



BLUE RIDGE REGION

**Western Virginia Workforce Development Board
Executive Committee Meeting**

October 26, 2020 – 11:00 AM

Virtual Meeting – Zoom

<https://vccs.zoom.us/j/87250995786?pwd=V1INV2hXaW11cU1vOG5xSXVsMkRDQT09>

I. Call to Order	Casey Nicely
II. Review of Electronic Meeting Process	Morgan Romeo
III. Public Comment	Casey Nicely
IV. Consent Agenda <ul style="list-style-type: none">• June 17 Meeting Minutes	Casey Nicely
V. Director's Report <ul style="list-style-type: none">• Finance Chair Appointment• Grants Update<ul style="list-style-type: none">○ Title I Programs Report○ Economic Equity Initiative○ Norfolk Southern Initiative○ H-1B One Workforce Grant○ INSPIRE Initiative	Morgan Romeo
VI. Old Business <ul style="list-style-type: none">• Fiscal Agent Discussion	Casey Nicely
VII. New Business <ul style="list-style-type: none">• PY2019 VCCS Monitoring Report<ul style="list-style-type: none">○ Corrective Action Plan○ Policy Updates/Additions• Bylaws Revision	Morgan Romeo
VIII. Other Business	Casey Nicely
IX. Upcoming Meetings	Casey Nicely
X. Adjournment	Casey Nicely



BLUE RIDGE REGION

Review of Electronic Meeting Procedures

Pursuant to the City of Roanoke Emergency Ordinance and the 2020 Virginia General Assembly legislation H29 enacted April 24, 2020, all meetings of the Western Virginia Workforce Development Board, CLEO Consortium and all associated committees will be held virtually. Under the current State of Emergency, and until further notice, it has been deemed unsafe to assemble a quorum of a public body in one place.

Specific language

"g. Notwithstanding any other provision of law, any public body, including any state, local, regional, or regulatory body, or a governing board as defined in § 54.1-2345 of the Code of Virginia may meet by electronic communication means without a quorum of the public body or any member of the governing board physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided that (i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location; (ii) the purpose of meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body or common interest community association as defined in § 54.1-2345 of the Code of Virginia and the discharge of its lawful purposes, duties, and responsibilities; (iii) a public body shall make available a recording or transcript of the meeting on its website in accordance with the timeframes established in §§ 2.2-3707 and 2.2-3707.1 of the Code of Virginia; and (iv) the governing board shall distribute minutes of a meeting held pursuant to this subdivision to common interest community association members by the same method used to provide notice of the meeting."



Western Virginia Workforce Development Board

Executive Committee Meeting

June 19, 2020 – 9:00 AM – 10:30 AM

<https://vccs.zoom.us/j/91797382167>

Event Number: 917 9738 2167

Event Password: 945818

Members	Present
Phil Peters, Chair	X
Dave Olsen, Vice-Chair	X
Casey Nicely, Treasurer	X
Michael Gardner	X
Crystal Hall	X

elcom	Present
Morgan Romeo	X
Leah Gibson	X
Brad Stephens	X

Welcome

Phil Peters welcomed everyone to the meeting and called to order at 10:05am.

Review of Electronic Meeting Process

Morgan Romeo reviewed the process for an electronic meeting of a public body during the COVID-19 crisis. A screen was shared with all Executive Committee members outlining the parameters of having an electronic meeting as approved by the Commonwealth of Virginia's Attorney General's office. Morgan noted that only items related to the COVID-19 pandemic and the continuation of operations during the pandemic could be discussed. Morgan also noted that if any votes were taken, they must be roll call votes and recorded as such in the minutes.

Public Comment

Phil Peters asked the staff if anyone had signed up for public comment prior to the meeting with the electronic registration. Brad Stephens reported that no one had registered. There were no guests on the call and no public comment was provided.

COVID-19 Operations Discussion

Virginia Career Works Center Reopening Update

Morgan Romeo shared with the group that the current plan is to re-open July 6, after the holiday. The local boards have still not received funding from the state for re-opening of centers. However, the VEC requested some funding from the state and we will be using those funds to order portable plexiglass for the centers on a reimbursement basis. The VEC will also be providing PPE for not only staff, but also customers to the center. The PPE has been shipped

but not yet received locally. The state Department of Human Resources Management also provided an update this week that only personnel that has medical credentials to do so can take temperatures and screening for entry to the centers. The state is trying to get the ability for us to get contract 1099 employees to do this for the centers. Once we have all of these in place, we will feel comfortable to re-open. There are already security guards on-site at the Roanoke Center, unarmed, and the armed guard will begin July 1. Casey asked Morgan when we would know if the July 6 date was not going to work. Morgan noted she is speaking with the VEC every Monday and will be able to make updates week to week based on status calls every Monday.

PY2020 Operational Items

Minutes Approval – May 28th and January 17th

The group reviewed the minutes as presented. Phil made one correction to the May 28th minutes, the adjournment time.

Executive Committee Action: A motion was made by Casey Nicely to approve the minutes as amended. The motion was seconded by Crystal Hall. The motion was carried by a roll call vote:

Phil Peters	Yes
Casey Nicely	Yes
Crystal Hall	Yes
Michael Gardner	Yes
David Olsen	Yes

FY2021 Budget Discussion & Presentation

Morgan Romeo shared that with the waiver approval to have the Board operate the WIOA Title I Adult and Dislocated Worker, we had to make changes to the Board budget. Still working with estimates for current year carry forward, as those have been requested from Sherry Dean, but not yet received. Budget document shared today was developed utilizing conservative figures while waiting for final numbers. The budget was prepared by splitting it into two separate budgets: one for the Board administrative staff and one for the Program Services Unit. Since receiving the approval, board administrative staff has been able to offer hire to the Grant Accountant and the Adult & Dislocated Worker Program Manager. The Program Manager has already been accepted by Michelle Brennan, the current One Stop Operations Coordinator. Morgan expressed thanks to Crystal Hall for helping with interviews for the Program Manager position. Morgan went through the budget document with the group, noting that our Program Services Unit will have more funds available for direct client services than the contractors have allotted in previous years. The budget allows for us to meet the required 40% expenditure on training services.

Executive Committee Action: A motion was made by David Olsen to recommend the presented budget to the board for approval. The motion was seconded by Casey Nicely. The motion was carried by a roll call vote:

Phil Peters	Yes
Casey Nicely	Yes
Crystal Hall	Yes
Michael Gardner	Yes

David Olsen	Yes
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Wagner-Peyser Contract Signature Approval

Morgan Romeo shared the Wagner-Peyser MOU between the Board and the VEC with the group. The MOU delineates services to be provided under the funding only, but no performance. Brad Stephens is developing internal tracking methods for us to be able to report our activities to the Board. We will be receiving \$263,150.63 in these funds, which is more than we received in a cut in our Title I program funds this year. The funds will only last through 12/31/2020. We are using the funds to help staff one of the career coach positions, and that individual will be working in the Resource Room at the Roanoke Center to provide these services. The agreement was the same template that was developed by the state last year, so we did not get our attorney to review it, as she approved it last year.

Executive Committee Action: A motion was made by David Olsen to approve signature of this agreement. The motion was seconded by Michael Gardner. The motion was carried by a roll call vote:

Phil Peters	Yes
Casey Nicely	Yes
Crystal Hall	Yes
Michael Gardner	Yes
David Olsen	Yes

Premier Virtual Contract Signature Approval

Morgan Romeo presented the virtual job fair contract with the group. She shared that Brad Stephens was able to get the cost down, and it now totaled \$12,500. Morgan noted that she had received permission from the VEC to use the Wagner-Peyer funds above for this service, so it will be entirely funded through those funds. Our attorney had reviewed the contract, made a few revisions & those had been implemented. The contract is for 1 year.

