for participants who are actively engaged in job search, work activities or training. Support services should be provided based on the real and immediate needs of the participant.

Program Support Services-Transportation

- Support services to be provided to participants prior to job placement and exiting the program. Transportation support are goods in the form of transportation assistance. The purpose of support services is to offer a resource for participants who are actively engaged in job search, work activities or training. Support services should be provided based on the real and immediate needs of the participant.

Eligibility to Receive Supportive Services / *Must be an Active Participant*

20 CFR 680.910:

- (a) Supportive services may only be provided to individuals who are:
- (1) Participating in career or training services as defined in WIOA secs 134(c)(2) and (3); and
 - (2) Unable to obtain supportive services through other programs providing such services.
- (b) Supportive services may only be provided when they are necessary to enable individuals to participate in career services or training services.

TEGL 19-16:

- Supportive services (are only) available to any adult or dislocated worker participating in Title I career services or training activities that is unable to obtain supportive services through other programs providing such services.
- The supportive services must be necessary to enable the individual to participate in career services or training activities.
- Individuals identified as needing ongoing supportive services must still be participating in career services (other than follow-up), training activities, or both to continue to receive supportive services.

WIOA Title I-B Policy 5602, Rev. 5: All WIOA-enrolled adults, dislocated workers, and out-of-school and in-school youth are eligible for supportive services as defined in WIOA Section 3(59). The exception is NRPs, which are a form of supportive service available only to adults, dislocated workers, and out-of-school youth (OSY) ages 18-24 who are enrolled in training.

Accordingly, information regarding the availability of supportive services in the Workforce Development Area and referral to those services must be provided to adults, dislocated workers, and youth through the workforce delivery system.

Local Workforce Development Boards (LWDBs), in consultation with WorkSource partners and other community service providers, must establish:

- internal controls that result in equitable treatment;

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- documentation requirements; and
- assurance of coordination with other community resources

Limits may be placed on supportive services, including maximum amount of funding, length of time, and exceptions to the limits subject to availability of funds.

Notes: Per TEGL 19-16 supportive services cannot be provided as stand-alone Title I service for adults and dislocated workers. However, since supportive services do not trigger or extend participation for adults and dislocated workers there must be an accompanying Title I-funded career service to trigger a participation episode.

Per TEGL 21-16 supportive services can be provided to youth participants either during participation as Program Element 7 (Supportive Services) or after exit as a component of Program Element 9 (Follow-Up Services), though the former triggers and extends participation while the latter does not.

For appropriate supportive services during follow-up, see state WIOA Title I-B Policy 5620, Revision 1, Follow-Up Services for Adults and Dislocated Workers.

WSS Policy 1019, Rev. 12:

- Per TEGL 19-16 and WIOA Title I-B Policy 5602 Revision 5, supportive services can be provided to WIOA Title I adults and dislocated workers during participation subject to having also received a career or training service (i.e., supportive services cannot be the only service in a participant record) and after program completion as part of follow-up services.
- The supportive service can be recorded on or after the date of the career or training service and should include a case note explaining how the supportive service connects to a career or training service.

Disallowed Supportive Services - Food/Groceries

WSS Policy 1020, Rev. 2: Note: Food and groceries are prohibited as supportive services for adults as DOL has determined that they are beyond the scope of WIOA. However, Section 4.f.ii of TEGL 09-22 and the state's supportive services definition in WIOA Title I-B Policy 5602, Revision 5 allow food to be provided to Title I youth as a supportive service at a reasonable cost and on a limited basis and in certain situations if it assists or enables them to participate in allowable youth program activities and to reach their employment and training goals.

WIOA Title I-B Policy 5602, Rev. 5: DOL commented on page 56182 of the WIOA Final Rules that “groceries and on-site meals for program participants are beyond the scope of WIOA.” Further, neither TEGL 19-16 nor TEGL 21-16 include groceries, including food, on their respective listings of allowable supportive services. Though both guidance’s state that the lists are not exhaustive, DOL has opined that its Final Rule commentary represents an explicit prohibition, so groceries are therefore not an allowable supportive service for WIOA Title I adults, dislocated workers, or youth.

In 2020, DOL clarified that food may be purchased with Title I-B fund for eligible youth on a limited and reasonable basis if necessary to assist or enable them to participate in allowable youth program activities and reach their employment and training goals. However, Local Workforce Development Boards (LWDBs) must

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first coordinate the purchase of food for Title I-B youth with other community, state, or federal services that provide food to low-income individuals and document the coordination efforts undertaken. This includes pursuing food assistance available through the Supplemental Nutrition Assistance Program (SNAP), which is a required WIOA one-stop partner, as well as through local food banks and at-risk youth organizations whether or not they are partners in local one-stop systems.

During Follow-up & after Exit (Program Completion)

WIOA Title I-B Policy 5620, Rev. 1: Supportive Services during follow-up are allowable for Adult and Dislocated Workers that have completed the program to help them retain unsubsidized employment. Local Workforce Development Boards (LWDBs) must define what are considered to be appropriate follow-up services as well as appropriate supportive services during follow-up.

Types of Supportive Services

20 CFR 680.900 and TEGL 19-16: Supportive services are services that are necessary to enable an individual to participate in activities authorized under WIOA sec. 134(c)(2) and (3). These services *may include, but are not limited to*, the following:

Linkages to community services;	Assistance with transportation;
Assistance with childcare and dependent care;	Assistance with housing;
Needs-related payments;	Assistance with educational testing;
Referrals to health care;	Legal aid services;
Reasonable accommodations for youth with disabilities;	Assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear.
Assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes;	Payments and fees for employment and training-related applications, tests, and certifications.

Allowable Training Expenses as Supportive Services

WIOA Title I-B Policy 5602, Rev. 5: Allowable training expenses affiliated with training paid by programs other than WIOA Title I (such as Vocational Rehabilitation (VR), Trade Adjustment Assistance (TAA) or community and technical colleges through Worker Retraining (WRT)) can be funded by WIOA Title I as supportive services if:

- The participant is also eligible for and enrolled in a WIOA Title I program.
- A non-WIOA Title I program selected and is paying the tuition for the training.
- Costs for allowable training expenses are not covered by Pell, other financial aid programs or private scholarships.
- The WIOA Title I program, and case manager had no direct involvement in the process of selecting the training, which precludes the establishment of a WIOA-funded ITA.

Changing circumstances (e.g., ending scholarships or financial aid) may necessitate reassessment of funding sources and training providers by the case manager and the participant, which may result in consideration of an ITA. Per 20 CFR 680.300 and Section 7 of TEGL 19-16, an ITA is triggered through an intentional process

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between a WIOA Title I participant and the participant's WIOA Title I case manager. That process, which leads to the selection of a training provider eligible to receive WIOA Title I funds via an ITA, is a condition of establishing a WIOA-funded ITA. (See WIOA Title I Policy 5601, Revision 2, Individual Training Accounts).

Participation / Reporting

TEGL 19-16: Supportive services may not be used to extend the date of exit for performance accountability purposes. Supportive services, like follow-up services, do not make an individual a participant or extend participation.

WSS Policy 1020 Rev. 2, Handbook:

Per TEGL 10-16 Change 3, supportive services neither trigger participation nor extend the date of participation (i.e., extend exit) for participating adults and dislocated workers. A Title I-funded career or training service must therefore be taken to trigger a participation episode.

Per TEGL 19-16, recipients of Title I-funded supportive services must be Title I participants even if they only need a Title I-funded supportive service to successfully participate in training paid by non-Title I-funded service providers (e.g., TAA, state Worker Re-Training Program, Vocational Rehabilitation, Adult Education) that do not or are unable to provide supportive services. Because Training Paid by Others, like supportive services, does not trigger or extend participation, there must be an accompanying Title I-funded career or training service to trigger or extend participation to make the Title I-funded supportive service allowable when taken in conjunction with Training Paid by Others.

WSS Policy 1020 Rev. 2, Handbook:

- 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*.

WSS Policy 1023, Rev. 1 – All services must be linked to an Active Program Enrollment.

WSS Policy 1020 Rev. 2, Handbook:

- Services within the WorkSource Service 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.

Incentives

MIS - Incentives: WIOA Title I-B Policy 5621, Rev. 5: Incentive payments are not services but, rather, financial transactions. (There is no service to record an incentive in ETO.)

Incentive payments to WIOA Title I adult and dislocated worker participants are limited to achievement milestones directly tied to work experience and the following WIOA-recognized training services – occupational

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skills training, registered apprenticeship, on-the-job training, increased capacity training, customized training, and entrepreneurial training. Unlike Title I youth, this excludes incentive payments for attainment and retention of unsubsidized employment for adults and dislocated workers who complete work experience or training services.

Incentive Documentation Requirements

WIOA Title I-B Policy 5621, Rev. 5: Incentive payments must be justified and documented by service providers.

- Adult and Dislocated Worker program service providers must document (case note) in the case management system for each participant that receives an incentive payment(s) the WEX, or training milestone achieved along with the incentive amount paid for the achievement.
- Service providers must also internally maintain appropriate and identifiable expenditure records of incentive payments for the purpose of local, state, and federal monitoring and audits.

Needs-Related Payments

MIS - WIN 0077, Change 16; WorkSource Services Catalog:

Needs-Related Payments: Needs-Related Payments 3.0 Financial assistance (income support) to eligible adults and dislocated workers in training to enable them to participate in that training.

20 CFR 680.930: Needs-related payments provide financial assistance to participants for them to participate in training and are a supportive service.

TEGL 19-16:

- Needs-related payments are designed to provide a participant with financial assistance for the purpose of enabling them to participate in training services. ETA recognizes that many individuals in need of training services may not have the resources available to participate in the training.
- Needs-related payments can help individuals meet their non-training expenses and help them to complete training successfully.

Eligibility - WIOA Title I-B Policy 5602, Rev. 5: If these eligibility requirements are met, individuals may be awarded NRPs prior to the start date of training classes for the purpose of enabling them to participate in programs of employment and training services that begin within 30 calendar days. Local policies may extend the 30-day period to address appropriate circumstances.

Adults and OSY ages 18-24 must:

- Be unemployed;
- Not qualify for (or have ceased to qualify for) UI; and
- Be enrolled in a program of training services under WIOA Section 134(c)(3) for adults and WIOA Section 129(c)(2) for OSY ages 18-24.

Dislocated Workers must:

- Be unemployed;
- Have ceased to qualify for unemployment insurance or Trade Readjustment Allowances (TRA) under TAA;

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- Be enrolled in a program of training services under WIOA Section 134(c)(3), by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility as a dislocated worker; or, if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed six months; or
- Be unemployed and not qualified for unemployment insurance compensation or TRA.

Note: Dislocated workers enrolled in WIOA-funded training who are unemployed but receive payments as members of a reserve component of the U.S. armed services or the Washington National Guard for periods of duty of 72 consecutive hours or less are considered unemployed for purposes of NRP eligibility.

20 CFR 680.930: Unlike other supportive services, in order to qualify for needs-related payments, a participant must be enrolled in training.

WIOA Sec. 134(d)(3)(B): If participant has ceased to qualify for UI, individual must be enrolled in training services:

- By the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility for dislocated workers; or
- If later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months.

Maximum Allowances – WIOA Sec. 134(d)(3)(C): The level of a needs-related payment made to a dislocated worker shall not exceed the greater of-

- The applicable level of UI, or
- If such worker did not qualify for UI, an amount equal to the poverty line, for an equivalent period, which amount shall be adjusted to reflect changes in total family income.

TEGL 19-16: The maximum level of needs-related payments must be established by the Local WDB and must follow criteria at 20 CFR 680.970.

Payments - 20 CFR 680.960: Payments may be provided if the participant has been accepted in a training program that will begin within 30 calendar days. **20 CFR 680.970:** The payment level for adults must be established by the Local WDB.

Documentation Requirements - WIOA Title I-B Policy 5602, Rev. 5:

a) Each LWDB is required to specify in its local supportive services or NRPs policy how it will document the requirements for and payments from this program. b) Required documentation includes:

- A copy of a UI entitlement decision or confirmation of UI benefits being exhausted, if applicable;
- Evidence of participation in training, such as a copy of ITA(s) or attendance records for each period of training (quarter, semester, class, etc.);
- Signature by participants attesting to their understanding of NRPs requirements and instructions; and
- All eligibility determinations.

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Occupational Skills Training

MIS - WIN 0077, Change 16; WorkSource Services Catalog:

Training, Occupational Skills Training (2.0): An organized program of study for adults and dislocated workers that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels.

Eligibility - 20 CFR 680.210: Training services may be made available to employed and unemployed adults who:

- (a) A one-stop center or one-stop partner determines, after an interview, evaluation or assessment, and career planning, are:
 - 1) Unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services;
 - 2) In need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services;
 - 3) Have the skills and qualifications to participate successfully in training services;
- (b) Select a program of training services that is directly linked to the employment opportunities in the local area or the planning region, or in another area to which the individuals are willing to commute or relocate;
- (c) Are unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as State-funded training funds, TAA, and Federal Pell Grants, or require WIOA assistance in addition to other sources of grant assistance, including Pell Grants;
- (d) If training services are provided through the adult funding stream, are determined eligible in accordance with the State and local priority system in effect for adults under WIOA sec. 134(c)(3)(E) and 680.600.

20 CFR 680.220 and WSS Policy 1019 Rev. 10: (a) An individual must at a minimum receive either an interview, evaluation, or assessment, and career planning or any other method through which the one-stop operator or partner can obtain enough information to make an eligibility determination to be determined eligible for training services.

WIOA Final Rule, Department's responses Page 56120: The Department notes that training that leads to a "comparable wage" is allowed for individuals to receive training services.

Types of Training services

20 CFR 680.200: This list of training services is not all-inclusive and additional training services may be provided:

Occupational skills training	OJT
Incumbent worker training	Entrepreneurial training
Transitional jobs in accordance with 680.190 and 680.195	Programs that combine workplace training with related instruction
Skills upgrade and retraining	Training programs operated by the private sector
Job readiness training provided in combination with services listed in paragraphs (a) through (b) of this section	Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion

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*Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with training services listed in paragraphs (a) through (g) of this section

*Adult Education Definition, ETA 9172 (PIRL): If the participant received services under WIOA Title II defined as academic instruction and education services below the post-secondary level that increases an individual's ability to-

- i. Read, write, and speak in English and perform mathematics or other activities necessary for the attainment of a secondary school diploma or its recognized equivalent;
- ii. Transition to post-secondary education and training; and
- iii. Obtain employment

20 CFR 680.420: A program of training service is one or more courses or classes, or a structured regiment, that provides the services in 680.200 and leads to:

- a) An industry-recognized certificate or certification, a certificate of completion of a registered apprenticeship, a license recognized by the State involved or the Federal government, an associate or baccalaureate degree;
- b) Consistent with 680.350, a secondary school diploma or its equivalent;
- c) Employment; or
- d) Measurable skill gains toward a credential described in paragraph (a) or (b) of this section or employment.

WIOA Final Rule, Department's responses Page 56133: A "program of training" may involve one course or a course of fewer than 3 days in duration, if the course leads to one of the outcomes as described in the definition of a program of training services at 680.420.

WIOA Final Rule, Department's responses:

- **Page 56115:** The Department considers adult education and literacy activities that lead to a secondary school diploma to be a training service.
- **Page 56119:** The Department considers a program that leads to a secondary school diploma to be a training service.
- The Department considers digital literacy to be a pre-vocational service or a workforce preparation activity, both of which are considered to be *individualized career services* and not training services.

