

COWIB Policy on Employment Leading to Self-Sufficiency

Pursuant to Oklahoma Employment & Training Issuance #06-2006

Pursuant to Oklahoma Workforce Development Issuance #01-2011

Revised June 8, 2012

(First approved by the COWIB ... May 16, 2007)

PURPOSE: To establish a local policy on employment-related criteria that may be used for the purpose of determining whether an Adult or Dislocated Worker is in need of intensive services. This policy shall be used in conjunction with the COWIB’s Policy on Sequencing of Services.

AUTHORITY: ~~The authority for this policy derives from Oklahoma Employment and Training Issuance #06-2006 (“Program Eligibility and Data Element Validation Policy,” July 3, 2006).~~ The authority for this policy derives from Oklahoma Workforce Development Issuance #01-2011 (“Data Validation and Program Eligibility Requirements for Adult Programs,” July 7, 2011). Attachment A of the issuance provides the following guidance:

“WIA requires a determination of self-sufficiency as a condition for providing intensive services to individuals employed at the time of enrollment as an eligibility requirement.

“Local Boards must set the criteria for determining whether employment leads to self-sufficiency.”

BACKGROUND: WIA grant funds may be used to deliver Intensive Services¹, based on the need of individual job-seekers, as described in Section 134(d)(3)(A) of the Workforce Investment Act. The COWIB has approved a local policy on Sequencing of Services that provides guidance on the delivery of Intensive Services. This policy directs the COWIB’s One-Stop Operator to make a determination regarding an individual’s need

¹ Pursuant to Section 134(d)(3)(C) of the Workforce Investment Act, Intensive Services include but are not limited to:

- Job Search, Job Referrals and Placement Services
- Comprehensive/specialized assessment
- Development of the Individual Employment Plan (IEP)
- Group counseling
- Case management for customers seeking training
- Support services
- Follow-up
- Attendance at workshops
- Short-term prevocational services; i.e., Literacy, Adult Basic Education

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for Intensive Services. The determination shall be based on an initial assessment of the individual’s skills, abilities, interest, aptitudes and support service needs.

Even if an individual job-seeker is employed and looking for a better position, s/he may receive Intensive Services if the One-Stop Operator determines that such services are needed “in order to obtain or retain employment that allows for self-sufficiency.”²

STATE & FEDERAL REQUIREMENTS: In developing a policy on Employment Leading to Self-Sufficiency, the Central Oklahoma Workforce Investment Board, its One-Stop Operator, and One-Stop Center staff must be mindful of the requirements of our State and Federal funding sources.

Federal Policy: The federal requirement is described in both the law and the regulations.

In Section 134(d)(3)(A) of the Workforce Investment Act, the following categories of job-seekers are eligible to receive Intensive Services:

- (i) (I) [Workers] who are unemployed and are unable to obtain employment through core services...; and
(II) [Workers] who have been determined by a one-stop operator to be in need of more intensive services in order to obtain employment; or
- (ii) *[Workers] who are employed, but who are determined by a one-stop operator to be in need of such intensive services in order to obtain or retain employment that allows for self-sufficiency.*

Additional guidance is provided in the following section of the WIA Final Regulations:

Sec. 663.230 What criteria must be used to determine whether an employed worker needs intensive services to obtain or retain employment leading to “self-sufficiency?”

State Boards or Local Boards must set the criteria for determining whether employment leads to self-sufficiency. At a minimum, such criteria must provide that self-sufficiency means employment that pays at least the lower living standard income level, as defined in WIA section 101(24). Self-sufficiency for a dislocated worker may be defined in relation to a percentage of the layoff wage. The special needs of individuals with disabilities or other barriers to employment should be taken into account when setting criteria to determine self-sufficiency.

State Policy: Oklahoma Employment and Training Issuance #20-2001, Change 1, offers basic guidance on the development of a local definition of “self-sufficiency.” The State policy describes options that should be considered as a local workforce investment board develops its local definition:

² Section 134(d)(3)(A)(II)(ii) of the Workforce Investment Act.

