

### **ALEXANDRIA** | ARLINGTON REGION

### Alexandria/Arlington Regional Workforce Council Quarterly Meeting Agenda September 27, 2018 8:00 am to 10:00 am

Welcome Message Daniel Gomez

Presentation: Arlington's BizLaunch Tara Palacios

Regional Labor Market Update

Alex Cooley

Economic Development Update Cynthia Richmond & Ryan Touhill

One-Stop Operator's Report

Alamelu Dev

### **Executive Director's Report**

David Remick

- Approve Past Meeting Minutes
- 2018-2019 WIOA Youth Waiver, RWC Bylaws, & PY18 Policy Manual Approval
- Consent Agenda
- Executive Committee & Council Membership Update
- Regional Conversations

**Public Comment Period** 

David Remick

**Education, & Workforce Partners Update** 

Various Speakers

Adjourn

Daniel Gomez

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### **UPCOMING MEETINGS**

December 6, 2018 March 14, 2019 June 13, 2019

8:30 am to 9:30 am
Arlington County Department of Human Services
2100 Washington Blvd, Lower Level Auditorium
Arlington, VA 22204



### MEETING MINUTES June 21, 2018

Arlington County Department of Human Services 2100 Washington Blvd., Lower Level Auditorium Arlington, VA 22204 8:30 a.m. to 9:30 a.m.

Attendance: Kate Bates, Eduardo Achach, Patrick Brennan, Daniel Gomez, Ellen Harpel, Elizabeth Jones, Alberto Marino, Steve Partridge, Cynthia Richmond, Fernando Torrez, Ryan Touhill

Absent: Lisa Bauer, Dottie Brown, Karen Brown, Jeanne Booth, Sherri Chapman, Winoka Clements, Dennis Desmond, Lesa Gilbert, David Harris, Kevin Lynch, Maria Marion, Kris Martini, Nate Mauer, Marc Olmsted, Erik Pages, Dori Ramsey, Ann Randazzo, Andrea Rubino, Marie Schuler, Landon Winkelvoss

**Staff**: Mary Savoy-Baucum, Alamelu Dev, Howard Feldstein, Gabe Hamda, Daniel Mekibib, David Remick The meeting was called to order at 8:30 a.m.

### REPORT:

 Mark White, Ph.D., George Mason University, presented a report entitled: New Working Paper:18-001, Foreign-born, non-citizen workers in the Greater Washington Region, dated May 29, 2018

### **UPDATE:**

Alex Cooley, Northern Virginia Community College, provided labor market update on the top 50
employers hiring, industry employment, salary and annual growth, top jobs advertised in the
last 12 month and top skills desired.

### **ONE-STOP OPERATOR'S REPORT:**

- Alamelu Dev, ICATT Consulting, provided an updated on LWDA 12's 3<sup>rd</sup> Quarter WIOA Performance
- Ms. Dav reported also on the One-Stop Operator Priorities for Performance Year 2017, i.e., One Stop Operations Committee, One Stop Center Certification, WIOA Compliance Monitoring and WIOA Performance Monitoring

### **EXECUTIVE DIRECTOR'S REPORT:**

- WIOA Funding on target to meet the 40 percent on training
- FY18/PY17 3<sup>rd</sup> Quarter WIOA Performance will either meet or exceed the performance targets for Adult, Dislocated and Youth

The meeting was called to close at 10:00 a.m.



### MEETING MINUTES April 12, 2018

Arlington County Department of Human Services 2100 Washington Blvd., Lower Level Auditorium Arlington, VA 22204 8:00 a.m. to 10:00 a.m.

Attendance: Kate Bates, Dottie Brown, Karen Brown, Tamela Brown (representing Lisa Bauer), Dennis Desmond, Howard Feldstein (representing Jeanne Booth), Phyllis Gandy (representing Kris Martini), Ellen Harpel, David Harris, Elizabeth Jones, Daniel Mekibib (for Lesa Gilbert), Erik Pages, Steve Partridge, Andrea Rubino, Marie Schuler, Ryan Touhill (representing Stephanie Landrum)

Absent: Eduardo Achach, Patrick Brennan, Sherri Chapman, Winoka Clements, Daniel Gomez, Kevin Lynch, Alberto Marino, Nate Mauer, Marc Olmsted, Dori Ramsey, Ann Randazzo, Cynthia Richmond, Fernando Torrez, Landon Winkelvoss

Staff: Mary Savoy-Baucum, Alamelu Dev, Gabe Hamda, David Remick

The meeting was called to order at 8:35 a.m.

### **ONE-STOP OPERATOR'S REPORT:**

- Alamelu Dev, ICATT Consulting, provided an update on LWDA 12's 2<sup>nd</sup> Quarter WIOA Performance.
- Ms. Dev reported that the Alexandria Workforce Development Center and the Arlington Employment Center will undergo WIOA Compliance Monitoring from April 30<sup>th</sup> to May 4<sup>th</sup>.

### **EXECUTIVE DIRECTOR'S REPORT:**

- A motion was made, seconded, and the minutes of December 7, 2017 Regional Workforce Council meeting was unanimously approved.
- A motion was made, seconded and the FY19 One-Stop Operator Scope of Work was unanimously approved.
- A motion was made, seconded and the WIOA Career Services Waiver, was unanimously approved.
- A motion was made, seconded and the transfer of \$68,157.31 from PY17 WIOA
   Dislocated Worker funds to the PY17 WIOA Adult funds, was unanimously approved.



 A motion was made, seconded, to add George Mason University, Alexandria Public Schools – Adult Education, and 1<sup>st</sup> CDL training Center of Northern Virginia to LWDA 12's Eligible Training Provider's List, was unanimously approved.

### **PUBLIC COMMENT PERIOD:**

 Joe Hardy provided an overview on the new "Job Plus Recovery Act". This initiative is sponsored by U.S. Senators Tim Kaine (D-VA), Todd Young (R-IN) and Doug Jones (D-AL), who are members of the Senate Health, Education, Labor, and Pensions (HELP) Committee.

### **ECONOMIC DEVELOPMENT, EDUCATION AND WORKFORCE PARTNERS:**

- Arlington Public Schools, 20<sup>th</sup> Annual Tech Expo, Saturday, April 28<sup>th</sup> at Wakefield High School. Judges and volunteers needed.
- 2018 Arlington Teen Summer Expo, Saturday, April 21st at Wakefield High School, 11:00 a.m. to 1:00 p.m.

The meeting ended at 9:25 a.m.

## 2018-2019 Youth Waiver

## **★WIOA Youth Waiver**

- the programmatic activities vs. procurement Waiver will allow Virginia Career Centers to perform most of
- Total FY18 funding is \$153,000
- Spending over 70% of WIOA Youth Funds on Out-of-School Work Experience (Requirement is 20%)
- On track to meet most of FY18's Performance Goals
- **★** Recommendation: Approve



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### WIOA Title I Youth Program Procurement – Local Waiver

### Issue

- Under the Workforce Investment Act, LWDA 12 secured a waiver that allowed Title I Youth Services
  to be performed at the Alexandria Workforce Development Center and Arlington Employment Center.
  That waiver has expired.
- Workforce Innovation and Opportunity Act (WIOA) requires the competitive procurement of Title I
   Youth Services, unless they are being performed by the local grant recipient.
- LWDA 12's grant recipient, Arlington County Government, would like to continue to perform Title I Youth Services at the Alexandria Workforce Development Center and Arlington Employment Center.

### **Background**

The Department of Labor has issued the Final Rules to implement Title I of the Workforce Innovation and Opportunity Act (WIOA). The Final Rules provides the local grant recipient and Local Workforce Development Board (LWDB) flexibility to award grants or contracts for youth services in accordance with WIOA sec. 123.

As it relates to competitive selection requirement, 20 CFR Part 681, Youth Activities under Title I of the Workforce Innovation and Opportunity Act, has language that addresses questions and concerns regarding procurement of WIOA Title I Youth Program services. In particular, Subpart C – Youth Program Design, Elements, and Parameters, Section 681.400 language clarifies that the competitive procurement requirements in Sec. 123 of WIOA apply only if the LWDB chooses to award grants or contracts to youth service providers to provide some or all of the youth program elements.

### The 14 youth program elements are:

- 1. Tutoring, study skills training, and instruction leading to secondary school completion, including dropout prevention strategies;
- 2. Alternative secondary school offerings or dropout recovery services;
- 3. Paid and unpaid work experiences with an academic and occupational education component;
- 4. Occupational skill training, with a focus on recognized postsecondary credentials and in-demand occupations;
- Leadership development activities (e.g., community service, peer-centered activities);
- 6. Supportive services;
- 7. Adult mentoring;
- Follow-up services for at least 12 months after program completion;
- 9. Comprehensive guidance and counseling, including drug and alcohol abuse counseling;
- 10. Integrated education and training for a specific occupation or cluster;
- 11. Financial literacy education;
- 12. Entrepreneurial skills training;
- 13. Services that provide labor market information about in-demand industry sectors and occupations;
- 14. Postsecondary preparation and transition activities.

The Alexandria Workforce Development Center and the Arlington Employment Center have been allowed to perform Title I Youth Services via a state-issued waiver under the Workforce Investment Act. Since 2011, LWDA 12's Title I Youth Program has met its annual performance goals and maintained financial integrity. Title I Youth Program Funding is approximately \$153,000 for FY19/PY2018.



### **LWDA 12's Youth Services Program Design**

Alexandria Workforce Development Center and Arlington Employment Center perform the "framework services" for LWDA 12's Title I Youth program. These framework services include intake, objective assessments, development of individual service strategies, case management, supportive services, and follow-up services. Both Centers partner with the following local government and nonprofit partners to provide free services to their youth customers for the 14 youth program elements:

You	ith Program Element	Pro	ovider
	Tutoring, study skills training, instruction and	•	Sylvan Learning Center
	evidence-based dropout prevention and	•	Alexandria City Public School, GED Program,
	recovery strategies that lead to completion of		Adult Education High School Diploma
	the requirements for a secondary school	•	Arlington Public School, GED Program, Adult
	diploma or its recognized equivalent.		Education High School Diploma
2.	Alternative secondary school services, or	•	Alexandria City Public School, GED Program
İ	dropout recovery services, as appropriate.	•	Alexandria City Campaign on Adolescent
			Pregnancy
		•	Substance Abuse Prevention Coalition of
			Alexandria City
		•	Alexandria City Court Service Unit
		•	Arlington Public School, GED Program
3.	Paid and unpaid work experience that have	•	Local Employer Referrals from the Centers'
	as a component academic and occupational		Business Services Teams
i	education, which may include -	•	Project Discovery: Empowerment and College
	<ul> <li>Summer employment opportunities</li> </ul>		Preparation
	and other employment opportunities		
	available throughout the school year;		
	<ul> <li>Pre-apprenticeship programs;</li> </ul>	1	
	<ul> <li>Internships and job shadowing, and</li> </ul>		**
	<ul> <li>On-the-job training opportunities</li> </ul>		
4.	Occupational skills training which may	•	Alexandria/Arlington Regional Workforce
-	include priority consideration for training		Council, Eligible Training Providers List
	programs that lead to recognized		
	postsecondary credentials that are aligned		
	with in-demand industry sectors or		
$\vdash$	occupations in the local area	├—	
5.	Education offered concurrently with and in	•	Alexandria/Arlington Regional Workforce
	the same context as workforce preparation		Council, Eligible Training Providers List
	activities and training for a specific		
<u> </u>	occupation or occupational cluster		Businet Birmany Employment and College
6.	Leadership development opportunities,	•	Project Discovery: Empowerment and College
	which may include community service and	ja.	Preparation
	peer-centered activities encouraging	•	Alexandria Mentoring Partnership
	responsibility and other positive social	•	Alexandria Court Services Unit
	behaviors during non-school hours, as		
	appropriate.		



7.	Supportive Services (Linkages to community services)  Transportation Childcare Housing and Accommodation for youth with disabilities Uniforms Referrals to Healthcare Educational Testing	•	Alexandria City Department of Community and Human Services Arlington Department of Human Services Legal Services of Northern Virginia Washington Metropolitan Area Transit Authority
	Adult mentoring for the period of participation and a subsequent period, for a total of not less than 12 months	•	Various partnerships with local and regional mentorship-focused CBOs
9.	Follow-up services for not less than 12 months after the completion of participation, as appropriate	•	Alexandria Workforce Development Center Arlington Employment Center
10.	Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate.	•	Various partnerships with local and regional counseling-focused CBOs
11.	Financial literacy education	•	Association of Financial Counselors
12.	Entrepreneurial skills training	•	Business Development Assistant Group
13.	Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services.	•	Alexandria/Arlington Regional Workforce Council Virginia Employment Commission
14.	Activities that help youth prepare for and transition to postsecondary education and training.	•	Alexandria City Public School Arlington Public School Project Discovery: Empowerment and College Preparation Volunteer Alexandria

When the Centers cannot procure free services to perform the 14 youth program elements they will follow local government procurement procedures to purchase services for their youth customers.

### **Action Requested**

• The local grant recipient would like the Regional Workforce Council to approval a local waiver to allow Alexandria Workforce Development Center and Arlington Employment Center to continue to perform Title I Youth Services for Program Year 2018 (FY19).

Approved:	
Chair, Alexandria/Arlington Regional Workforce Council	Date

### **Bylaws Update**

- **★** Revisions to existing Bylaws include:
- Staggering term limits
- Members may designate an alternate to attend meetings in their place and vote on matters via proxy
- **★** Revisions required based on findings from last audit
- **★** Recommendation: Approve



ALEXANDRIA ARINGTON RECION



### COUNCIL BY-LAWS

### ARTICLE I NAME OF THE BODY

The name of the body, for which the By-laws pertain, is the Alexandria/Arlington Regional Workforce Council, hereinafter referred to as the "Workforce Council." Where a conflict arises between these By-laws and any applicable law, rule, or regulations, such law rule, or regulation shall control.