Training Selection Process - TEGL 19-16: The selection of training services should be conducted in a manner that maximizes customer choice, is linked to in-demand occupations, is informed by the performance of relevant training providers, and is coordinated to the extent possible with other sources of assistance, including Pell Grants.

Satisfactory Progress in Training - WIOA Title I-B Policy 5601, Rev. 2: LWDBs may want to require that participants demonstrate satisfactory progress in training, except for good cause (see Section 4 - Definitions), to access payments through their ITAs. If they do so, "satisfactory progress" should be defined by LWDB policy.

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Washington's Unemployment Insurance Training Benefits program has specific criteria for determining satisfactory progress for claimants (WAC 192-270-065) that may serve as a helpful example.

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

- a) Illness, injury or disability of the participant or a member of the participant's immediate family;
- b) Severe weather conditions or natural disaster precluding safe travel;
- c) Destruction of the participant's school records due to a natural disaster or other catastrophe not caused by the participant;
- d) Acting on advice received from an authority such as the training provider, instructor, or case manager;
- e) Training is delayed or cancelled;
- f) Accepting stop-gap employment with hours or other work conditions that conflict with the training;
- g) Accepting goal-related employment prior to completion of training.

Documentation Requirements - 20 CFR 680.220:

(b) The case file must contain a determination of need for training services as determined through the interview, evaluation, or assessment, and career planning informed by local labor market information and training provider performance information, or through any other career service received. There is no requirement that career services be provided as a condition to receive training services; however, if career services are not provided before training, the Local WDB must document the circumstances that justified its determination to provide training without first providing the services described in paragraph (a) of this section.

(c) There is no Federally required minimum time period for participation in career services before receiving training services.

Participation / Reporting Requirements - TEGL 10-16, Change 3 Attachment VII, Table A: All training services, except *Incumbent Worker Training*, trigger participation.

WSS Policy 1020 Rev. 2, Handbook:

- 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*.

WSS POLICY 1023, Rev. 1 – All services must be linked to an Active Program Enrollment.

WSS Policy 1020 Rev. 2, Handbook:

- Services within the WorkSource Service 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.

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“Training Paid by Other”, Guidance Received via email from ESD Data Integrity to ESD Monitoring on 3-6-18:

- If a WIOA participant is in non-WIOA funded training and recorded in MIS as “Training Paid by Other”, Measurable Skill Gains and Credential Earned performance indicators are not captured.
- In order for these two performance indicators to be captured, a WIOA funded training service must be recorded in MIS.
- Also, if the participant is co-enrolled in more than one WIOA funded program, and one of the WIOA program funds training, there is no need for the other program to record “Training Paid by Other”; the participant is entered into the Credential performance measure for all programs that were active during the participation episode.

WSS Policy 1003, Rev. 6 and ETA 9172 (PIRL):

Secondary Education:

- Record if the participant was enrolled in a Secondary Education Program at or above the 9th Grade level. A Secondary Education program includes both secondary school and enrollment in a program of study with instruction designed to lead to a high school equivalent credential. Examples may include adult high school credit programs and programs designed to prepare participants to pass recognized high school equivalency exams such as the GED, HISET, or TASC.
- Programs of study designed to teach English proficiency skills or literacy skills below the 9th grade equivalent are not considered Secondary Education Programs.
- States may use this coding value if the participant was either already enrolled in education or training at the time of application to the program OR became enrolled in an education or training program at or above the 9th Grade level at any point while participating in the program OR became enrolled in an education or training program at or above the 9th Grade level at any point while participating in the program.

Post-secondary Education: Record if the participant was in a post-secondary program that leads to a credential or degree from an accredited post-secondary education institution at program enrollment or at any point during program participation.

Date Enrolled:

- Record the date the participant was enrolled during program participation in an education or training program that leads to a recognized post-secondary credential, including a secondary education program, or training program that leads to employment as defined by the core program in which the participant participates whether at program enrollment or at any point while participating in the program.
- If the participant was enrolled in post-secondary education at program entry, the date in this field should be the date of Program Entry.
- This includes but is not limited to participation in Job Corps or Youth Build or Adult Education or secondary education programs.
- Note: This data element applies to the Measurable Skill Gains Indicator and specifically will be utilized to calculate the denominator.

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ETA 9172 (PIRL):

- Record the date on which the participant's first training service actually began.
- Record the date the participant completed during program participation an education or training program that leads to a recognized postsecondary credential, including a secondary education program, or training program that leads to employment as defined by the core program in which the participant participates.
- States may use this coding value if the participant was either already enrolled in education or training at the time of program entry or became enrolled in education or training at any point while participating in the program.
- If the participant was enrolled in postsecondary education at program entry, the date in this field should be after the date of Program Entry.
- This includes, but is not limited to participation in Job Corps, Youth Build, a Registered Apprenticeship program, Adult Education or secondary education programs.
- Note: This data element applies to the Measurable Skill Gains Indicator, and specifically will be utilized to calculate the denominator. It encompasses all education and training program enrollment.

CONSUMER CHOICE

Requirements - 20 CFR 680.340:

- (a) Training services, whether under ITAs or under contract, must be provided in a manner that maximizes informed consumer choice in selecting an eligible provider.
- (b) Each Local WDB, through the one-stop center, must make available to customers the State list of eligible training providers required in WIOA sec. 122(d).
- (c) An individual who has been determined eligible for training services under § 680.210 may select a provider described in paragraph (b) of this section after consultation with a career planner. Unless the program has exhausted training funds for the program year, the one-stop center must refer the individual to the selected provider and establish an ITA for the individual to pay for training. For purposes of this paragraph, a referral may be carried out by providing a voucher or certificate to the individual to obtain the training.
- (f) Consistent with paragraph (a) of this section, priority consideration must be given to programs that lead to recognized postsecondary credentials (defined at WIOA sec. 3(52)) that are aligned with in-demand industry sectors or occupations in the local area.

FINANCIAL AID; OTHER GRANT/PROGRAM ASSISTANCE

Requirements

20 CFR 680.230:

- (a) WIOA funding for training is limited to participants who:
 - Are unable to obtain grant assistance from other sources to pay the cost of their training; or
 - Require assistance beyond that available under grant assistance from other sources to pay the costs of such training.
 - In making the determination, one-stop centers may consider the full cost of participating in training services, including the cost of supportive services and other appropriate costs.

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(b) One-stop centers must consider the availability of other sources of grants to pay for training costs such as TANF, State-funded training funds (e.g., Worker Retraining, Work First, BFET), and Federal Pell Grants, so that WIOA funds supplement other sources of training grants.

(c) A WIOA participant may enroll in WIOA funded training while his/her application for a Pell Grant is pending as long as the one-stop center has made arrangements with the training provider and the WIOA participant regarding allocation of the Pell Grant, if it is subsequently awarded.

Coordination of WIOA Training Funds and Other Federal Assistance – WIOA Title I-B Policy 5601, Rev. 2:

- Local areas must consider the availability of other sources of grants, excluding loans, to pay for training costs so that WIOA funds are used to supplement but not supplant other sources.
- WIOA funds are intended to provide training services in instances when there is no grant assistance (or insufficient assistance) from other sources (i.e., TANF, BFET, Title IV Programs and State-funded grants) to pay for those costs.
- The use of WIOA funds to pay down a loan of an otherwise eligible participant is prohibited; however, the mere existence of a federal loan must not impact eligibility determinations.

Excluded - WIOA Final Rules, Department Response, page 56121 and TEGL 19-16: The Department notes that the Department of Veterans Affairs benefits for education and training services are not included in the category of “other sources of training grants” listed in sec. 680.230(b). Therefore, veterans and spouses are not required to first use any available benefit entitlements associated with their military service before being considered eligible for WIOA funded training, and one-stop centers are not required to consider the availability of those funds.

INDIVIDUAL TRAINING ACCOUNT (ITA)

TEGL 19-16: Training services, when determined appropriate, must be provided either through an Individual Training Account (ITA) or through a training contract discussed in Section 8 of this TEGL. Except in certain instances listed in WIOA sec. 122(h) and 20 CFR sec. 680.320, training services must be provided by an Eligible Training Provider (ETP) in accordance with WIOA sec. 122(d).

Definition - 20 CFR 680.300:

- The ITA is a payment agreement established on behalf of a participant with a training provider.
- WIOA Title I adult and dislocated workers purchase training services from State eligible training providers they select in consultation with the career planner, which includes discussion of program quality and performance information on the available eligible training providers.

Use of ITA Funds – WIOA Title I-B Policy 5601, Rev 2:

If an ITA has been established and the training is managed between the WIOA Title I case manager and the participant, those funds may be used to pay for allowable training-related expenses as well as tuition expenses.

If the training provider was selected by the WIOA Title I participant and the case manager, but the source of *payment* for training is Pell, other financial aid, or private scholarships, a WIOA-funded ITA **may be used** to pay allowable training costs not covered by those fund sources.

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A WIOA-funded ITA is **not** appropriate if the WIOA Title I case manager and program played no role in training provider selection and the participant's training is selected, funded, and directed by a program other than Title I, such as Vocational Rehabilitation (VR), Trade Adjustment Assistance (TAA), or community and technical colleges (Worker Retraining (WRT)). However, if such funding ends after training has started, a WIOA Title I-funded ITA may be initiated if that program is on the Eligible Training Provider (ETP) list.

In-demand Occupations - WIOA Title I-B Policy 5601, Rev 2: ITA funds must be directly linked to an in-demand industry sector or occupation in the local area, or in another area to which the individual is willing to relocate. Local boards may also approve training services for occupations determined by the local board to be in economic sectors that have high potential for sustained demand or growth in the local area.

DOL guidance is that registered apprenticeship programs are in-demand even if the labor market information may not list as "in-demand" the occupation for which the individual is apprenticed because registered apprenticeship programs, being tied to specific employers, only enroll individuals when there is employer demand, which makes it possible to carry out the on-the-job aspect of the instruction.

Training Providers Eligible for ITA

20 CFR 680.300: Training services for eligible individuals are typically provided by training providers who receive payment for their services through an ITA.

TEGL 13-16: Registered Apprenticeship sponsors are able to use ITA funds to support the educational portion (i.e., related instruction component) of the registered apprenticeship for eligible apprentices.

Out of Area or Out of State Training - 20 CFR 680.520:

- (a) An individual may choose training providers and programs outside of the local area provided the training program is on the State list, in accordance with local policies and procedures.
- (b) An individual may choose eligible training providers and programs outside of the State consistent with State ([*WIOA Title I-B Policy 5611, Revision 2*](#); [*WTECB's document*](#)) and local policies and procedures.

Arranging Out of State Training - Washington Workforce Training & Education Coordinating Board - Workforce Innovation and Opportunity Act Title I-B and Washington's Eligible Training Provider List

Evaluation: It is the policy of the state to allow an eligible WIOA Title I-B Adult or Dislocated Worker to use an Individual Training Account (ITA) voucher to purchase training services offered by an out-of-state provider if it's listed on that state's ETP list and there is agreement between Washington and the respective state regarding ETP eligibility. Local policies may affect the terms of an individual training account plan and may be more restrictive concerning out-of-state ITAs.

States Washington has an agreement with - Washington Workforce Training & Education Coordinating Board website as of 8/20/2025: The states with which we have existing agreements are:

- Idaho
- Illinois
- Missouri
- Montana

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- Oregon
- Utah

You can find the most up to date information on the Workforce Board Eligible Training Provider List webpage, listed at the bottom under Reciprocity Agreements. <https://www.wtb.wa.gov/research-resources/etpl/>

CONTRACT TRAINING REQUIREMENTS

Requirements - 20 CFR 680.320:

(a) Contracts for services may be used instead of ITAs only when one or more of the following five exceptions apply, and the local area has fulfilled the consumer choice requirements of 680.340:

- 1) For OJTs, customized training, incumbent worker training or transitional jobs;
- 2) When the LWDB determines that there are an insufficient number of eligible training providers in the local area to accomplish the purpose of a system of ITAs. The determination process must include a public comment period for interested providers of at least 30 days, and be described in the Local Plan;
- 3) When the Local WDB determines that there is a training services program of demonstrated effectiveness offered in the area by a community-based organization or another private organization to serve *individuals with barriers to employment, as described in paragraph (b) of this section. The Local WDB must develop criteria to be used in determining demonstrated effectiveness, particularly as it applies to the individuals with barriers to employment to be served.
- 4) When the Local WDB determines that it would be most appropriate to contract with an institution of higher education (see WIOA sec. 3(28)) or other provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations, provided that the contract does not limit consumer choice.
- 5) When the Local WDB is considering entering into a Pay-for-Performance contract, and the Local WDB ensures that the contract is consistent with § [683.510](#) of this chapter.

(b) Under paragraph (a)(3) of this section, individuals with barriers to employment include those individuals in one or more of the following categories, as prescribed by WIOA sec. 3(24):

(1) Displaced homemakers	(8) Youth who are in or have aged out of the foster care system
(2) Low-income individuals	(9) Individuals who are English language learners, individuals who have low levels of *literacy, and individuals facing substantial **cultural barriers
(3) Indians, Alaska Natives, and Native Hawaiians	(10) Eligible migrant and seasonal farmworkers, defined in WIOA sec. 167(i)
(4) Individuals with disabilities	(11) Individuals within 2 years of exhausting lifetime eligibility under TANF
(5) Older individuals, i.e., those aged 55 or over	(12) Single parents (including single pregnant women)
(6) Ex-offenders	(13) ***Long-term unemployed individuals
(7) Homeless individuals	(14) Other groups determined by the Governor to have barriers to employment****

(c) The Local Plan must describe the process to be used in selecting the providers under a contract for services.

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*Literacy: WIOA Sec. 202(13): The term “literacy” means an individual’s ability to read, write, and speak English, compute, and solve problems, at levels of proficiency necessary to function on the job, in the family of the individual and in society.

** Cultural Barrier: DOL ETA 9172 WIOA Record Layout (PIRL): The participant, at program entry, perceives him or herself as possessing attitudes, beliefs, customs or practices that influence a way of thinking, acting or working that may serve as a hindrance to employment.

***Definition, WIOA Final Rule, page 56122; DOL ETA 9172, WIOA PIRL: The Dept. generally defers to the Bureau of Labor Statistics definition which is “unemployment 27 weeks or more”.

****WSS Policy 1030: Exercising the authority granted under WIOA Section 3(24)(N), effective December 1, 2021, the Governor additionally designated **Black, Asian, Native Hawaiian, Compact of Free Association (COFA) nations, and Pacific Islander communities; Latinos; LGBTQ communities; expectant persons; and veterans** as populations with barriers to employment for the purpose of targeted outreach for WIOA one-stop system services in Washington.

Adult Education and Literacy

MIS - WIN 0077, CHANGE 16; WorkSource Services Catalog:

Training, Adult Education and Literacy with Training (2.0):

- Adult education and literacy instruction is intended to upgrade basic skills in order to prepare the individual for further training, future employment, or retention in present employment. Includes remedial reading, writing, mathematics, literacy training, study skills, English for non-English speakers, bilingual training, and GED preparation (including computer assisted competency training, and school to post-secondary education transition).
- This group must be offered in combination with other allowable training services (not including transitional jobs or customized training).
- If not in combination with training, this group must be recorded as a career service.