“Some of the factors that should be considered when determining self-sufficiency are local economic conditions, family size, employer paid fringe benefits, and the financial needs of the populations to be served.

“A question to be considered: Is an individual self-sufficient if they still qualify for any Federal and/or State assistance while employed and making the lower living standard income? As you can see therefore, the self-sufficiency definition within each local area could vary from community-to-community and region-to-region.

“At a minimum, such criteria must provide that self-sufficiency means employment that pays at least the lower living standard income level, as defined in WIA Section 101(24).

“The dislocated worker self-sufficiency definition may be different than the definition for an adult. Self-sufficiency for a dislocated worker may be defined in relation to a percentage of the replacement wage as required for performance standards.”

LOCAL POLICY:

It shall be the policy of the Central Oklahoma Workforce Investment Board (COWIB) and its Board of Local Elected Officials (LEO) that all Workforce Investment Act Title I-funded services shall be delivered in a manner that fully complies with the WIA law and regulations.

Managers and staff members of the COWIB’s One-Stop Centers are hereby directed to use the following definition of “self-sufficiency” as it applies to a currently employed worker who is receiving WIA Title I services through the local workforce development system:

Definition of “Employment Allowing for Self-Sufficiency”

For the purpose of implementing Section 134(d)(3)(A)(ii) of the Workforce Investment Act, the term “Employment Allowing for Self-Sufficiency” as it applies to a currently employed worker shall be defined as follows—

An individual who is employed in a full-time job at a pay rate of \$22.00 an hour or more shall be considered to have achieved employment that allows for self-sufficiency.

If the worker’s pay rate is at or above the level defined above, then that worker shall be considered to be self-sufficient and a determination shall be made that intensive services are not required.

EXCEPTION: If the individual is an eligible Dislocated Worker, “self-sufficiency” shall be defined as full-time employment at a rate of pay equal to or greater than his /

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her **pre-layoff wage rate** – even if the pre-layoff wage was greater than \$22.00 per hour.

“Full-time” employment, in this context, shall be defined as employment that: (a) Compensates the individual for at least 32 hours of work each week; and (b) Is expected to continue for more than a short duration.

With respect to the worker’s expected duration of employment, the individual’s assessment of his/her job security should be accepted at face value. Factors in the analysis of employment security may include: The likelihood of a potential layoff or business closing; general business conditions in the labor market area and/or industry of employment; business trends relative to the worker’s specific employer; and the presence or absence of a labor agreement.

Employment that is seasonal or temporary in nature may be presumed to be less than “Full-Time.”

If it is accepted that the worker’s continued employment is unlikely to continue beyond the next six months, then it must be concluded that the individual’s job does not meet the definition of “Employment Allowing for Self-Sufficiency.”

If for any reason the worker’s current job does not meet the definition of “Employment Allowing for Self-Sufficiency,” then intensive services may be offered as determined by the One-Stop Operator.

Requirements for Documenting “Self-Sufficiency”

~~Oklahoma Employment and Training Issuance #06-2006 (“Program Eligibility and Data Element Validation Policy,” July 3, 2006), Oklahoma Workforce Development Issuance #01-2011 (“Data Validation and Program Eligibility Requirements for Adult Programs,” July 7, 2011), Attachment A, provides that each local workforce investment board “...must establish eligibility verification criteria and requirements for source documentation.”~~

Oklahoma Workforce Development Issuance #01-2011 (“Data Validation and Program Eligibility Requirements for Adult Programs,” July 7, 2011), Attachment A, provides that, “Verification of Self-Sufficiency is required using a LWIB approved source document.”

The OWDI continues: “Local Boards must establish eligibility verification criteria and acceptable source document.”

And, additionally: “The acceptable Board-defined source document verifying determination of self-sufficiency must be scanned and uploaded to the appropriate program enrollment by choosing ‘Enrollment’ as the item type. Choose the type of

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Documentation as ‘Eligibility’ and select the data elements or programs that this document upload verifies and upload the document.”

