



CENTRAL OKLAHOMA WORKFORCE INNOVATION BOARD

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Adult & Dislocated Worker Programs

Pursuant to 20 C.F.R. §680

Approved: February 2023

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PURPOSE: To provide guidance and establish COWIB standards of performance for the delivery of services under WIOA Title I Adult & Dislocated Worker programs.

The Central Oklahoma Workforce Innovation Board (COWIB) is the policy and guidance board for the Workforce Oklahoma system in Central Oklahoma. We are business leaders with a goal to establish a highly skilled, productive workforce in our 9-county area.

The Central Oklahoma Workforce Innovation Board (COWIB) complies with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or, the basis of citizenship status or participation in a WIOA Title-1 financially assisted program or activity.

COWIB is an Equal Opportunity Employer/ Program. Auxiliary aids and services are available upon request to individuals with disabilities. This was financed in whole or in part by fund from the US Dept. of Labor as administered by the Oklahoma Office of Workforce Development.

<http://www.cowib.org/>

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Table of Contents

Adult & Dislocated Worker Programs.....	1
Purpose	3
Authority	3
Local Policy.....	4
Definitions.....	4
Adult and DLW Eligibility and Program Enrollment Procedures.....	5
The Individual Employment Plan	6
Career Services.....	8
Training Services	11
Individual Training Accounts (ITAs).....	12
Equal Opportunity and Nondiscrimination Statement	13
Addenda / Revisions	13

COWIB Adult & Dislocated Worker Programs

Purpose

The purpose of this policy is to provide guidance and establish the Central Oklahoma Workforce Innovation Board's (COWIB) standards of performance to the workforce system on delivering services under the WIOA Title I Adult and Dislocated Worker (DLW) programs, including individuals served by the Wagner-Peyser Act Employment Service (ES) program, as amended by WIOA Title III. This policy clarifies that coordination of training funds from other grant sources, including Federal Pell grants and all other types of grant assistance for education and training services is required. These funds must be utilized prior to WIOA Adult and Dislocated Worker Funds, in accordance with WIOA 134(c)(3)(B)(i)(I) and the Oklahoma Office of Workforce Development policy.

The Adult and Dislocated Worker programs work in coordination with all partners, and are a pivotal piece of the one-stop delivery system. The one-stop system provides universal access to career services to meet the diverse needs of adults and dislocated workers. The goal of service should be to guide participants on ways to enhance their skill sets and increase their likelihood of gaining and retaining self-sufficiency through employment – while working to reduce and remove barriers to employment.

Authority

The authority for this policy is derived from the following:

- 20 CFR §§ 678, 680 and 681
- TA 02-2021
- TEGL 10-16, Change 1
- TEGL 19-16
- OWDI 22-2017
- OWDI 09-2019
- OWDI 07-2020, Change 1

Local Policy

Definitions

Adult

Means an individual who is 18 years of age or older.

Dislocated Worker (DLW)

Means an individual who meets the requirements of one of the following categories:

Category 1: Recently Dislocated

An individual in this category:

- has been terminated or laid off within six months, or has received a notice of termination or layoff, from employment, including a separation notice from active military service (under other than dishonorable conditions);
- 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 an Oklahoma Works One-Stop Center as described in WIOA 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's Unemployment Insurance (UI) law; and
- is unlikely to return to a previous industry or occupation, as defined in TA 02-2021

Category 2: Plant Closure or Substantial Layoff

An individual in this category:

has been laid off, or has received a notice of layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, military installation or enterprise. A substantial layoff is defined as any reduction-in-force that is not the result of a plant closing that (a) results in an employment loss at a single site of at least 25 employees over a 30-day period, or

(b) is determined by the Local Rapid Response Team to be a substantial layoff based on other factors that indicate a significant, negative impact on the community and/or local economy. Such factors may include, but are not limited to:

- (1) The local unemployment rate,
- (2) The employer size in comparison to the total number of jobs in the surrounding area,
- (3) The business or enterprise has issued a Worker Adjustment Training Notice (WARN),
- (4) For rural and small communities, the number of employees that lost employment at a single site may be set by the Rapid Response Coordinator

COWIB Adult & Dislocated Worker Programs

and/or Local Rapid Response Team, or
(5) Other determining factors as described in local policy.