Definitions - WIOA Sec. 203(2): Adult Education and Literacy Activities means programs, activities, and services that include:

- adult education,
- literacy,
- workplace adult education and literacy activities,
- family literacy activities,
- English language acquisition activities,
- Integrated English literacy and civics education,
- workforce preparation activities, or
- integrated education and training.

ETA 9172 (PIRL): If the participant received services under WIOA Title II defined as academic instruction and education services below the post-secondary level that increases an individual’s ability to read, write, and speak in English and perform mathematics or other activities necessary for-

- Attainment of a secondary school diploma or its recognized equivalent;
- Transition to post-secondary education and training; and

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- Obtain employment

Training Requirement - WIOA Final Rule, Department's response page 56115: The Department notes that if Title I adult and dislocated worker funds are used for these activities; they must be done concurrently or in coordination with any training activities in WIOA sec. 134(c)(3)(D)(i)–(vii).

20 CFR 680.350: WIOA funds may provide adult education and literacy activities if they are provided concurrently or in combination with one or more of the following training services:

- (a) Occupational skills training, including training for nontraditional employment;
- (b) OJT;
- (c) Incumbent worker training;
- (d) Programs that combine workplace training and related instruction, which may include cooperative education programs;
- (e) Training programs operated by the private sector;
- (f) Skill upgrading and retraining; or
- (g) Entrepreneurial training.

Eligible Training Providers of Adult Education & Literacy Activities - 20 CFR 680.410(d)(iii): Eligible training providers of adult education & literacy activities under Title II of WIOA if such activities are provided in combination with training services described at 20 CFR 680.350.

Reporting / MIS Data Entry Requirements - WIOA Final Rule, Department's response page 56115: The Department considers adult education and literacy activities that lead to a secondary school diploma to be a training service.

On-the-Job Training (OJT)

MIS - WIN 0077, Change 16; WorkSource Services Catalog:

Training, On-the-Job Training (2.0):

- Training provided by an employer to a paid participant while engaged in productive work in a job that improves knowledge or skills essential to the full and adequate performance of the job;
- Provides reimbursement to the employer of up to 75% of the wage rate of the participant, for the extraordinary costs of providing the training and additional supervision related to the training;
- Limited in duration as is appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participants, as appropriate.

OJT Definition and Design - WIOA Sec. 3(44): The term “on-the-job training” means training by an employer that is provided to a paid participant while engaged in productive work in a job that-

- A. Provides knowledge or skills essential to the full and adequate performance of the job;
- B. Is made available through a program that provides reimbursement to the employer of up to 50% of the wage rate of the participant, except as provided in section 134(c)(3)(H), for the extraordinary costs of providing the training and additional supervision related to the training; and

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- C. Is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant.

WIOA Final Rules, page 56149: OJT is primarily designed to first hire the participant and provide them with the knowledge and skills necessary for the full performance of the job.

WIOA Final Rules, page 56150: The Department is not requiring specific OJT duration limitations.

Displacement and Union Concurrence - WIOA Sec. 181(b)(2):

- A participant in a program or activity authorized under this title shall not displace (including a partial displacement, such as a reduction in hours, wages or benefits) any currently employed employee (as of the date of the participation).
- A specified activity shall not impair an existing contract for services or collective bargaining agreement, and no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.
- A participant shall not be employed in a job if:
 - Any other individual is on layoff from the same or any substantially equivalent job;
 - The employer has terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling the vacancy so created with the participant; or
 - The job is created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals (as of the date of the participation).

OJT Wages & Benefits - 20 CFR 683.275:

(a) Individuals in on-the-job training or individuals employed in activities under title I of WIOA must be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills. Such rates must be in accordance with applicable law but may not be less than the higher of the rate specified in sec. 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law.

(b) The reference in paragraph (a) of this section to sec. 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is not applicable for individuals in territorial jurisdictions in which sec. 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) does not apply.

(c) Individuals in on-the-job training or individuals employed in programs and activities under title I of WIOA must be provided benefits and working conditions at the same level and to the same extent as other trainees or employees working a similar length of time and doing the same type of work.

(d) Allowances, earnings, and payments to individuals participating in programs under title I of WIOA are not considered as income for purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or Federally assisted program based on need, other than as provided under the Social Security Act (42 U.S.C. 301 *et seq.*).

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TEGL 13-15:

- A wage cap is an upper limit on the hourly wage rate that is eligible for reimbursement. A reimbursement rate, or reimbursement level, refers to the percentage of the OJT participant's hourly wage or wage cap that can be reimbursed to an employer.
- The wage cap is set at the average hourly wage rate for each state. The training reimbursement percentage is applied against the participant's wage rate unless the wage rate exceeds the state's average hourly rate. When the latter occurs, the training reimbursement percentage must be applied against the state's average hourly rate.

Employer Eligibility / Relocation - WIOA Sec. 181(d)(2): No funds provided under this title for an employment or training activity shall be used for customized or skill training, OJT, incumbent worker training, transitional employment or company-specific assessments of job applicants or employees, for any business or part of a business that has relocated, until the date that is 120 days after the date on which such business commences operations at the new location, if the relocation of such business or part of a business results in a loss of employment for any employee of such business at the original location and such original location is within the United States.

OJT Contracts - 20 CFR 680.700: OJT is provided under a contract with an employer or registered apprenticeship program sponsor in the public, private not-for-profit, or private sector.

20 CFR 680.710: OJT contracts may be written for eligible employed workers when:

- (a) The employee is not earning a self-sufficient wage or wages comparable to or higher than wages from previous employment;
- (b) The requirements of sec. 680.700 are met; and
- (c) The OJT relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes identified by the Local WDB.

WIOA Final Rules, page 56149: OJT contracts must be continually monitored so that WIOA funds provided through OJT contracts are providing participants the training to retain employment successfully.

75% Reimbursement - 20 CFR 680.730(b) and TEGl 19-16: LWDBs must document the factors used when deciding to increase the wage reimbursement levels above 50% up to 75%.

TEGL 19-16: Local WDBs have the flexibility under WIOA to increase the reimbursement level to up to 75% of the total wage taking into account the following factors:

- The characteristics of the participants taking into consideration whether they are "individuals with barriers to employment" as defined in WIOA sec. 3(24);
- The size of the employer, with an emphasis on small businesses;
- The quality of employer-provided training and advancement opportunities, for example if the OJT contract is for an in-demand occupation and will lead to an industry-recognized credential; and

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- Other factors the Governor or Local WDB may determine appropriate (e.g. the number of employees participating in the training, wage and benefit levels of the employees (both pre and post participation earnings), and relation of the training to the competitiveness of the participant).

Credential Attainment Performance Measure Exclusion - TEGL 19-16: OJT is excluded from the credential attainment performance indicator because, although OJTs often provide employment benefits to recipients of these services, they rarely result in a credential.

Customized Training (Work-Based Training)

MIS - WIN 0077, Change 16; WorkSource Services Catalog:

Training, Customized Training: Training customized to meet employer needs with a commitment by an employer or group of employers to employ the individual upon successful completion of the training and for which the employer pays a significant portion of the cost of training as determined by local policy.

Eligibility, Definition, and Design - WIOA Title I-B Policy 5616, Rev. 1: Individuals considered for customized training must meet eligibility requirements for Adult and Dislocated Worker programs.

WIOA Final Rules, page 56156: Customized training is used to train individuals who are not employed with the participating employer at the start of participation. *(However, see 680.770 below that addresses when customized training may be provided to employed workers)*

20 CFR 680.760:

- (a) Training designed to meet the special requirements of an employer(s);
- (b) Conducted with a *commitment by the employer to employ an individual upon successful completion of the training; and
- (c) Employer pays for the significant cost of the training.

WIOA Final Rules, page 56153:

- Significant cost of the training is determined by the LWDB.
- Customized training is generally for hiring new or recent employees and not for retraining existing employees.

WIOA Final Rules, page 56153:

- The “commitment” is a statutory requirement in WIOA sec. 3(14) and 134(c)(3)(g)(1) requires a contract between the employer and the LWDB for customized training.
- LWDBs have flexibility in determining what constitutes an appropriate commitment to hire the individuals on behalf of the employer.

WIOA Final Rules, page 56154: Customized training is generally designed so that participants are trained by a third party for the employer; customized training is generally classroom based.

Employed Worker Eligibility - 20 CFR 680.770: Customized training of an eligible employed individual may be provided for an employer when:

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- (a) The employee is not earning a self-sufficient wage or wages comparable or higher than wages from previous employment;
- (b) The requirements in sec. 680.760 are met;
- (c) The customized training relates to the purposes described in sec. 680.710(c) or other appropriate purposes identified by the LWDB.

WIOA Final Rules, page 56153:

- The Department is maintaining the self-sufficiency standard for employed workers to be eligible for customized training, consistent with eligibility for training services under WIOA sec. 134(c)(3)(A).
- The Department considers wage gain an important measure that a Local WDB may consider when determining if customized training would be appropriate.

WIOA Title I-B Policy 5616, Rev. 1: An employed individual must receive training that incorporates new technologies, processes, or procedures; offers skills upgrades; provides workplace literacy; or serves other appropriate purposes, as identified by the LWDB.

Employer Eligibility / Relocation - WIOA Sec. 181(d)(2): No funds provided under this title for an employment or training activity shall be used for customized or skill training, OJT, incumbent worker training, transitional employment or company-specific assessments of job applicants or employees, for any business or part of a business that has relocated, until the date that is 120 days after the date on which such business commences operations at the new location, if the relocation of such business or part of a business results in a loss of employment for any employee of such business at the original location and such original location is within the United States.

Credential Attainment Performance Measure Exclusion - TEGL 19-16: Customized Training is excluded from the credential attainment performance indicator because although Customized Training often provides employment benefits to recipients of these services, they rarely result in a credential.

EVIDENCE AND INDICATORS

- Participant met the eligibility of the Adult and/or Dislocated Worker programs (WIOA Title I-B Policy 5616, Rev. 1)
- Participant met the unemployed or employed status (WIOA Final Rules, page 56156 and 20 CFR 680.770)
- The service provider confirmed the employer had not relocated less than 120 days prior to the training and did not lay off employees at the prior location [WIOA Sec. 181(d)]
- Training met the special needs of the employer [(20 CFR 680.760(a))]
- Employer's commitment to employ the participant was met [(20 CFR 680.760(b))]
- Employer is committed to pay or did pay a significant cost of training [(20 CFR 680.760(c))]

Incumbent Worker Training (IWT)

MIS - WIN 0077, Change 16; WorkSource Services Catalog:

Training, Incumbent Worker Training: Incumbent worker training is intended to assist employed workers (employed a minimum of six months with the employer) to retain employment by averting layoffs or to obtain

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the increased skills necessary for promotion within the company and to create a backfill opportunity for the employer.

Definition and Design - 20 CFR 680.790:

- Incumbent worker training must increase the competitiveness of the employee or employer.
- Incumbent worker training is training:
 - a) Designed to meet the special requirements of an employer(s) to retain a skilled workforce or avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment.
 - b) Conducted with the commitment by the employer to retain or avert the layoffs of the incumbent worker(s) trained.

Funding Allocations - 20 CFR 680.800 and TEGL 19-16:

- The local area may reserve up to 20% of their combined total of Adult and DW allocations for incumbent worker training. For example, if a Local WDB receives \$1.5 million in Adult funds and \$1.0 million in DW funds, it may use up to \$500,000 (20 percent of the total) for IWT.
- This 20% can be used for IWT activities that are programmatic in nature, as administrative activities must be paid out of the Board's administrative funds.

Incumbent Worker Eligibility - 20 CFR 680.780: To qualify as an incumbent worker, the incumbent worker needs to be:

- Employed,
- Meet the Fair Labor Standards Act requirements for an employer-employee relationship, and
- Have an established employment history with the employer for 6 months or more (with the exception that in the event the incumbent worker training is being provided to a cohort of employees, not every employee in the cohort must have an established employment history with the employer for 6 months or more as long as the *majority of those employees being trained do meet the employment history requirement. (*WIOA Title I-B Policy 5607, Rev. 5 defines "majority" as meaning 51% or more and WSS Policy 1019 Rev. 10 states, "only a mathematical majority must meet the six month or more employment history requirement".)
- An incumbent worker does not have to meet the eligibility requirements for career and training services for adults and dislocated workers under WIOA, unless they also are enrolled as a participant in the WIOA adult or dislocated worker program.

TEGL 19-16: IWT can also be used for underemployed workers—e.g. workers who would prefer full-time work but are working part-time for economic reasons. While these workers are employed, they may have accepted reduced hours to gain or maintain employment or a previous dislocation has led them to accept reduced employment and often lower wages that may have a permanent effect on their careers. The use of these strategies may focus on increasing skills for underemployed frontline workers in an effort to advance these workers to more skilled positions with the same employer or industry sector leading to an increase in earnings through more work hours or an increase in pay.

TEGL 10-16, Change 3:

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- Incumbent worker eligibility is determined at the employer level by the LWDB, which determines if the employer is eligible to have its employees receive incumbent worker training.
- There is no separate determination of the eligibility of any particular employee to receive incumbent worker training.

Supportive Services - WSS Policy 1019, Rev. 12:

- Individuals in IWT are not eligible to receive supportive services unless they meet eligibility for and are co-enrolled in either the WIOA Title I Adult or DW programs and receive a qualifying career service or training.
- In other words, supportive services cannot be provided to individuals who are in incumbent worker training only.

Employer Eligibility Criteria - TEGL 19-16: The LWDB must determine an employer's eligibility for participating in IWT based on the following factors which help to evaluate whether training would increase the competitiveness of the employees or both the employees and the employer:

- The characteristics of the individuals in the program (e.g. individuals with barriers to employment);
- Whether the training improves the labor market competitiveness of the employees or both the employees and the employer; and
- Other factors the LWDB may consider appropriate, including:
 - The number of employees participating in the training;
 - Wage and benefit levels of those employees (both pre-and post-training earnings);
 - The existence of other training and advancement opportunities provided by the employer;
 - Credentials and skills gained as a result of the training;
 - Layoffs averted as a result of the training;
 - Utilization as part of a larger sector and/or career pathway strategy; or Employer size.
- Generally, IWT should be provided to private sector employers; however, there may be instances where nonprofit and local government entities may be the recipients of IWT funds.

Employer Relocation - WIOA Sec. 181(d)(2): No funds provided under this title for an employment or training activity shall be used for customized or skill training, OJT, incumbent worker training, transitional employment or company-specific assessments of job applicants or employees, for any business or part of a business that has relocated, until the date that is 120 days after the date on which such business commences operations at the new location, if the relocation of such business or part of a business results in a loss of employment for any employee of such business at the original location and such original location is within the United States.

Employer Payment Requirement - TEGL 19-16:

- Employers are required to pay the non-Federal share of the cost of providing incumbent worker training.
- Employers are required to pay a portion of the training for those individuals in incumbent worker training and this may be done through both cash payments and fairly evaluated in-kind contributions.
- The employer contribution may include the wages the employer pays to the incumbent worker trainee while the worker is attending training.

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- Under section 134(d)(4)(D) of WIOA, in establishing the employer share of the cost, the Local WDB must consider:
 - The number of employees participating in the training,
 - The wage and benefit levels of the employees (at the beginning and anticipated upon completion of the training),
 - The relationship of the training to the competitiveness of the employer and employees, and
 - The availability of other employer provided training and advancement opportunities.
- The employer's payment for the nonfederal share can be cash payments, fairly evaluated in-kind contributions, or both.
- The minimum amount of employer share in the IWT depends on the size of the employer and may not be less than:
 - 10 percent of the cost, for employers with 50 or fewer employees;
 - 25 percent of the cost, for employers with between 51 to 100 employees; and
 - 50 percent of the cost, for employers with more than 100 employees.

