



Workforce Connections General Policies Change of Service Provider	GEN-050-04
Supersedes policy 5.10 dated 07-11-2003	Revision No.2 Effective 12-15-2017
Policy Approved By: WC Executive Director Policy Adopted on: February 2014	<i>[Handwritten signature]</i> 12-15-17

Purpose

To establish Workforce Connections' (WC) policy and guidance with respect to change of service provider and transferring of program participant files between providers of Workforce Innovation and Opportunity Act (WIOA) Title I services.

Background

WC has established that for the purpose of Federal, State and local record retention requirements, all financial, statistical, property, applicant and program participant records and supporting documentation must be retained by the provider of WIOA Title I services for a period of at least five (5) years subsequent to the date of submission of final grant expenditure report/close-out package. If any litigation, claim, or audit is started before the expiration of the five-year period, the records must be retained until all litigations, claims or audit findings involving such records have been resolved and final action is taken. This requirement is consistent with Federally established uniform administrative requirements.

Policy

WC has established standards to provide a uniform approach for the transferring of participant files among providers of WIOA Title I services. Sub-recipients shall follow this policy and may establish written procedures that meet the requirements of this policy.

Reference

Public Law (P.L.) 113-128 WIOA; TEGL 39-11; State Compliance Policy (SCP) 5.4

Confidentiality and Security of Program Participant Information

As part of their program activities, service providers may have in their possession large quantities of Personally Identifiable Information (PII) related to their organization, and individual program participants. This information is generally found in program participant data sets, performance reports, and other sources.

WIOA and its associated regulations require that all applicant and program participant personal information is, and remains, confidential. Appropriate efforts must be taken to protect the confidentiality of personal information that is attributable to any specific individual (e.g., address, social security number, telephone number, etc.). It is the policy of WC to ensure that program participant personal information is collected, used, and stored in a manner that will not be accessible to unauthorized personnel.

WC is committed to protecting the confidentiality of all WIOA Title I applicants and program participants by enforcing processes that will mitigate the risks associated with the collection, storage and dissemination of program participant data including, PII.

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I. By law, the Local Workforce Development Area (LWDA) and its providers of WIOA Title I services are required to maintain and retain records of all programmatic and fiscal activities funded in whole or in part under Title I of WIOA. All information required by Federal, State, and local reporting requirements must be collected for each individual receiving services. The appropriateness of any service provided to an eligible participant must be documented timely and accurately in WC MIS and support documentation must be kept in program participant files.

II. Change of Service Provider – Participant Request

A. At any time, a program participant may request for his/her case to be transferred to another provider of WIOA Title I services within the LWDA. This request may be resultant of personal needs and/or circumstances where it will facilitate the program participant's active participation in the WIOA Title I funded program to accomplish established employment goals and/or objectives.

B. Typically, there are three circumstances which may start the transfer of program participants from one provider of WIOA Title I services to another:

1. Program participant request for transfer; or
2. Transfer initiated by WC to ensure continuation of services following the exhaustion of service provider funds; or
3. Transfer initiated by WC to ensure continuation of services following the close-out of sub-recipient's contract.

C. Program Participant Request for Transfer
WC has established the following procedure:

1. Program participant must complete the transfer request form. The form must be properly signed and dated.
2. Current service provider must time and date stamp the participant transfer request immediately upon receipt. The service provider must forward the participant's transfer request form, together with the participant's case file, to WC within two (2) working days.
3. Upon receipt of the transfer request form and case file, WC oversight staff will conduct an evaluation of submitted transfer request form and the participant's case file. This evaluation must be executed within three (3) business days upon receipt of paperwork. WC oversight staff will contact the new service provider to provide information on program participant status.
4. Should a request for transfer be denied by WC oversight staff, WC will return the case file to the original service provider within two (2) working days.
5. In the event the service provider wishes not to accept the recommended participant transfer, a final determination will be made by WC oversight staff, including participant notification.



III. Change of Service Provider – WC Process

WC will initiate the process when program participant files must be transferred due to provider of services inability to provide services for reasons of funding exhaustion or contract close-out. This policy aligns with WC contract close-out policy.

The following procedure outlines the requirements for transferring participant's files from one provider of services to another and the expectations around timelines for doing so.

- A.** WC oversight staff will set the criterion with current provider of WIOA Title I services to complete the program participant files transfer.
- B.** The criterion must include specific instructions and timelines for the transferring of participant case files.
- C.** Current service provider must prepare a listing of participant files being transferred, to include status of outstanding financial obligations for services provided to participants. WC may provide a listing to the provider of services in lieu of list provided by current service provider, but the service provider is responsible for verifying the list and identifying additional files to be transferred.
- D.** Current provider of services is responsible for providing notice to program participants regarding the transferring of the case file to another provider of WIOA Title I services.
- E.** The entire case file is to be transferred, meaning all documents contained in the participant files.
- F.** Current provider of services is responsible for the security and integrity of participants' case files, until the new service provider is in custody of such documents.
- G.** Upon receipt, WC oversight staff will have two (2) weeks to determine the most appropriate service provider(s) to receive the files transferred, and its capacity to continue provision of services to program participants.
- H.** The new service provider shall become responsible for participant files upon receipt of transferred case files.
- I.** The new provider of services must conduct a reasonable review of all files received within thirty (30) days and provide a report to WC identifying issues with transferred files, including missing eligibility documentation, etc.
- J.** When necessary, WC will provide technical assistance in order to streamline the transferring process.

IV. General Provisions for Financial Obligations

Each provider of WIOA Title I services will be responsible for any financial obligations incurred while the program participant was receiving services from their organization. In the event a service provider is no longer in business, funds must be returned to WC.