Executive Committee Action: A motion was made by Casey Nicely to approve signature of this agreement. The motion was seconded by David Olsen. The motion was carried by a roll call vote:

Phil Peters	Yes
Casey Nicely	Yes
Crystal Hall	Yes
Michael Gardner	Yes
David Olsen	Yes

Eligible Training Provider Applications

Morgan Romeo shared that we had received the following new program applications from training providers:

MedCerts BT-1000 Behavior Technician & the Medical Office

MedCerts BT-11000 Behavior Technician
MedCerts HI-6900 Clinical Medical Specialist
MedCerts HI-9700 Clinical Medical Professional
MedCerts RX-3000 Pharmacy Technician Professional

Virginia Western Community College Heavy Equipment Operator
Virginia Western Community College Computer Aided Drafting & Design

The group discussed the applications & that they had met all initial application requirements.

Executive Committee Action: A motion was made by Crystal Hall to approve the new training programs. The motion was seconded by Michael Gardner. The motion was carried by a roll call vote:

Phil Peters	Yes
Casey Nicely	Yes
Crystal Hall	Yes
Michael Gardner	Yes
David Olsen	Yes

Other Business

Phil Peters asked Morgan to provide an update on the transition with Ross' contract ending. Morgan shared the Transition Agreement with the group. Morgan and Leah have read through all active cases and provided feedback on all of them. Ross also appears to have misplaced 5 files currently. Leah is going to be taking physical inventory for assets next week. All keys will be turned in. Any expenses, files, or other items that are not remedied or located will be considered disallowed and will be recouped from them.

Phil Peters ask Morgan to provide an update on the fiscal agent agreement with Roanoke City. Morgan shared she met with the City attorneys last week and they had positive feedback. They did have to discuss further with the City Manager before they could make final decisions.

Upcoming Meetings

Phil shared that the next Western Virginia Workforce Development Board meeting is Friday, June 19 at 9am via Zoom. The next CLEO meeting is June 24 at 2:30pm via Zoom. Considering the Governor's announcement this week that Friday is going to be a state holiday for Juneteenth, the group discussed Friday's meeting. They agreed since it was a previously scheduled meeting and Governor just made the announcement yesterday, they would keep the scheduled meeting. Michael Gardner suggested putting together a training regarding bias, equality, diversity & discrimination for Board members and staff in the coming months.

Adjournment

Phil Peters adjourned the meeting at 11:02am.

Workforce Innovation and Opportunity Act (WIOA)
Title I Adult and Dislocated Worker Programs
Performance Report - September 2020

Adult Program

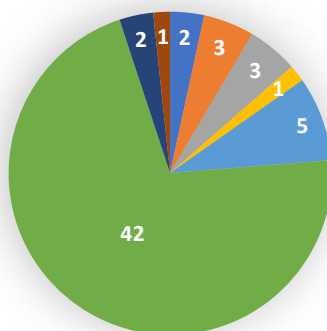
Participants by Month		
Month	New	Total YTD
July	1	1
August	15	16
September	10	26
October		
November		
December		
January		
February		
March		
April		
May		
June		

Carryover Participants	38
New Enrollment Goal	185
Total Participant Goal	223

% Toward Goal	14%
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**End of September - should be 25%*

Participants by Locality



■ Alleghany County
 ■ Botetourt County
■ Covington City
 ■ Craig County
■ Franklin County
 ■ Roanoke City
■ Roanoke County
 ■ Salem City

Dislocated Worker Program

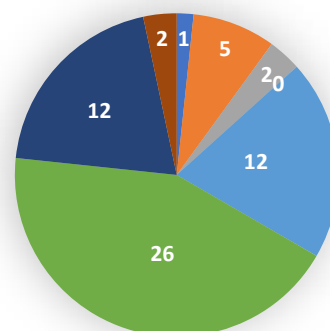
Participants by Month		
Month	New	Total YTD
July	1	1
August	2	3
September	4	7
October		
November		
December		
January		
February		
March		
April		
May		
June		

Carryover Participants	58
New Enrollment Goal	65
Total Participant Goal	123

% Toward Goal	6%
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**End of September - should be 25%*

Participants by Locality

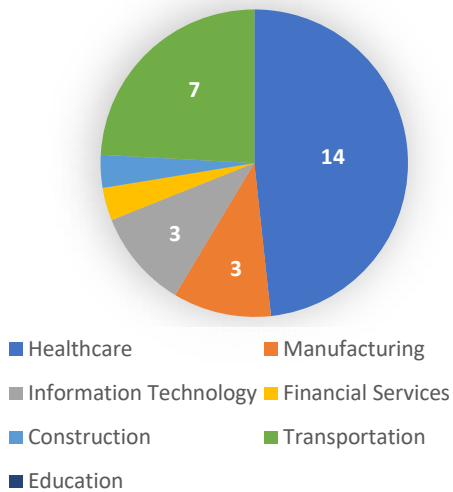


■ Alleghany County
 ■ Botetourt County
■ Covington City
 ■ Craig County
■ Franklin County
 ■ Roanoke City
■ Roanoke County
 ■ Salem City

Adult Program

Training Participation	
Healthcare	14
Manufacturing	3
Information Technology	3
Financial Services	1
Construction	1
Transportation	7
Education	0

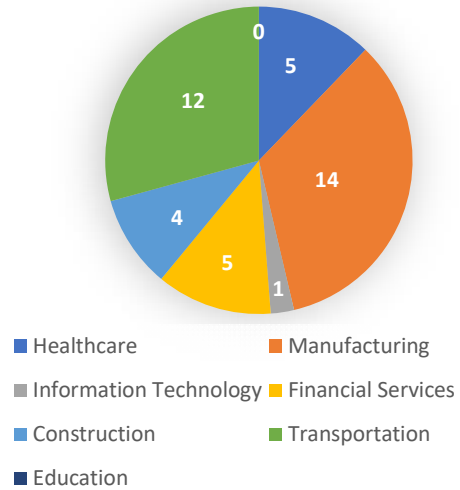
Post-Secondary	26
OJT Placements	3
Work Experiences	1



Dislocated Worker Program

Training Participation	
Healthcare	5
Manufacturing	14
Information Technology	1
Financial Services	5
Construction	4
Transportation	12
Education	0

Post-Secondary	41
OJT Placements	0
Work Experiences	0



Adult Program Expenditures			
Line Item	Actual	Budget	% of Budget
Occupational Skills Training	\$ 3,446.00	\$ 105,000.00	3%
On-the-Job Training	\$ -	\$ 25,000.00	0%
Work Experience	\$ 355.00	\$ 25,000.00	1%
Customized Training	\$ -	\$ 15,000.00	0%
Contract Training	\$ -	\$ -	--
Transitional Jobs	\$ -	\$ -	--
Registered Apprenticeship	\$ -	\$ 10,000.00	0%
Incumbent Worker Training	\$ -	\$ 25,000.00	0%
Pre-Vocational Services	\$ -	\$ 10,000.00	0%
Supportive Services	\$ 843.40	\$ 30,000.00	3%
Certification & Credentialing	\$ 235.00	\$ 5,000.00	5%
Other Services	\$ -	\$ -	--
Total	\$ 4,879.40	\$ 250,000.00	2%

Dislocated Worker Expenditures			
Line Item	Actual	Budget	% of Budget
Occupational Skills Training	\$ 135.00	\$ 85,000.00	0%
On-the-Job Training	\$ -	\$ 100,000.00	0%
Work Experience	\$ -	\$ 10,000.00	0%
Customized Training	\$ -	\$ -	--
Contract Training	\$ -	\$ -	--
Transitional Jobs	\$ -	\$ -	--
Registered Apprenticeship	\$ -	\$ 10,000.00	0%
Incumbent Worker Training	\$ 600.00	\$ 25,000.00	2%
Pre-Vocational Services	\$ -	\$ 10,000.00	0%
Supportive Services	\$ 7,084.00	\$ 5,000.00	142%
Certification & Credentialing	\$ 50.00	\$ 5,000.00	1%
Other Services	\$ -	\$ -	--
Total	\$ 7,869.00	\$ 250,000.00	3%