Documentation Requirements - WSS Policy 1019, Rev. 12:

- Because IWT is a business service (per TEGL 10-16, Change 3 and 19-16, individuals in IWT are not participants), LWDBs must:
 - document that employers meet the eligibility requirements in WIOA Title I-B Policy 5607, Rev. 5 and
 - ensure that employers document that their IWT employees meet incumbent worker eligibility requirements in WIOA Title I-B Policy 5607, Rev. 5 as conditions for approving IWT for employers.
- Per 20 CFR 682.320-.340 and TEGL 19-16, IWT funded by first year statewide Rapid Response funds must be associated with and documented as part of a layoff aversion strategy designed to prevent layoffs or minimize durations of unemployment resulting from layoffs.

Reporting / MIS Data Entry Requirements - TEGL 10-16, Change 3:

- Incumbent worker training does not trigger participation (Attachment 7-Table A);
- The required elements are limited to demographic information and the elements needed to calculate:
 - Employment in the 2nd and 4th Quarters after Exit,
 - Median Earnings in the 2nd Quarter after Exit and,
 - Credential Attainment.
- See TEGL 10-16, Change 3, Attachment VIII for a list of required reporting elements
- For the purpose of calculating these metrics, the exit date for an individual who has only received incumbent worker training will be the last date of training, as indicated in the training contract.
- The Departments encourage the collection of incumbent worker SSNs as part of the training contract with the employer so that wage records will be available for these individuals.
- If no SSN is available, the State or LWDB may utilize supplemental wage information to verify the wages reported. (The Departments will issue additional guidance on the usage of supplemental data-TEGL 19-16).

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TEGL 19-16:

- States and LWDBs are required to report the outcomes of individuals in receipt of IWT on the primary indicators of performance:
 - Employed 2nd quarter after exit,
 - Employed 4th quarter after exit,
 - Median earnings,
 - Measurable skills gain, and
 - Credential attainment
- For the purposes of calculating these metrics, the exit date for a participant who has only received IWT will be the last date of training, as indicated in the training contract.

WSS Policy 1019, Rev. 12: IWT does not trigger participation and individuals in IWT are not program participants.

WIOA Title I-B Policy 5607, Rev. 6, MIS Data Recording:

- Incumbent workers must be affiliated with an employer, training start date and fund source
- See WIOA Title I-B Policy 5607, Rev. 5 for complete MIS data recording instructions
- If multiple funding sources are used for the training, a separate Program Enrollment Touchpoint and ITSS Incumbent Worker Training service are needed for each program funding the training. A new WIOA Eligibility Application is not needed. Each Program Enrollment Touchpoint taken will utilize the same WIOA Eligibility Application.

EVIDENCE AND INDICATORS

- Incumbent worker met the eligibility criteria of 20 CFR 680.780
- The service provider confirmed the employer had not relocated less than 120 days prior to the training and did not lay off employees at the prior location [WIOA Sec. 181(d)]
- The training would increase the competitiveness of the employer or employee (20 CFR 680.790 and TEGL 19-16)

Registered Apprenticeship (Work-Based Learning)

MIS - WIN 0077, Change 16; WorkSource Services Catalog:

Training; Apprenticeship Training

- Training that is provided through a Registered Apprenticeship training system that combines paid learning on-the-job and related technical and theoretical instruction in a skilled occupation.

Registered Apprenticeship and WIOA Training Funding Options / ITA - 20 CFR 680.300:

- Payments from ITAs may be made in a variety of ways, including the electronic transfer of funds through financial institutions, vouchers, or other appropriate methods.
- Payments also may be made incrementally, for example, through payment of a portion of the costs at different points in the training course.

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20 CFR 680.330 Registered apprenticeships automatically qualify to be on a State's eligible training provider list (ETPL) as described in §680.470.

(a) ITAs can be used to support placing participants in registered apprenticeship through:

- (1) Pre-apprenticeship training, as defined in sec. 681.480 of this chapter; and
- (2) Training services provided under a registered apprenticeship program.

In-demand Occupations - WIOA Title I-B Policy 5601, Rev 2: ITA funds must be directly linked to an in-demand industry sector or occupation in the local area, or in another area to which the individual is willing to relocate. Local boards may also approve training services for occupations determined by the local board to be in economic sectors that have high potential for sustained demand or growth in the local area.

DOL guidance is that registered apprenticeship programs are in-demand even if the labor market information may not list as "in-demand" the occupation for which the individual is apprenticed because registered apprenticeship programs, being tied to specific employers, only enroll individuals when there is employer demand, which makes it possible to carry out the on-the-job aspect of the instruction.

Contracts - TEGL 13-16:

- In certain circumstances a LWDB may determine that a contract with an ETP to train a cohort of potential apprentices in in-demand industry sectors or occupations may be developed instead of an ITA.
- Grantees must ensure that contracts with training providers meet the procurement standards found in the Uniform Guidance.
- If a college is considered a contractor, the procurement standards are applicable to grant recipients entering into agreements with contractors and not sub-recipients.
- If the cost of the training is within the micro-purchase (\$3,000) or under the simplified acquisition threshold which is currently at \$150,000, a competitive process is not required.
- If the cost of training exceeds the micro-purchase and simplified acquisition thresholds, the WDB would have to use a competitive process to solicit training providers in the area.
- If it is determined that the college is acting in the capacity of a sub-recipient, then no procurement is needed.
- Although ITA may be utilized to support the related instruction for individual apprentices, it is allowable for the workforce system to utilize a contract as the vehicle for training a cohort of apprentices in the related instruction component of the RA program provided the apprentices (or potential apprentices) meet the Adult or Dislocated Worker eligibility requirements.

Incumbent Worker Funds - TEGL 13-16: A LWDB may use incumbent worker training funds under section 134(d)(4) to provide training to a cohort of apprentices.

Customized Training - TEGL 13-16: State and Local WDBs can support RA program sponsors and apprentices through customized training agreements.

OJT'S - TEGL 13-16:

- WIOA expands the potential for utilizing OJT to support RA.

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- In certain circumstances, up to 75% of the apprentices' wages may be reimbursed by public workforce system contributions if employers meet criteria for a designated period of time.
- States and Local WDBs can set up arrangements with RA programs where participants may do OJT for multiple employers who are signatories to the RA program, consistent with State and Local policies.
- Unlike the related instruction component, the OJT component is supported by a contract, not an ITA.

Registered Apprenticeship and Other WIOA Funding - 20 CFR 680.330:

- (b) Supportive services may be provided as described in sec. 680.900 and 680.910.
- (c) Needs-related payments may be provided as described in sec. 680.930, 680.940, 680.950, 680.960, and 680.970.
- (d) Work-based training options also may be used to support participants in registered apprenticeship programs (see sec. 680.740 and 680.750).

TEGL 19-16: Local areas may also include supportive services, in coordination with career and/or training services, to participants in a RA program.

RA Reporting and Data Validation Requirements - TEGL 13-16:

- For data validation purposes, staff are required to flag whether or not a WIOA participant is either in a RA program at the time of program enrollment or whether they enter a RA during program participation.
- If OJT or skill upgrading is being provided as part of a Registered Apprenticeship program, the code value for Registered Apprenticeship should be utilized.

TEGL 19-16: Complete and accurate reporting of these programs is vital:

- Participants who are placed into a registered apprenticeship with WIOA funds or individuals in a registered apprenticeship at the time of program entry must be identified in PIRL element 931.
- Individuals who receive RA training services funded in whole or in part from WIOA under either an Individual Training Account (ITA) or through a contract (e.g. OJT) must be reported under code value 09 on PIRL element number 1303 (or elements 1310 or 1315 if the participant is in receipt of multiple types of training).
- If the RA program is funded using an ITA, PIRL elements 1301, 1304 (code value "2"), and 1305 must also be reported.

Point of Exit - TEGL 13-16:

- The point of exit should be based on when the participant is successfully moving through the RA program and is no longer receiving services from WIOA. The following two factors should be considered when determining an appropriate exit policy:
 - Wage Increases: Apprentices receive progressive increases in pay as their skills and knowledge increase-this is a core element of all Registered Apprenticeships. A wage increase may be an appropriate point of exit from WIOA, as it means that apprentices have passed a milestone in their training, improved their skills, and increased their earnings-signaling that support through WIOA may no longer be needed.

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- **Credential Attainment:** Many RA programs offer interim occupational credentials that can be attained by apprentices during their program. The attainment of a credential is another aspect that could be factored into the determination of an appropriate exit point from WIOA, given that this marks an important milestone in the RA program. Attainment of a credential signals that apprentices have successfully advanced along a career pathway and increased their skills in the field, and potentially moved beyond the point of needing WIOA support.

Performance Outcomes and Credentials - TEGL 13-16:

- Registered Apprenticeship is employment, and registered apprentices earn a wage from day one. If the apprentice remains employed during the 2nd and 4th quarter after exit, the participant will count positively in the Employment Rate 2nd and 4th quarter after exit and Median Earnings performance measures.
- Graduates from RA programs receive a credential issued by either the U.S. Dept. of Labor or a federally recognized State Apprenticeship Agency. This national occupational credential, referred to as a certificate of completion, is a recognized post-secondary credential under WIOA for the Credential Attainment measure
- RA programs may be reflected in the Measurable Skill Gains indicator.

Transitional Jobs (Work-Based Learning)

MIS - WIN 0077, Change 16; WorkSource Services Catalog:

Individualized, Transitional Job: A transitional job is a training service that is a subsidized, time-limited work experience with a public, private, or nonprofit employer for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history to establish a work history that will lead to retention in unsubsidized employment. This service must be provided in combination with career services and/or support services. If it is not, it must be recorded as a work experience and/or internship.

Program Design and Eligible Participants - 20 CFR 680.190:

- A transitional job is one that provides a time-limited work experience that is wage-paid and subsidized, and is in the public, private, or not-for-profit sectors for those *individuals with barriers to employment who are chronically unemployed or have inconsistent work history, as determined by the Local WDB.
- These jobs are designed to enable an individual to establish a work history, demonstrate work success in an employee-employer relationship, and develop the skills that lead to unsubsidized employment.
- Transitional jobs must be combined with comprehensive career services and supportive services.

WIOA Final Rule, Department's response page 56118: Comprehensive career services may include both basic and individualized career services and are based on the needs of the participant.

TEGL 19-16:

- Transitional jobs are time-limited and wage-paid work experiences that are subsidized up to 100%.
- This service must be combined with career and supportive services.
- These jobs must be designed to establish a work history for the individual, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment.

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- Unlike on-the-job training (OJT), there is no requirement that the employer retains the individual upon completion of the transitional job; however, retention, where appropriate, is preferred for the benefit of the worker and employer.
- The Department encourages utilizing job readiness training in combination with transitional jobs if determined appropriate by the Local WDB

WIOA Final Rule, Department's response, page 56117: The Department declines to propose a minimum or maximum duration of transitional jobs; the Department considers these decisions are best made by the LWDB and the individual's career planner.

Difference between WEX and Transitional Jobs - WIOA Final Rule, Department's response, Page 56116, see also page 56118 below:

- Transitional jobs are subject to certain eligibility criteria along with comprehensive career and supportive service requirements; WEXs do not require comprehensive career or supportive services.
- Transitional jobs are subject to funding caps; there are no funding caps for WEXs
- WEXs may be paid or unpaid; transitional jobs must be paid

10% Transitional Jobs Funding Allocations - 20 CFR 680.195:

- The local area may use up to 10% of their combined total of adult and dislocated worker allocations for transitional jobs as described in 680.190.
- For example, if a local area receives \$1.5 million in adult funds and \$1.0 million in DW funds, the Local WDB may use up to \$250,000 (10% of the total) for transitional jobs.

WIOA Final Rule, Department's responses, Page 56117:

- Allowable use of transitional jobs funds includes wages to the participant and supportive services such as transportation vouchers.
- Staff and infrastructure improvements are not allowable uses of transitional jobs funds.

WIOA Final Rule, Department's responses, Page 56118: Comprehensive career services and supportive services, which are required to be provided as part of any transitional jobs strategy, are not subject to the 10% cap described in 680.195.

Employer Relocation - WIOA Sec. 181(d)(2): No funds provided under this title for an employment or training activity shall be used for customized or skill training, OJT, incumbent worker training, transitional employment or company-specific assessments of job applicants or employees, for any business or part of a business that has relocated, until the date that is 120 days after the date on which such business commences operations at the new location, if the relocation of such business or part of a business results in a loss of employment for any employee of such business at the original location and such original location is within the United States.

Reporting Requirements / Participation - TEGL 10-16, Change 3: Internships and work experiences, including transition jobs, trigger participation. **TEGL 19-16 and WIN 0077, Change 16:** Transitional jobs are considered an individualized career service.

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Internship or Work Experience (WEX)

MIS - WIN 0077, Change 16; WorkSource Services Catalog:

Individualized, Work/Internship Experience: For adults and dislocated workers, work experience is a planned, structured learning experience that takes place in a workplace for a limited period of time and is linked to a career. Work experience may be paid or unpaid, as appropriate. A work experience workplace may be in the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists.

Definition - 20 CFR 680.180:

- An internship or work experience is a planned, structured learning experience that takes place in a workplace for a limited period of time.
- Internships and other work experience may be paid or unpaid, as appropriate and consistent with other laws, such as the Fair Labor Standards Act.
- An internship or other work experience may be arranged within the private for-profit sector, the non-profit sector, or the public sector.
- Labor standards apply in any work experience setting where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists.
- Transitional jobs are a type of work experience, as described in §680.190 and 680.195.

Difference between Transitional Jobs and WEXs - WIOA Final Rule, Department's response page 56116:

- Transitional jobs are subject to certain eligibility criteria along with comprehensive career and supportive service requirements; WEXs do not require comprehensive career or supportive services.
- Transitional jobs are subject to funding caps; there are no funding caps for WEXs.
- WEXs may be paid or unpaid; transitional jobs must be paid.
- The Department has set no minimum or maximum duration requirements for work experience.

WIOA Final Rule, Department's response page 56118:

- The Department considers transitional jobs to be a targeted service that includes comprehensive career and supportive services.
- Non-transitional job work experiences have no requirement that they must be paid or unpaid, and they do not have the same requirements for comprehensive career and supportive services.