### ARTICLE II PURPOSE

The Workforce Council was established by joint agreement between the Alexandria City Council and the Arlington County Board, in accordance with the Workforce Innovation and Opportunity Act of 2014, (Public Law 113-128), hereinafter referred to as "WIOA", and in accordance with policies established by the Commonwealth of Virginia. It is the purpose of the Workforce Council to work in partnership with the Chief Local Elected Officials of the City of Alexandria and Arlington County to provide guidance and to coordinate and conduct oversight with respect to activities of the Alexandria/Arlington Workforce Development Consortium and its local <u>public workforce</u> system. The responsibilities of the Workforce Council are set forth in the Agreement between the Chief Local Elected Officials of the City of Alexandria and Arlington County and the Local Workforce Development Board for the City of Alexandria and Arlington County, may exercise all powers authorized by law in the manner provided therein.

### ARTICLE III MEMBERSHIP

Members of the Workforce Council are appointed by the Chief Local Elected Officials of the City of Alexandria and the Arlington County Board. Membership will be comprised of thirty-four members and in the following composition: each jurisdiction will be responsible for appointing nine private sector members and three workforce representatives which must include labor organizations and representatives of apprenticeship programs, and may also include community-based organizations. Membership will also include a representative from each jurisdiction for each of the following institutions mandated for presence by WIOA including secondary educational providers, economic development agencies, and human services partners. Membership will include one regional representative for each of the following entities; an ex-offender employment services provider, post-secondary educational provider, a vocational rehabilitation agency, and the Virginia Employment Commission.

Nominations to the Workforce Council must be submitted to the appropriate Chief Local Elected Official in either the City of Alexandria or Arlington County, as determined by Workforce Council assigned staff. Nominations may be made from a variety of sources, including business organizations, local educational entities, and local labor organizations. Nominations shall be sought in accordance with applicable policies of the Commonwealth of Virginia. Appointments to the Workforce Council will be made by the Chief Local Elected Official of each jurisdiction. Workforce Council member appointments will be for three-year terms. Term limits may be staggered at the discretion of the Chief Local Elected Officials to ensure that only a portion of membership expires at a given time. Members may be reappointed to successive terms without limitation.

Resignation by a Workforce Council member shall be submitted to the Workforce Council Chairperson and the Chief Local Elected Official, whichever was the appointing body. The position will then be filled for the remainder of the term, according to policies established by the Commonwealth of Virginia.

A Certification Form for Workforce Council appointments is submitted to the Commonwealth of Virginia, as required. The Workforce Council membership will be certified by the Commonwealth of Virginia.

A Workforce Council member must attend at least 75% of the yearly council meetings. Absences may be excused because of personal illness or serious illness of members of the immediate family, death of a family member, unscheduled or unforeseen business trips, and emergency work assignments only. All other absences are recorded as unexcused. A Workforce Council member may be removed for failing to disclose a conflict of interest or otherwise violating the conflict of interest provision in the By-laws.

### ARTICLE IV OFFICERS

The Workforce Council will elect its Chairperson and Vice Chairperson from among its business members. The Chairperson and the Vice Chairperson shall be elected for corresponding two-year terms.

In the absence of the Chairperson, the Vice Chairperson shall preside at meetings and perform such duties as are required by the Workforce Council. In the absence of both officers, the Chairperson shall appoint a Workforce Council member to preside for that specific meeting.

### ARTICLE V MEETINGS

The Workforce Council shall meet at the call of the Chairperson. Members shall be advised in advance of the time and place of regular or special meetings. The presence of one-half, plus one of the current membership of the Workforce Council shall constitute a quorum to conduct business. Meetings of the Workforce Council are conducted in an open manner, are held in accessible locations, and with advance notice provided to the general public. All meetings shall be held in accordance with policies set forth by the Commonwealth of Virginia and the Virginia Freedom of Information Act.

### ARTICLE VI VOTING

Matters brought before the Workforce Council may be resolved by a simple majority of the members present, provided a quorum is present as described above. Each member of the Workforce Council shall be entitled to one vote, subject only to the reservation in ARTICLE IX, Conflicts of Interest. Members may designate an alternate to attend in their absence and vote on matters if provided a proxy by the member. Both the name of the alternate and the proxy must be recorded with staff prior to the meeting. The Chairperson shall vote only if needed to break a tie.

### ARTICLE VII ATTENDANCE AT MEETINGS

Acceptance of membership on the Workforce Council signifies intent to participate in the activities of the Workforce Council and to attend the meetings of the Workforce Council.

Workforce Council assigned staff shall inform the Workforce Council Chairperson of any instance in which an appointed member is absent without explanation from regularly scheduled meetings of the Workforce Council. The Chairperson may then direct staff to contact that individual to ascertain whether or not he/she intends to participate in future meetings and activities.

### ARTICLE VIII COMMITTEES

An Executive Committee shall be initially established, consisting of the Chairperson, Vice Chairperson, and any other member as designated by the Chairperson. At the call of the Chairperson, this committee shall meet when necessary to develop the strategic plan of the Workforce Council and other activities as outlined in WIOA Section 107(b)(4). The Chairperson will make a report on the Executive Committee's decisions at the next full Workforce Council meeting.

Committees and task groups may be established by the Chairperson of the Workforce Council as deemed necessary to perform specific activities outlined in WIOA Section 107(b)(4). The Chairperson of the Workforce Council shall be an "ex-officio" member of all committees. The Workforce Council Chairperson may appoint individuals from inside and outside of the membership of the Workforce Council to serve on any committee at any time. Appointments by the Chairperson must be approved by a majority vote of Workforce Council members present at next Workforce Council Meeting. The Workforce Council Chairperson may designate the Chairperson of all such committees and the terms of service. The provisions Article V apply to committee meetings.

### ARTICLE IX CONFLICT OF INTEREST

All Workforce Council members serve a public interest and trust role and have a clear obligation to conduct all affairs in a manner consistent with this concept. All decisions of the Workforce Council are to be based on promoting the workforce system, including employers and job seekers of the City of Alexandria and Arlington County. To this end, the Workforce Council will adopt a Conflict of Interest policy consistent with that of the Commonwealth of Virginia, the City of Alexandria, and

Arlington County. This policy will be the Alexandria/Arlington Regional Workforce Council Conflict of Interest policy.

### ARTICLE X PARLIAMENTARY AUTHORITY

It is the sense of the Workforce Council that meetings shall be conducted in an information atmosphere in order to encourage a free exchange of ideas; however, the rules contained in Robert's Rules of Order shall guide the Workforce Council.

### ARTICLE XI AMENDMENT OF THE BY-LAWS

By-laws may be amended at any regular meeting of the Workforce Council by a majority vote of the total membership, provided that there is a quorum of members present, and providing that the amendment has been submitted in writing at the previous regular meeting of the Workforce Council.

ARTICLE XII EFFECTIVE DATE
The By-laws shall become effective as of the date of the adoption by the Workforce Council.
Chairperson, Alexandria/Arlington Regional Workforce Council
Date Adopted

# **FY19 RWC WIOA Policy Updates**

- **★**Self-Sufficiency Policy: Updated guidelines for 2018
- **★** Priority of Service: Adds a 4<sup>th</sup> priority group for people who have an income between 70% and 150% of LLSIL
- \*Accessibility & Reasonable Accommodations Policy: Required update based on audit findings
- **★** Recommendation: Approve



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### Local Policies for WIOA-Funded Programs (Revised September 27, 2018)

SUNSHINE POLICY	
EQUAL OPPORTUNITY/NONDISCRIMINATION/GENERAL GRIEVANCE POLICY	39
CONFIDENTIALITY POLICY	104
WIOA SELF-SUFFICIENCY POLICY	
PRIORITY OF SERVICE POLICY	
INDIVIDUAL TRAINING ACCOUNT (ITA) POLICY	
ELIGIBLE TRAINING PROVIDER LIST POLICY	
SUPPORTIVE SERVICES/NEEDS RELATED PAYMENTS POLICY	<u>21</u> 48
5% WIOA YOUTH POLICY	<u>24</u> 21
DISLOCATED WORKER ELIGIBILITY POLICY	
YOUTH IN NEED OF ADDITIONAL ASSISTANCE POLICY	<u>27</u> 2-
INCENTIVE AWARDS TO WIOA YOUTH	
COMPLIANCE MONITORING	
OJT, WORK EXPERIENCE, & TRANSITIONAL JOBS POLICY	
WIOA EXPENSE REPORT SUPPORTING DOCUMENTATION POLICY	
COUNCIL MEETING REMOTE PARTICIPATION POLICY	3734
INCUMBENT WORKER POLICY	<u>38</u> 35
CASE MANAGEMENT & CASE NOTES POLICY	<u>40</u> 27
SEGREGATION OF DUTIES, DISCLOSURE, AND RECUSAL POLICY	4239
WIOA SEGREGATION OF DUTIES, DISCLOSURE, AND RECUSAL	<u>44</u> 41
WIOA SELF-SUFFICIENCY DEFINITION FOR ENROLLMENT OF EMPLOYED APPLICA	
ACCESSIBILITY & REASONABLE ACCOMMODATIONS POLICY	

WIOA Adult, Dislocated Worker, and Youth Programs in Alexandria City and Arlington County are funded by a grant awarded by the Virginia Community College System through funds awarded by the U.S. Department of Labor's Employment and Training Administration.

### **SUNSHINE POLICY**

### REFERENCE

· Virginia Freedom of Information Act

### **POLICY**

The Alexandria/Arlington Regional Workforce Council shall make available to the public, on a regular basis, through open meetings, information regarding the activities of the Alexandria/Arlington Regional Workforce Council including information regarding the local plan prior to submission of the plan and regarding membership, the designation and certification of workforce center operators consistent with the State plan and the award of grants or contracts to eligible providers of youth activities and upon request, minutes of formal meetings of the Alexandria/Arlington Regional Workforce Council.

To ensure compliance with the Sunshine Provisions, the Alexandria/Arlington Regional Workforce Council shall take measures to ensure that:

- All meetings will be open to the public.
- All meetings will be held in an accessible location for the disabled and that all information is provided in accessible and alternate formats upon request.
- The date, time and location of the first regular meeting of each program year shall be published on
  the Alexandria/Arlington Regional Workforce Council website no less than thirty days prior to the
  meeting. All subsequent meetings of the calendar year shall be posted to the Alexandria/Arlington
  Regional Workforce Council website as meeting locations are secured.
- Public notice will be given at least 72 hours in advance of any special meeting or rescheduled regular meeting, except when a meeting is called to deal with a real or potential emergency involving a clear and present danger to life or property.
- Votes of local Board members will be publicly cast and roll call votes will be recorded and kept in the official Board Minutes book.
- Written minutes of all meetings will be kept in the Alexandria/Arlington Regional Workforce Council
  administrative office, and shall include the date, time and place of the meeting, members present,
  substance of all official actions, a record of roll call votes and the names of any citizens who appeared
  and gave testimony.
- Executive Committee meetings may be held as closed sessions according to the provisions of the
  Virginia Freedom of Information Act. An Executive Committee meeting may be held during or after
  an open meeting or may be announced for a future time. If an Executive Committee meeting is not
  announced for a specific time, Alexandria/Arlington Regional Workforce Council members must be
  notified 24 hours in advance of the date, time, location and purpose of the executive session. The
  reason for holding an executive session must be announced at the open meeting either immediately
  prior or subsequent to the executive session. Official action on any matter discussed at an Executive
  Committee meeting must be taken at an open meeting.

### **EQUAL OPPORTUNITY/NONDISCRIMINATION/GENERAL GRIEVANCE POLICY**

### REFERENCE

- Workforce Innovation and Opportunity Act (WIOA) Title I
- 29 CFR Part 37

### POLICY

It is the policy of the Alexandria/Arlington Regional Workforce Council to provide equal opportunity to all WIOA program applicants and participants without regard to race, color, religion, gender, national origin, age, disability, or political affiliation or belief. Any person alleging discrimination under the Workforce Innovation and Opportunity Act has the option of filing his or her written complaint with the Alexandria/Arlington Regional Workforce Council EO Officer:

David Remick
Executive Director & EQ Officer
Alexandria/Arlington Regional Workforce Council
2100 Washington Blvd.
First Floor
Arlington, VA 22204
<a href="mailto:greenick@arlingtonva.us">greenick@arlingtonva.us</a>

Please note: any person with a general, non-discriminatory grievance may also file a written complaint to the Alexandria/Arlington Regional Workforce Council EO Officer. All non-discriminatory grievance complaints will follow the procedures outlined in this policy, unless specified otherwise.

### Determining Jurisdiction

The first step in processing a complaint is to determine if it is within the Alexandria/Arlington Regional Workforce Council's jurisdiction – that is, if the Alexandria/Arlington Regional Workforce Council has the legal authority to accept the complaint for investigation. There are three considerations that determine jurisdiction – basis, timeliness, and whether the respondent is a recipient of DOL funds.

- Basis: For discriminatory grievances, the Alexandria/Arlington Regional Workforce Council can
  accept and investigate only those complaints that allege discrimination on the basis of race, color,
  religion, national origin, gender, political affiliation or belief, age, or disability because of citizenship
  or participation in WIOA. For all other grievances, the Council can accept and investigate only those
  complaints that occur when using WIOA Title I funded services.
- Timeliness: The Alexandria/Arlington Regional Workforce Council will accept and investigate a complaint only if it is filed within 180 days of the alleged violation.
- Recipient of WIOA Funds: The Alexandria/Arlington Regional Workforce Council can accept and
  investigate only those complaints in which the respondent the program or activity against which
  the complaint is filed is a program or activity funded in whole or in part by WIOA funds.

### Notifying the Respondent and the Complainant

Once it is determined that a complaint is within the Alexandria/Arlington Regional Workforce Council's jurisdiction, the complaint is investigated by the Alexandria/Arlington Regional Workforce Council's EO Officer. The EO Officer sends the respondent (the administrator or manager of the program/activity receiving funds) notice, which informs him or her that the Alexandria/Arlington Regional Workforce Council has accepted the complaint and includes:

· The complainant's name,

- A brief description of the allegation,
- A description of the information or documentation needed for the investigation, and time in which
  it is to be submitted,
- A reminder to the respondent that any form of retaliation or intimidation against the complainant because he or she has filed a complaint is prohibited, and
- The name and telephone number of the Alexandria/Arlington Regional Workforce Council's EO Officer assigned to the case.