Therefore, pursuant to ~~OETI #06-2006~~, OWDI #01-2011, the following instructions are provided for implementation by the COWIB’s WIA Title I Service Providers:

- (1) ~~Information about the customer’s current hourly wage must be recorded in the “Work History” portion of the Oklahoma JobLink system, including each of the following elements:~~

Information about the customer’s current hourly wage must be recorded in hard copy form in the Employment History portion of the participant’s Individual Employment Plan (IEP). The Employment History portion of the IEP is designed to include descriptive elements about the customer’s current employment, such as:

- Job Title;
- Employer Name;
- Dates of Employment: From / To (Month, Year);
- Description and Duties of the Job;
- Wage;
- Wage Type (Hourly, Annual, Other); and
- Hours per Week.

- (2) ~~Service Provider staff must verify that the Work History has been properly completed in Oklahoma JobLink as described above. Then, a verification must be recorded in the Client Notes section of the Universal Information page in OSL:~~

~~(a) Record the date the verification occurred.~~

~~(b) Describe the Eligibility Criteria being validated (e.g., “Current Wage”).~~

~~(c) Re-state the Wage information as given in the customer’s Work History, including—~~

- ~~✓ Wage;~~
- ~~✓ Wage Type; and~~
- ~~✓ Hours per Week.~~

~~(d) If the Wage Type is not “Hourly,” then convert the customer’s gross earnings to an hourly value; and~~

~~(e) As applicable, provide an explicit statement affirming that the customer’s current wage rate as given in the customer’s Work History does not exceed the COWIB’s standard for employment leading to self-sufficiency.~~

~~(f) Describe at least one source for verifying the customer’s current wage rate. Acceptable verification sources include:~~

- ~~✓ Copy of a recent paycheck or paystub;~~
- ~~✓ Employer letter or other document describing the customer’s current wage rate; or~~
- ~~✓ The customer’s own statement of his/her current earnings as recorded in the Work History portion of Oklahoma JobLink.~~

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~~The description must be recorded in the Client Notes section of the Universal Page in OSL. (It is not necessary to maintain a copy of any physical documents that may have been reviewed).~~

(2) Service Provider staff must verify that the wage portion of the Employment History has been properly completed. At a minimum, the form must include a statement of the customer's hourly wage rate at his / her current job as well as the number of hours worked each week. (If the customer's work hours vary from week to week, an average number of hours may be used). Then, a copy of the Employment History form must be scanned and uploaded as described in OWDI #01-2011.

~~(3) If the absence of Employment Allowing for Self-Sufficiency is based on a determination that the worker's employment is not secure – that is, not expected to continue for more than a short duration – then an additional explanation must be recorded in Client Notes. The rationale for the customer's expectation must be described.~~

(3) If the absence of Employment Allowing for Self-Sufficiency is based on a determination that the worker's employment is not secure – that is, not expected to continue for more than a short duration -- then an additional explanation must be recorded, scanned, and uploaded. This additional explanation may be recorded in writing on the Employment History form or it may be included as an attachment to the form. The explanation must include a description of the customer's belief that his / her employment will not continue.

As an example, the customer may have received a verbal or written notification that his / her employment will end soon. This advance notice may be in the form of a written layoff letter or a WARN Notice. Or, it may be a verbal notice that was given to the customer as a formal or informal warning. Advance warnings of impending layoffs are sometimes circulated through shop stewards or co-workers rather than being announced directly by the company's top management. So, the form of the advance notice is not determinative in this regard. Rather, the essential fact to be recorded is the customer's belief that his/her employment is not secure.

Alternately, the customer's employment may be considered to be "not secure" if the customer accepted the job with the understanding that it is a temporary assignment. State law refers to this type of work as "Work of a limited duration of time." (Reference: §40-2-404.2). Seasonal employment would fall into this category.

POLICY ADDENDA: The COWIB Chief Executive Officer is authorized to issue additional instructions, guidance, forms, etc., to further implement the requirements of this policy.

Inquiries about this policy should be directed to the COWIB's Program Operations Manager at (405) 622-2030.