Labor Standards - 20 CFR 681.600(a):

- Work experience may be paid or unpaid, as appropriate.
- A work experience may take place in the private for-profit sector, the non-profit sector, or the public sector.
- Labor standards apply in any work experience where an employee/employer relationship, as defined by the Fair Labor Standards Act or applicable State law, exists

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OUTCOMES

Date of Most Recent Measurable Skills Gain (In-Program Performance Indicator)

**See more details under “Adult & DW performance Indicators”*

Definitions - 20 CFR 677.155(c)(5):

- Measurable skill gains, defined as documented academic, technical, occupational, or other forms of progress towards such as credential or employment.
- Documented progress is defined as one of the following:
 - Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level;
 - Documented attainment of a secondary school diploma or its recognized equivalent;
 - Secondary or postsecondary transcript or report card for a sufficient number of credit hours that shows a participant is achieving the State unit’s academic standards;

WSS Policy 1020, Rev. 2 Handbook – Documentation of MSG:

TEGL 10-16 Change 3 directs that progress toward MSG can be documented by, among other methods, “secondary or postsecondary transcript or report card for a sufficient number of credit hours that shows a participant is meeting the State unit’s academic standards. This corresponds with the “Report Card or Transcript” tab in the Test and Results Touch Point in the state MIS. **To that end, the State has established the academic standard as a grade of “C” or higher as having met the academic standard for report cards.**

Although there is not an indicator within the state MIS that identifies when someone is counted in the MSG measure, the system includes all participants who are enrolled during program participation in a training or education program that leads to a recognized postsecondary credential, including a secondary education program in which individuals participate in a program year. To be counted in the numerator, an individual must obtain one of the positive progress benchmarks indicated by DOL in TEGL 10-16 Change 3, such as meeting a training milestone or other forms of progress towards credential or employment. The Tests and Results Touch Point will allow staff to indicate which type of MSG progress a participant has made.

For documenting achievement of at least one educational functioning level (EFL), TEGL 10-16, Change 3, added at Section 4(b)(E)(1)(d), “educational functioning level gain for participants who pass a **subtest** on a State-recognized high school equivalency examination.” This means countable EFL gains can be documented for any one of the four subject tests as opposed to only the overall composite EFL.

Evan Rosenberg, Division of Youth Services, DOL ETA, “WIOA Youth Eligibility Live Q&A Session” on WorkforceGPS October 24, 2017: DOL does not require any specific information be documented on report cards. As long as there is sufficient information to convey the participant is making satisfactory progress, LWDBs can decide what, if anything specific, must be on the report card.

- (iv) Satisfactory or better progress report, towards established milestones, such as completion of OJT or completion of 1 year of an apprenticeship program or similar milestones, from an employer or training provider who is providing training.

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Evan Rosenberg, Division of Youth Services, DOL ETA, “WIOA Youth Eligibility Live Q&A Session” on WorkforceGPS October 24, 2017: “Progress” is determined at the local level.

- (v) Successful passage of an exam that is required for a particular occupation or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks such as knowledge-based exams.

TEGL 10-16, Change 3:

- The Measurable Skill Gains indicator is the percentage of participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving documented academic, technical, occupational, or other forms of progress, towards such a credential or employment.
- The measurable skill gains indicator is used to measure interim progress of participants who are enrolled in education or training services for a specified reporting period.
- It is not an exit-based measure.

Performance Indicators - TEGL 10-16, Change 3:

- A participant may have achieved more than one type of gain in a reporting period; however, only one gain per participant in a reporting period may be used to calculate success on this measure.
- States should report all measurable skill gains achieved by participants in a program year, although only one gain is required per participation period per program year to meet performance outcomes.

Evan Rosenberg, Division of Youth Services, DOL ETA, “WIOA Youth Eligibility Live Q&A Session” on WorkforceGPS October 24, 2017:

- This measure only counts the number of measurable skills gains reported. It does not count as a negative towards a program’s performance if a participant does not earn a measurable skill gain.
- Only one (1) measurable skill gain will be reported even if more than one (1) measurable skill gain is recorded in MIS.

WIOA Programs Subject to MSG Measure- TEGL 10-16, Change 2; WSS Policy 1020, Rev. 2 Handbook: All participants who are in the WIOA Adult or Dislocated Worker funded training program are included in the measurable skill gains indicator which includes funding a training program for a secondary school program equivalent and work-based training.

WIOA Joint Rule, Departments’ response, page 55842: It should be noted that in instances where participants are enrolled in an education or training program that is not intended to result in a credential, the measurable skill gains indicator can capture progress made by participants.

Excluded from this Measure - TEGL 10-16, Change 3:

- Exits the program because of incarceration in correctional institution or has become a resident of an institution or facility providing 24-hour support such as a hospital or treatment center during the course of receiving services as a participant.

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- The participant exits the program because of medical treatment and that treatment is expected to last longer than 90 days and precludes entry into unsubsidized employment or continued participation in the program.
- The participant is deceased.
- The participant exits the program because the participant is a member of the National Guard or other reserve military unit of the armed forces and is called to active duty for at least 90 days.

“Training Paid by Other”, Guidance Received via email from ESD System Performance to ESD Monitoring on 3-6-18

- If a WIOA participant is in non-WIOA funded training and recorded in MIS as “Training Paid by Other”, Measurable Skill Gains and Credential Earned performance indicators are not captured.
- In order for these two performance indicators to be captured, a WIOA funded training service must be recorded in MIS.
- If the participant is co-enrolled in more than one WIOA funded program, and one of the WIOA program funds training, there is no need for the other program to record “Training Paid by Other”; the participant is entered into the Measurable Skills Gains and Credential performance measures for all programs that were active during the participation episode.

Reporting / MIS Data Entry Requirements - Recording MSG in ETO instructions provided via email from Carri Callaghan on 8-11-23:

If the job seeker is in the denominator, the following must be completed.

A Measurable Skill Gains must be entered in the appropriate TouchPoint (TP), with a test or report date within the relevant reporting period of the PIRL.

The following Measurable Skill Gains are accepted, by DOL, on the PIRL:

- Create a new Tests and Results TouchPoint (TP), if the job seeker has a pre-test Tests and Results (TP).
 - On the Record Type Tab:
 - Select “Tests and Results” from the Record Type drop down.
 - On the Tests and Results Tab:
 - Select the appropriate program from the Associated Program Enrollment drop down.
 - Select the “Post Test” radio button.
 - Select the appropriate category from the Assessment Category drop down.
 - Select a date from the Test Date field.
 - For the post-test to count as an MSG it must take place on or after the pre-test, in the same participation episode. It also must take place during the reporting period.
 - Select an appropriate functional area from the Functional Area drop down.
 - For the post-test to count as an MSG, it must have the same functional area as the pre-test.
 - Select an appropriate level from the Educational Functioning Level drop down.
 - For the post-test to count as an MSG, it must have a higher level than the pre-test.

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-OR-

- For Credential Attainments for Secondary School Diploma/or equivalency to be counted for Measurable Skill Gains it does not need to be entered into the system outside of the normal process, see DOL Credential Attainment Performance Measure (PM) Statewide Data Analysis document for more information.

-OR-

- Create a Transcript/Report Card on the Test and Results TouchPoint (TP)
 - On Record Type Tab:
 - Select “Report Card or Transcript” from the Record Type drop down.
 - On Report or Transcript Tab:
 - Select the appropriate program enrollment from the Associated Program Enrollment drop down.
 - Enter an appropriate date in the Date of Report Card or Transcript field.
 - Select the appropriate school type from Secondary or Postsecondary drop down.
 - If the school type is “Postsecondary School” enter the appropriate response in the How many credits/units did the participant complete? field.
 - Select the appropriate Radio Button on the “Does the transcript or report card meet the state unit’s academic standards?”

-OR-

- Create a Training Milestone on the Test and Results TouchPoint (TP)
 - On Record Type Tab:
 - Select “Progress Report” from the Record Type drop down.
 - Select the appropriate program enrollment from the Associated Program Enrollment drop down.
 - Select the appropriate progress report type, either “Apprenticeship” or “OJT” from the Progress Report Type drop down.
 - Enter an appropriate date in the Date of Progress Report field.
 - Select the appropriate response for the “Is the progress satisfactory?” radio button.

-OR-

- Create a Skills Progression on the Test and Results TouchPoint (TP)
 - On Record Type Tab:
 - Select “Progress Report” from the Record Type drop down.
 - On Progress Report Tab:
 - Select the appropriate program enrollment from the Associated Program Enrollment drop down.
 - Select “Skills Progression” from Progress Report Type drop down.
 - Enter an appropriate date in the Date of Progress Report field.
 - Select the appropriate response for the Did the participant successfully pass an exam that is required for a particular occupation, or progress in attaining technical or

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occupational skills as evidenced by trade-related benchmarks such as knowledge-based exams? radio button.

- Select the appropriate response for the “Is the progress satisfactory?” radio button.

Skill gains should be counted using the *date on which they occur*, not the date on which they are recorded, or documentation is received.

WSS Policy 1003, Rev. 6 and ETA 9172 (PIRL):

EFL: Record the most recent date the participant who received instruction below the post-secondary education level achieved at least one EFL. EFL gain may be documented in one of three ways:

- By comparing EFL as measured by a participant’s post-test, or
- For State’s that offer secondary school programs that lead to a secondary school diploma or its recognized equivalent an, EFL gain may be measured through the awarding of credits or Carnegie units; or
- States may report an EFL gain for participants who exit the program and enroll in post-secondary education or training during the program year.
- Passage of a subtest on a State-recognized high school equivalency examination

Secondary Transcript/Report Card: Record the most recent date of the participant’s transcript or report card for secondary education for one semester showing that the participant is meeting the State unit’s academic standards.

Post-secondary Transcript/Report Card: Record the most recent date the participant’s transcript or report card for post-secondary education who complete a minimum of 12 hours per semester, or for part time students, a total of at least 12 credit hours over the course of two completed consecutive semesters during the program year, that shows a participant is meeting the State unit’s academic standards.

Training Milestone/Progress Reports:

- Record the most recent date that the participant had a satisfactory or better progress report towards established milestones from an employer training provider who is providing training (e.g., completion of OJT, completion of one year of a registered apprenticeship program, etc.).
- Progress reports must document substantive skill development that the participant has achieved.
- Progress reports may include training reports on milestones completed as the individual masters the required job skills, or steps to complete an OJT or apprenticeship program.
- Increases in pay resulting from newly acquired skills or increased performance can also be used to document progress.

Industry Exam, Skills Progression: Record the most recent date the participant successfully passed an exam that is required for a particular occupation, or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks such as knowledge-based exams.

WSS Policy 1020, Rev. 2 – Differentiating between MSG and Credential Attainment

Completion of a course and passing an exam that is required to receive a license, degree, or occupational certificate would count as MSG, but the awarding of the license, degree, or occupational certificate itself

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would count as a Credential. The one exception to this guidance is a secondary school diploma or its equivalent, which counts as both a credential and an MSG, per TEGL 10-16 Change 3, pages 15 and 18. While a participant is attending training there should be documentable progress of skills gained, or coursework completed, that would count as MSG. The attainment of a license, degree or occupational certificate is seen as the end goal of training and those documents are considered credentials (page 15, TEGL 10-16, Change 3).

Date Attained and Type of Recognized Credential (In-Program and Exit-Based Performance Indicator)

**See more details under "Adult & DW Performance Indicators"*

Definition - TEGL 10-16, Change 3:

A recognized postsecondary credential is defined as a:

- Credential consisting of an industry-recognized certificate or certification,
- A certificate of completion of an apprenticeship,
- A license recognized by the State involved or Federal government, or
- An associate or baccalaureate degree.
- (Graduate degrees only count for the Title IV VR programs)

A recognized postsecondary credential is awarded in recognition of an individual's attainment of measurable technical or industry/occupational skills necessary to obtain employment or advance within an industry/occupation. These technical or industry/occupational skills generally are based on standards developed or endorsed by employers or industry associations.

Types of Acceptable Credentials - TEGL 10-16, Change 3; WSS Policy 1003, Rev. 6: The following are acceptable types of credentials that count toward the credential attainment indicator:

- Secondary school diploma or recognized equivalent
- Associate degree
- Bachelor's degree
- Occupational licensure
- Occupational certificate, including Registered Apprenticeship and Career and Technical Education educational certificates
- Occupational certification
- Other recognized certificates of industry/occupational skills completion sufficient to qualify for entry-level or advancement in employment.

Evan Rosenberg, Division of Youth Services, DOL ETA, "WIOA Youth Eligibility Live Q&A Session" on WorkforceGPS October 24, 2017:

- DOL does not define what specifically counts toward a credential.
- DOL intentionally defined credential in a fashion to allow states and LWDBs to make that determination as long as the state and LWDB determinations are based on DOL's definition.

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- Although Evan did state the following are considered credentials:
 - CNA
 - ACE Certificate

WSS Policy 1020, Rev. 2 Handbook - Recognized Postsecondary Credentials Counted Toward Federal Performance Measures:

Postsecondary credentials reportable to DOL are described in TEGL 10-16 Change 3 and will be recorded in the state MIS, and in case files used for validation of federal reports. The dates on which credentials, certificates or licenses are awarded need to be recorded in the state MIS. Dates are needed to determine the applicable timeframe for reporting. The following are acceptable types of credentials that count toward the credential attainment indicator:

- Secondary School diploma or recognized equivalent
- Associate degree
- Bachelor's degree
- Occupational licensure
- Occupational certificate, including Registered Apprenticeship and Career and Technical Education educational certificates
- Occupational certification
- Other recognized certificates of industry/occupational skills completion sufficient to qualify for entry-level or advancement in employment.

Note: WIOA Section 3(52) defines a recognized postsecondary credential as a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal Government, or an associate or baccalaureate degree. Graduate degrees are not included in the definition of a recognized postsecondary credential. Therefore, graduate degrees do not count towards credential attainment.

A variety of different public and private entities issue recognized postsecondary credentials. Below is a list of the types of organizations and institutions that award recognized postsecondary credentials (not all credentials by these entities meet the definition of recognized postsecondary credential).

A state educational agency or a state agency responsible for administering vocational and technical education within a state;

- An institution of higher education described in [Section 102 of the Higher Education Act of 1965 \(20 USC sec. 1002\)](#) that is qualified to participate in the student financial assistance programs authorized by title IV of that Act. This includes community colleges, proprietary schools, and all other institutions of higher education that are eligible to participate in Federal Student Financial Aid (FAFSA) programs;
- An institution of higher education that is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or tribes.
- A professional, industry, or employer organization (e.g., National Institute for Automotive Service Excellence certification, National Institute for Metalworking Skills, Inc., Machining Level I credential) or

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product manufacturer or developer (e.g., recognized Microsoft Information Technology certificates, such as Microsoft Certified IT Professional (MCITP), Certified Novell Engineer, a Sun Certified Java Programmer, etc.) using a valid and reliable assessment of an individual's knowledge, skills and abilities;

- The DOL Employment and Training Administration's Office of Apprenticeship or a recognized State Apprenticeship Agency;
- A public regulatory agency, which awards a credential upon an individual's fulfillment of educational, work experience, or skill requirements that are legally necessary for an individual to use an occupational or professional title or to practice an occupation or profession (e.g., Federal Aviation Administration aviation mechanic license, or a State-licensed asbestos inspector);
- A program that has been approved by the Department of Veterans Affairs to offer education benefits to veterans and other eligible persons; or
- Job Corps, which issues certificates for completing career training programs that are based on industry skills standards and certification requirements.

Certificates awarded by local workforce development boards (LWDBs) and work readiness certificates are not included because neither type of certificate is recognized industry-wide, nor documents the measurable technical or industry/occupational skills necessary to gain employment or advancement within an occupation. Likewise, such certificates must recognize technical or industry/occupational skills for the specific industry/occupation rather than general skills related to safety, hygiene, etc., even if such general skills certificates are broadly required to qualify for entry-level employment or advancement in employment.

Note: Occupational skills licenses are granted by state licensing or regulatory bodies and are required as a condition of practicing a specific occupation. These must be industry-recognized, and include, but are not limited to:

- Commercial driver's licenses
- Nursing licenses
- Cosmetology licenses
- Massage licenses

For a list of occupations licensed by the Washington Department of Licensing, refer to <https://www.dol.wa.gov/professional-licenses>.