Adult Program Obligations				
Line Item	Actual	Obligations	Budget	% of Budget
Occupational Skills Training	\$ 3,446.00	\$ 12,317.00	\$ 105,000.00	15%
On-the-Job Training	\$ -	\$ 12,000.00	\$ 25,000.00	48%
Work Experience	\$ 355.00	\$ -	\$ 25,000.00	1%
Customized Training	\$ -	\$ -	\$ 15,000.00	0%
Contract Training	\$ -	\$ -	\$ -	--
Transitional Jobs	\$ -	\$ -	\$ -	--
Registered Apprenticeship	\$ -	\$ -	\$ 10,000.00	0%
Incumbent Worker Training	\$ -	\$ 2,644.50	\$ 25,000.00	11%
Pre-Vocational Services	\$ -	\$ -	\$ 10,000.00	0%
Supportive Services	\$ 843.40	\$ -	\$ 30,000.00	3%
Certification & Credentialing	\$ 253.00	\$ -	\$ 5,000.00	5%
Other Services	\$ -	\$ -	\$ -	--
Total	\$ 4,897.40	\$ 26,961.50	\$ 250,000.00	13%

**End of September - should be 25%*

Dislocated Worker Program Obligations				
Line Item	Actual	Obligations	Budget	% of Budget
Occupational Skills Training	\$ 135.00	\$ 8,370.00	\$ 85,000.00	
On-the-Job Training	\$ -	\$ -	\$ 100,000.00	
Work Experience	\$ -	\$ -	\$ 10,000.00	
Customized Training	\$ -	\$ -	\$ -	--
Contract Training	\$ -	\$ -	\$ -	--
Transitional Jobs	\$ -	\$ -	\$ -	--
Registered Apprenticeship	\$ -	\$ -	\$ 10,000.00	
Incumbent Worker Training	\$ 600.00	\$ 2,590.00	\$ 25,000.00	
Pre-Vocational Services	\$ -	\$ -	\$ 10,000.00	
Supportive Services	\$ 7,084.00	\$ 4,457.00	\$ 5,000.00	
Certification & Credentialing	\$ 50.00	\$ -	\$ 5,000.00	
Other Services	\$ -	\$ -	\$ -	--
Total	\$ 7,869.00	\$ 15,417.00	\$ 250,000.00	9%

**End of September - should be 25%*

Workforce Innovation and Opportunity Act (WIOA) **Title I Youth Program**

Performance Report - September 2020

Youth Program

Participants by Month		
Month	New	Total YTD
July	1	1
August	9	10
September	7	17
October		
November		
December		
January		
February		
March		
April		
May		
June		

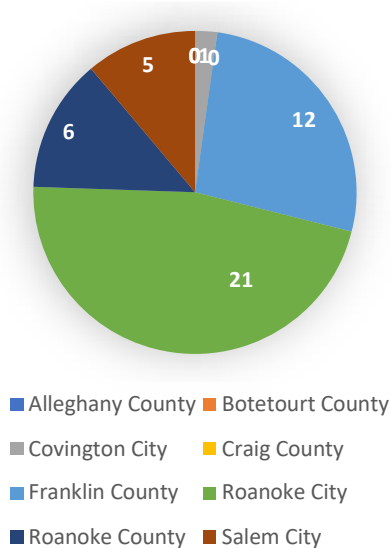
Carryover Participants	28
New Enrollment Goal	72
Total Participant Goal	100

% Toward Goal	24%
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**End of September - should be 25%*

Participants by Locality

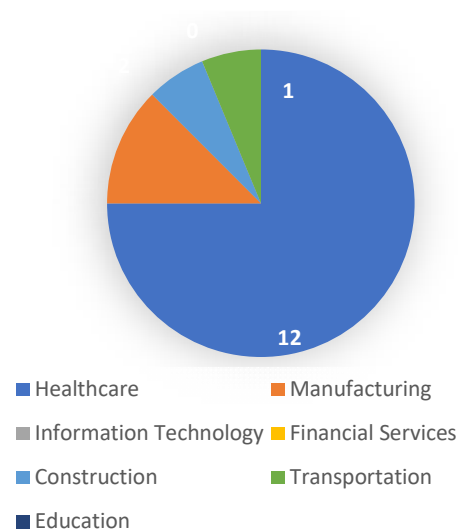
Alleghany County	0
Botetourt County	0
Covington City	1
Craig County	0
Franklin County	12
Roanoke City	21
Roanoke County	6
Salem City	5
Other	0



Youth Program

Training Participation	
Healthcare	12
Manufacturing	2
Information Technology	0
Financial Services	0
Construction	1
Transportation	1
Education	0

Post-Secondary	16
OJT Placements	0
Work Experiences	4



Youth Program Expenditures			
Line Item	Actual	Budget	% of Budget
Occupational Skills Training	\$ -	\$ 20,000.00	0%
Work Experience	\$ 3,986.50	\$ 77,995.00	5%
Ed with Workforce Prep	\$ -	\$ 11,500.00	0%
Incentives	\$ 500.00	\$ 8,500.00	6%
Supportive Services	\$ -	\$ 3,500.00	0%
Follow-up Services	\$ -	\$ 1,700.00	0%
Leadership Development	\$ -	\$ 1,000.00	0%
Adult Mentoring	\$ -	\$ 2,500.00	0%
Comp Guidance & Counseling	\$ -	\$ 2,500.00	0%
Tutoring/Study Skills	\$ -	\$ 3,400.00	0%
Postsecondary Prep	\$ -	\$ 3,400.00	0%
Alternative Secondary School	\$ -	\$ 1,900.00	0%
Total	\$ 4,486.50	\$ 137,895.00	3%

Youth Program Obligations				
Line Item	Actual	Obligations	Budget	% of Budget
Occupational Skills Training	\$ -	\$ -	\$ 20,000.00	0%
Work Experience	\$ 3,986.50	\$ -	\$ 77,995.00	5%
Ed with Workforce Prep	\$ -	\$ -	\$ 11,500.00	0%
Incentives	\$ 500.00	\$ -	\$ 8,500.00	6%
Supportive Services	\$ -	\$ -	\$ 3,500.00	0%
Follow-up Services	\$ -	\$ -	\$ 1,700.00	0%
Leadership Development	\$ -	\$ -	\$ 1,000.00	0%
Adult Mentoring	\$ -	\$ -	\$ 2,500.00	0%
Comp Guidance & Counseling	\$ -	\$ -	\$ 2,500.00	0%
Tutoring/Study Skills	\$ -	\$ -	\$ 3,400.00	0%
Postsecondary Prep	\$ -	\$ -	\$ 3,400.00	0%
Alternative Secondary School	\$ -	\$ -	\$ 1,900.00	--
Total	\$ 4,486.50	\$ -	\$ 137,895.00	3%

*End of September - should be 25%

**Workforce Innovation and Opportunity Act
Annual Compliance Review
Western Virginia Workforce Development Board
Program Year 2019**

**Prepared by Deirdre Williams
Issued September 28, 2020**



Purpose of the Review

The Workforce Innovation and Opportunity Act of 2014 (WIOA) mandates the monitoring of recipients and sub-recipients of all grants awarded and funds expended under WIOA Title I to determine compliance with WIOA, the Uniform Administrative Requirements at 2 CFR Part 200, and other applicable Federal laws and regulations. The Academic and Workforce Programs monitoring team of the Virginia Community College System as the WIOA Title I administrative entity conducts the required annual compliance monitoring of Virginia's 15 local workforce development areas (LWDAs).