A copy of the complaint may be provided to the respondent if it is requested. The EO Officer also sends the complainant a similar notification letter. Both the respondent and the complainant are encouraged to informally resolve the complaint prior to the issuance of a determination. This process could take up to 30 days to complete.

### Data Collection

A complaint can be investigated in two ways: through analysis of data relevant to the investigation and/or through an on-site investigation. Data needed to determine the merits of the allegations in the complaint should be identified. A written list of questions is forwarded to the respondent, complainant, and other parties such as witnesses. Some questions will require a written response, some will request records, and others will require documentation. The EO Officer analyzes the data and, if it is sufficient, a determination as to whether or not discrimination occurred may be issued without an on-site investigation. This process could take up to 30 days to complete.

### The On-Site Investigation

The EO Officer conducts the complaint investigation at the site of the alleged violation when:

- · The issues are complicated;
- After reviewing the data collected, it is determined that several witnesses must be interviewed or many records reviewed; or
- The Alexandria/Arlington Regional Workforce Council's EO Officer has received several complaints
  against the same respondent.

Before arriving on-site, the EO Officer contacts the respondent to establish a date and time for the on-site investigation, to identify records and other documents to be made available for review, and to identify individuals to be interviewed. This should be regarded as an initial information request. As the investigation proceeds, the EO Officer may identify additional information requirement or interviewees. The respondent should identify a person responsible for coordinating the on-site investigation. Once on-site, and before meeting with the respondent, the EO Officer meets with the complainant to review the complaint and to obtain any additional information not contained in the complaint or case file.

The opening conference is held at the respondent's facility; the EO Officer meets with the respondent and/or respondent's representatives to:

- Describe the complaint being investigated, including the specific allegation(s) and issue(s) under investigation and the Alexandria/Arlington Regional Workforce Council's authority to investigate them;
- Confirm arrangements made by the respondent to assure the EO Officer privacy, including setting aside a private area for the EO Officer to conduct interviews and review documents;
- Confirm the interview schedule of individuals named in the complaint, as well as other witnesses;
   and

 Schedule other meetings, such as the orientation meeting for information collection and the exit interview.

Normally, the EO Officer does not discuss the merits of the complaint during the opening conference.

### Gathering Evidence

In an on-site investigation, the EO Officer gathers evidence by interviewing and by reviewing records. Initially, the EO Officer interviews the official(s) representing the respondent and the person(s) named in the complaint. Information obtained includes:

- The respondent's account of the facts.
- Additional persons the respondent wishes interviewed and the matters on which each witness can be expected to provide information,
- Documentation that the respondent wishes reviewed.

The EO Officer also interviews witnesses – that is, all individuals named either by the complainant or the respondent as witnesses. As the investigation progresses, the EO Officer may identify additional individuals who should be interviewed. In addition to conducting interviews, the EO Officer gathers information by reviewing records and other documents, beginning with those initially requested. As the investigation progresses, the EO Officer may require additional records. When the records required are voluminous or complex, the EO Officer may hold a meeting with the staff responsible for keeping records to:

- Acquaint the EO Officer with the respondent's information system,
- Acquaint the respondent with the EO Officer's information needs,
- Assign specific document or information request to the appropriate person.

### Types of Evidence

In general, evidence falls into five categories:

- Direct evidence is evidence of the actual, subjective intent of the person(s) charged with
  discrimination. It may take the form of an admission of discriminatory purpose, although this will
  rarely occur. You will most often find such an admission during an interview, when a person is
  explaining or justifying his or her actions. Direct evidence encompasses more than admissions: it also
  includes any facts tending to establish the subjective motives of persons involved in the alleged
  discrimination.
- Circumstantial evidence includes facts from which one may infer intent or discriminatory motive.
   Circumstantial evidence proves intent by using objectively observable data. It does not, however, prove anything directly about actual subjective intent for example, historical information on how members of the protected group have been treated by the respondent and similar complaints.
- Comparative evidence is that which identifies difference(s) in treatment of similarly situated
  individuals based on their race, sex, or other protected basis. For example, this might involve
  comparing the quality and quantity of services provided a group of the same race with services
  provided to a group of a different race. If there is no adequate non-racial explanation for the
  differences, it is reasonable to infer that race may be a factor.
- Statistical evidence is most often used to demonstrate the adverse effect of a procedure, policy, rule, or selection criteria. The evidence will have to show that a substantial disparate impact exists, and that it is not due to chance. Such evidence may include EO data reports and monitoring reports.
- For non-discriminatory grievances, direct evidence of the actual, subjective intent of the offender(s).

### The Exit Conference

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When the on-site investigation has been completed, within 30 days the EO Officer will hold an exit conference with the respondent to clarify the information obtained during the on-site investigation or to request additional information. The EO Officer expresses no opinion about the information collected during the on-site investigation and makes no analysis or conclusions about the issues.

### Administrative Closures

Pre-investigative administrative closures occur prior to the initiation of the investigation. A predetermination administrative closure is one which occurs between the initiation of an investigation and before an investigative report is drafted. Investigations may not be administratively closed if they imply or involve class issues, which have not been corrected for all members of the class. Investigations that are not class involved may be administratively closed if one or more of the following conditions exist – that is, if the complainant:

- · Refused to cooperate in the investigation;
- Cannot be located;
- Is deceased:
- · Withdraws the complaint in writing; or
- Was fully resolved through mediation or conciliation.

If the complainant can be located, he or she must be notified in writing that the complaint is being administratively closed and explain the reason for the decision.

### Analysis of Evidence (for discriminatory grievances only)

### Disparate Treatment

To determine if it is reasonable to believe that discrimination based on disparate treatment occurred a three-phase analytical process will be used. This process is as follows:

### PHASE I: PRIMA FACIE

This phase is a determination as to whether there is sufficient evidence to raise an inference of discrimination. An inference does not prove discrimination; rather, it allows you to go on to the next analytical set(s) – determining whether the inference is correct.

An inference of discrimination based on disparate treatment can be established when an eligible/qualified individual shows that he or she was treated differently because of a prohibited factor. In the case of systemic or pattern-or-practice discrimination and inference of discrimination may be established by showing that individuals or groups are treated differently based on race, sex, or some other prohibited factor.

The Supreme Court created a template for establishing a case by inference based on disparate treatment. The elements of a prima facie case may vary depending on the facts of the complaint, but such elements often include the following:

- 1. The aggrieved person was a member of a protected class;
- This person applied for, and was eligible for federally assisted program or applied and was qualified for employment;
- 3. Was denied services or employment despite being eligible/qualified; and
- After this denial, the respondent selected applicants for services or provided employment to persons not in the complainant's group with similar eligibility or qualifications.

### PHASE 2: REBUTTAL

The second phase is the respondent's opportunity to defend itself. If there is sufficient evidence to establish a prima facie case, the investigator must determine if the respondent can articulate a "legitimate, nondiscriminatory reason" for the challenged action.

### PHASE 3: PRETEXT

Once the respondent has articulated a reason for the disparate treatment, the investigator must examine the respondent's reasons and evidence relevant to the complaint. Where facts are in dispute, the investigator should attempt to corroborate the facts independently. If the respondent's defense is not based on a legitimate requirement, the investigator may show that the rebuttal evidence presented by the respondent was a "pretext" for discrimination.

Types of evidence that may be helpful in proving pretext are:

- The respondent failed to follow its own rules, policies, and procedures;
- The respondent acted inconsistently with its own stated, legitimate nondiscriminatory reason;
- Evidence obtained in the investigation contradicts the nondiscriminatory reasons; or
- The reason offered now was not offered to support the challenged decision at the time it occurred, suggesting the reason was offered as an afterthought.

### Disparate Impact

The model for proving discrimination based on disparate impact is different from the disparate treatment model because the underlying theory is different. Rather than seeking to prove that the service or training provider had a discriminatory motive, you are seeking to prove that a policy, requirement, or practice has a disproportionate effect on a particular group or groups. Indications of disparate impact are most likely to arise in the context of a compliance review.

### Adverse Impaci

The investigator will need to develop evidence that can be tested for adverse impact by making a comparison of the effects of the policy, requirement, or practice in question on members of the complainant's protected class with persons not in the protected class. The evidence in an investigation of a case involving disparate impact will likely include both statistical and comparative evidence (see "Types of Evidence").

The first step is determining whether there is disproportionate representation of protected class members participating in the program in question (for example, four percent of participants in a training program are female, while fifty percent of the applicants are female). In this case, the investigator will want to look at the application process and other aspects of program administration to determine if there is evidence that a policy or practice is causing the disparity. If there is a statistically significant disparity between the representation of protected class members remaining after application of the challenged policy or requirement when compared with the representation of persons not in the protected class, a prima focie case has been established.

After determining that the numbers show significant differences, the next step is to determine what caused the disparities. The investigator must identify which policy, requirement or practice accounts for the adverse impact. That requires focus on the points in the decision making process where some applicants become participants and others do not. (For example, identifying which requirements or practices have the result of screening out more women applicants than you would expect to be screened out, given the number of women applicants.)

### **Business Necessity**

Identifying the requirements or practices that have the adverse impact does not prove disparate impact discrimination. A determination must be made as to whether the requirement that has the adverse impact is job related and necessary. (For example, a requirement that a firefighter trainee weigh at least 150 pounds could disproportionately screen out women as a group, even if some women can meet the requirement and some men cannot.)

In this scenario the service or training provider would have to provide evidence that the weight requirement is necessary for a job related reason (for example, evidence that the weight test is an accurate predictor of a person's ability to handle firefighting equipment).

### Alternative Practice

Even if the weight test accurately predicts success in firefighting, if it has an adverse impact, the service or training provider must first try to devise a standard that does not have adverse impact to determine whether an applicant can handle the equipment.

### Post Investigation

### Investigative Report

An investigative report is a written document that sets out in a detailed and logical fashion (a) all facts pertinent to the case, (b) analyzes those facts in light of the complainant's allegations, and (c) recommends a determination as to the validity of the allegations based on that analysis. The following is a suggested format:

- Introduction
- Allegations
- Analysis
- Conclusions
- Recommendations

The investigative report should be a document separate from the formal letter of findings. Generally, the investigative report is not released to the complainant or the service or training provider except in the case of a Freedom of Information Act request or Privacy Act request. Ideally, an investigative report should be prepared whenever a full investigation is completed. If an investigative report is not done in every case, it should be prepared for complex cases that involve extensive analysis. An investigative report should also be prepared for all cases resulting in a violation. If the case is straightforward, raises only limited issues, does not involve significant rebuttal by either party, and results in a no violation finding, an investigative report may not be necessary.

### Letter of Findings

The purpose of the letter of findings is to notify the parties in writing of the determination made on each issue. Letters of findings must be prepared for all investigations, regardless of whether a violation is found. A written notice of final action must be sent within 90 days after the filing date of the complaint. Complainants must be notified of their right to file a complaint with U.S. Department of Labor's Civil Rights Center (by mail: 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210; by email: CRCExternalComplaints@dol.gov) if they believe the determination is unsatisfactory.

### Each letter of findings must:

· State the jurisdictional authority including the basis for the investigation;

- Address all issues covered in the investigation, and for each issue reach conclusions which are supported by an explanation or analysis; and
- State the determination for each issue investigated.

### Corrective Actions for Discrimination Grievances

When technical violations are found during compliance monitoring, the EO Officer will notify the recipient in writing of the violations along with recommendations for corrective action. The EO Officer is responsible for providing technical assistance to correct the violations.

Corrective action may include policy development or educating individuals responsible for implementing the required action. A follow-up visit or contact will be made by the EO Officer to evaluate progress made toward resolving the violations. Violations as a result of an investigation and/or monitoring efforts shall be made to achieve voluntary compliance by corrective action or a conciliation agreement to correct the discrimination.

In general terms, the complaint procedure is as follows:

- Corrective action shall be completed within 45 days from the date of initial notification of the violation.
- Follow-up monitoring will be conducted to determine whether compliance has been achieved.

If the EO Officer concludes that compliance cannot be achieved through voluntary means, he or she will notify the U.S. Department of Labor's Civil Rights Center in writing, to include the following:

- The apparent violation(s) and the pertinent nondiscrimination or equal opportunity provision(s) of 29 CFR part 37;
- The efforts made to achieve voluntary compliance; and
- The corrective action the recipient must take to redress the violation.

### **CONFIDENTIALITY POLICY**

### REFERENCES:

Privacy Protection Act of 1980

### POLICY:

The Alexandria/Arlington Regional Workforce Council is committed to protecting the confidentiality of all customers. Written releases of information are required from a WIOA customer before their information can be shared.

All WIOA customers are advised of this policy. All WIOA Staff are required to sign a confidentiality pledge which specifies that the individual is aware of the priority the Council places on confidentiality and the customer's right to privacy. When LWDA 12 collects data to be used in continuous quality improvement efforts or in an effort to seek customer feedback regarding the satisfaction with LWDA 12 services, these statistics are not collected individually. Only group results can be reported. No one customer's results can be shared that links a person's name with their satisfaction survey. This same policy holds true for collection of market opinion surveys, panel or focus group findings and research of satisfaction among other customer groups. Violations of confidentiality are subject to penalty of law under the Privacy Protection Act.

Release of Information Forms will remain in effect from the date of signature for 5 years allowing for the training period and follow up to occur and then may be revoked in writing at any time after that four-year period by the customer. The customer will be advised of this policy at the time of the signing of the release form. If the customer objects LWDA 12 staff may allow an adjustment in the time frame if needed. If the customer refuses to sign the release of information, WIOA services may be discontinued.

### WIOA SELF-SUFFICIENCY POLICY

### **REFERENCES:**

- Federal Register, Volume 83, Number 12, Page 2642
- Federal Register, Volume 83, Number 103, Page 24495

### **DEFINITION OF SELF-SUFFICIENCY:**

The term "low income individual" as an individual who:

- Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the
  past 6 months has received, assistance through the supplemental nutrition assistance program
  established under the Food and Nutrition Act of 2008, the program of block grants to States for
  temporary assistance for needy families program under part A of title IV of the Social Security Act,
  or the supplemental security income program established under title XVI of the Social Security Act,
  or State or local income-based public assistance;
- Is in a family with total family income that <u>does not exceed the higher</u> of the poverty line <u>or</u> 70 percent of the lower living standard income level;
- Is a homeless individual;
- Receives or is eligible to receive a free or reduced price reduced price lunch under the Russell National School Lunch Act;
- Is a foster child on behalf of whom State or local government payments are made; or
- Is an individual with a disability whose own income meets this policy's income requirement, but who
  is a member of a family whose income does not meet this policy's requirement.