For a list of occupations licensed by the Washington Department of Health, refer to <https://doh.wa.gov/licenses-permits-and-certificates/professions-new-renew-or-update>

Other sources of acceptable occupational skills certificates are:

- Clearinghouses of industry skill certificates being developed for use in skill assessments in vocational education, such as Career and Technical Education Consortium of States (CTECS).
- State or regional employer skill panels that have developed skill standards, methods of testing to determine that job seekers meet those standards, and issue certificates to those meeting standards.

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- Occupational Safety and Health Administration (OSHA) or Washington Industrial Safety and Health Act (WISHA) testing of operator skills for the operation of equipment.
- Certificates of training completion required by OSHA or WISHA to flaggers, forklift operators, or other workers as a condition of performing work in an occupation.

Certificates / Credentials Not Included - TEGL 10-16, Change 3:

Certificates awarded by workforce development boards (WDBs) and work readiness certificates are not included in this definition because neither type of certificate is recognized industry-wide, and they do not document the measurable technical or industry/occupational skills necessary to gain employment or advancement within an occupation. Likewise, such certificates must recognize technical or industry/occupational skills for the specific industry/occupation rather than general skills related to safety, hygiene, etc., even if such general skills certificates are broadly required to qualify for entry-level employment or advancement in employment. Although these types of certificates may not count towards the credential attainment indicator, these types of certifications may lead to positive outcomes in other performance indicators, so it may be valuable to provide services that lead to such certificates, depending on the requirements and eligibility for individual programs. Services that lead to these types of certificates often do not meet the definition of training or education; therefore, in such cases those participants are also excluded from the denominator of this measure.

WSS Policy 1020, Rev. 2 Handbook: To be counted, certificates and credentials should be necessary to complete training and sufficient to perform a job, not just necessary. For example, some jobs require that the holder have a non-commercial driver's license or a first-aid card. However, such supplementary credentials do not normally indicate that one is qualified to perform the job.

Credentials that do not count toward federal Primary Indicators of Performance include but are not limited to:

- First Aid Cards
- Food Handler's Cards
- Non-Commercial Driver's Licenses
- Proof of employment held subsequent to training
- Certificates of completion for short-term prevocational services
- Completion of programs provided by institutions and training organizations not licensed by WTECB or an equivalent state regulatory agency or trade association in cases where the institution or training provider is not eligible to provide recognized postsecondary credentials as described above.

Though these types of certificates do not count toward credential attainment, they may lead to positive outcomes in other performance indicators, so it may be valuable to provide services that lead to such certificates, depending on their contribution to the goals and outcomes articulated by participants or outlined in Individual Employment Plans (IEPs).

Guidance from ESD Policy unit to ESD Monitoring unit on 2-1-18:

- WEX
- Locally Authorized Credential Earned

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Guidance from ESD Policy unit to ESD Monitoring unit on 2-16-18:

- Microsoft Digital Literacy (*it does not meet the definition of industry recognized credential*)

Evan Rosenberg, Division of Youth Services, DOL ETA, “WIOA Youth Eligibility Live Q&A Session” on WorkforceGPS October 24, 2017: Even though DOL will not define what counts as a credential, Evan did state the following common trainings do not count as a credential or occupational skills training:

- CPR
- OSHA 10
- Work readiness
- Completion of assistive technology training program (screen reading software)
- Certificates related to hygiene and safety that are broadly required for entry level employment

Documentation Requirements - Federal Register Vol. 80, No. 140; WSS Policy 1003, Rev. 6: Diplomas, degrees, or certificates must be attained either during participation or within one year of exit.

Reporting / MIS Data Entry Requirements - WSS Policy 1020, Rev. 2 - Post-secondary Credentials Data

Collection: Staff must follow the process outlined in the Procedures to Support Postsecondary Credential Data Collection located on the Technology tab of the WPC site to support PIRL element updates for postsecondary education training. The process pertains to the following PIRL elements:

- Element 1332 - Participated in Postsecondary Education During Program Participation
- Element 1406 - Date Enrolled in Post Exit Education or Training Program Leading to a Recognized Postsecondary Credential

TEGL 10-16, Change 3: Participants Who Count in the Measure

- Participants who exit and are in a postsecondary education or training program, or who are in a secondary education program (at or above the 9th grade level) without a secondary school diploma or equivalent (excluding those in OJT and customized training) who are employed or enrolled in an education or training program leading to a recognized postsecondary credential within 1 year following exit.
- Such employment or enrollment in an education or training program only needs to be for some period during the 4 quarters after exit, not for the entire 1-year period after exit. (WIOA Joint Rule, Departments’ responses: Page 55841)
- All Adult program participants who received training that was not OJT or Customized Training.

Excluded from the Measure:

Participants who exited a program:

- Who were enrolled in OJT only
- Who were enrolled in Customized Training only
- Incarcerated
- Medical treatment
- Deceased
- Called to active duty

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One-year of Follow-up Required: Reporting on this indicator requires a full year of follow-up to determine if a credential was attained within one year after exit and to determine employment or entry into postsecondary education or training for those who attain a secondary school diploma or recognized equivalent.

WSS Policy 1003, Rev. 6:

Secondary Education:

- Record if the participant was enrolled in a Secondary Education Program at or above the 9th Grade level.
- A Secondary Education Program includes both secondary school and enrollment in a program of study with instruction designed to lead to a high school equivalent credential.
- Examples may include adult high school credit programs and programs designed to prepare participants to pass recognized high school equivalency exams such as GED.
- Programs of study designed to teach English proficiency skills or literacy skills below the 9th grade equivalent are not considered Secondary Education Programs.

Post-secondary Education: Record if the participant was in a post-secondary program that leads to a credential or degree from an accredited post-secondary education institution at program enrollment or at any point during program participation.

Date Enrolled:

- Record the date the participant was enrolled during program participation in an education or training program that leads to a recognized post-secondary credential, including a secondary education program, or training program that leads to employment as defined by the core program in which the participant participates whether at program enrollment or at any point while participating in the program.
- If the participant was enrolled in post-secondary education at program entry, the date in this field should be the date of Program Entry.
- This includes but is not limited to participation in Job Corps or YouthBuild or Adult Education or secondary education programs.

DOL ETA PIRL 9172:

- Record the date on which the participant attained a recognized credential.
- Use the appropriate code to record the type of recognized diploma, degree, or a credential consisting of an industry-recognized certificate or certification, a certificate of completion of a Registered Apprenticeship, a license recognized by the State involved or Federal Government, or an associate or baccalaureate degree attained by the participant who received education or training services.
- Note: Diplomas, degrees, licenses or certificates must be attained either during participation or within one year of exit.
- This data element applies to both the Credential Rate indicator and the Measurable Skills Gain indicator for all programs.

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Evan Rosenberg, Division of Youth Services, DOL ETA, “WIOA Youth Eligibility Live Q&A Session” on WorkforceGPS October 24, 2017:

- Only one (1) credential will be reported even if more than one credential is recorded in MIS.
- All credentials earned must be recorded in MIS.

“Training Paid by Other”, Guidance Received via email from ESD System Performance to ESD Monitoring on 3-6-18:

- If a WIOA participant is in non-WIOA funded training and recorded in MIS as “Training Paid by Other”, Measurable Skill Gains and Credential Earned performance indicators are not captured.
- In order for these two performance indicators to be captured, a WIOA funded training service must be recorded in MIS.

If the participant is *co-enrolled* in more than one WIOA funded program, and one of the WIOA program funds training, there is no need for the other program to record “Training Paid by Other”; the participant is entered into the Measurable Skills Gains and Credential performance measures for all programs that were active during the participation episode.

PROGRAM EXIT

Date and Reason for Program Exit

System Exit - WSS Policy 1020 Rev. 2 Handbook:

- “Exit” refers to a participant who has not received a qualifying service funded by any qualifying program in the WorkSource system for 90 consecutive calendar days and is not scheduled to receive future participation-level services. This definition supports the integrated service philosophy and acknowledges that a system exit is a common exit from all qualifying WorkSource system programs.
- Note: “Program completion” should not be confused with system exit since completion of one program does not necessarily mean the participant has reached a true exit.
- “Exit Date” is an auto-exit that is a system-derived date determined after participants have not received any participation-level service for 90 consecutive calendar days and are not scheduled to receive future services.
- In accordance with the requirements of TEGL 14-18, the exit date is applied retroactively, after a 90-consecutive day period without participation-level services, back to the last day on which individuals received participation-level services provided by any program included in this policy.
- Individuals who are participating in more than one program will have a single common exit date based on the last completed participation-level service. This ensures that the exit date is the same as the last date of service for all programs in the participation period.

20 CFR 677.150(c)(1):

- Exit is the last day of service.
- The last day of service cannot be determined until at least 90 days have elapsed since the participant last received services; services do not include self-service, information-only services, activities, or follow-up services.
- This also requires that there are no plans to provide the participant with future services.

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ETA 9172 (PIRL):

- The last date the participant received services that are not self-service, information-only, or follow-up services.
- And only if there are no future services that are not self-service, information-only or follow-up services, planned from the program.

Exclusions from Performance Measures / Other Reasons for Exit - WSS Policy 1020, Rev. 2 Handbook:

Exclusions from performance measures may only be used for participants who present one of the following reasons for exclusion from all performance measures:

- Institutionalized or Incarcerated;
- Health/Medical expected to last longer than 90 days;
- Deceased (the only exclusion that can be linked to non-participants)
- Reserve Forces Called to Active Duty for at least 90 days;
- Foster Care (Youth only);

The “Deceased” category is the only category that can be counted through the fourth quarter after exit.

WSS Policy 1003, Rev. 6:

- Incarcerated in a correctional institution or has become a resident of an institution or facility providing 24-hour support such as a hospital or treatment center during the course of receiving services as a participant.
- Medical treatment expected to last longer than 90 days and precludes entry into unsubsidized employment or continued participation in the program.
- Deceased
- Member of National Guard or other reserve military unit of the armed forces and is called to active duty for at least 90 days.

Program Completion - WSS Policy 1020, Rev. 2 Handbook:

The program completion date is the date of the final program-funded participation-level service. This date is entered into the state MIS by staff.

Note: Individuals who have completed program participation enter a follow-up period to support their continued success (see Section 2.3.5 for youth and Section 3.1 for adults and dislocated workers). However, if at any time they return in the 90-day period, they must be provided participation-level services as needed.

Note: “Program completion” should not be confused with system exit since completion of one program does not necessarily mean the participant has reached a true exit.

Follow-up Services

MIS: WIN 0077, Change 16; WorkSource Service Catalog

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When to Provide Follow-up Services - WIOA Title I-B Policy 5620, Rev. 1: Follow-up services can only be provided to WIOA Title I Adult and Dislocated Worker program participants who are placed in unsubsidized employment and have a Program Completion recorded in the Management Information System (MIS). Note: WIOA law and regulations define follow-up services as a type of career service, which would typically mean that they can only be provided to participants. However, the U.S. Department of Labor (DOL) has instructed states to follow the guidance issued in TEGL 10-16 Change 3, which states that follow-up services begin after program completion.

WSS Policy 1020, Rev. 2 Handbook: Note: Follow-up services are delivered when the participant still needs services to ensure continued success. However, a new program enrollment and participation period will preclude the delivery of follow-up services from prior enrollment. Follow-up services delivered within consecutive 90 days of the last participation-level service can be used to establish that participants do not need to be reengaged with qualifying services (as listed in the Services Catalog) prior to exit.

Duration of Follow-up Services- WSS WIOA Title I Policy 5620, Rev 1: Follow-up services if requested by the exited individual and determined by staff to be appropriate, must be provided for a period of up to 12 months. (i.e., not more than 12 months). Note: WIOA law and regulations state that follow-up services must be provided for not less than 12 months, but DOL has instructed states to comply with the guidance issued in TEGL 19-16.

Types of Follow-up Services - WIOA Title I-B Policy 5620, Rev 1: Follow-up services for WIOA Title I Adult and Dislocated Worker program participants can include, but are not limited to, two-way exchanges between the service provider or case manager and either the individual (or his/her advocate) or the individual's employer as follows:

- Counseling individuals about the workplace.
- Contacting individuals or employers to verify employment.
- Contacting individuals or employers to help secure better paying jobs, additional career planning, and counseling for the individual.
- Assisting individuals and employers in resolving work-related problems.
- Connecting individuals to peer support groups.
- Providing individuals with information about additional educational or employment opportunities.
- Providing individuals with referrals to other community services.

Reporting / MIS Data Entry Requirements - TEGL 10-16, Change 3; TEGL 19-16; WIOA Title I-B Policy 5620, Rev. 1: Follow-up services do not extend the date of exit in performance reporting.

DATA ELEMENT VALIDATION, DATA INTEGRITY

WSS Policy 1003, Rev. 6 - As recipients of WIOA Title I-B, Title III and TAA funds, ESD and Local Workforce Development Boards (LWDBs) are required to collect and report accurate information for these programs.

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DOL mandates annual DEV to maintain and demonstrate system integrity, assess the accuracy of submitted participant data, and identify and correct problems associated with data entry processes.

Definitions – WSS Policy 1003, Rev. 6

- Data Validation – A series of internal controls or quality assurance techniques established to verify the accuracy, validity, and reliability of data.
- Data Element Validation (DEV) – The federally mandated process by which the state annually assesses the accuracy of prescribed data elements in randomly sampled participant files against source documents in program files for compliance with federal definitions (refer to TEGL 07-18).

Types of Source Documentation

WSS Policy 1003, Rev. 6 – Attachment B

For most data elements, the validation guidelines provide multiple forms of acceptable source documentation. If the grantee collects multiple sources for the same data element and the sources conflict, the most objective source should be used to determine if the data element is valid and accurate.

These source documentation types include:

1. Case Notes: Case notes refer to either paper or electronic statements by the case manager that identify, at a minimum, the following: (a) a participant's status for a specific data element, (b) the date on which the information was obtained, and (c) the case manager who obtained the information.
2. Cross-Match: A cross-match requires grantees to identify detailed evidence that confirms the data element in a secondary database. Grantees must also confirm supporting information such as dates of participation and services rendered. Grantees must have data sharing agreements in place as appropriate.
3. Electronic Records which may include:
 - Participant Source Documents: Participant source documents maintained in the grantee's management information system (MIS) or other official record keeping system.
 - Grantee participant service record: Grantee participant information generated and maintained by the grantee regarding the specific services received by a participant. The information may be generated and maintained through the grantee's MIS or other official record keeping system.
4. Self-Attestation: Self-attestation means a written, or electronic/digital declaration of information for a particular data element, signed and dated by the participant. DOL broadly interprets what is considered an electronic/digital signature. Electronic signatures or a submission from the participant such as an email, text, or unique online survey response is considered an electronic signature or verification; it must be participant generated and traceable to the participant. Grantees must retain documentation of the self-attestation.
5. File Documentation with Notes from Program Staff: Supporting material that provides official information or evidence or that serves as a record in support of the data element, along with corresponding case notes from staff. Examples of file documentation include both standard state MIS forms such as ISS or assessment as well as information obtained from outside officials (i.e. emails, records, letters).

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Note: Attachment B of WSS Policy 1003, Rev. 6 details the allowable source documentation for data element validation in Washington.