To enhance ongoing communication, support, and compliance in Program Year 2019, the VCCS monitoring team conducted monitoring throughout the program year. An enhanced desk review of the administrative components was completed in Fall 2019. Fiscal and programmatic elements were completed via an enhanced desk review in Spring 2020, as restrictions on travel and face-to-face meetings were implemented in the wake of the COVID-19 pandemic. A sample of individual records was not reviewed; instead, various reports from the Virginia Workforce Connection (VaWC) system of record were analyzed, and staff interviews were conducted to shed light on service delivery and case management.

Report Contents

This report contains the results of the administrative review for the Western Virginia Workforce Development Board (WVWDB) for Program Year 2019. The report may include findings, concerns, and considerations. If the review team identified a finding or concern, a detailed description and the required or recommended actions are provided. The following describes the difference between findings, concerns, and considerations.

- *Finding:* Findings indicate that the area is out of compliance with current federal laws/regulations or state and local policies. Each finding has a required action to ensure compliance. The local area must provide a corrective action plan for all findings.
- *Concern:* Concerns identify potential risks to the local area and may result in a future finding if the issue is not addressed. Although this does not indicate that the local area is out of compliance, recommended or required corrective actions are provided to improve services to the local area.
- *Consideration:* Considerations address an area identified that may benefit the local area or enhance monitoring of the local area.

The WVWDB must provide a corrective action plan for all required actions, as indicated in this report.

Findings

1. Business Services

According to the Virginia Board of Workforce Development (VBWD) Policy 403-01, local areas are to have a shared vision and strategy for business services, a single point of contact protocol, a written communication plan, a policy and procedure for center staff and partners on the referral process for business services, and a method for collecting business services satisfaction. The local area does not have a written policy or procedure to ensure that the Virginia Career Works Center staff are aware of the protocol for business service referrals.

Reference: VBWD Policy 403-01, Business Service Requirements

Required Actions: The local area must develop a business services policy or procedure to address the business services referral process. The local area must also develop a business services survey. A copy of the policy/procedure and survey must be provided to the VCCS monitoring team for review.

2. Youth Incentives Policy

A review of the Youth Incentives policy revealed the following items were absent from the policy:

- A statement that incentives are permitted for recognition of achievement directly tied to work experience, education, and training activities and are tied to the goals of the specific program.
- Identification of the achievements and specific dollar amounts for each achievement to ensure consistent application.
- A statement that incentives must meet cost principles. Incentives may not include entertainment such as movie or sporting event tickets or gift cards to movie theaters or other venues whose sole purpose is entertainment.
- An internal control process to safeguard and account for gift cards (if used).

References: 20 CFR §681.640; Training and Employment Guidance Letter (TEGL) 21-16, Change 1 Third WIOA Title I Youth Formula Program Guidance

Required Actions: The local area must review the federal and state guidance noted above and amend the policy to ensure clarity on the purpose and funding of incentives. A copy of the revised policy must be provided to the VCCS monitoring team for review.

3. VaWC Activity Management

Reports on activity completion status were run for the last 12 months and reflect whether activities are completed, if the activities include the service provider information, and if there are activities that are system closed. System closures are concerning as they may indicate that case managers are not managing their caseloads properly. The following issues were noted:

- Thirty-two records contained system-closed activities.
- Twenty-three records were missing provider information for one or more activities entered into the VaWC.

Reports on participants' activity status were run for the last 12 months. Targeted reports were run on specific services, including individual employment plans, occupational skills training, leadership

development, youth work experience, and incentives. The following was noted:

- One record with a 484 Incentives activity code had case notes indicating the participant had never received a \$200 incentive payment; however, a signed document in the participant folder indicated the participant received the payment on July 19, 2019. The information on the case notes, form, and data entered in VaWC do not align.

References: Virginia Workforce Letter (VWL) 13-07 Virginia Workforce Connection (VaWC) System of record and Entry of Case Notes in VaWC; VWL 14-01 WIA Participant Activity Code Definitions, Projected Durations and Use Limitations; VWL 14-06 Services Extensions in the Virginia Workforce Connection; VWL 14-09 Timely Data Entry

Required Actions: The local area must review the cases identified in Attachment A and make the appropriate corrections to the active participant records in the VaWC. Documentation of these actions shall be provided to the VCCS monitoring team for review. The local area has updated the system closed and missing provider information records and no further actions are required.

4. Failure to meet WIOA Performance Requirements

A review of local area expenditures revealed the following issues:

- ***The WVVWDB did not meet the youth work experience expenditure requirement for PY17 or PY18.*** VWL #19-07 and 20 CFR §681.590 (a) require local areas to spend a minimum of twenty percent of local Title I Youth program funds on work experience (WEX). The WVVWDB only expended 11% of the program year 2017 Youth funds on Work Experience according to the final PY17 Monthly Expenditure Detail Report (MEDR). The WVVWDB only expended 17% of the program year 2018 Youth funds on Work Experience according to the June 30, 2020, Monthly Expenditure Detail Report (MEDR).

References: 20 CFR § 681.590(a) and (b); VWL #19-07

Required Action: The WVVWDB shall provide the VCCS monitoring team with a detailed plan that provides reasons for not meeting the expenditure requirements and actions the Board will take to ensure the expenditure requirements are met in the future. The WVVWDB shall also provide the VCCS monitoring team with monthly updates showing progress in meeting the expenditure requirements.

Concerns

A. File and Information Maintenance Policy/Personally Identifiable Information (PII)

The File and Information Maintenance Policy was developed before the issuance of Virginia Workforce Letter 19-05 Guidance on the Handling and Protection of Personally Identifiable Information (PII). The below were noted during the review:

- The policy does not identify restrictions on access to clients' personal information.
- The policy does not include details on steps to take if PII is compromised.
- The policy does not include updated references to federal and state guidance on the handling of PII.

References: TEGL 39-11, Guidance on the Handling and Protection of Personally Identifiable Information;

Required Action: The local area must review the federal and state guidance noted above and amend the required policy. A copy of the policy must be provided to the VCCS monitoring team for review.

B. Credential Attainment

A credential attainment report was run in the VAWC for 12 months, beginning 7/1/2019. The purpose was to review the number of credentials the local area recorded in VAWC for that period. Results indicated 61 postsecondary training activities recorded and 23 postsecondary credentials received (37.7%). Results showed 30 secondary training activities recorded and 6 secondary credentials received (20%). Some training endeavors may not lead to receipt of a credential or occupational skills certificate, or some individuals may obtain employment and discontinue training. However, because the numbers are disproportionate, there is concern regarding the local process for assessing participants to ensure they are placed in training that meets both their interests and capabilities.

Recommended Action: The local area should review the types of training providers that are approved to ensure the quality of training provided. The local area should also review the process for assessing participants to ensure they are placed in training that meets both their interests and capabilities. The local area should ensure that staff track the progress of participants during the duration of the training program.

C. Case Notes

Cases related to the reports were reviewed in the system and often did not have case notes that provided an accurate picture of participation. Case notes should tell the "who, what, where, when, and why" of the customer's needs and services. With the advent of the COVID-19 pandemic, the client records must reflect the status of customer activities, particularly occupational skills training, and work-based training activities, where the participation may have been halted or put on hold.

Reference: Virginia Workforce Letter (VWL) 13-07 Virginia Workforce Connection (VaWC) System of record and Entry of Case Notes in VaWC

Recommended Action: The LWDB should provide training to service provider staff on the guidelines listed above and local area expectations for case notes.

Considerations

No considerations were noted.

Next Steps

Development of a Corrective Action Plan

Upon receipt of this report, the WVVDB must develop a corrective action plan that addresses the findings and concerns with the required actions in this report. A corrective action form is provided with this report. The LWDB Executive Director must submit the completed form to the VCCS monitoring team for approval within 30 business days, including documentation of any required actions completed within the 30 business days and a timeline for any remaining items. Expected completion of all corrective actions shall not exceed 90 business days from the date of the final report.