- 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, career services, or supportive services, is employed at a facility at which the employer has made a general announcement that such facility or military installation will close.

Category 3: Loss of Self-Employment Income

An individual in this category:

- was self-employed (including employment as a farmer, a rancher, a fisherman, or an independent contractor or consultant not technically an employee of a firm or agency); and
- is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.

Category 4: Displaced Homemakers

- The term “dislocated worker” means an individual who has been providing unpaid services to family members in the home and who 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, and whose family income is significantly reduced 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; and
- is unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.

Category 5: Military Spouses

An individual in this category 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) 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
- who is unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.

Adult and DLW Eligibility and Program Enrollment Procedures

This subject is covered in-depth in two separate COWIB policy documents titled:

COWIB Adult Individual Eligibility Policy

COWIB DLW Individual Eligibility Policy

COWIB Adult & Dislocated Worker Programs

To briefly summarize: The enrollment process begins when an individual self-registers in the virtual case management system. Once the self-registration has been completed, the demographic information entered will generate a potential eligibility determination. Staff must then meet with the applicant to review a snapshot of the information entered. The demographic information must be verified as accurate by the applicant's virtual self-attestation prior to staff entering the program enrollment, as the characteristics in the snapshot will remain unchanged throughout program participation. Additional information needed to determine eligibility must be requested at this time. Appropriate documentation of the information used to qualify the individual as eligible for enrollment in a WIOA program must be uploaded into the participant's virtual case file.

All pending enrollments and eligibility determinations are valid for 30 days only. At the end of 30 days the client is considered ineligible and will require a new eligibility determination. The enrollment date may not be backdated.

Although Adult and Labor Exchange (LE) enrollments do not require supervisory approval, both Adult and DLW enrollments are automatically entered into a pending queue for supervisory approval when entered into the virtual case management system by front-line staff. DLW enrollments must be approved by a supervisor, verifying the client's eligibility including uploaded documentation, self-attestation, and program notes, before there is any expenditure of DLW funds. All Adult and DLW enrollments must be approved or denied by a supervisor within 30 days of the application for enrollment or the virtual case management system will automatically deny the enrollment. At this point eligibility must be re-determined and a new enrollment completed. If approved within the 30-day window, the enrollment date is the date the enrollment entered into the pending queue.

The Individual Employment Plan

The Individual Employment Plan (IEP) is an ongoing strategy developed by the participant and the career navigator to identify the employment goal(s), appropriate achievement objectives (including both long term and short-term goals), and the appropriate combination of services to achieve the employment success of the individual. When training is necessary to achieve the participant's employment goal(s), the training must be for an in-demand occupation according to the Central Oklahoma Workforce Innovation Board (COWIB) and, with certain exceptions, must be provided by an eligible training provider (ETP), in accordance with current guidance located at <https://oklahomaworks.gov/local-workforce-boards/wioa-policy-center/>. An IEP must be developed for each individual determined eligible for Adult or DLW program services. As adults and dislocated workers have diverse needs, each IEP is intended to target the specific needs of the individual for whom it is developed and, therefore, must start with a comprehensive, objective assessment or evaluation of the individual's needs. At a minimum, an IEP must include an employment goal, documentation of identified needs and barriers, and a signed Client Involvement Statement. Additional goals and services necessary for the attainment and retention of successful employment must be added to the IEP as they are identified. It is particularly important for those in short-term training programs to have more frequent contacts made by the career planner/case manager to assist with possible barriers participants may encounter during the training period. Any training 6 months or less needs must have 3 contacts or attempted contacts by the career

COWIB Adult & Dislocated Worker Programs

planner/case manager to the participant for the duration of the short-term training. The contacts should be appropriately or equally spaced during the training period. Documentation of contact or attempted contact should be recorded in program notes. The online Individual Employment Plan (IEP) in the virtual case management system will be utilized as the virtual IEP. The initial IEP in this section requires an entry for each field. It is appropriate, however, to enter “N/A” in fields where detail is not applicable until a future date, for example, Required Supportive Services During Active Participation and Post Employment Needs. Each step of the individual’s career pathway must be clearly documented in the IEP as it is developed and as the plan evolves. The participant must virtually sign the IEP as acknowledgement that the plan was jointly developed with their case manager/career planner. The participant must always be given the option to receive a virtual or printed copy of the IEP when it is initially created and when the plan is modified. [Details on the development of the Individual Employment Plan are found at https://oklahomaworks.gov/wp-content/uploads/2019/07/OWDI-03-2019_10.11.19.pdf](https://oklahomaworks.gov/wp-content/uploads/2019/07/OWDI-03-2019_10.11.19.pdf).