Any individual who is considered to be "low income", as defined above, is eligible to receive WIOA funded training services in Local Workforce Development Area 12.

### **GUIDANCE:**

The following guidelines are to be used in determining low-income eligibility. Poverty Guidelines are to be used for the "poverty line." The 70% Lower Living Standard Income Level appropriate to the applicant's place of residence should be used to determine eligibility, where appropriate. The 100% of the Lower Level Standard Income Levels are to be applied when determining whether employment leads to self-sufficiency under WIOA Title I programs. The 100% and 150% levels are not to be used to determine "low income" eligibility.

### **HHS POVERTY GUIDELINES FOR 2018**

Metropolitan Statistical	Family Size							
Areas (MSAs)		2	3	4	5	6	7	8
48 Contiguous US States and DC	12,140	16,460	20,780	25,100	29.420	33,740	38,060	42,380

### 2018 150% LOWER LIVING STANDARD INCOME LEVEL CHART

Metropolitan Statistical Areas	Family Size					
(MSAs)		2	3	4	5	6
Washington-Baltimore, DC/MD/VA/WV	25,227	41,341	56,746	70,045	82,668	96,681
For each family member above 6 add \$14.0	13.					

### 2018 100% LOWER LIVING STANDARD INCOME LEVEL CHART

Metropolitan Statistical Areas	Family Size							
(MSAs)	1	2	3	4	5	6		
Washington-Baltimore, DC/MD/VA/WV	16,818	27,561	37.831	46,697	55,112	64,454		

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**Metropolitan Statistical Areas** 

(MSAs)

For each family member above 6 add \$9,342.
2018 70% LOWER LIVING STANDARD INCOME LEVEL CHART

		7
5	6	1

45,118

Family Size

32,688

3

26,482

19,293

Washington-Baltimore, DC/MD/VA/WV (For each family member above 6 add \$6,539. (11,773)

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### PRIORITY OF SERVICE POLICY

### REFERENCES.

- Workforce Innovation and Opportunity Act (WIOA) Title I
- Training and Employment Guidance Letter WIOA NO. 3-15

The purpose of career and training services is to provide eligible customers with the means to obtain the necessary skills to become gainfully employed or re-employed. This policy is intended to define and establish parameters for the priority of service with WIOA Title I Adult funds.

### **Priority**

Priority for career and training services funded with WIOA Title I Adult funds shall be given to recipients of public assistance, other low-income individuals and individuals who are basic skills deficient, as well as any covered person under the Veterans' priority, in the local area. Thus, the following sequence of services priority will apply:

- · First, to veterans and eligible spouses who are also included in the groups given statutory priority for WIOA Title I Adult formula funds. This means that veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient would receive first priority for services provided with WIOA Title I Adult formula funds.
- Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA Title ! Adult formula funds.
- Third, to veterans and eligible spouses who are not included in WIOA's priority groups.
- Last Fourth, to non-covered persons who reside in Alexandria City or Arlington County, who are outside the groups given priority under the WIOA Title I Adult program, with total family income that does not exceed 150 percent of the lower living standard income level.
- Fifth, to non-covered persons who are outside the groups given priority under the WIOA Title I Adult program.

Total WIOA Title I Adult formula fund program year spending for the combined fourth and lifthe groups must not exceed 49% of the total program year allocation of the Alexandria/Arlington region's WIOA Title I Adult formula funds.

The term "covered person" includes anyone who is a Veteran. The term "covered person" also includes spouses of Veterans that fall into the following categories:

- · Any veteran who died of a service-connected disability;
- Any member of the armed forces on active duty who, at the time of the spouse's application, is listed in one or more of the following categories and has been so listed for more than 90 days:
- Missing in action:
- Captured in the line of duty by a hostile force; or
- Forcible 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; or
- Any Veteran who while a disability so evaluated was in existence.

Note: 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 Formatted: Justified

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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. Military earnings are not to be included when calculating income for veterans or transitioning service members for this priority, in accordance with 38 U.S.C. 4213.

The term "basic skills deficient" means that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test or who is a youth or adult, that the individual 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.

The Alexandria/Arlington Regional Workforce Gouncil also encourages enrollment of Alexandria City and Arlington County residents as a priority.

### INDIVIDUAL TRAINING ACCOUNT (ITA) POLICY

### **REFERENCE:**

Workforce Innovation and Opportunity Act (WIOA) Title I

### **POLICY:**

- Customer Choice: Under the Workforce Innovation and Opportunity Act of 2014 (WIOA), the
  customer can choose the program and provider for the occupational skills training that meets the
  goals of their individual development plan. In order to use WIOA funds for training, the customer
  must choose a training program that has been certified by a Local Workforce Development Board
  in Virginia. The complete list can be found at <a href="https://www.vawc.virginia.gov/">https://www.vawc.virginia.gov/</a>. Customer Choice must
  be made in writing by using the "Customer Choice in Training" Form.
- Eligibility. All recipients of training funds must be eligible based upon criteria established under WIOA. WIOA requires the coordination of training costs with funds available under other grant assistance. WIOA funding for training is limited to participants who are unable to obtain grant assistance from other sources, including PELL Grants, to pay the costs of their training or require assistance beyond that available under grant assistance from other sources, including PELL Grants, to pay the costs of such training. WIOA prescribes "braided funding" as a strategy to support job seekers' training and placement needs. As such, every effort should be placed on co-enrolling the WIOA participant into other publicly-funded workforce training programs available through the One-Stop Center.
- Occupational Areas of Training. The training provided through ITAs is for the sole purpose of
  facilitating transition into the workforce. All training will be for occupations in demand in the labor
  market and determined to be of priority by the Alexandria/Arlington Regional Workforce Council
  (http://workforcecouncil.arlingtonva.us/data/).
- Training Selection. Training will be provided for priority occupations only as determined by the Council by an institution or organization certified as meeting the criteria and having completed the procedures outlined in the Council's Eligible Training Providers Policy.
- Length of Training. The purpose of training services is to provide eligible customers with the means to obtain the necessary skills to become gainfully employed or re-employed. Training length will vary according to the type of training and the requirements outlined in the vendor agreement. Training, cannot exceed more than 24 calendar months and should lead to an industry-recognized certification and employment that earns a sustainable wage. Participants whose individual training plan includes training lasting more than 24 months must request a waiver from the Council Executive Director PRIOR to beginning the training. Participants whose training was planned for less than 24 months but who require additional time to complete the program of study must request a waiver.
- Repeat Training. The Council will NOT provide funding for courses/programs previously funded but not successfully completed.
- Cost Limitation. The Council limits training and certification cost to no more than \$3,500 per
  participant within a 12-month period, except as approved by the Council Executive Director prior
  to the expenditure of funds (see WAIVERS below). Funding of training, certification, and supportive
  services payments may not exceed a total of \$3,500 in a 12-month period.
- Administration. All requests for ITA funding must be supported in the participant's individual employment plan.

### **WAIVERS:**

The Council's Executive Director may approve exceptions to the cost limit based on the following:

- Up to \$8,000 maximum limit for hospitality training and certification;
- Up to \$9,500 maximum limit for computer & information systems training and certification;
- Up to \$9,500 maximum limit for healthcare training and certification;
- Up to \$9,000 maximum limit for manufacturing & processing training and certification.

The necessity for waiver must be sufficiently justified and documented in order for a waiver to be approved. Please note, the eligible training provider who receives over \$3,500 of WIOA funds to serve a WIOA participant will need to include certification testing and placement into employment as part of their training cost.

### **Customer Choice in Training Form**

### Notice to WIOA Clients:

Under the Workforce Innovation and Opportunity Act of 2014 (WIOA), you can choose the program and provider for the occupational training you need to meet the goals in your individual plan. In order to use WIOA funds for training, you must choose a training program that has been certified by a Local Workforce Development Board in Virginia. The complete list can be found at https://www.vawc.virginia.gov/.

Your case manager will present you with a listing of and information about certified training providers in the Commonwealth of Virginia. Most providers have submitted information showing the success rate their students have reached in completing the program, obtaining a certificate (if needed for that occupation) and getting a job. You can choose the training provider that you feel best meets your needs. Please note, should you select a training program that exceeds the local Individual Training Account funding limit, you will assume the responsibility for paying the difference in cost. Questions pertaining to this form can be emailed to dremick@arlingtonva.us.

As a customer of the WIOA program, I have chosen this training program for my occupational skills training. This was my choice, based on my needs and preferences and the information provided about available providers by my case manager.

Training Provider Chosen

Training Program Chosen

Printed Name of WIOA Participant

Signature of WIOA Participant Date

As a case manager for the WIOA program, I certify that the customer has chosen this training program and provider, based on their own needs and preferences and the information I presented about available providers.

Printed Name of Case Manager

WIOA Service Provider

Signature of Case Manager

Date

### **ELIGIBLE TRAINING PROVIDER LIST POLICY**

### REFERENCES

- US DOL Training Employment and Guidance Letter (TEGL) 41-14
- VBWD Policy 404-01
- VWL No. 16-06, Change I

### **BACKGROUND**

The Workforce Innovation and Opportunity Act (WIOA) emphasizes informed customer choice, performance accountability, and continuous improvement. At the same time, WIOA is not an entitlement. One of the primary means that WIOA employs to achieve these goals is through the quality and effectiveness of the providers of occupational training in the region and across the Commonwealth of Virginia.

The Virginia Community College System (VCCS) is required to develop and operate a state Eligible Training Provider List (ETPL) in partnership with local workforce development boards. The Alexandria/Arlington Regional Workforce Council will issue the state ETPL Application Form for use by interested regional training providers to apply for submission onto the ETPL for a one-year period. The Council will also issue a re-certification form for use by existing training providers so that they may apply for consideration to remain on the ETPL for an additional year.

The ETPL must be used to issue WIOA Individual Training Accounts (ITA) for the training of Adults, Dislocated Workers, and Youth when a determination has been made that training is needed to meet the employment and earnings goal established in the Individual Service Plan of a WIOA enrollee. The enrollee can compare the offerings on the ETPL and, with the approval of WIOA staff, select the best training program for their individual needs.

### **POLICY**

- To become eligible for inclusion into the ETPL, the provider must submit a completed ETPL Application Form along with the required information as outlined in VBWD Policy 404-01 and VWL No. 16-06, Change 1. Failure to provide all required information can result in ineligibility for inclusion in the ETPL
- To remain eligible for the ETPL, the provider must submit the Re-Certification Form along with all required information as outlined in VBWD Policy 404-01 and VWL No. 16-06, Change 1. Failure to provide all required information can result in ineligibility for inclusion in the ETPL
- For providers who have received WIOA funding during their ETPL inclusionary period, on the Re-Certification Form they must report on their WIOA customers' and their total customers':
  - a. Training Completion Rate
  - b. Credential Attainment Rate
  - c. Entered Employment Rate
  - d. Post Training Earnings

For providers who did not receive WIOA funding during their ETPL inclusionary period, they are only required to report on their total customers' rates. The Council will use the benchmarks listed in VWL No. 16-06, Change 1 to measure both WIOA customer and total customer performance.

4. The Council determines if the provider's information meets state and local criteria and votes to approve the provider for inclusion on the ETPL. Application may be submitted at any time, but will only be voted for inclusion in the ETPL at quarterly Council meetings. Training Provider Applications must be submitted per "program of training services".

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- 5. In the event that a WIOA customer requests the use of a pending-provider's services prior to the next Council meeting where their inclusion on the ETPL can be voted on, the Council's Executive Director may approve the provider for temporary inclusion onto the ETPL as long as the provider meets all eligibility requirements. The temporary inclusion period will be from the time services are procured to the date of the next Council meeting. The Executive Director must provide rationale for providing temporary inclusion status during the next Council meeting.
- 6. Council will add the training provider's information onto the ETPL within 5 business days.
- 7. Should the Council deny an application, staff will:
  - a. Send training provider notice within 5 business days after denial is obtained. The notice will identify the specific program(s) being denied and the reason(s) for denial. The notice shall also advise the applicant of its right to appeal the Council's decision.
  - b. Within 90 calendar days of receipt of the request for reconsideration, the Council shall review the request and issue a written decision that either upholds or reverses the original decision.
  - c. If the Council reverses its initial decision to deny the application, Council staff will send training provider notice within 5 business days after approval is obtained. The Council will then post the program of training service on the ETPL
  - d. If the Council affirms its original decision, the provider shall have the option of filing an appeal with VCCS. In cases involving the denial of an initial certification or re-certification, the burden shall be upon the training provider to prove, by a preponderance of the evidence, that the certification should have been granted. In cases involving decertification of a training provider for intentionally supplying inaccurate information or for substantially violating any requirements under WIOA, the burden shall be upon the Council to provide, by a preponderance of the evidence, that the decision to decertify was appropriate.
- 8. Exceptions to the ITA and the ETPL requirements: A Customized Training Contract for services may be used instead of ITA's only when:
  - Pre-approval has been granted in writing by the Council's Executive Director.
  - Used to pay for group training, in lieu of individual training accounts, when the training is
    otherwise approvable under federal and state law and policy, and only if the individual's rights
    for consumer choice are not superseded.
  - When a lack of training capacity limits customer choice and customers are not able to enroll
    in training of their choice on a timely basis or are otherwise required to choose another
    training program. This could occur because there are an insufficient number of Eligible
    Training Providers on the ETPL.
  - When it is efficient to contract with an effective local community-based organization or other private organization training program to do the training.
  - When it would facilitate the training of multiple individuals in high-demand occupations.

### Customized Training Contracts must:

- Be competitively bid in accordance with applicable federal, state, and local laws, rules, and policies.
- Directly link to an in-demand industry sector or occupation, or a sector with high potential for sustained demand or growth, either locally or where participants are willing to relocate.