Follow-up

Once the plan is approved, the LWDA shall provide monthly updates on the status of the plan until all the actions identified are complete. Supporting documentation is required to demonstrate the completion of the actions.

The VCCS monitoring team will monitor the implementation of corrective actions and provide technical assistance, as needed, or requested by the local areas, to ensure completion. If corrective actions are adequate to resolve the findings, written notification will be issued to the local areas. If corrective actions are not resolved within the timeframes noted in the corrective action plan, the issues shall be referred to the WIOA Title I Administrator for review and determination of further direction or the imposition of sanctions.

Attachment A: VaWC Report Analysis

Activity Completion Status

A detailed report on services provided to individuals was run for the 12 months from 6/28/19-6/26/20.

System-closed

32 cases include system closed activities

State ID	Service
1679475	413 - Develop Service Strategies (IEP/ISS)
1714009	253 - Joint Program Planning - (Formerly IRT)
2116789	202 - Career Guidance/Planning
2194103	253 - Joint Program Planning - (Formerly IRT)
2219372	253 - Joint Program Planning - (Formerly IRT)
2219469	253 - Joint Program Planning - (Formerly IRT)
2277575	153 - Job Search/Placement Assistance, including Career Coaching
2277575	253 - Joint Program Planning - (Formerly IRT)
2284779	418 - Adult Education (GED)
2287679	425 - Work Experience - Paid and Unpaid
2304864	407 - Provision of Labor Market Research
2310089	202 - Career Guidance/Planning
2312836	425 - Work Experience - Paid and Unpaid
2313370	425 - Work Experience - Paid and Unpaid
2313452	425 - Work Experience - Paid and Unpaid
2313462	425 - Work Experience - Paid and Unpaid
2313471	425 - Work Experience - Paid and Unpaid
2313572	425 - Work Experience - Paid and Unpaid
2313962	425 - Work Experience - Paid and Unpaid
2313969	425 - Work Experience - Paid and Unpaid
2314389	425 - Work Experience - Paid and Unpaid
2314533	425 - Work Experience - Paid and Unpaid
2315248	425 - Work Experience - Paid and Unpaid
2320995	153 - Job Search/Placement Assistance, including Career Coaching
1368086	253 - Joint Program Planning - (Formerly IRT)
922138	253 - Joint Program Planning - (Formerly IRT)
931725	205 - Develop Service Strategies (IEP/ISS/EDP)
649367	153 - Job Search/Placement Assistance, including Career Coaching
1576874	253 - Joint Program Planning - (Formerly IRT)
844486	202 - Career Guidance/Planning
1435245	253 - Joint Program Planning - (Formerly IRT)

376134	153 - Job Search/Placement Assistance, including Career Coaching
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No Provider Information

23 cases were missing provider information for one or more activities entered into the system. Case managers did not identify provider information (select "WIOA Approved Provider" or the appropriate approved training provider).

State ID	Service
177646	300 - Occupational Skills Training - Approved Provider
267536	300 - Occupational Skills Training - Approved Provider
294328	300 - Occupational Skills Training - Approved Provider
611117	300 - Occupational Skills Training - Approved Provider (ITA)
696624	300 - Occupational Skills Training - Approved Provider
752510	300 - Occupational Skills Training - Approved Provider
794915	300 - Occupational Skills Training - Approved Provider (ITA)
931725	300 - Occupational Skills Training - Approved Provider (ITA)
1509778	300 - Occupational Skills Training - Approved Provider
1532407	300 - Occupational Skills Training - Approved Provider
1559279	300 - Occupational Skills Training - Approved Provider
1666221	300 - Occupational Skills Training - Approved Provider (ITA)
1891349	300 - Occupational Skills Training - Approved Provider (ITA)
1892031	300 - Occupational Skills Training - Approved Provider (ITA)
1952851	300 - Occupational Skills Training - Approved Provider
1967586	300 - Occupational Skills Training - Approved Provider (ITA)
2220551	416 - Occupational Skills Training
2336581	300 - Occupational Skills Training - Approved Provider (ITA)
2348888	300 - Occupational Skills Training - Approved Provider (ITA)
2354675	300 - Occupational Skills Training - Approved Provider
2357035	300 - Occupational Skills Training - Approved Provider
2359513	300 - Occupational Skills Training - Approved Provider
2412397	300 - Occupational Skills Training - Approved Provider

484-Incentives

State ID	Activity
1774378	The participant had a 484 Incentives activity code with case notes indicating delays in receiving the incentive payment by gift card or check. There was no indication the participant ever received payment.

3 WDB PY19 Annual Review CORRECTIVE ACTION PLAN

Please submit the completed form to the VCCS monitoring team for approval within 30 business days, including documentation of any required actions completed within the 30 business days and a timeline for any remaining items. Expected completion of all corrective actions shall not exceed 90 business days from the date of the final

CAP submitted by: Morgan Romeo

Date : 10/6/2020

* to be completed by VCCS

* to be completed by the LWDA

LWDA must enter expected completion dates and actions taken to address each required corrective action

Finding 1: Business Services				
Required Corrective Actions	Expected Completion Date	LWDA Actions Taken	VCCS Monitor Notes	Completion Status
The local area must develop a business services policy or procedure to address the business services referral process. A copy must be provided to the VCCS monitoring team for review.	10/31/2020	Policy will be taken to Executive Committee meeting scheduled for late-October 2020.		
The local area must develop a business services survey. A copy must be provided to the VCCS monitoring team for review.	11/30/2020	This will be done in conjunction with the Business Solutions Teams in the region.		
Finding 2: Youth Incentives Policy				
Required Corrective Actions	Expected Completion Date	LWDA Actions Taken	VCCS Monitor Notes	Completion Status
The local area must amend the policy to ensure clarity on the purpose and funding of incentives. A copy of the revised policy must be provided to the VCCS monitoring team for review.	10/31/2020	Policy will be taken to Executive Committee meeting scheduled for late-October 2020.		
Finding 3: VaWC Activity Management				
Required Corrective Actions	Expected Completion Date	LWDA Actions Taken	VCCS Monitor Notes	Completion Status
The local area must review the system closed and missing provider information cases identified in Attachment A and make the appropriate corrections to the active participant records in the VaWC.	9/28/2020	Completed.	All system closed and missing provider information activities have been updated, where permissible.	Completed
<i>The local monitor will confirm participant received incentive payment on July 19, 2019, and add a case note to the participant record outlining the resolution.</i>				
Training will be provided to new local staff regarding timely data entry and thorough case notes. Please provide cop	7/1/2020	Completed.	VCCS monitor acknowledges training took place for new staff July 2021.	Completed
Finding 4: Failure to meet WIOA Performance Requirements				
Required Corrective Actions	Expected Completion Date	LWDA Actions Taken	VCCS Monitor Notes	Completion Status
The WVWDB shall provide the VCCS monitoring team with a detailed plan that provides reasons for not meeting the expenditure requirements and actions the Board will take to ensure the expenditure requirements are met in the future.	10/31/2020	Detailed plan will be developed and sent to the VCCS monitoring team.		
The WVWDB shall also provide the VCCS monitoring team with monthly updates showing progress in meeting the expenditure requirements.	Ongoing	The WVWDB submits the Monthly Detailed Expenditure Report which details the WVWDB's progress in meeting the requirement that 20% of Title I Youth funds be spent on work experience activities. This will serve as the monthly update.		Completed
Concern A: File and Information Maintenance Policy/Personally Identifiable Information (PII)				
Required Corrective Actions	Expected Completion Date	LWDA Actions Taken	VCCS Monitor Notes	Completion Status
The local area must amend the required policy.	10/31/2020	Policy will be taken to Executive Committee meeting scheduled for late-October 2020.		
A copy of the policy must be provided to the VCCS monitoring team for review.	10/31/2020	Policy will be submitted as requested.		