The IEP must be updated, and the participant’s virtual attestation obtained, when additional services are required, including those provided through normal case management activities (for example, services provided to remove barriers and additional services deemed necessary for the achievement of the participant’s employment goal). Case management is defined as the coordination of services on the behalf of the participant, including services provided by an Oklahoma Works partner or a community-based organization. Therefore, the IEP must include resources and services funded by workforce partners and community-based organizations. Appropriate documentation of case management activities is essential to ensure provision of the comprehensive services necessary to achieve the participant’s career objectives. Documents must be uploaded to the virtual case management system, as necessary, to support changes in the IEP, and the participant must always be given the option to receive a virtual or printed copy of the IEP when it is updated.

A detailed, ongoing narrative to track and document case management activities and their related outcomes must be recorded in the virtual case management system in the virtual IEP, or as Client or Program. A detailed narrative includes:

- Contacts with participants, including the purpose and outcome of the successful contact;
- Attempts to contact the participant and the result of the attempted contact;
- Steps taken to remove barriers listed in the IEP, including the provision of supportive services;
- The accomplishment of measurable skills gains;
- Training program completion;
- The attainment of employment, including:
 1. Employer name;
 2. Date employment started;
 3. Wage at hire;
 4. Benefits such as insurance and leave;
 5. How employment information was verified (pay stubs, employer contact, etc.);

COWIB Adult & Dislocated Worker Programs

- All other activities and information pertinent to the achievement of the IEP.
- Details regarding coordination of services and resources

Career Services

There are 3 types of career services:

- Basic Career Services
- Individualized Career Services
- Follow-Up Services

TEGL 19-16 clarifies that although there are levels of service, this distinction is not intended to imply that there is a sequence of services. These services can be provided in any order.

Basic Career Services

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. These services include services such as: eligibility determinations, initial skill assessments or evaluations, labor exchange services, provision of information on programs and services, and program referrals. Basic Career Services may be provided by Adult / Dislocated Worker / Labor Exchange. Per OWDI 19-2017, Change 1, Self-service and Information-Only basic career services do not trigger inclusion in participation for title I Adult and DLW programs or for the title III ES program.

Individualized Career Services

Individualized career services must be made available to participants after it is determined by AJC staff that such services are required to obtain or retain employment. In addition, the provision of individualized career services must be based on the employment needs of the individual as determined jointly by the individual and the career planner/case manager. ES staff and WIOA title I staff may make individualized career services available, particularly for individuals with barriers to employment as defined in WIOA 3(24). Individualized career services are generally more time intensive than basic career services, and are customized to each individual's needs. Receipt of any individualized career service triggers participation and, therefore, performance.

The following services are considered individualized career services:

- Comprehensive and specialized assessments of skill levels and service needs, 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 the IEP;
- Group counseling;
- Individual counseling;
- Career planning;

COWIB Adult & Dislocated Worker Programs

- Short-term prevocational skills; (for example, 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 and work experiences linked to careers;
- Transitional jobs;
- Workforce preparation activities;
- Financial literacy services, such as those described in WIOA sec. 129(b)(2)(D) and 20 CFR §681.500 Out-of-area job search assistance and relocation assistance; or
- English language acquisition and integrated education and training programs.

If Oklahoma Works staff or partners determine individualized career services are necessary for an individual to obtain or retain employment, these services must be made available to the individual, provided the individual meets the respective program eligibility requirements.

Recent assessments, interviews or evaluations completed by workforce partner programs may be used by Oklahoma Works staff to determine if individualized career services are appropriate or necessary for an individual. The provision of individualized career services must be based on the employment needs of the individual as determined jointly by the individual and the career planner, and must be documented in the IEP.