To qualify for any of the exceptions listed above, the provider must submit a waiver request form to the Council's Executive Director.

### **RWC ELIGIBLE TRAINING PROVIDER LIST WAIVER REQUEST** TRAINING PROVIDER/PROGRAM INFORMATION Name of Training Provider: Provider Address: City: ZIP Code: Scate: Title of Training Program: Industry recognized credential/certification received: Please provide proof of financial stability (attach to waiver request) Please provide proof that provider is licensed to operate in Virginia (attach to waiver request) Please provide proof that the provider is authorized to award an industry recognized certification or credential (attach to waiver request) Program Completion Rate (Past 3 Certification Attainment Rate (Past Job Placement Rate (Past 3 Yrs.): Yrs.): 3 Yrs.): Description of how the training program relates to the workforce development needs of RWC's Regional Talent Development Plan: Justification for the Waiver Request: I hereby make the following assurances as part of this request: The provider has experience supporting the training and employment needs of individuals with substantial language or cultural barriers. Completion of the training program results in the awarding of industry-recognized credential, national or state certificate, or degree, including all industry appropriate competencies, licensing and/or certification The training program is identified as a demand occupation in RWC's local plans and has a history of serving clients with barriers to employment. Signature: Date: Submit Waiver Request to: dremick@arlingtonva.us **RWC USE** Authorized Signature: Date:

### SUPPORTIVE SERVICES/NEEDS RELATED PAYMENTS POLICY

### REFERENCES:

- Workforce Innovation and Opportunity Act (WIOA) Title I
- Training and Employment Guidance Letter WIOA NO. 3-15
- Virginia Workforce Letter 14-17 Minimum Training Expenditure Requirement

### **DEFINITIONS:**

- Needs-related Payments (NRPs) Financial assistance provided to enable individuals to participate
  in training and one of the supportive services authorized by WIOA.
- Public Assistance Federal, state, or local government cash payments for which eligibility is determined by a needs or income test.
- Supportive Services Services such as transportation, child care, dependent care, housing, and NRPs necessary to enable individuals to participate in activities authorized under WIOA Title I. Aside from NRPs, supportive services are usually provided through a voucher system (e.g., transportation or food) or payments made directly to vendors (i.e., clothes, rent, or utilities).

### POLICY

Program staff responsible for approving supportive services shall adhere to the guidance and procedures as set forth in this policy.

### **Eligibility Requirements**

### a. Adults must:

- Be unemployed;
- Not qualify for (or have ceased to qualify for) unemployment insurance; and
- Be enrolled in a program of training services under WOIA Title I.

### b. Dislocated Workers must:

- Be unemployed;
- Have ceased to qualify for unemployment insurance or Trade Readjustment Allowances (TRA) under TAA;
- Be enrolled in a program of training services under WIOA Title I, 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.

### Documentation Requirements

- 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 or attendance records for each period of training (quarter, semester, class, etc.);
- All eligibility determinations.

### <u>Administration and Approval of Supportive Services</u>

- All supportive services are administered through the One-Stop Center staff.
- Supportive services must be approved by a WIOA program supervisor and reviewed by the fiscal
  unit before they are received.

- WIOA staff may only approve funds for the types of supportive services and amounts described in this policy. The WIOA managers and fiscal unit must approve all requests for services or costs that exceed the limits of this policy.
- All supportive services are contingent upon the customer's satisfactory performance while
  participating in and completing WIOA intensive or training activities as well as upon available funding.
  To maintain satisfactory performance, an in school youth customer who is in training must maintain
  good attendance and grades (a minimum grade point average of 2.0 or satisfactory progress), and be
  in compliance with the other program requirements. For a customer who is participating in intensive
  activities, he/she must be in compliance with program requirements, including active participation
  and bi-monthly contact with a case manager. The WIOA Program Managers may exercise authority
  to establish limits on amounts of funding and length of time funding is available to the participant.

### **Procurement and Payment Process**

- Program staff shall comply with local jurisdictional policies for procuring goods/services and for fiscal
  procedures. These policies address the competitive bid process, exceptions for sole source
  procurement and required forms.
- All supportive service purchases must be made directly from a local jurisdiction authorized vendor.
   After services have been completed and invoices have been received, payment will be made directly to the vendor. In the event of a client being reimbursed, detailed receipts must be submitted.

### Referrals

WIOA program staff must seek services from other community resources as appropriate, prior to
authorizing supportive services under WIOA. Referrals and follow-up will be made for other
agencies or resources for assistance. Documentation of referrals indicating agencies/ resources
providing services as well as denials will be included in customers' case files.

### **Allowable Supportive Services**

The range of supportive services available to WIOA customers - child care, transportation, dependent care, housing, and assistance with uniforms and other appropriate work attire and work-related tools, including such items as eye glasses and protective eye wear. Supportive services are available to WIOA customers while they are participating in and completing individualized career services or training activities. The following items outline the supportive services:

### I. Child Care

Customers who may be eligible for child care services should be referred as appropriate to the local Child Care Assistance Programs for all childcare needs. Customers not qualified for local social service programs may be provided supportive services under WIOA Title I.

### Transportation

Authorization for transportation assistance may be extended after employment is obtained for up to one month. Requests for other types of transportation assistance must be approved by the WIOA Program Manager and fiscal unit. Situations beyond the time limit will be reviewed and granted on a case-by-case basis by the WIOA Program Manager.

### 3. Gas Assistance

Customers who drive may be provided with mileage reimbursement at the rate set by the local jurisdiction.

- 4. Eye Care and Workplace/Training Accessibility Assistance
  - Program staff may refer customers to an approved vendor for an eye examination and a pair of eyeglasses. Eyeglasses and examination expense cannot exceed \$200.00. Staff may also request approval by the WIOA Program Manager for supportive services to assist customers with workplace/training accessibility issues which cannot be provided by other sources.
- 5. Work/Training Clothes

Financial assistance will be limited to an amount not to exceed \$200.00 per customer for these items. The items must be for a work or training related activity. Uniforms or work boots are an example.

- 6. Minor Tools or Supplies
  - If the tools or supplies are needed to become employed, staff may provide financial assistance up to \$200.00. Customers must be enrolled in a work related activity or have a specific verifiable job offer.
- 7. Financial Crisis Assistance

Requests for emergency assistance for counseling, housing assistance, meals or other basic needs unable to be provided by other community resources and which are required to help an individual stay in training or to be able to successfully complete program participation must be well documented and must be approved by the WIOA Program Manager.

### Needs Related Payments

Please note that the One-Stop Centers serving the City of Alexandria and Arlington County operate within their respective jurisdiction's Human Services Departments. Both Departments offer customers access to a myriad of supportive services and financial assistance. As a result, Needs Related Payments will not be offered through WIOA in LWDA 12.

### 5% WIOA YOUTH POLICY

### **REFERENCES:**

Virginia Workforce Letter #15-02

### POLICY:

Not more than 5% of participants assisted under the youth program in LWDA 12 may be individuals who do not meet the low income criteria to be considered eligible youth. Additionally, not more than 5% of participants assisted in the in-school youth program in LWDA 12 may be determined eligible under the barrier "An individual who requires additional assistance to complete an educational program or to secure or hold employment".

For a WIOA youth participant to be considered under the 5% Rule, the WIOA Youth Service Provider must make a formal written request via email to the Council Executive Director and receive written approval prior to the youth being registered in WIOA to receive program services. The written request must contain the following information:

- Specific information about the applicant including; family size, income and barrier(s) as well as other characteristics that necessitate WIOA intervention.
- The request should also include a comprehensive plan listing the strategies and youth elements the career advisor will utilized to assist the youth in addressing the barrier(s).
- The request must also include the current number and percentage of non-low-income youth enrollments on the WIOA Youth Services provider's case load. This total includes all participants served during the current program year.

The Council Executive Director will respond within 5 days to all requests. The written determination from the Council must be maintained with all other eligibility and assessment documents in the individual's file. Enrollment is not permitted until receipt of approval from the Council Executive Director.

### DISLOCATED WORKER ELIGIBILITY POLICY

### REFERENCES

Workforce Innovation and Opportunity Act (WIOA) Title I

### **DEFINITIONS**

- "Occupation" means the type of work in which the person was primarily engaged.
- "Industry" means any field of business or trade.

### **PURPOSE**

To establish a definition for "Unlikely to Return to Previous Occupation or Industry" when determining the eligibility of dislocated workers in Local Workforce Development Area 12.

### POLICY

"Unlikely to Return to Previous Occupation or Industry" shall be defined as:

- Possessing skills obtained during the most recent employment or the predominant employment during the most recent two-year period that are no longer in demand or are obsolete; or
- The individual has exhausted her/his unemployment compensation benefits and has been unable to find a job in her/his previous industry or occupation; or
- The individual has been long term unemployed (12 Weeks of the Last 20 months) and has been unable to find a job in her/his previous industry or occupation; or
- The individual has been assessed by the case manager as being unable to find employment in her/his previous industry or occupation or to find employment at a compensation level comparable to her/his previous occupation; or
- The case manager has determined that the individual needs additional assistance in order to retain employment leading to self-sufficiency; or
- An existing or projected local, state, or federal government agency or related industry association labor market data report indicates that that the number of job openings related to the displaced worker's previous industry and occupation, including the predominant employment of the previous two years, are limited or do not exist.

A displaced worker is deemed eligible for WIOA Dislocated Worker services in Local Workforce Development Area 12 if he/she meets at least one of the conditions listed above.

Each WIOA Case Manager may exercise professional discretion in applying these criteria based on the research and the evaluation of the existing or projected labor market data report. In all cases, the WiOA Case Manager must include in the displaced worker's eligibility record a completed "Unfikely to Return to Previous Industry/Occupation Analysis" Form that is used to provide an articulated rationale for making the eligibility determination using these criteria based on the research and the evaluation of the existing or projected labor market data report. Such determinations shall be reviewed during monitoring of the WIOA participant records.

### Unlikely to Return to Previous Industry/Occupation Analysis (Please attach LMI for previous industry/occupation or UI as applicable)

Participant Name		Date	
Previous Occupation:	Previous Ind	Previous Industry:	
Employer:			
SECTION A			
Unlikely to Return Justification (please check)  LMI Data (complete SECTION 8 below)  Declining LMI NOT Declining LMI OR			
Receipt of UI benefits showing duration of receipt of UI for at least 12 of the previous 26 weeks			
If LMI does not show declining industry or occupation, list reason for Jobseeker to be unlikely to return to previous industry or occupation. (please check all that apply and provide detailed explanation in the participant's case notes).			
□ Qualifications for industry/occupation changed and jobseeker is no longer qualified.     □ Obsolete individual skills in demand occupation which makes the individual non-competitive.     □ Finding employment in current occupation will require skills upgrading.     □ Jobseeker became disabled and cannot perform in previous occupation or industry.     □ Industry was represented by only one employer within a mile radius and is now out of business.     □ Excess number of workers with similar skill sets and experience seeking limited employment opportunities in the region within a mile radius.     □ Other: (please specify)			
Indicate proposed Career or Training Services to be provided:			
Justification for provision of Career or Training Services (indicate benefits):			
Ability of participant to benefit from planned training:			
SECTION C			
I have evaluated the status of the above job seeker and have determined that based on the Interview, findings, documentation and Industry information, this jobseeker is unlikely to return to previous industry or occupation.  Prepared and evaluated by:  Date:			
		water.	

### Updated 9/27/18YOUTH IN NEED OF ADDITIONAL ASSISTANCE POLICY

### **REFERENCES**

Workforce Innovation and Opportunity Act (WIOA) Title I

### **PURPOSE**

 To define WIOA Youth target groups and to establish a definition for the term "Youth in Need of Additional Assistance."

### **POLICY**

In order to be considered eligible to receive services under the WIOA, Youth must be at least 14 years old and may not be older than 24 years of age (unless otherwise stipulated in WIOA regulation), must meet the income criteria to be economically disadvantaged, and must exhibit at least one of the following barriers:

- Documented deficiency in basic math and literacy skills (reading and math proficiency below 8 grade level);
- Evidence that the Youth dropped out of school;
- · Evidence that the Youth is either homeless, a runaway, or living in a foster home;
- The Youth is pregnant or is a parent;
- Documentation that the Youth is an offender;
- Is an individual (including a youth with a disability) who requires additional assistance to complete an
  education program or to secure and hold employment.

Youth identified during the initial intake assessment and eligibility process as meeting one of the following may be considered an individual (including a youth with a disability) who requires additional assistance to complete an education program or secure and hold employment:

- Lacking work experience;
- · Lacking any documented or credentialed skills to offer employers:
- · Having difficulty finding or keeping employment;
- Having no plans for post-secondary education or training;
- · Having no high school diploma or GED;
- Enrolled in an alternative education program;
- Completed high school or earned a GED and do not have self-sufficient employment;
- Youth who do not have any stated or clearly delineated career path;
- Youth needing support or an ITA to enter and/or complete training and/or post-secondary training and/or educational program to reach self-sufficiency

The case file must include documentation as to how the determination was made (i.e. official documents, signed statement from Youth attesting to barrier, etc.). Documentation must also include a well-articulated statement by the Case Manager that clearly defines and explains the rationale for the decision to use this barrier(s) and how participation in the services selected will support the Youth's chances for securing employment or completing an education program in order to secure employment.

### INCENTIVE AWARDS TO WIOA YOUTH

### REFERENCES

- OMB Circular No. 122 (Cost Principles for Non-Profit Organizations), Attachment B, Item 33
- Workforce Innovation and Opportunity Act (WIOA) Title I
- NPRM Section 681

### **POLICY**

It is the policy of the Alexandria/Arlington Regional Workforce Council to offer reasonable incentives to youth participants to encourage the youth to participate in and complete WIOA Title I Youth activities. The justification and strategy for awarding incentive must be clearly defined in the youth's case file. Any incentive award shall be made in a uniform and consistent way, and administered in a manner that ensures all participants receive equal rewards for equal achievement.