Title: Dislocated Worker Trade Co-Enrollment	Related Forms:
Effective Date: 10/8/2018	Revised Date:

Purpose:

To establish procedures for ensuring the Trade Act and WIOA Title I Dislocated Worker programs are well coordinated and delivered in a manner that is seamless to clients and responsive to their needs.

References:

[VWL #20-06 WIOA Participant Activity Code Definitions, Projected Durations & Use Projection Limitations](#)

[VWL #20-07 Change 1 Virginia Workforce Connection System of Record & Electronic Case Files](#)

[VBWD Policy 19-01 Mandatory WIOA Title I-Trade Co-Enrollment](#)

Procedure:

Upon being notified of an employer layoff, the Rapid Response Coordinator will schedule and plan briefings with the Business Services Team point of contact. At this briefing, employees will be provided an overview of services that could be available to them. These briefings will typically include representatives from the Virginia Employment Commission (VEC), WIOA Title I Dislocated Worker program and any other mandated or optional partners that are invited. Information such as how to file for unemployment insurance, documentation required for Trade Act, available WIOA Title I services, etc. will be provided to those in attendance.

The Rapid Response Team shall plan for Trade-affected employees to have an opportunity to:

1. [File Trade Eligibility Claim forms.](#)
2. Register for Unemployment Insurance by telephone or online.
3. Register for job services to begin job search.
4. Attend Trade Act claim session which includes completing paperwork to establish Trade eligibility. Times and dates of the Trade Act claim sessions will be set by the VEC. Notices will be mailed to employee addresses as provided by the employer layoff list (may be prior to or following layoff date).
5. Complete WIOA Title I program orientation and application process.
6. Complete WIOA Title I program enrollment process.
7. Receive initial assessment.



8. Conduct initial one-on-one interview with VEC Trade Representative.
9. Complete a Consent to Exchange Information form.
10. Receive WIOA Title I assessments and determination of training needs for submission to VEC Trade Representative.
11. Develop Individual Employment Plan (IEP).

For individuals who are certified for Trade Act benefits as well as WIOA Title I Dislocated Worker program services, staff from both programs will work together to ensure service delivery is seamless.

Trade Act case management staff will:

- Utilize assessments and training justification documentation from WIOA Title I to determine appropriate training for client, if needed.
- Give two (2) training cost estimate sheets to customer to be completed by selected training provider/s.
- Complete TAA enrollment.
- Approve or disapprove training.
- If approved, a copy of the Training Request, Training Cost Estimate Sheet, Curriculum, class schedule for first semester (copy before **and** after the Add/Drop date) and Occupational Skills Training Agreement will be given to WIOA Title I within 10 business days from the date it is completed.
- Provide current documentation, with regular updates to WIOA Title I case manager throughout training activity to include the Curriculum, class schedules for each semester (one copy before the Add/Drop date and one after), grades each semester and at completion showing grade average or other indication of success, credential upon completion, and employment.
- Case notes in VaWC will be updated at least monthly.
- If a waiver is issued for training due to enrollment not available, health issues, or training not available, a copy of the waiver will be given to the WIOA Title I case manager.
- If client desires training or intensive services and has not met with WIOA Title I case manager, VEC will make a referral to WIOA Title I and await assessment results.



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WIOA Title I Dislocated Worker case management staff will:

- Initiate one-on-one contact following Rapid Response Meeting (may be prior to, or following layoff date) to those who:
 - Signed up for intensive services or training;
 - Made an appointment for enrollment and assessment;
 - OR attended a group enrollment.
- Provide initial interviews to individuals to explain WIOA Title I Dislocated Worker program requirements, assessments and the relationship between Trade, WIOA Title I and the client.
- Document core services provided.
- Create a client case file [electronically within VaWC](#).
- Determine WIOA Title I eligibility.
- Complete WIOA Title I enrollment into VaWC.
- Complete assessments for WIOA Title I services.
- [Discuss WIOA Title I career and training services.](#)
- [Enter the 253 Joint Program Planning service code in VaWC for cases that are dually enrolled with Trade.](#)
- [Follow all written guidance regarding co-enrollment from the Virginia Community College System \(VCCS\).](#)

Additional items to note:

- For Trade purposes, clients that are 50 years of age and older that DO NOT plan on entering training are not required to have an assessment completed. The client will be issued a Trade waiver (retirement) and required to look for work.
- Both case managers will update the client Individual Employment Plan (IEP) and share copies each time it is updated.
- For purposes of eligibility, there must be a basic career service entered into the VaWC prior to dislocated worker program involvement. The sign-up sheet from the Rapid Response meeting plus the layoff letter provided by the company can serve as proof that a basic career service was provided to the client.
- If WIOA Title I funds are used for any training activity, the WIOA Title I eligible training provider list 9 will be used. If Trade uses a training provider not on the WIOA Title I state or local training provider list, WIOA Title I case manager will ensure the client is made



BLUE RIDGE REGION #

aware that WIOA Title I funds cannot be used to pay for tuition and/or books should the need arise.

- Case notes will be entered by WIOA Title I staff for clients that are receiving supportive services from WIOA Title I. Service/Activity code 193 can be utilized by WIOA Title I staff for Supportive Services paid for with WIOA Title I funding, even if WIOA Title I funding is not used for the actual training cost (ITA).

~~• Both case managers will print case notes for file(s).~~

- Trade case managers will enter case notes for those on Trade waivers. ALL case notes will include detailed information on progress of training, job search, and other information.
- Case managers for both programs will notify each other if client ceases or completes training activity and/or enters employment. Information will also be entered into the VaWC.
- Case managers for both programs will exit the client when appropriate for their respective program and notify each other.

Follow up services will be provided by:

- WIOA Title I case managers obtain information for 1 year following the individual's exit from their program, including employment information & credentials obtained.
- VEC Trade Representatives will provide employment information and wage reports, upon request from WIOA Title I case manager, for each quarter during the follow up period.



Title: Adult, Dislocated Worker and Youth Eligibility	Related Forms: Yes
Effective Date: 1/27/2017	Revised Date: 9/18/2020

Purpose:

To ensure proper eligibility determinations for participation in WIOA programs and receipt of WIOA funds.

References:

[VWL 15-02 Change 1 Eligibility Guidelines](#)
[VWL 15-02 Change 1 Attachment A: WIOA Adult Eligibility](#)
[VWL 15-02 Change 1 Attachment B: WIOA Dislocated Worker](#)
[VWL 15-02 Change 1 Attachment C: WIOA Youth Eligibility](#)
[VWL 15-02 Change 1 Attachment D: Verification and Documentation for WIOA Eligibility](#)
[VWL 15-02 Change 1 Attachment E: Selective Service Requirements](#)
[VWL 15-02 Change 1 Attachment F: Family Size/Family Income](#)
[VWL 15-02 Change 1 Attachment G: Self-Certification and Telephone/Document Inspection Verification Requirements](#)
[VWL 15-02 Change 1 Attachment H: WIOA Definitions for Title I Eligibility](#)
[VWL 15-02 Change 1 Attachment I: WIOA Title I Adult Program Eligibility Checklist](#)
[VWL 15-02 Change 1 Attachment J: WIOA Title I Dislocated Worker Program Eligibility Checklist](#)
[VWL 15-02 Change 1 Attachment K: WIOA Title I In-School Youth Program Eligibility Checklist](#)
[VWL 15-02 Change 1 Attachment L: WIOA Title I Out of School Youth Program Eligibility Checklist](#)
[VWL 19-04 Change 1 Definitions Related to Dislocated Worker Eligibility](#)
[WIOA Sections 170 and 129](#)
[VWL 20-07 Change 1 VaWC and Electronic Case Files](#)
[VWL 20-07 Attachment A WIOA Title I VaWC Document Naming Conventions](#)
[VWL #15-02 Eligibility Guidelines](#)
[VWL 15-02 Attachment A: WIOA Adult Eligibility](#)
[Attachment B: WIOA Dislocated Worker](#)
[Attachment C: WIOA Youth Eligibility](#)
[Attachment D: Verification and Documentation for WIOA Eligibility](#)
[Attachment E: Selective Service Requirements](#)
[Attachment F: Family Size/Family Income](#)
[Attachment G: Self-Certification and Telephone/Document Inspection Verification Requirements](#)
[Attachment H: WIOA Definitions for Title I Eligibility](#)
[Attachment I: WIOA Eligibility Checklist for Adults and Dislocated Workers](#)
[Attachment J: WIOA Eligibility Checklist for In-School Youth](#)
[Attachment K: WIOA Eligibility Checklist for Out of School Youth](#)
[WIOA Sections 170 and 129](#)