ES staff members also have specific obligations in serving unemployment insurance (UI) claimants and carrying out components of the State's UI program, which include:

- Coordination of basic career services, particularly Labor Exchange (LE) services;
- Targeting UI claimants for job search assistance and referrals to employment;
- Administering UI work test requirements, including obtaining and documenting relevant information for eligibility assessments and providing job search assistance and referrals to employment;
- Provision of referrals to UI claimants for training and education resources and programs, including but not limited to Pell Grants, GI Bill, Post 9/11 Veterans Educational Assistance, WIOA higher education assistance, and vocational rehabilitation;
- Outreach, intake (including identification through the State's Worker Profiling and Reemployment Services system of UI claimants likely to exhaust benefits and related programs, such as the Reemployment Services and Eligibility Assessment program), and orientation to information and other services available through the American Job Center network;
- Provision of information and assistance regarding filing claims under UI programs, including meaningful assistance to individuals (including individuals with language or other program access barriers) seeking assistance in filing a claim.
 - Meaningful assistance means providing assistance:
 - In the Oklahoma Works One-Stop Center(s), using staff who are well trained in UI claims filing activities, the rights and responsibilities of claimants, and

COWIB Adult & Dislocated Worker Programs

- information necessary to file a claim, or
 - By direct linkage: via phone or other technology, such as live web chat and video conference, as long as the assistance is provided by appropriately trained and available staff and within a reasonable time;
- Technology-based approaches to providing meaningful assistance must ensure Oklahoma Works One-Stop Center customers have access to appropriately trained staff within a reasonable time. The referral of Oklahoma Works One-Stop Center customers to the OESC self-service website or public phone line where an individual is placed into a queue with all other UI claimants is not meaningful assistance, per TEGl 19-16.
- The cost associated in providing meaningful assistance may be paid for by OESC's UI administrative funding, the WIOA Adult or DLW programs, the ES program, or some combination of these funding sources.
- OESC provides training to staff statewide ensuring they can answer basic questions about an individual's claim. In addition, the online filing system (ONICv2) allows individuals easily accessible self-service options such as PIN reset, claim balance and payment detail, ability to view fraud or claimant error overpayments, appeals filing, multiple browser compatibility, print or mail 1099, and ability to view non-monetary determinations. Claimants can access these options anywhere there is internet, but specifically at the local office where staff will assist them in navigating the site and also answer questions about the claims process.

Follow-Up Services

Follow-up services are discussed at length in the separate document: COWIB Follow-Up Policy. Follow-Up services must be made available to all participants enrolled in the Adult and Dislocated Worker programs for a minimum of 12 months after the first day of unsubsidized employment. Examples of follow-up services include, but are not limited to the following:

- Counseling individuals about the workplace
- Contacting individuals or employers to verify employment
- Assistance with work-related problems
- Required contact with the participant's employer
- Peer support groups
- Supportive service referrals (such as referrals to workforce partners and community resources for supportive services necessary to retain employment)
- Information regarding educational opportunities
- New employment opportunities

Follow-up services for Adults and Dislocated Workers occur after program exit and do not change, delay, or extend the exit date (TEGL 10-16, Change 1). Follow-up services must include at least one contact every sixty (60) days for the first six (6) months, and then one time every ninety (90) days for the remainder of the twelve (12) month follow-up.

COWIB Adult & Dislocated Worker Programs

Contacts made only for securing documentation in order to report a performance outcome are not a valid Follow-Up attempt.

If a participant refuses follow-up services, career navigators are responsible for documenting the refusal with a program note in the virtual case management system, and may then remove the client from further follow-up. Similarly, if a client is unreachable utilizing the primary contact number and the two alternative contact methods, (i.e. email, Facebook, friend or family, etc.,) for 3 consecutive months, the career navigator will document what methods of contact were used on what dates, and that the client is being removed from follow-up services due to “refusal of follow-up services”.

Training Services

Training services are critical to the employment success of many adults and dislocated workers. Oklahoma Works One-Stop Center staff may determine training is appropriate regardless of whether an individual has received basic or individualized career services first. The receipt of any training service triggers inclusion in participation for performance reporting purposes.