For the purposes of this policy, the term "incentive" shall mean an inducement or reward intended to motivate achievement, progress, and attendance. The incentive must be directly linked to one of the allowable elements as listed in WIOA Title I Youth and/or to the attainment of specific and measurable program outcome. All incentive awards are subject to the availability of WIOA Title I Youth funds and are these incentives are not an entitlement.

Youth incentive award payments are limited to a lifetime amount of \$2,500 per eligible youth and documented in accordance with applicable WIOA regulations. The lifetime amount may be extended to \$4,000 per eligible youth through issuance of a waiver from the Council's Executive Director. There must be extenuating circumstances for the waiver to be issued. All waivers issues must be reported to the Council by the Executive Director.

Achievements eligible for an incentive include:

- Attain high school diploma (incentive can only be offered once);
- Graduate an alternative school (incentive can only be offered once);
- Complete a GED test (incentive can be offered for each test completed);
- Career pathway exploration activities, such as work experience (multiple incentives can be offered);
- Complete basic, work readiness, occupational skill attainment goals (multiple incentives can be offered);
- Complete TABE post-test (upon attainment of literacy/numeracy level gain for WIOA performance);
- Complete Career Readiness Certificate post-test (upon attainment of Bronze level or higher);
- Create cover letter, resume, sample application, and follow-up letter (All 4 required);
- Obtain unsubsidized employment (incentive can only be offered once);
- Retention of employment for 90 consecutive days (incentive can only be offered once); and/or
- Attain a post-secondary credential (upon attainment of occupational certificate, diploma, or degree).

One Stop Center staff shall maintain required documentation in the participant's case file detailing the distribution and management of awards. At a minimum, Center staff shall document the need for the incentive and justify issuance of the incentive in the participant's Individual Employment Plan and in the Virginia Workforce Connection system (VaWC). Center staff will also maintain records verifying the participant received the incentive through an original signature on a receipt form and documentation showing the type of incentive awarded (i.e. copy of a check, copy of a gift card, etc.). It is the responsibility of each staff person to become aware of all applicable regulations and to monitor personnel and participant activities to ensure compliance in accordance with this policy and other cited references.

### **COMPLIANCE MONITORING**

### REFERENCE

Workforce Innovation and Opportunity Act (WIOA) Title I

### **POLICY**

- The Alexandria/Arlington Regional Workforce Council Executive Committee will select individual(s) to perform monitoring duties.
- Monitoring of each Alexandria/Arlington Regional Workforce Council-operated program, consisting
  of administrative, financial, programmatic, and EO compliance, will be conducted at least once during
  a program year.
- All compliance monitoring must be completed 30 days prior to the end of the program year.
- Compliance monitoring is conducted to verify program compliance with the terms and conditions
  of WIOA, EO, and the policies established by the State WIOA Unit and the Alexandria/Arlington
  Regional Workforce Council.
- Compliance monitoring will be conducted by reviewing records and documents maintained by the Alexandria/Arlington Regional Workforce Council administrative office on each program; conducting onsite reviews of procedures, records, and documents maintained by the program operations staff; and submitting written reports of findings, including corrective action recommendations if appropriate. EO monitoring will be conducted through an onsite review.

### General Monitoring Procedure

- A written monitoring checklist is developed to ensure all acceptable standards of accountability are reviewed.
- Compliance monitoring activities are scheduled in advance with the designated representative or
  program operations staff. Those responsible for the program operations are also notified as to the
  purpose, procedure and specific areas to be monitored.
- Reports, records and documents, maintained by the Alexandria/Arlington Regional Workforce Council administrative office on each program are reviewed for completeness, accuracy, and timeliness of submission.
- Each program is monitored at the site of operation. On-site monitoring includes but is not limited to:
  - An entry interview with the designated representative or program operations staff;
  - o A review of applicable written policies and procedures;
  - Staff and participant interviews;
  - A review of a random selection of participant records, including eligibility documentation (selection size should be equal to 10% of each program's total open case load);
  - o A review of financial procedures, records, and documentation;
  - o An EO audit of the physical location(s); and
  - o An exit interview with the designated representative or program operations staff.
- A written report is completed on each program monitored and is simultaneously submitted to the Alexandria/Arlington Regional Workforce Council Chair and the One-Stop Operator. The written report includes but is not limited to:
  - o Completed applicable sections of the written monitoring checklist;
  - Written comments and recommendations on identified deficiencies.

### Special Investigations

Special investigations are conducted when information is received which indicates possible fraud, abuse, or alleged criminal activity. The investigation is designed to provide the Alexandria/Arlington Regional Workforce Council with sufficient information to justify a decision to notify appropriate legal authorities.

### Processing Procedures for Special Investigations

- Alexandria/Arlington Regional Workforce Council staff notifies the Alexandria/Arlington Regional Workforce Council Chair and the State WIOA office or Department of Labor upon receipt of any request to conduct a special investigation and or upon the initiation of any special investigation.
- The Alexandria/Arlington Regional Workforce Council Chair appoints specific persons as appropriate to conduct special investigations.
- Assistance or advice from other individuals approved by the Executive Committee or the Chair may be solicited during a special investigation.

### Corrective Action and Follow-up

Corrective action and follow-up is conducted to eliminate reported violations. Corrective action plans are developed and implemented for the purposes of alleviating reported inadequacies in acceptable operating procedures, standards of accountability, or program performance standards.

Written responses to recommendations to initiate corrective action may include any of the following:

- No plan for corrective action with written justification for not initiating such action;
- A written plan for corrective action which includes dates for implementing and completing such action; or
- A written explanation of the appropriate action which has been initiated prior to the issuance for the request for corrective action.

### OJT, WORK EXPERIENCE, & TRANSITIONAL JOBS POLICY

### REFERENCES:

- 20 CFR Part 652
- 20 CFR 663,700
- 20 CFR 680.150
- 20 CFR 680.530
- 20 CFR 680.830
- 20 CFN 000.030
- 20 CFR 680.84020 CFR 680.850
- 20 CFR 680.900
- WIOA Section 134(c) (3)(h)
- WIOA Section 134(d) (1-5)

### **DEFINITIONS:**

"On the Job Training" or "OJT" means training by an employer that is provided to a paid employee while engaged in productive work in a job, knowledge or skills training that is essential to the full and adequate performance of the job, and training that provides reimbursement to the employer of up to 50% of the wage rate of the participant for the extraordinary costs of providing the training and additional supervision related to the training.

"Work Experience" is a planned, structured learning experience that takes place in a workplace for a limited period of time. 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.

A "Transitional Job" or "TJ" is part of a portfolio of training services available to Job seekers in Alexandria City and Arlington County. TJs seek to connect individuals with chronic unemployment or an inconsistent work history with opportunities to build work place skills and Job history. TJ is a paid work experience that:

- Is time limited and subsidized;
- Is in the public, private, or nonprofit sector;
- Is provided to individuals with barriers to employment who are chronically unemployed or have an inconsistent work history;
- Is combined with comprehensive employment and supportive services; and
- Is designed to help participants establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment.

Labor standards apply in any OJT, Work Experience, or TJ where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists.

An "individual with a significant barrier-to-employment" is a member of one or more of the following populations:

- Adult and youth ex- offenders;
- Basic skills deficient individuals;
- Homeless individuals;
- Lack of educational and/or occupational skills attainment;
- Living with a disability;
- Long-term unemployed;
- Low-income workers earning wages below self-sufficiency;
- Older workers;
- Poor work history and/or lack of work experience;

WIOA is an Equal Opportunity Program. Auxiliary aids and services are available upon request to individuals with disabilities.

Alexandria City Government and Arlington County Government are Equal Opportunity Employers.

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- Pregnant and parenting youth;
- Public assistance recipients (TANF, SNAP, SSI, Medicaid, etc.);
- Runaway youth;
- · Youth in, or previously in, foster care.

Individuals with "chronic unemployment" or an "inconsistent work history" are those who:

- Have been unemployed for 13 weeks or longer;
- Were unemployed at least 26 of the past 52 weeks; or
- Have held three or more jobs in the past 52 weeks and are currently unemployed or underemployed.

### **PURPOSE:**

The purpose of this policy is to establish guidelines for the arrangement of OJT, Work Experience, and TJ where an individual will be able to learn an employment related skill, gain work experience, and/or qualify for a particular occupation through demonstration and practice.

### POLICY:

### Participant Eligibility

WIOA Adult, Dislocated Worker, and Youth participants can be deemed eligible, after assessment, and in accordance with the Individual Employment Plan (IEP), have a substantial need for OJT, Work Experience, or TJ. The participant must be an individual with a barrier to employment and a history of chronic unemployment or an inconsistent work history.

The need for OJT, Work Experience, or TJ can include; an 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, etc. Supporting documentation proving eligibility is required.

### Employer Eligibility

- May be a private-for-profit business, private nonprofit organization, or a public sector employer:
- Must have been in business for at least one year;
- Must have adequate personnel to provide sufficient supervision and training:
- Must provide a minimum of 50% of the employee's wage throughout the training;
- Must provide a job description, 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.
- Must not have a history or pattern of failing to provide OJT, Work Experience, or TJ participants
  with continued employment with wages, benefits, and working conditions that are equal to those
  provided regular employees who have worked a similar length of time and are doing the same type
  of work;
- Must not have relocated from any location in the United States within 120 days, if the relocation resulted in any employee losing his or her job at the original location;
- And must not use OJT, Work Experience, or TJ assignments to displace regular employees, or to replace any employee on layoff.

### General Requirements

- O[T, Work Experience, or T] must be combined with comprehensive career services and supportive services.
- OJT, Work Experience, or TJ placements should contribute to the occupational development and upward mobility of the participant.

Per WIOA regulations (20 CFR 683.200(g)), "no individual may be placed in an employment activity
if a member of that person's immediate family is directly supervised by or directly supervises that
individual." For the purpose of this policy, the term "immediate family" includes a spouse, child, sonin-law, daughter in-law, parent, mother-in-law, father-in-law, sibling, brother-in-law, sister-in-law,
aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, and grandchild.

### OJT. Work Experience, or TJ Length

OJT, Work Experience, or TJ must be time limited (no more than 6 months and preferably 8 to 12 weeks) and require at least fifteen (15) but not more than forty (40) hours of work per week.

### **WIOA Funding Levels**

All OJT or TJ placements must be paid at least the minimum wage (\$7.25/hr. at the effective date of this policy).

### Payments to Employers

Payments are deemed to be compensable for the extraordinary costs associated with training participants. This includes additional supervision, training, and the costs associated with the lower productivity of the participants, those extraordinary costs are documented by the employer, and must not be in excess of 50% of the wage rate of the OJT or TJ participant.

Because Work Experience is a pre-vocational service, the relationship between the WIOA participant and the employer that volunteers to provide the site for the work experience or internship activity for the WIOA program does not constitute an employer/employee relationship. WIOA payments to participants in Work Experience are incentives for progress and attendance in an intensive service, not compensation for work performed for an employer. The payments are not considered earned income for tax purposes nor are the payments reportable on a 1099-MISC or W-2.

For OJT and TJ, the relationship is that of employer/employee and payments to the participant are provided by the employer and treated as taxable income. OJT and TJ payments to the employer and Work Experience payments to the participant are to be made from the participant's Individual Training Account (ITA). Total payment amount cannot exceed LWDA 12's ITA limit, unless the Workforce Council Executive Director provides an ITA waiver.

### **Process**

Participants will market themselves to employers as eligible for OJT or Work Experience, either verbally or with a referral form provided to them. If interested in a potential contract, the employer is to contact the WIOA Program Coordinator at the appropriate One-Stop Center.

A review of the employer will ensure that the employer has, or forecasts, sufficient work to provide long-term regular employment for the participant. An on-site visit will ensure that the employer has the necessary equipment, materials and supervision to conduct the training. Consideration will be given to the percentage of subsidized training positions assigned to a particular employer. This ratio shall not exceed 25% of the workforce.

The employer will provide a job description of the occupation as performed in the company and a concise outline of the OJT, Work Experience, or TJ to be given, tasks to be learned, and the approximate hours of training required for each task. Once this information is provided, the WIOA Program Coordinator will determine the length of the training period and the hourly wage that will be covered by the OJT, Work Experience, or TJ contract.

If the employer is agreeable to the length of training and the covered wage, then the contract will be prepared. This contract must be in place prior to the start of training. When the contract is completed, it will be taken to the employer for his or her signature. Please note, during any engagement with an employer, WIOA staff should present the Work Opportunity Tax Credit opportunity for their consideration.

### Case Management & Monitoring

The WIOA Case Manager is responsible for ensuring the participant's skill levels will result in the successful completion of the OJT, Work Experience, or TJ activity.

- a. A Training Plan and OJT, Work Experience, or TJ Agreement that articulates the learning that is to take place, the length of the experience and the competencies that must be mastered must be completed and signed prior to the start of the experience.
- b. The Case Manager shall make contact with the participant and their employer/work experience host at a minimum once each month and shall keep in the participant's file progress of the participant's work experience. Concerns and corrective action necessary to accomplish the objectives shall be recorded and appropriate action and follow-up shall be documented.
- c. A minimum of one on-site monitoring visit must be made during the time of active training of a participant at the worksite.

  d. Time and attendance records must be reviewed prior to forwarding requests for incentive payments.

### WIOA EXPENSE REPORT SUPPORTING DOCUMENTATION POLICY

### REFERENCE

- One-Stop Comprehensive Financial Management Technical Assistance Guide, Chapter 11-4.
- Office of Management and Budget Circulars, A-87, Attachment B.
- 29 CFR 95.21 (b)(3).

### **POLICY**

Documentation for allowable, necessary, and reasonable WIOA expenses consistent with each reimbursement request must be retained to allow review by internal and external monitors. This documentation must be collected by the One-Stop Operators' fiscal managers prior to completion of the Consortium Fiscal Report. In LWDA 12, Arlington County Government serves as the fiscal agent. Alexandria Workforce Development Center and Arlington Employment Center are LWDA 12's One-Stop Operators.

All WIOA expenditures must be allowable, necessary and reasonable WIOA costs. Adequate descriptions and documentation of expenditures and reimbursement requests must be apparent in order to determine if an expense is an allowable, necessary, and reasonable. Additionally, regulations require that the One-Stop Operators shall adequately safeguard all assets and assure they are used solely for authorized purposes.