Policy:



BLUE RIDGE REGION

It is the policy of the Western Virginia Workforce Development Board (WVWDB) to follow all federal guidelines and state guidance in determining eligibility for participants in and recipients of WIOA programs. The WVWDB and its' Service Providers will use their guidance to ensure accurate eligibility determinations are made. It is the current policy of the Western Virginia Workforce Development Board (WVWDB) to opt out of providing services to 5% of youth served that do not meet the income criterion. If this becomes a process we choose to participate in in the future, policy will be updated to provide guidance for this provision~~a policy will be created regarding these participants.~~

Procedure:

Self-Sufficiency Determination

To better serve the adult population of our area, adults who are a member of a family whose income exceeds the Lower Living Standard Income Level (LLSIL) but not in excess of 175% may also receive WIOA services as an established priority group. Additionally, income self-sufficiency of a Dislocated Worker will be calculated as the higher of 175% of the LLSIL or 80% of the layoff wage. The LLSIL is established annually by the Department of Labor and can be found at <https://www.doleta.gov/lisil/>.

Unlikely to Return Determination

Unlikely to obtain employment in a previous industry or occupation within six (6) months from date of termination or layoff due to general economic conditions of the area. Consideration will be given to declining industries or occupations or obsolete individual skills in a demand occupation or industry that could preclude an individual from being competitive or finding reemployment in the current occupation without the upgrading of skills.

The local area follows state guidance regarding definitions of what constitutes Unlikely to Return. This includes an applicant who has been furloughed or temporarily laid off for a minimum of 12 weeks with no return date provided by the employer.

Suitability

Suitability must be determined through the assessed ability and the perceived personal commitment of the participant to attend activities, to successfully complete these activities and to acquire employment and/or post-secondary/advanced skill placement. While persons may be fully eligible for WIOA Title I programs, they may not be suitable pending resolution of immediate issues. Examples of an individual who may not be suitable include:

- An individual who does not meet eligibility requirements;
- Persons requiring extensive support beyond that of the WIOA Title I Programs;
- Persons whose needs are better served by another agency or program;
- Persons whose lives are in immediate crisis & who cannot participate at the time of determination;
- Persons who cannot commit time sufficient for participation in WIOA Title I Programs;
- Persons who consistently fail to attend scheduled meetings or appointments.



Should an applicant be determined not suitable, there must be proper documentation of the reason for denial of access to the program. Case notes must be entered to support the suitability determination.

Youth in Need of Additional Assistance

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 for those aged 17 years old and above
- Having difficulty keeping employment meaning an individual aged 17 years or older who has not worked for the same employer for longer than 3 consecutive months in the prior twelve months
- Residing in a single parent household
- Residing in, or has resided in during the past 2 years, a residential placement facility, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house or foster group home (this must be verified with documentation from the facility, verbal or written)
- Living with a family member in the household who is unemployed or has lost their job during the past 12 weeks (includes spouse, parent or sibling over 18)
- Natural disaster evacuees
- Has experienced/is experiencing effects of substance abuse either by themselves, family members related by blood or marriage, guardians, or other immediate family members such as those connected by birth, adoption, civil partnership, or cohabitation such as grandparents, great-grandparents, grandchildren, great-grandchildren, aunts, uncles, siblings-in-law, half-siblings, cousins, adopted children, step-parents, step-children and cohabitating partners.

The case file must include documentation as to how the determination was made (i.e. official documents, verification from employer or educator, etc.). Documentation must also include a well-articulated statement via case note 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.

CoEnrollment with Partner Programs

All efforts are to be made to enroll WIOA Title I participants with any partner program that is applicable to that participant's needs & circumstances. Examples may include enrolling a 22 year old into the WIOA Title I Adult program as well as the WIOA Title I Youth program, because they would benefit from a youth program element not available through the Adult program, or enrolling a WIOA Title I Dislocated Worker participant into the Trade Act program through the VEC, for extended benefits following their employment termination. Whatever program(s) an individual is enrolled into, they must meet the participation requirements of both/all. It is the duty of the WIOA Title I Program staff to ensure open lines of communication



exist between staff all parties involved and information is shared, as necessary for program services to be provided and successfully completed.

Additional Documentation Requirements

~~The state provided eligibility checklists must be in case files and completed accurately.~~ Per state guidance, a letter from HUD verifying that an individual is currently receiving a rent subsidy is substantial verification for low-income status, as HUD has already verified income. For citizenship verification, the actual I-9 form does not need to be in the file, rather the documentation from the I-9 form. Clients should date all forms when they sign them as indicated on forms, only those without a date line are not required to be dated the date they are signed.

Active clients must be contacted at least once every 30 days. Cases should be updated in VAWC with a case note reflecting the individual contacted, the conversation, information received & provided, and actions taken following the contact. Case notes within VAWC must be entered timely, within 10 days of the contact date. These case notes should be entered while a case is active as well as during follow-up, to document each contact or attempted contact with the client. Telephone call log books should not be kept alone, a case note should be entered for every call made & received with clients. If kept, they must be stored in locked cabinets and surrendered to the Board with closed files.

For those items that can be verified by self-attestation, self-attestation can only be used as verification as a last resort, when absolutely no other source of verification is available. The reason and justification for using self-attestation & documentation of attempts to verify with acceptable sources must be made in a case note.

For eligibility purposes, barriers to education/employment should be documented following guidance found in Federal, State and local policy. All barriers should have tangible documentation found within the physical case file and/or the electronic system of record (VaWC).

Related Forms:

Adult and Dislocated Worker Eligibility Checklist

Out of School Youth Eligibility Checklist

In School Youth Eligibility Checklist

Telephone Verification / Document Inspection Form

Supplemental Application Questionnaire

Social Services Verification

Self-Certification Form



Offender Verification

Employment Verification

DRS Disability Verification

Consumer Report Release

Consent to Exchange Information

Follow Up Agreement

Adult/Dislocated Worker IEP

Youth IEP

VEC Release Form

Title: Individual Assessment	Related Forms: No
Effective Date: 12/13/2019	Revised Date:

Purpose:

The purpose of this policy is to establish guidelines for the completion of assessments for WIOA Title I programs.

References:

WIOA Law §129(c)(1)(A) & 134(b)(2)(A)
20 CFR §678.420 & §681.420

Policy:

During the enrollment process, individuals must receive an assessment. Assessments are a holistic, ongoing process and should not be viewed as a one-time event. Assessments provide valuable information to decipher the best way to guide towards an employment goal. The results of assessments must be explained to an individual and analyzed to provide guidance in determining action steps and services to be included in the Employment Plan. Information obtained during assessments should be utilized to provide direct linkages to services within the workforce system and community as well.

