

Technical Assistance Guidance

TAG-09-2017

Issued Date: **Thursday, June 8, 2017**

Subject:
Local Workforce Development Board - Workforce Connections
Policy Implementations Revisions & Updates
Adult, Dislocated Worker and Youth Programs
Policies

Purpose

To announce the publication and effective date for implementation of revision(s) and update(s) made to Workforce Connections' (WC) policies:

- **YTH-040-01 Eligibility for WIOA Title I Services;**
- **YTH-040-02 Youth Program Design;**
- **YTH-040-05 Incentives Payments; and**
- **ADW-040-04 On the Job Training Program.**

Background¹

The Workforce Innovation and Opportunity Act (WIOA) affirms the Department's commitment to providing high quality services for youth and young adults beginning with career exploration and guidance, continued support for educational attainment, opportunities for skills training in in-demand industries and occupations, and culminating with a good job along a career pathway or enrollment in post-secondary education.

All of the Department's youth-serving programs continue to promote evidence-based strategies that also meet the highest levels of performance, accountability, and quality in preparing young people for the workforce. The Department's focus on performance and accountability is emphasized through the implementation of the new primary indicators of performance for eligible youth across programs and through their use of the primary indicators for program management and decision-making.

WIOA is designed to help jobseekers access employment, education, training and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy.

References

Workforce Innovation and Opportunity Act (WIOA) P.L. 113-128 Sec. 129
2 CFR Part 200 Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards
20 CFR Part 681 Youth activities under Title I of WIOA – Subpart B Eligibility for Youth Services and Subpart C Youth Program Design, Elements and Parameters.
TEGL 21-16 Third WIOA Title I Youth Formula Program Guidance
SCP 1.14 On-The-Job Training (OJT) and Customized Training (August 2016)

With the commitment to improve processes and after further research and assessment of recently established requirements, WC has revised and implemented the above referenced policies as appropriate.

¹ Office of The Federal Register

WC will continue to provide technical assistance to support the workforce development system. For further information, please contact WC as necessary and/or required. Sub-recipients must implement revised policies since their program(s) will be impacted by the established requirements affecting WIOA Title I compliance.

Policy YTH-040-01 Eligibility for WIOA Title I Services

The following has been added to the above referenced policy under Sec. I (A) (2):

- Non-credit-bearing postsecondary classes
If the youth participant is enrolled in any credit-bearing postsecondary education classes, including credit-bearing community college classes and credit-bearing continuing education classes, then they are considered attending postsecondary education, and, therefore, an In-School-Youth (ISY). If the youth is only enrolled in non-credit-bearing postsecondary classes, they would not be considered attending postsecondary school and, therefore, an Out-School-Youth (OSY).
- Individuals 22 and older attending postsecondary education. Local programs should keep in mind that ISY, including those attending postsecondary education, must be between the ages of 14 through 21. A youth attending postsecondary education who is 22 at time of eligibility determination would not be eligible for the WIOA youth program because they are in school and over the age of 21. That individual could be served through the WIOA adult program.
- Exception for youth with disabilities. There is one exception to age eligibility for youth attending school. Youth with disabilities who have an Individualized Education Program (IEP) may be enrolled as ISY after the age of 21, if their state law allows youth with disabilities to be served by the K-12 public school system beyond the age of 21. Such youth may only be enrolled as ISY up to the age allowed by their state law to receive secondary education services.

The following was deleted from **Sec. III**:

- For an individual with a disability, income level for eligibility purposes is based on the individual's own income rather than that of his or her family. Under Sec. 3 (36) (A) (vi) of WIOA, an individual with a disability whose own income meets the low-income definition in clause (ii) (income that does not exceed the higher of the poverty living standard line or 70 percent of the lower living standard income level), but who is a member of a family whose income exceeds this income requirement, is eligible for youth services.

The following was incorporated under **Sec. III (C)**:

- There are circumstances where only the youth's income is considered in determining whether the youth satisfies WIOA income limits for the program. 20 CFR § 681.280 provides that OSY with a disability are not required to be low-income and for ISY with a disability, the youth's own income, rather than his or her family's income, must meet the low-income definition and not exceed the higher of the poverty line or 70 percent of the LLSIL.

The following was incorporated under **Sec. VI** Definitions:

- **Homeschooled**
Means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070, but does not include an opt-in child.

Sec. VII Data Element Criteria and Source Support Documentation Requirements was revised to include the following:

- SSN required support documentation was updated
- “School Status at Participation” was incorporated to replace “School Drop-out”

High Poverty Area (list) was revised and incorporated:

- High Poverty Designation by Census Tract²

Policy YTH-040-02

Sec. V Limitation was revised to include the following:

- The following services may not be provided to youth participants after program exit:
On-job-training (OJT);
Paid work experiences;
Occupational skills training;
Paid internships; and
Paid pre-apprenticeship programs.

Policy YTH-040-05

Consistent with 20 CFR §681.640 policy was revised and updated to establish the following:

Policy

- Awarding of incentives is a means to recognize the achievement and attainment of an individual’s goals that lead to success and completion of WIOA Title I funded program activities. Providers of WIOA Title I youth services must have written policies and procedures in place governing the award of incentives and must ensure that such incentive payments are directly connected to recognition of achievement of milestones in the program tied to work experience, education, or training.
- “Program Incentives” criteria was removed from the policy since those services are no longer allowable. Providers of WIOA Title I Youth services may use other resources in the community for this category.

Sec. III Table “A” – Youth Performance Criteria was revised to address:

Established criteria provides guidance to providers of WIOA Title I youth services and emphasizes that while incentives payments are allowable they must be directly connected to recognition of achievement of milestones in the Title I youth program tied to work experience, education, or training activities.

Sec. III Table “B” – Incentive Plan Examples was revised to address:

Was revised and updated to reflect examples that support and align with established criteria for the provision of incentive payments.

Policy ADW-030-04 On The Job Training Program

Sec. II (B) (20) was added to include the following:

- Consistent with SCP 1.14 per program year, an employer cannot receive more than 20 percent of current total staffing levels on OJT contracts.

Action: Please share this information with all staff and other interested parties.

WC Policies can be located at: <http://nvworkforceconnections.org>

² Source: American Community Survey 2015