On the 18th day of each month, the One-Stop Operators will submit WIOA Formula Reimbursement Requests to LWDA 12's fiscal agent for the prior month. The reimbursement request shall consist of a cumulative monthly report and an invoice for the monthly reimbursement. WIOA Incentive and Other Grant Reimbursement Requests will need to be submitted to LWDA 12's fiscal agent by the 11th of each month for the prior month. All Reimbursement Requests must be supported by the following documentation to be retained by the respective One-Stop Operators' fiscal manager prior to report submission.

- Personnel Expenses: One-Stop Operators will retain copies of official payroll documentation for all WIOA staff on an accrual basis.
- Non-Personnel Expenses: Monthly reimbursement request must be supported by copies of invoices
  and receipts for all WIOA-related expenses. Additionally, One-Stop Operators must provide a
  memo that details costs by WIOA funding stream and the purpose of each expenditure. In particular,
  the One-Stop Operators should provide the following:
  - o Mileage: Reimbursement documentation should include the originating and ending travel points so that mileage reimbursement amounts are testable to any party reviewing the documentation. Please include meeting agenda, or a short description outlining the purpose of the meeting, that explains why the meeting should be reimbursed with WIOA funds.
  - Program Supplies & Furniture: Reimbursement documentation should include the item name, detailed purpose for the expense, cost per unit, quantity, and total cost so reimbursement amounts are testable to any party reviewing the documentation.
  - O Conferences & Accommodations: Reimbursement documentation should include the item name, detailed purpose for the expense, cost of attendance, per diems, and government room rate (per day and total) so that reimbursement amounts are testable to any party reviewing the documentation. Please include meeting agenda, or a short description outlining the purpose of the meeting, that explains why the meeting should be reimbursed with WIOA funds. Please note, only meals that are not included in the cost of the conference can be reimbursed with WIOA funds.
  - Supporting Services expenses must be documented by invoices and receipts and a memo that details costs by WIOA funding stream and the purpose of each expenditure.

LWDA 12's fiscal agent will serve as the arbitrator of the completeness of the documentation through a quarterly monitoring process. The fiscal agent will, upon request, provide technical assistance to One-Stop Operator staff.

### **COUNCIL MEETING REMOTE PARTICIPATION POLICY**

### REFERENCE

Virginia Freedom of Information Act Section 2.2-3708.1

### **POLICY**

Alexandria/Arlington Regional Workforce Council (Council) will allow a member to participate in a meeting through electronic communication means from a remote location that is not open to the public only as follows:

- If the member notifies the chair of the Council that such member is unable to attend the meeting
  due to an emergency or personal matter. Such participation by the member shall be limited each
  calendar year to 2 meetings or 25 percent of the meetings of the Council, whichever is fewer. Or,
- If a member notifies the chair that such member is unable to attend the meeting due to a temporary
  or permanent disability or other medical condition that prevents the member's physical attendance.
  Or.
- If the member notifies the chair that such member's principal residence is more than 60 miles from the meeting location.

A quorum of the Council must be physically assembled for remote participation to be allowed. Should the member be allowed to participate in the meeting remotely, the Council's Executive Director must ensure that the following actions are taken:

- The member's specific reason for remote participation must be included in the meeting minutes, including details of remote location. If the member's participation from a remote location is disapproved by the majority of the Council who are physically present at the meeting location, then such disapproval shall be recorded in the minutes with specificity.
- The Council makes arrangements for the voice of the remote participant to be heard by all persons at the meeting location.

### **INCUMBENT WORKER POLICY**

### REFERENCE

- Virginia Board of Workforce Development Policy Number 15-00
- Workforce Innovation and Opportunity Act of 2014 Section 122 and Section 134

### POLICY

WIOA funds can be made available through a process designed to assist Alexandria City and Arlington County businesses, which could include a single firm or a group of firms that share similar workforce needs, using a sector strategy approach to meet the skills training needs of their incumbent workforce.

### Incumbent Worker Employee Eligibility

All employees participating in incumbent worker training must meet the eligibility below. An incumbent worker is:

- At least 18 years of age;
- A citizen of the United States or a non-citizen whose status permits employment in the United States:
- Males born on or after January 1, 1960 must register with the selective service system within 30 days after their 18th birthday or at least before they reach the age of 26;
- Must be a full-time employee of the participating employer for at least 6 months;
- Needs skills upgrading or retraining, completion of GED or High School Degree, basic skills upgrade, to retain or be successful in current employment;
- An employee to be trained that works at a facility located in Virginia or working for a staffing agency and placed at a Virginia facility.

### **Employer Eligibility**

- Private for profit or non-profit businesses operating in Virginia for entire twelve-month period prior to application date;
- Current on all Virginia tax obligations;
- Proposing training for employees in a Virginia facility;
- Demonstration of linkages of the training activity to demand occupations and/or regionally targeted industries:
- The positive relationship of the training to the competitiveness of a participant and the employer;
- The relative wage and benefit levels of those employees (pre-training and anticipated upon completion of the training);
- The potential state, regional, and local economic impact, if any, of the training project.
- A non-eligible employer is a business with a history of failing to provide WIOA participants with continued employment or/and a recently relocated business that has resulted in employee separations.

### Funding Available

Statewide rapid response and local WIOA funds are available to provide incumbent worker training. The Council may reserve and use up to 20 percent of the WIOA Title I Adult and Dislocated Worker funds allocated to the local area to pay for the Federal share of the cost of providing a training program for incumbent workers.

### Non-Federal Share

Employers participating in the program are required to pay for the non-Federal share of the cost of providing the training to incumbent workers of the employers. The non-Federal share shall not be less than:

- 10 percent of the cost, for employers with not more than 50 employees;
- 25 percent of the cost, for employers with more than 50 employees but not more than 100 employees; and
- 50 percent of the cost, for employers with more than 100 employees.

The non-Federal share provided by an employer participating in in an incumbent worker training project may include the amount of the wages paid by the employer to a worker while the worker is participating in the training activity. The employer may provide the share in cash or in-kind, fairly evaluated.

### **CASE MANAGEMENT & CASE NOTES POLICY**

### REFERENCE

Workforce Innovation and Opportunity Act, Sec. 185

### POLICY

The purpose of this guidance is to describe the general expectations and responsibilities for professional staff performing Case Management support for participants enrolled under WIOA.

The general term Case Management is used to describe an individualized, staff-focused service approach of professionally assisting and coordinating a customer's entire program participation from time of program application to post-program follow-up. The key concepts with this comprehensive service philosophy include individualized attention, timely and responsive customer assistance, proactive needs assessment and service planning, and effective case file management (both paper file and on Virginia Community College System's online WIOA System of Record). The general Case Management responsibilities for WIOA program customers begin as early as program application and eligibility determination and continues throughout a customer's entire program participation including: initial assessment, employability planning and development, program enrollment, objective assessment, establishment of an Individual Employment Plan, deployment of program services, program completion, outcomes, post-program activities and follow-up.

All Counseling Notes for WIOA funded participants must be recorded electronically using the System of Record's available Case Note functionality. This collection of individual Counseling Notes should begin at the time of first meeting or conversation with a program applicant and then continue with any each additional significant event or milestone that may occur as a participant progresses through the normal evolution of program application and full program participation. Having a chronological and clear written history of significant program events, meetings and discussion with the customer as recorded in the Counseling Notes is a foundational hallmark of and prerequisite for effective case management.

### Benefits of Effective and Timely Counseling Notes

- Clear and concise chronological understanding of all critical events associated with a customer's program participation.
- Provides a comprehensive and immediate feedback on the current status and history of every customer served.
- Archival written documentation of all past events long after clear recollection has faded.
- Facilitates improved case management and program coordination by offering a timely, cumulative history of a participant's entire period of participation.
- Promotes improved follow-up of services for the customer regardless of changing staff assignment due to up-to-date nature of service record.

### Electronic Posting of Counseling Notes Requirements and Guidelines

- When reviewed collectively, the individual counseling notes must describe the participant's entire
  period of participation and clearly provide any outside reviewer with a comprehensive understanding
  that tells the participant's entire story during program participation.
- Must clearly depict significant program milestones and events.
- Notes must reflect all significant contact and conversations with the customers.
- Notes must record all efforts to contact and follow-up with the customer, including unsuccessful
  contact attempts.

- Notes must be recorded in database system within 10 days (if not sooner) after meeting with customer.
- Notes must record any significant update to the customer's program participation.

**Examples of Proper Counseling Notes** 

### Sample Note by Employment Services Specialist for George W. - First Meeting

Date: March 30, 2017 Duration: 60 minutes Location: AEC Offices Client: George Wilson

George W. Is a 36-year old African American male who expressed interest in returning to full-time employment after being laid off from his last employer. The American Can Company. During our introductory session learned more about his work interests, work history and goals for employment. George has a history of working in the American Can Company has a Material Handler, but is interest in some type of work that would lead to a managerial position. George is interested in learning more about other kinds of trades that would enhance his career opportunities and goals. George signed all necessary paperwork and Consent of Release of Information. Referred George to Resource Center to start search for types of management positions he may be interested. Next meeting is on April 10th at 9 a.m.

### Sample Note by Employment Services Specialist for George W. - Second Meeting

Date: April 10, 2017 Duration: 30 minutes Location: AEC Office
Spent the meeting discussing George's career interests. George is definitely interested in finding a job and we scheduled a follow-up appointment for April 25, 2017 at 9 a.m. via telephone to discuss progress. Also referred George to Job Club and asked him to prepare a draft resume for us to review at our next meeting.

### Sample Note by Employment Services Specialist for George W. - Call from Client

Date: April 25, 2017 Duration: 15 minutes Location: Telephone

Client: George W.

George W. reports being hired as a Site Supervisor with Murphy Construction Company, with a rate of pay of \$16.00 per hour, full-time with benefits. George's start date is May 10, 2017. The employer's address is: 12347 South Signal Avenue, Bethesda, Maryland. George asked and will receive transportation supportive services. George was asked if there was anything further needed prior to starting his new position, and he stated "no" at this time and will stay in touch if there are any changes in his employment status. First quarter follow-up will be conducted on August 9, 2017.

WIOA is an Equal Opportunity Program. Auxiliary aids and services are available upon request to individuals with disabilities,

### SEGREGATION OF DUTIES, DISCLOSURE, AND RECUSAL POLICY

### REFERENCE

- Title I of the Workforce Innovation and Opportunity Act (WIOA) of 2014, (Pub. L. 113-128)
- WIOA Final Regulations, 20 CFR Part 678 and 679

### POLICY

It is the policy of the Alexandria/Arlington Regional Workforce Council (RWC) that WIOA Title I staff assigned in the administration, oversight, and operation of federal Workforce Innovation and Opportunity Act (WIOA) grant programs minimize organizational conflicts of interest through segregation of duties, disclosure, and recusal in order to foster public and partner confidence.

### Segregation of Duties

Arlington County Government serves as the grant recipient, fiscal agent, and administrative entity for the RWC. The Arlington County Manger, and his designate, has signature/approval authority for all WIOA Title I grants and contracts. The Arlington County Manager has designated the Department of Management and Finance (DMF) and the Department of Human Services (DHS) with separate and distinct responsibilities for WIOA Title I operations. The Arlington County Department of Management and Finance has fiscal monitoring responsibility with duties that include accepting, disbursing and managing of WIOA Title I funds, monitoring fiscal accountability, and overseeing external independent audits.

Within the Department of Human Services there are two separate and distinct positions for WIOA Title I management and service delivery. In partnership with the Alexandria Workforce Development Center Director, the Arlington Employment Center Director is responsible for WIOA Title I Youth, Individual Career and Follow-up Services implementation. The Arlington Employment Center Director reports directly to the Department of Human Services Director.

The RWC Executive Director is responsible for managing the relationship between Alexandria City's and Arlington County's Chief Elected Officials, staffing the Council and managing its oversight functions. The Executive Director is also responsible for producing labor market and workforce data and reports, applying for grants, and developing regional WIOA Title I policies. The Executive Director is also responsible for submitting federal financial reports to the Virginia Community College System. Although this position reports to the Department of Human Services Director, the RWC Executive Director is ultimately responsible for performing all duties assigned by the RWC Chair.

The contracted One-Stop Operator is responsible for coordinating service delivery among the leadership of the region's Workforce System Partners, carrying out monthly performance reporting, and conducting annual regional WIOA monitoring activities. Unlike DMF and DHS staff, the Operator reports directly to the Regional Workforce Council.

### Disclosure

It is the policy of the RWC that WIOA Title I staff do the following:

- Disclose conflicts of interest and recuse themselves from discussions or decisions related to these issues:
- Ensure that disclosures of conflict of interest be documented in RWC meeting proceedings and in approved minutes;
- Contact RWC's Chair with questions regarding possible conflicts of interest.

### Recusal/Abstention

WIOA Title I staff must recuse themselves from involvement in RWC discussions or decisions in which they have a conflict of interest.

### Conflict of Interest

WIOA Title I staff who identify a possible violation of this policy must report it to the RWC Chair immediately. The RWC Chair will recommend a corrective action if a conflict exists or should this policy be violated.

### Annual Disclosure and Compliance Statements

WIOA Title I staff must annually sign a statement affirming that they:

- · Received a signed and dated copy of this policy:
- Read and understand this policy;
- Agree to comply with this policy.

The signed documents will be retained by One-Stop Operator. The One-Stop Operator will audit this policy to ensure compliance by reviewing annual statements. If at any time during the year, the information in an annual statement changes materially, WIOA Title I staff must disclose such changes and revise their annual disclosure forms.

### WIOA SEGREGATION OF DUTIES, DISCLOSURE, AND RECUSAL

By my signature, I acknowledge the following:

- · I have read and understand this policy.
- I understand that I will be provided with a signed and dated copy of this policy.
- I have been given the opportunity to discuss this policy with the Alexandria/Arlington Regional Workforce Council Chair.
- I have had the opportunity to ask any questions I have about the policy and those questions have been answered.
- I agree to adhere to the standards and requirements set forth in this policy.