Self-Attestation

Definition - WSS Policy 1003, Rev. 6 Self-attestation means a written, or electronic/digital declaration of information for a particular data element, signed and dated by the participant. DOL broadly interprets what is considered an electronic/digital signature. Electronic signatures or a submission from the participant such as an email, text, or unique online survey response is considered an electronic signature or verification; it must be participant generated and traceable to the participant. Grantees must retain documentation of the self-attestation.

Note: Self-attestation can be in the form of a signed and dated WIOA eligibility application that is either in paper format or one of two forms of electronic documentation (a scanned and uploaded copy of the paper document or an application in the State's case management system with the participant's date-stamped electronic signature).

Documentation - WSS Policy 1003, Rev. 6: To ensure properly documented customer self-attestation, ESD strongly encourages LWDBs to use the self-attestation forms provided, or local versions that are substantially similar. DOL further recommends that staff document the reason for using self-attestation in case notes.

Improperly documented self-attestation or self-attestation on eligibility elements not permitted under federal law or guidance or this policy may result in disallowed costs. Properly documented self-attestation serves as documentary evidence of eligibility determination and does not, by itself, warrant disallowed cost findings. At the same time, properly documented self-attestation does not, by itself, preclude disallowed cost findings if it is determined during monitoring, reviews, or audits that the attestation was false.

Management Information System (MIS)

MIS - WIN 0077, Change 16; WorkSource Service Catalog

Basic Career Services - TEGL 19-16: Basic career services are universally accessible and must be made available to all individuals seeking employment and training services in at least one comprehensive American Job Center per local area.

Types of Services (Services marked with an * trigger participation; TEGL 10-16, Change 3, Attachment VII, Table A) **20 CFR 678.430(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:

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

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- Labor exchange services, including:
 - Provision of information on in-demand industry sectors and occupations; and
 - Provision of information on nontraditional employment; and
 - Appropriate recruitment and other business services on behalf of employers, including information and referrals to specialized business services other than those traditionally offered through the one-stop delivery system;
- Provision of referrals to and coordination of activities with other programs and services, including programs and services within the one-stop delivery system and, when appropriate, other workforce development programs

TEGL 19-16:

- *A referral to employment (when a specific individual or group of individuals is referred to a specific job or jobs) is the only type of referral that would trigger participation;
- Referrals alone to other programs and services do not trigger participation;
- *Referrals that are generated as a result of a service, such as career counseling, trigger participation;
- Simple searches of job boards or automated emails are not considered to be referrals to employment, as they are informational in nature and contain publicly available information;
- 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-
 - Job vacancy listings in labor market areas;
 - Information on job skills necessary to obtain the vacant jobs listed; and
 - Information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for those jobs;
- Provision of performance information and program cost information on eligible providers of education, training, and workforce services by program and type of providers;
- 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;
- 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; and
- 11. *Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA.

TEGL 19-16: These services may be provided by both the Adult and Dislocated Worker programs, as well as by the Employment Service.

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Individualized Career Services - TEGL 19-16: Individualized Career Services must be provided to participants after American Job Center staff determine that such services are required to retain or obtain employment, consistent with any applicable statutory priorities.

Types of Services (*All Individualized Career Services trigger participation-TEGL 10-16, Change 3, Attachment VII, Table A*) **20 CFR 678.430(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:

- Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include:
 - Diagnostic testing and use of other assessment tools; and
 - In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
- Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about, the eligible training providers;
- Group counseling;
- Individual counseling;
- Career planning;
- 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;
- Internships, work experiences (and transitional jobs-TEGL 19-16) that are linked to careers;
- Workforce preparation activities;
- Financial literacy services;
- Out-of-area job search assistance and relocation assistance; and
- English language acquisition and integrated education and training programs.

TEGL 19-16: Generally, these services involve significant staff time and customization to each individual's need.

Accurate Data Reporting - 20 CFR WIOA Joint Rule Departments' response, page 55793:

- A critical part of the implementation of WIOA is the collection and reporting of accurate, timely information about individuals who receive services through the programs authorized under the law.
- Such information is critical to inform public policy and support analysis of effective strategies.

20 CFR 677.240:

- States must ensure that they submit complete annual performance reports that contain information that is valid and reliable, as required by WIOA sec. 116(d)(5).
- If a State fails to meet these standards, corrective actions may include the State providing training for its sub-recipients.

WSS Policy 1020, Rev. 2 Handbook: The minimal MIS data entry requirements are as follows:

- Services must be entered at the point in time they are delivered;

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- If services cannot be entered at the time they are delivered, 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.
- These data limitations do NOT impact any other Touchpoints including follow-up or placement information in Touchpoints.
- When a service is provided, the appropriate qualifying service must be identified, even if case notes are entered.
- Qualifying services are identified in the WorkSource Service Catalog.
- Services should only be entered when delivered to a participant and only actual services should be entered.
- 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 Service Catalog.
- Services should not be recorded if only a voice message was left, or an email delivered as they only represent the intent to provide service as opposed to the actual provision of services.

Reporting / MIS Data Entry Requirements - WSS Policy 1020 Rev. 2 Handbook:

- Services within the WorkSource Service 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.

WSS Policy 1023, Rev. 1 – Co-enrolled Integrated Service Delivery Policy and Operations Manual Handbook:

- The job seeker is counted in the service pool when a qualifying service is recorded and linked to an Active Program Enrollment.
- All services must be linked to an Active Program Enrollment.

20 CFR 677.160: State performance reports must provide, at a minimum, information on the actual performance levels achieved with respect to the total number of participants served and the total number of participants who exited each of the core programs including disaggregated counts of those who participated in and exited a core program, by:

- Individuals with barriers to employment as defined in WIOA sec. 3(24) and
- Co-enrollment in any of the programs in WIOA sec. 116(b)(3)(A)(ii);
- Information on the performance levels achieved for the primary indicators of performance for all of the core programs including disaggregated levels for Individuals with barriers to employment, age, sex; and race and ethnicity;
- The number of participants who received career services and the total number of participants who exited from career services and training services;
- Information on the performance levels achieved for the primary indicators of performance for career and training services;
- Percentage of participants in a program who attained unsubsidized employment related to the training received;

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- Amount of funds spent on career services and training services; and
- Average cost per participants for those who received career and training services, respectively

20 CFR 677.170(c)(2): State levels of performance for primary indicators consist of, among other things:

- Indicators of poor work history;
- Lack of work experience;
- Lack of educational or occupational skills attainment;
- Dislocation from high-wage and high-benefit employment;
- Low levels of literacy;
- Low levels of English proficiency;
- Disability status;
- Homelessness;
- Ex-offender status; and
- Welfare dependency

20 CFR 677.235: On a quarterly basis, each State must submit to the Secretary of Labor individual records that include demographic information, information on services received, and information on resulting outcomes for each reportable individual.

Case Notes

DOL Definition - WSS Policy 1003, Rev. 6: Paper or electronic statements by the case manager that identifies, at a minimum, the following:

- A participant's status for a specific data element,
- The date on which the information was obtained and
- The case manager who obtained the information.

Reporting - WSS Policy 1020, Rev. 2 Handbook:

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

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- 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 (WSS Policy 1031).

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 services in the state MIS.

ESD Monitoring Team Recommendations: Case notes should include detailed information about the participant's eligibility, the participant's service needs, services provided to the participant, outcomes of those services and general case management provided. Case notes should provide the whole story of the participant; do not just focus on one activity (e.g. GED, WEX).

Late Service Entry – WSS Policy 1020, Rev. 2 Handbook

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.*

MISCELLANEOUS OBSERVATIONS

This element covers all other observations not accounted for on this tool. Examples of "miscellaneous observations" may include, but are not limited to:

- Loose, unattached documents located in a hard file
- Medical references in the file
- Names of other program participants located in the file,
- Other "miscellaneous observations"

Confidential Information

WSS Policy 1031

LWDBs must ensure that medical and disability-related information for customers is collected and used by WorkSource system staff as outlined by federal law and this information notice. Medical and disability related information for customers should only be collected and used for the purposes of documenting eligibility, where disability is an eligibility criterion for a program or activity; to document reasonable accommodations;

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and for data analysis. The following instructions serve as guidance for LWDBs to use in order to meet the requirements related to the management of medical and disability-related information:

1. Medical and disability-related documents must be secured and maintained in a separate and confidential customer file. Medical and disability files should be stored as a medical record and must be separate from all other confidential information (e.g. court documents). Each customer's medical file should be separate (i.e. medical information for multiple customers should not be kept in the same file).
2. Medical and disability-related information contained in case notes, assessment forms, or other documentation in the Management Information System (MIS) must be secured in a separate and confidential medical file. This is accomplished by copying the specific sheet of the case note file, assessment form or language in the MIS that contains medical or disability related information, placing it in a separate medical and disability file, then redacting the medical and disability-related information in the case notes, assessment form or language in the MIS and inserting 'See separate confidential file'.
3. Partner staff co-located at a center should place their medical and disability-related information with that of the center or send it to their main office for similar storing. If medical files are maintained in paper, they should be kept in a locked cabinet with limited access and separate from other file types maintained for the customer. Please note that medical and disability-related information should not be stored in staff desks. If medical files are maintained electronically, they should be secured in a password protected file or access to the electronic file location should be limited, and they should be stored separately from other file types.
4. To ensure confidentiality, there should be limited access to the medical and disability file. Individuals monitoring for compliance with 29 CFR Part 32 and 38 may have access for monitoring purposes.
5. The information that is of value to staff is most often the limitations caused by a customer's disability or medical condition and the effect on the customer's ability to advance through the program, as opposed to a disability or medical diagnosis. It is possible to record relevant information without documenting actual medical or disability related information.

Here are examples of information that is not considered medical or disability-related for the purpose of securing and maintaining: "The customer cannot lift more than 20 pounds"; "cannot sit for more than an hour"; "must take frequent breaks or must take breaks at least every hour"; "must be located in a quiet room with few interruptions"; "cannot drive in mornings until 9 a.m."; "will be unavailable during the next six weeks"; etc.

Here are examples of information that is considered medical/disability information and must be secured: "The customer has a herniated disk"; "stage 2 abdominal cancer"; "Crohn's disease"; "seasonal affective disorder"; "hypertension"; "diabetes"; "a fractured tibia"; "mild depression"; etc.

6. Medical and disability-related information can be acquired during the delivery of case management services but should then be stored securely. This information should be kept confidential and not be shared with employers, other customers, immediate coworkers, or those providing labor exchange and/or job matching services. It may be appropriate to discuss a customer's disability or medical condition in limited circumstances and at the customer's request such as with program supervisors or

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trainers to explain reasonable accommodations, or with first aid and safety personnel if the customer asks us to because the condition may require emergency treatment.

7. Medical files, whether they exist in electronic form (including email) or hard copy, must be maintained in the separate confidential file for a period of not less than three years from the close of the applicable program year.

PERFORMANCE INDICATORS FOR ADULT AND DISLOCATED WORKERS

Excluded from Performance

TEGL 10-16, Change 3, Attachment 2, Table A:

- Incarceration or Resident of Facility Providing 24-hour Support: The participant exits the program because he or she became incarcerated in a correctional institution or has become a resident of an institution or facility providing 24-hour support such as a hospital or treatment center during the course of receiving services as a participant.
- Medical Treatment: The participant exits the program because of medical treatment and that treatment is expected to last longer than 90 days and precludes entry into unsubsidized employment or continued participation in the program.
- Deceased: The participant is deceased.
- Called to Active Duty: The participant exits the program because the participant is a member of the National Guard or other reserve military unit of the armed forces and is called to active duty for at least 90 days.

Recording Exclusions in MIS - ESD WIN 0077, Change 16

- Exit Exclusion-Incarceration or Institutional Care
- Exit Exclusion-Medical Treatment Expected to Last Longer than 90 Days
- Exit Exclusion-Reserve Military Called to Active Duty

Performance Definitions

REPORTABLE INDIVIDUAL

TEGL 10-16, Change 3:

- An individual who has taken action that demonstrates an intent to use program services and who meets specific reporting criteria of the program, including:
 - individuals who provide identifying information;
 - individuals who only use the self-service system; or
 - individuals who only receive information-only services or activities.
- The category of reportable individual allows the Departments to identify the individuals who engaged with the workforce development system on an initial level but who do not complete the requirements to become participants.
- The Departments will use this category to track the number of individuals who may take part in self-services, receive information-only services or activities, or those who do not complete the program requirements for eligibility or for participation.

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- The Departments require inclusion of certain information about reportable individuals in the State annual performance reports.
- Collecting such information allows the Departments to identify the individuals who engaged with the system on an initial level but who do not complete the requirements to become participants.

PARTICIPANT

TEGL 10-16, Change 3:

- For the WIOA Adult, DW and Wagner-Peyser programs, a participant is an individual who:
 - Meets the definition of reportable individual;
 - Has received services other than the services described in 20 CFR 677.150(a)(3) (i.e., individuals who only use the self-service system); and
 - Has satisfied all applicable programmatic requirements for the provision of services.
- Only “participants” are included in the performance indicators.
- The Departments will negotiate levels of performance and calculate sanctions based on the outcomes of program participants because the performance indicators are based on the experience of participants upon exit from or, as applicable, during participation in a program.

PERIOD OF PARTICIPATION

TEGL 10-16, Change 3:

- For all indicators, except Measurable Skill Gains, a period of participation refers to the period of time beginning when an individual becomes a participant and ending on the participant’s date of exit from the program.
- A new period of participation is counted each time a participant re-enters and exits the program-even if both exits occur during the same program year.

In-Program Measurable Skill Gains (During Program Participation)

Definition: % participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains, defined as documented academic, technical, occupational, or other forms of progress towards such a credential or employment.

Methodology - Calculation includes all participants:

- The number of program participants during the reporting period who are in an education or training program that leads to a recognized postsecondary credential or employment **AND**
- are achieving measurable skill gains based on attainment of at least one type of gain
- **DIVIDED** by the number of program participants during the reporting period who are in an education or training program that leads to a recognized postsecondary credential or employment.

Included - TEGL 10-16, Change 3: All participants who are in the WIOA Adult-or Dislocated Worker-funded training program (which includes funding a training program for a secondary school program equivalent).

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Frequency and Timing of Measure - TEGL 10-16, Change 3:

- Participants are only included in the denominator, and likewise the numerator, one time per reporting period (i.e., program year), regardless of how many skills gains they achieve in a given program year unless the individual has more than one period of participation in a given program year.
- A participant who exits the program and re-enrolls in the program during the same program year and is in an education or training program will be in the indicator two times for that particular program year.
- The measurable skill gains indicator is different from the other indicators because it is not exit-based, meaning that a participant can achieve a measurable skill gain while still participating in a program.
- Programs should not delay enrollment or services to participants until a new program year even if programs believe there is insufficient time for the participant to make any type of measurable skill gain by the end of that program year.