Types of training services that may be provided include:

- (1) Occupational skills training, including training for nontraditional employment;
- (2) On-the-job training (OJT) (§§680.700 – 680.730);
- (3) Incumbent worker training (WIOA 134(d)(4), §§680.780 - 680.820, and OWDI 09-2019);
- (4) Programs that combine workplace training with related instruction, which may include cooperative education programs;
- (5) Training programs operated by the private sector;
- (6) Skill upgrading and retraining;
- (7) Entrepreneurial training;
- (8) Transitional jobs in accordance with §§ 680.190 and 680.195, and OWDI 22-2017;
- (9) Job readiness training provided in combination with the training services described in any of clauses (1) through (8), above;
- (10) Adult education and literacy activities, including activities of English Language acquisition and integrated education and training programs, provided concurrently or in combination with services provided in any of clauses (1) through (7); and
- (11) Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

As with the provision of career services, Oklahoma Works One-Stop Centers must use, when available, previous assessments or evaluations that have been conducted by another education or training partner, when making training determinations, thus reducing duplication and developing enhanced alignment across partner programs. A recent assessment completed by a workforce partner program may be used to determine academic levels, skill levels, and service needs. All assessment scores must be entered in the appropriate enrollment section of the virtual case management system (Adult or DLW) for reporting purposes.

COWIB Adult & Dislocated Worker Programs

Under WIOA, training services may be made available to adults and dislocated workers who:

- After an interview, evaluation, or assessment and career planning activities by an Oklahoma Works One-Stop Center staff or partner, are determined:
 - 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 alone;
 - Have the skills and qualifications to successfully participate in the selected program of training services;
- Select a program of training services directly linked to the employment opportunities in the local area or the planning region;
- Are unable to obtain other grant assistance for such services, including State-funded training funds, Trade Adjustment Assistance (TAA), or Federal Pell Grants, or require assistance beyond that available through other workforce partners, educational entities or other grant assistance programs, including Federal Pell Grants. COWIB and service providers must ensure the coordination of funds available to pay for training, taking into consideration the following:
 - The full cost of participation in training services may be taken into consideration, including the cost of support services and other appropriate costs related to training program attendance;
 - Training services may be provided to an individual while an application for a Pell Grant is pending. If the individual is subsequently awarded a Pell Grant, the training provider must reimburse the COWIB the WIOA funds used to underwrite the training for the amount the Pell Grant covers, including any education fees the training provider charged to attend training, from the Pell Grant award. Reimbursement is not required from the portion of the Pell Grant disbursed to the WIOA participant for education-related expenses, per 20 CFR § 680.230;
 - VA benefits for education and training services do not constitute “other grant assistance” under WIOA’s eligibility requirements. Therefore, eligibility for VA benefits for education or training do not preclude a veteran or the veteran’s eligible spouse from receiving WIOA funded services, including training funds. WIOA program operators may not require veterans or spouses of veterans to exhaust their entitlement to VA funded training benefits prior to allowing them to enroll in WIOA funded training;
 - Individuals who are members of a group covered under a petition filed for TAA and are awaiting a determination may be co-enrolled in Adult and/or DLW programs. If the TAA petition is certified, the worker will transition to TAA approved training. If the petition is denied, the worker will continue training under WIOA; and
- For training services provided through the Adult funding stream, are determined eligible in accordance with the Adult Priority of Service as described in WIOA sec. 134(c)(3)(E), as well as in the Statutory Priority for Adult Funds and Veterans and Adult Priority sections of this issuance.

Individual Training Accounts (ITAs)

COWIB Adult & Dislocated Worker Programs

Individual Training Accounts (ITAs) are the primary method to be used for procuring training services under WIOA. An ITA is a payment agreement with an eligible training provider (ETP) established on behalf of an Adult or DLW program participant. Training services must be linked to in-demand occupations and must be provided in a manner that maximizes the individual's choice in the selection of the training provider. For in-depth coverage and specific COWIB policy information, please reference the separate document: COWIB Individual Training Account (ITA) Policy.

Equal Opportunity and Nondiscrimination Statement

All Recipients, and Sub-recipients / Sub-grantees must comply with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity.

Addenda / Revisions

The COWIB Chief Executive Officer is authorized to issue additional instructions, guidance, approvals, and/or forms to further implement the requirements of policy, without making substantive change to the policy, except in situations when a new or updated state and federal guidance is issued.