WIOA Title I Staff Signature	Date
By my signature, I acknowledge that I have discussed this poli- questions. I am satisfied that the individual understands this	
Alexandria/Arlington Regional Workforce Council Chair	Date

### WIOA SELF-SUFFICIENCY DEFINITION FOR ENROLLMENT OF EMPLOYED APPLICANTS

### **REFERENCES**

- WIOA sec. 3(36)
- WIOA sec. 3(24)
- WIOA sec. 134(c)(3)(A)
- 20 CFR 680,600
- 20 CFR 680.640
- 20 CFR 680.780

### **PURPOSE**

In addition to providing career and training services to individuals who are unemployed, there remains a significant population of job seekers who are underemployed. Individuals who are underemployed may include:

- · Individuals employed less than full-time who are seeking full-time employment;
- · Individuals who are employed in a position that is inadequate with respect to their skills and training;
- Individuals who are employed who meet the definition of a low-income individual in WIOA Sec. 3(36); and
- Individuals who are employed, but whose current job's earnings are not sufficient compared to their previous job's earnings from their previous employment.

### **POLICY**

Under WIOA regulations, training services may be made available to employed and unemployed adults and dislocated workers who, among other criteria, are:

- 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, and
- Are 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.

WIOA program staff may enroll employed adults and dislocated workers when:

- An applicant's current wage/income does not provide for self-sufficiency as defined by the Alexandria/Arlington Regional Workforce Council's WIOA Self Sufficiency Policy; and
- WIOA program staff determines that WIOA services may assist the applicant in obtaining/progressing to a self-sufficient wage.

### **ACCESSIBILITY & REASONABLE ACCOMMODATIONS POLICY**

### REFERENCES

- WIOA (Public Law 113-125) Section 188
- Title 29 Code of Federal Regulations (CFR) Part 38

### **PURPOSE**

The policy on accommodations and accessibility ensures that every Workforce Innovation and Opportunity Act (WIOA) participant receives quality services. This policy outlines steps to ensure nondiscrimination and equal opportunity in Alexandria City's and Arlington County's American Job Centers (AJC) and the reasonable accommodations required to effectively serve individuals with disabilities.

### **BACKGROUND**

WIOA assigns responsibilities at the local, State and Federal levels to ensure the oversight AJC system that enhances the range and quality of workforce development services that are accessible to all individuals seeking assistance. WIOA stresses physical and programmatic accessibility, including the use of accessible technology to increase individuals with disabilities' access to high quality workforce services. It prohibits discrimination based on race, color, national origin, sex, gender identity, age, disability, religion, political affiliation or belief, or participant status.

### WIOA ACCESSIBILITY OF SERVICES POLICY

The Alexandria/Arlington Regional Workforce Council considers individuals with disabilities an important element of diversity and ability within the AJCs. Individuals with disabilities must be treated with respect and give customer-centric services within both the universal AJC offerings, as well as within WIOA and other programmatic offerings.

No individual is to be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in any program or activity, funded in whole or in part under WIOA, due to race, color, religion, sex, gender identity, national origin, age, disability, or political affiliation or belief.

AJCs must use the same processes for all customers, including individuals with disabilities. AJCs will also make reasonable modifications in practices and procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless making the modifications would fundamentally alter the nature of the service, program, or activity. The need for an accommodation/modification shall not adversely affect the consideration of a qualified individual with a disability for aid, benefits, services, and training.

### **ENSURING NONDISCRIMINATION**

The following actions should be taken to ensure nondiscrimination of individuals with disabilities:

- Ensure AJCs are American with Disabilities Act (ADA) compliant and equipped with auxiliary aids and accommodations. This should include a list of currently available assistive technology devices and services within the centers available for individuals.
- Ensure individuals are aware of compliance through use of signs or other means of visibility. "Equal
  Opportunity is the Law" must be prominently displayed within the AJCs and made available in other
  formats as requested.
- Ensure individuals are aware of the ability to receive reasonable accommodations. Notice of the
  availability and right to receive reasonable accommodations must be posted.
- Rejection of all job orders from any employer that specifies it will not accept applications from
  individuals with disabilities or from applicants with a certain disability. Under the law, individuals with
  disabilities must be referred for the same range of positions as any other qualified customer.

- Maintain confidentiality and not disclose disability-related or other medical information about an individual to an employer or partnering organization unless the job seeker has requested the disclosure on their behalf.
- Incorporate information on accommodations and rights of all individuals, including individuals with disabilities, in orientations.
- Refrain from stereotyping individuals with disabilities when evaluating their skills, abilities, interests and needs.
- Periodically review eligibility criteria for services or training to eliminate elements that may screen
  out individuals with disabilities (unless criteria are directly related to specific training or services and
  is essential).

AICs are subject to the following provisions of law:

- Section 188 of the Workforce Innovation and Opportunity Act, which prohibits discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief and requires that reasonable accommodations be provided to qualified individuals with disabilities in certain circumstances.
- Section 504 of the Rehabilitation Act, which prohibits discrimination against individuals with disabilities by recipients of Federal financial assistance.
- Title I of the Americans with Disabilities Act, which prohibits discrimination in employment based on disability.
- Title II of the Americans with Disabilities Act, which prohibits State and local governments from discriminating on the basis of disability.
- Section 427 of the General Education Provisions Act, which requires recipients to ensure equitable
  access to, and participation in, certain programs run by the U.S. Department of Education.

### DISCLOSING DISABILITIES

Individuals may or may not choose to disclose that they have a disability. The individual does not have to document a disability to register at the AJC or to receive universal services. Staff should only ask individuals if they have a disability if this question is asked of all customers using the AJC or program and for data collection purposes, or for customer service and satisfaction improvements. Staff may ask individuals whether they are able to perform the essential functions of a job, training, or activity, but should not directly ask if an individual has a disability.

If it appears that an individual with a disability may need an accommodation, staff may ask the individual if he or she can participate in a specific aid, benefit, service, or training with or without an accommodation. If the individual indicates that an accommodation is not needed, no further inquiries about the disability may be made. The individual's response must determine the Job Center's/program's actions. If the individual discloses a disability, staff must inform the individual that:

- Providing information about one's disability is voluntary;
- . The information will be kept confidential as provided by law;
- Refusal to provide the information will not subject the individual to adverse treatment; and
- The information will only be used in accordance with the law.

For WIOA Title I services, individuals with disabilities do not need to verify a disability to be served; however, it would benefit the individual to provide documentation of the disability to receive priority of service and to receive connections to additional resources. If individuals with disabilities request accommodations on any testing for service delivery purposes, documentation of the disability will be required. Additionally, some discretionary grants may require individuals with disabilities to show documentation of their disability for eligibility purposes.

Specific information on disabilities gathered for program eligibility purposes, including medical information gathered, must be kept confidential and maintained in a separate, secure file that is only available to authorized individuals. Medical information given to staff verbally by a person with a disability is also regarded as confidential and should not be released without written consent of the person with a disability.

### **REASONABLE ACCOMMODATIONS**

Reasonable accommodations, modification, providing effective communication, and auxiliary aids and services will hereinafter be referred to as "reasonable accommodations." A reasonable accommodation is a change in the way the program is administered that enables an individual with a disability to receive benefits, services and training equal to those provided to individuals without disabilities.

AJCs providing services will provide reasonable accommodations to qualified individuals with disabilities who utilize WIOA career and training services and WIOA youth program services to ensure equal access and opportunity.

The policies pertaining to reasonable accommodations apply to qualified individuals with disabilities in regard to:

- · Registration and orientation,
- Initial screening, assessments, and testing,
- · Service delivery, including career services, training services, and support services, and
- Continuous improvement.

Program operators must not place a surcharge on an individual with a disability, or any group of individuals with disabilities, to cover the costs of measures associated with providing auxiliary aids, services, or assistive technology, that are required to provide that individual or group with the nondiscriminatory treatment required by WIOA Title I.

### **TYPES OF ACCOMMODATIONS**

There are many forms of reasonable accommodations. Staff and the individual with a disability should work together to identify the most effective reasonable accommodation for that individual. Determining the most reasonable accommodation should be done as quickly as possible to avoid delaying access to services.

### Auxiliary Aids Services and Assistive Technology

To afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of the WIOA Title I or Title III program or activity, the program operator must furnish appropriate auxiliary aids or services, including effective means of communication, where necessary. In determining what type of auxiliary aid or service is appropriate and necessary, program operators must give primary consideration to the requests of the individual with a disability. Primary consideration means honoring the choice unless the agency can demonstrate that another equally effective accommodation is available, or that using the means chosen would result in a fundamental alteration in the service, program, activity, or undue financial and administrative burdens.

A non-exhaustive list of auxiliary aids and services can be found in 29 CFR S 38.4, and includes:

- Qualified interpreters, note-takers, transcription services, written materials, telephone handset
  amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption
  decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs/ITYs,
  video telephones, or video remote interpreting devices), videotext displays, or other effective means
  of making aurally delivered materials available to individuals with hearing impairments;
- Qualified readers, taped texts, audio recordings, brailed materials, large print materials, or other
  effective means of making visually delivered materials available to individuals with visual impairments;

- · Acquisition or modification of equipment or devices; and
- Other similar services and actions.
- This obligation does not require the AJCs to provide personal devices, such as wheelchairs; prescribed devices, such as prescription eyeglasses or hearing aids; or readers for personal use or study.

### Facility Accessibility

AJCs must be ready and welcoming for when persons with disabilities seek services, and as such, advance preparatory actions must be taken. Specific information on ADA accessibility guidelines for buildings and facilities is provided at <a href="http://www.access-board.gov/guidelines-and-standards/buildinas-andsites/about-the-ada-standards/ada-standar

### **REQUESTS FOR ACCOMMODATIONS**

The Alexandria/Arlington Regional Workforce Council requires that all AJCs ensure that requests for accommodations are taken seriously and that receipt of accommodations is easy, user-friendly, and treated in a respectful and timely manner. The individual does not need to use the term "reasonable accommodation" when seeking assistance. A request can be made before services are received or after a customer has already begun to receive the services for which the accommodation is requested. The request for accommodations may be made by a family member, friend, or other representative on their behalf. However, staff should directly verify with the customer agreeance with the request. When a person with a disability makes a request for a reasonable accommodation to any of the AJCs' representatives, the AJC is required to respond to that request.

### **DENYING REQUESTS FOR A REASONABLE ACCOMMODATION**

The AJC may deny a request for a reasonable accommodation based on the following criteria:

- The AJC has determined the customer does not have a disability. The AJC has determined that the
  absence of the requested reasonable accommodation would not limit the customer's ability to have
  genuine, meaningful participation in and derive an equal benefit from the AJC's aids, benefits, services
  and training, OR
- The AJC has determined that there is no accommodation that would be effective in improving the
  customer's ability to have genuine, meaningful participation in and derive an equal benefit from our
  aids, benefits, services and training.

The denial of an accommodation requires review and decision-making at the administrative level. If a staff person believes that it may be appropriate to seek documentation of a disability underlying a request for accommodation, that staff person should present the recommendation to the designated Equal Opportunity (EO) Officer or administrative level designee. The EO Officer will consider the recommendation, and if appropriate, conduct the inquiry.

Requests that cannot be provided or which are believed to pose an undue burden must be reviewed by the EO Officer. In situations where the program operator believes that the proposed accommodation would cause undue hardship, the program operator has the burden of proving that the accommodation would result in such undue hardship. The EO officer is the only person with authority to determine undue hardship on behalf of the program operators.

A written statement of the reasons for reaching these conclusions will accompany the decision of an accommodation denial. The AJC will provide a copy of the statement of reasons to the individual who requested the accommodation, modification, auxiliary aid or service, and in alternate format or with other auxiliary aids for effective communication, as appropriate. The written notice of denial must:

- Explain the reasons for the denial;
- Inform the customer of his or her rights to file a complaint with the Department of Labor Civil Rights Center and Department of Justice, Office of Civil Rights.

A copy of this notice of denial must be provided to the State Equal Opportunity Officer. Additionally, if the denial is based on a determination of undue burden, the written notice of denial must also document that all the required factors that must be considered in determining undue burden were considered and be reviewed by an attorney versed in ADA.

After a determination of undue hardship, the AJC must still take any other action which would not result in such burden, but which would improve, to the maximum extent possible, the customer's ability to participate in and benefit from the AJCs aids, benefits, services, and training. If an accommodation would result in undue hardship, the program operator will give the individual with a disability the option of providing the accommodation. The program operator must also offer to cover the costs of the reasonable accommodation up to the limit of undue burden and to allow the customer to cover any costs above that threshold.

### NOTICE OF RIGHT TO FILE A GRIEVANCE/COMPLAINT

Individuals who believe that they have been discriminated against in failure to provide accommodations, may file a complaint with the EO Officer. Information on how to file a complaint will be publicly posted and available in alternative formats.

# **Consent Agenda**

- The **consent agenda** is a SINGLE ITEM that encompasses all the things the board would normally approve with little comment. Items could include:
- Last meeting's minutes
- Executive Director's report
- Training Provider approval
- Other items as determined by the Chair

## How it works:

- The chair decides which items will be placed on the consentagenda.
- The chair distributes the consent agenda and associated documents in time for Council members to read and review.
- At the beginning of the meeting, thechair asks members if any of the consent agenda items should be moved to the regular discussion items.
- If a member requests that an item bemoved, it must be moved. Any reasonis sufficient to move an item. A member can move an item to discuss the item, to query the item, or to vote against it.
- Once the item has been moved, the chair maydecide to take up the matter immediately or move it to a discussion item.
- When there are no items to be moved or ifall requested items have been moved, the chair reads out loud the remaining consent items. The chair can move to adopt the consent agenda via vote.



ALEXANDRIA ARLINGTON RECION

- **★** (Chair) Daniel Gomez, Capitol Bridge
- **★** (Vice Chair) Alberto Marino, Washington Metropolitan Transit Authority
- **★** Lisa Bauer, Goodwill of Greater Washington
- ★ Dennis Desmond, Laborers' International Union of North America Local 11
- **★** Erik Pages, EntreWorks Consulting
- $\star$  Linda Seyer, Adult Education Regional Program Manager, Northern Virginia



ALEXANDRIA | ARLINGTON REGION