Documentation Requirements - WSS Policy 1003, Rev. 6:

EFL:

- Record the most recent date the participant who received instruction below the post-secondary education level achieved at least one EFL.
- EFL gain may be documented in one of four ways:
 - By comparing EFL as measured by a participant's post-test or
 - For State's that offer secondary school programs that lead to a secondary school diploma or its recognized equivalent an, EFL gain may be measured through the awarding of credits or Carnegie units; or
 - States may report an EFL gain for participants who exit the program and enroll in post-secondary education or training during the program year.
 - Passage of a subtest on a State-recognized high school equivalency examination (WSS Policy 1020, Rev. 2)
- Source Documentation Requirements:
 - Pre- and post-test results measuring EFL gain
 - Adult High School transcript showing EFL gain through the awarding of credits
 - Post-secondary education or training enrollment
 - determined through survey documentation or program notes.
 - Proof of passage of a subtest on a State-recognized high school equivalency examination (WSS Policy 1020, Rev. 2)

Post-secondary Transcript/Report Card:

- Record the most recent date the participant's transcript or report card for post-secondary education who complete a minimum of 12 hours per semester, or for part time students, a total of at least 12 credit hours over the course of two completed consecutive semesters during the program year, that shows a participant is meeting the State unit's academic standards.
- Source Documentation Requirements:
 - Transcripts showing the participant is achieving the State's policies for academic standards
 - Report card

Secondary Transcript/Report Card:

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- Record the most recent date of the participant's transcript or report card for secondary education for one semester showing that the participant is meeting the State unit's academic standards.
- Source Documentation Requirements:
 - Transcripts showing the participant is achieving the State's policies for academic standards
 - Report card

Training Milestone:

- Record the most recent date that the participant had a satisfactory or better progress report towards established milestones from an employer training provider who is providing training (e.g., completion of OJT, completion of one year of a registered apprenticeship program, etc.).
- Source Documentation Requirements: Contract and/or evaluation from employer or training provider

Industry Exam, Skills Progression:

- Record the most recent date the participant successfully passed an exam that is required for a particular occupation, or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks such as knowledge-based exams.
- Source Documentation Requirements:
 - Results of knowledge-based exam or certification of completion
 - Documentation demonstrating progress in attaining technical or occupational skills
 - Documentation from training provider or employer
 - Copy of credential that is required for a particular occupation and only is earned after the passage of an exam.

Credential Rate (During Program Participation or Within 1 Year after Exit)

Definition: % participants enrolled in an education or training program (*excluding those in OJT and customized training*) who obtained a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within 1 year after exit from the program.

This measure counts only if the participant is also employed or is enrolled in an education or training program leading to a recognized postsecondary credential within 1 year from program exit.

Methodology: Calculation includes all participants who exited from a program and were in either a postsecondary education or training program (other than OJT and customized training) **OR** in a secondary education program at or above the 9th grade level without a secondary school diploma or its equivalent:

- The number of participants who exited during the reporting period who obtained a recognized postsecondary credential during the program or within one year after exit **OR**
- those who were in a secondary education program and obtained a secondary school diploma or its recognized
- equivalent during the program or within one year after exit **AND**
- were also employed, or in an education or training program leading to a recognized postsecondary credential within one year after exit
- **DIVIDED** by the number of participants enrolled in an education or training program (excluding those in OJT and customized training) who exited during the reporting period.

Types of Credentials - TEGL 10-16, Change 3: This indicator measures attainment of two types of credentials:

- A recognized postsecondary credential, or

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- A secondary school diploma or its recognized equivalent

WSS Policy 1003, Rev. 6:

- Secondary School Diploma/or equivalency
- AA or AS Diploma/Degree
- BA or BS Diploma/Degree
- Occupational Licensure
- Occupational Certificate
- Occupational Certification
- Other Recognized Diploma, Degree, or Certificate

Included - TEGL 10-16, Change 3:

- All ISY since they are attending secondary or postsecondary school, and
- OSY who participate in one of the following:
 - Occupational skills training
 - Secondary education during participation in the WIOA Youth program
 - Postsecondary education during participation in the WIOA Youth program
 - Title II funded adult education during participation in the WIOA Youth program
 - Youth Build during participation in the WIOA Youth program
 - Job Corps during participation in the WIOA Youth program

Excluded - TEGL 10-16, Change 3:

- OJT
- Customized Training
- Incarcerated
- Medical treatment
- Deceased
- Called to active duty
- Foster Care & Moved from local area

One-year of Follow-up Required - TEGL 10-16, Change 3: Reporting on this indicator requires a full year of follow-up to determine if a credential was attained within one year after exit and to determine employment or entry into postsecondary education or training for those who attain a secondary school diploma or recognized equivalent.

WIOA Joint Rule, Department's Response, page 55841: Such employment or enrollment in an education or training program only needs to be for some period during the 4 quarters after exit, not for the entire 1-year period after exit

Documentation Requirements - WSS Policy 1003, Rev. 6:

- Diplomas, degrees, licenses, or certificates must be attained either during participation or within one year of exit:

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- Copy of credential
- Copy of school record
- Follow-up survey from program participants
- Case notes documenting information obtained from education or training provider
- This data element applies to both the Credential Rate Indicator and the Measurable Skills Gain indicator for all programs.

Median Earnings (Second Quarter after Exit)

Definition: Median earnings of participants who are in unsubsidized employment during the 2nd quarter after exit

Methodology: To calculate the median earnings for all participants employed in the second quarter after exit from any of the core programs:

- Total quarterly earnings, for all participants employed in the second quarter after exit, are collected by either direct wage record match or supplemental wage information.
- The collected quarterly wage information values are listed in order from the lowest to the highest value.
- The value in the middle of this list is the median earnings value, where there is the same quantity of numbers above the median number as there is below the median number.

Included - TEGL 10-16, Change 3: Participants who are in the military or in a Registered Apprenticeship program are also considered as employed, and their quarterly earnings are calculated for the purpose of these indicators.

Excluded - TEGL 10-16, Change 3:

Exited participants:

- Who are not employed in the 2nd quarter after exit;
- For whom earnings are not yet available;
- Who have \$0 income;
- Who are in subsidized employment; and
- Participants who have exited for any of the reasons listed in Attachment 2, Table B (incarcerated, medical treatment, deceased, called to active duty, foster care/moved)

Reporting and Outcomes - WIOA Joint Rule, Departments' Responses, Page 55837:

- This employment indicator measures the employment rate in the 4th quarter after program exit regardless of whether those participants also were employed in the second quarter after exit from the program.
- A participant would be counted as a positive outcome for this indicator if he or she was employed in the 4th quarter after exit regardless of whether he or she was also employed in the 2nd quarter after exit.

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WIOA Joint Rule, Departments' Responses, Page 55849:

- Only unsubsidized employment will count as a positive outcome for employment. Internships that are subsidized would not count as a positive outcome. However, service programs, such as AmeriCorps, would count as a positive outcome because these service programs are considered training for the purposes of the youth indicators.
- The Departments agree that the first two indicators only should measure status of employment or education in the second and fourth quarter after exit, respectively, regardless of employment or education status at enrollment. Both secondary and postsecondary education will count as successful outcomes for the two youth indicators related to employment or education or training.

Documentation Requirements - TEGL 26-16 and WSS Policy 1036: Acceptable supplemental wage information may, but is not limited to:

- Copies of quarterly tax payment forms to IRS (Form 941);
- Copies of pay stubs (minimum of two copies) from the reference quarters;
- Signed letter or other information from employer on official letterhead attesting to an individual's employment status and earnings during the reference quarters;
- Follow-up survey (self-reported) of participants during the reference quarters;
- Income earned from sales commissions or similar positions during the reference quarters;
- Detailed case notes verified by employers and entered by case managers during the reference quarters
- Administrative records from other partners' automated database systems for which data sharing agreements exist, including current records of eligibility for programs with income-based eligibility (e.g., TANF or SNAP) from the reference quarters; or
- Self-employment worksheets that reflect income after expenses during the reference quarters, signed and attested to by participants.

TEGL 10-16, Change 3:

- Status in unsubsidized employment and quarterly earnings may be determined by direct:
 - UI wage match
 - Federal employment records
 - Military employment records
 - Supplemental wage information
- Supplemental wage information may be collected in those circumstances where quarterly wage records are not available or may not apply (e.g. for participants who are self-employed, or for participants who decline to provide a SSN).

WSS Policy 1003, Rev. 6:

- Follow-up survey from program participants
- Paycheck stubs, tax records, W-2 form
- Quarterly tax payment forms such as an RS Form 941
- Document from employer on company letterhead attesting to an individual's employment status and earnings

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- Self-employment worksheets signed and attested to by program participants
- Detailed case notes verified by the employer and signed by the case manager.

Reporting - TEGL 26-16 and WSS Policy 1036:

- Where wage matches are not possible and local areas choose not to pursue supplemental wage information, participants are still included in the denominator for performance, which means they count as negatives (0 in the numerator) for the second and fourth quarter employment indicators and are excluded from median earnings calculations.
- Upon receiving supplemental wage information, staff *must* take the Program Outcome Touchpoint in MIS to record the employment and wage information.

WIOA Joint Rule, Departments' Response page 55839: WIOA requires the collection of data regarding the median earnings for all participants who exit the program and are employed during the second quarter after exit, regardless of whether the participants are simultaneously enrolled in an educational or training program.

Placement in Employment or Education (Second Quarter after Exit)

Definition: % participants in education or training activities, or in unsubsidized employment, during the 2nd quarter after exit.

Methodology: Calculation includes all Adult and DW program participants (Youth reported separately):

- The number of participants who exited during the reporting period who are found to be employed, either through direct UI wage record match, Federal or military employment records, or supplemental wage information, in the second quarter after the exit quarter
- **DIVIDED** by the number of participants who exited during the reporting period.

Included

TEGL 10-16, Change 3: Participants who are in the military or in a Registered Apprenticeship program are also considered as employed, and their quarterly earnings are calculated for the purpose of these indicators.

WIOA Joint Rule, Departments' Responses, Page 55849: Only unsubsidized employment will count as a positive outcome for employment.

Excluded - WIOA Joint Rule, Departments' Responses, Page 55835: *Incarcerated individuals* are excluded from this performance measure because they do not have the opportunity to obtain employment or participate in education or training programs in the same manner as other participants who are in the general population.

WIOA Joint Rule, Departments' Responses, Page 55849: Internships that are subsidized would not count as a positive outcome.

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Reporting and Outcomes - WIOA Joint Rule, Departments' Responses. Page 55837:

- This employment indicator measures the employment rate in the 4th quarter after program exit regardless of whether those participants also were employed in the second quarter after exit from the program.
- A participant would be counted as a positive outcome for this indicator if he or she was employed in the 4th quarter after exit regardless of whether he or she was also employed in the 2nd quarter after exit

Documentation Requirements - TEGL 26-16 and WSS Policy 1036: Acceptable supplemental wage information may, but is not limited to:

- Copies of quarterly tax payment forms to IRS (Form 941);
- Copies of pay stubs (minimum of two copies) from the reference quarters;
- Signed letter or other information from employer on official letterhead attesting to an individual's employment status and earnings during the reference quarters;
- Follow-up survey (self-reported) of participants during the reference quarters
- Income earned from sales commissions or similar positions during the reference quarters;
- Detailed case notes verified by employers and entered by case managers during the reference quarters
- Administrative records from other partners' automated database systems for which data sharing agreements exist, including current records of eligibility for programs with income-based eligibility (e.g., TANF or SNAP) from the reference quarters; or
- Self-employment worksheets that reflect income after expenses during the reference quarters, signed and attested to by participants.

TEGL 10-16, Change 3: Status in unsubsidized employment and quarterly earnings may be determined by direct:

- UI wage match
- Federal employment records
- Military employment records
- Supplemental wage information

Supplemental wage information may be collected in those circumstances where quarterly wage records are not available or may not apply (e.g. for participants who are self-employed, or for participants who decline to provide an SSN).

WSS Policy 1003, Rev. 6:

- UI wage data match
- Follow-up survey from program participants
- Paycheck stubs, tax records, W2 form
- Wage record match
- Quarterly tax payment forms such as an IRS form 941
- Document from employer to company letterhead attesting to an individual's employment status and earnings

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- Self-employment worksheets signed and attested to by program participants
- Detailed case notes verified by employer and signed by the counselor

Reporting- TEGL 26-16 and WSS Policy 1036: Where wage matches are not possible and local areas choose not to pursue supplemental wage information, participants are still included in the denominator for performance, which means they count as negatives (0 in the numerator) for the second and fourth quarter employment indicators and are excluded from median earnings calculations.

Upon receiving supplemental wage information, *staff must take the Program Outcome Touchpoint in MIS to record the employment and wage information.*

Placement in Employment or Education (Fourth Quarter after Exit)

Definition: % participants in education or training activities, or in unsubsidized employment, during the 4th quarter after exit.

Methodology: Calculation includes all Adult and DW program participants (Youth reported separately):

- The number of participants who exited during the reporting period who are found to be employed, either through direct UI wage record match, Federal or military employment records, or supplemental wage information, in the fourth quarter after the exit quarter
- **DIVIDED** by the number of participants who exited during the reporting period.

Included - TEGL 10-16, Change 3: Participants who are in the military or in a Registered Apprenticeship program are also considered as employed, and their quarterly earnings are calculated for the purpose of these indicators. **WIOA Joint Rule, Departments' Responses, Page 55849:** Only unsubsidized employment will count as a positive outcome for employment.

Excluded - WIOA Joint Rule, Departments' Responses, Page 55835: **Incarcerated individuals** are excluded from this performance measure because they do not have the opportunity to obtain employment or participate in education or training programs in the same manner as other participants who are in the general population. **WIOA Joint Rule, Departments' Responses, Page 55849:** Internships that are subsidized would not count as a positive outcome.

Reporting and Outcomes - WIOA Joint Rule, Departments' Responses, Page 55837:

- This employment indicator measures the employment rate in the 4th quarter after program exit regardless of whether those participants also were employed in the second quarter after exit from the program.
- A participant would be counted as a positive outcome for this indicator if he or she was employed in the 4th quarter after exit regardless of whether he or she was also employed in the 2nd quarter after exit.

Documentation Requirements - TEGL 26-16 and WSS Policy 1036: Acceptable supplemental wage information may, but is not limited to:

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- Copies of quarterly tax payment forms to IRS (Form 941);
- Copies of pay stubs (minimum of two copies) from the reference quarters;
- Signed letter or other information from employer on official letterhead attesting to an individual's employment status and earnings during the reference quarters;
- Follow-up survey (self-reported) of participants during the reference quarters;
- Income earned from sales commissions or similar positions during the reference quarters;
- Detailed case notes verified by employers and entered by case managers during the reference quarters
- Administrative records from other partners' automated database systems for which data sharing agreements exist, including current records of eligibility for programs with income-based eligibility (e.g., TANF or SNAP) from the reference quarters; or
- Self-employment worksheets that reflect income after expenses during the reference quarters, signed and attested to by participants.

TEGL 10-16, Change 3: Status in unsubsidized employment and quarterly earnings may be determined by direct:

- UI wage match
- Federal employment records
- Military employment records
- Supplemental wage information

Supplemental wage information may be collected in those circumstances where quarterly wage records are not available or may not apply (e.g. for participants who are self-employed, or for participants who decline to provide an SSN).

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- UI wage data match
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- Quarterly tax payment forms such as an IRS form 941
- Document from employer to company letterhead attesting to an individual's employment status and earnings
- Self-employment worksheets signed and attested to by program participants
- Detailed case notes verified by employer and signed by the counselor

Reporting - TEGL 26-16 and WSS Policy 1036:

- Where wage matches are not possible and local areas choose not to pursue supplemental wage information,
- participants are still included in the denominator for performance, which means they count as negatives (0 in the numerator) for the second and fourth quarter employment indicators and are excluded from median earnings calculations.

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- Upon receiving supplemental wage information, *staff must use the Program Outcome Touchpoint in MIS to record the employment and wage information.*

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