Procedure:

Initial Assessment

The initial assessment is completed through conversations to determine appropriate services and coordinated referrals with partner agencies to assist an individual in achieving their goals. The Initial Assessment is part of the overall intake process and includes informal verbal discussion the initial determination of the following:

- Identification of strengths.
- Identification of workplace skills.
- Career interests.
- Work values.
- Identification of prior work history.
- Family situation.
- Service needs.
- Basic skills.
- Formal assessments, such as ACT® WorkKeys® Curriculum™ Placement Quiz, WorkKeys Assessments, Best Plus™, or Best Literacy™, are not required but may be used based on the needs of the participant.

Objective Assessment

The Objective Assessment include a further analysis of the Initial Assessment results and formal testing as it applies to the Employment Plan. This can include the following:

- Basic skills
 - WorkKeys Curriculum Placement Quiz.
 - WorkKeys Assessments.
 - TABE®.
 - Best Plus or Best Literacy assessments.
- Identification of strengths.
- Identification of workplace skills.
- Career interests.
- Work values.
- Identification of prior work history.
- Family situation.
- Service needs.

The results from an Objective Assessment assists in the development of a WIOA Title I participant's Employment Plan. Formal assessment results within the last six months, provided by the participant or a partner agency, are acceptable to use in place of formal Objective Assessments.

Reasonable Accommodations

If an assessment accommodation is needed, it is important to have this in place prior to taking the assessment. Please refer to the organization or company that developed the assessment in order to determine appropriate accommodations for that specific assessment.

Local Implementation

- TABE testing is provided at no cost by Title II Adult Education partners within the local workforce development area and should be used to identify basic skills levels for participants.
- TABE testing should be completed for participants that lack documented or demonstrated experience and/or success in a vocational or post-secondary training course.
- A career interest/aptitude assessment is required in cases of participants attending training to justify potential success (i.e.: CareerScope, Virginia Wizard, [O*Net](#), etc.). The Western Virginia Workforce Development Board will approve of the use of specific assessments, as needed.



Title: Processing Grievances & Complaints	Related Forms: No
Effective Date: 1/27/2017	Revised Date: 2/7/2017

Purpose:

To outline procedures for addressing grievances or complaints alleging a violation of the requirements of WIOA by the WVVWDB or service providers.

References:

PUBLIC LAW 113–128 Workforce Innovation & Opportunity Act (WIOA)
VWL # 16-09 WIOA Program Grievance and Complaint Processing

Policy:

It is the policy of the WVVWDB to follow all procedures and guidance put in place by the state for processing any and all complaints or grievances that allege any violation of WIOA or provisions of a related agreement or service. **Section 181 (c) of WIOA requires that each State, local workforce development area and direct recipient of WIOA Title I funds must establish and maintain a procedure for individuals to file a grievance or complaint alleging violations of the requirements WIOA Title I. These grievances or complaints may be submitted by participants and other interested parties affected by the local workforce investment system, including one-stop partners and service providers.**

This guidance does not address the procedures for processing complaints alleging discrimination under WIOA section 188 and 29 CFR part 38. Such complaints must be handled in accordance with the procedures outlined in that regulatory part and VWL 15-05, WIOA Discrimination Complaint Process. Questions about or complaints alleging a violation of the nondiscrimination provisions of WIOA section 188 may be directed or mailed to the designated local area Equal Opportunity (EO) Officer, State WIOA EO Officer or the Director of the Civil Rights Center, U.S. Department of Labor, Room N4123, 200 Constitution Avenue N.W., Washington, D.C., 20210. This guidance does not address procedures for processing complaints alleging fraud, abuse, or other alleged criminal activity. Such complaints should be directed to the Office of the Inspector General, U.S. Department of Labor.

Procedure:

Participants and other interested parties must be provided this policy with the Complaints & Grievances form. The form also must include the Babel notice, to ensure that persons who have Limited English proficiency can understand the policy. A copy of the policy may also be provided via accessible software for text to speech and utilizing the video relay services for individuals with hearing and/or reading limitations. Rights to file a complaint or grievance will also be explained to employees and participants during orientations.

The local area shall notify participants that complaints or grievances should be addressed to the Director of the WVVWDB at 4419 Pheasant Ridge Road, Suite 301, Roanoke, VA 24014 or 540-562-8442. Examples of who may file a grievance or complaint include the following:



1. Applicants or registrants for aid, benefits, services, or training
2. Eligible applicants or registrants
3. Participants
4. Employers
5. Applicants for employment under WIOA
6. Service providers, or
7. Eligible training providers

Each grievance or complaint must be filed, in writing, within thirty (30) calendar days of the alleged violation and must contain the following information:

1. The name, address and phone number of the person filing the grievance or complaint
2. The date of the alleged violation and the date the grievance or complaint was filed
3. The identity of the respondent
4. A description of the allegations, including enough detail to allow the reviewer to decide whether the allegations, if true, would violate any WIOA provisions, and
5. The signature of the person filing the grievance or complaint

Upon receipt of the grievance or complaint, the reviewer will provide written notice to the grievant or complainant. This correspondence will be sent within five (5) business days and must include the following:

1. A summary of the allegations submitted
2. The date, time and place of the meeting or hearing with the reviewer (NOTE: WVVWDB may offer an informal resolution and if it is accepted it shall be completed in a meeting before the hearing date)
3. Notice that the grievant or complainant may be represented by an attorney, and
4. Notice that the grievant or complainant may present witnesses and documentary evidence

Individuals in grievance investigations are protected from retaliation and are permitted to have translators, interpreters, readers and/or a representative of their choice during the grievance process.

The WVVWDB has a maximum of sixty (60) calendar days to investigate of the allegations and offer a resolution to the complainant. If by the end of the sixty (60) days from the date on which the complaint was filed the WVVWDB fails to issue a Notice of Final Action, the complainant or grievant may file a complaint directly with the State WIOA Administrative entity (WIOA Title I Administrator).

Once the investigation is complete and a decision has been reached, a Notice of Final Action must be sent to the grievant or complainant. If an informal resolution was provided, the Notice of Final Action must summarize the agreed upon resolution. If no informal resolution was provided, the Notice of Final Action must contain the following information:

1. The reviewer's decision and the reasons for supporting that decision
2. A brief description of the investigation process employed to reach the decision



3. Notice that if dissatisfied with the decision the grievant or complainant may appeal to the Commonwealth of Virginia within 30 business days or receipt of the Notice of Final Action, and
4. Notice that the grievant or complainant may seek a remedy authorized under another Federal, state, or local law

According to WIOA Section 181 (c) (3) remedies that may be imposed under this section for a violation of any requirement of this title shall be limited to:

1. Suspension or termination of payments under this title
2. The prohibition of placement of a participant with an employer that has violated any requirement under this title
3. Where applicable, the reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment, and
4. Where appropriate, other equitable relief.

Records regarding grievances and complaints must be maintained for at least three years from the date of resolution of the grievance or complaint. All records must include the following:

1. The name and address of the grievant or complainant
2. A description of the grievance or complaint
3. The date the grievance or complaint was file
4. The disposition (final action)
5. The date of disposition of the grievance or complaint, and
6. Any other pertinent information

To the maximum extent possible, the identity of any person who has furnished information relating to, or assisting in, an investigation of a possible violation of the WIOA shall be kept confidential. The information may only be used for purposes of:

1. Record-keeping and reporting
2. Determining the extent to which an entity is operating is WIOA-funded programs or activities in a nondiscriminatory manner, or
3. Other use authorized by the nondiscrimination and equal opportunity provisions of WIOA

Related Forms:

Complaints & Grievances Form



Title: Customized Training	Related Forms: Yes
Effective Date: 1/14/2019	Revised Date: 7/8/2020

Purpose:

This policy sets forth the parameters by which customized training may be structured and made available to WIOA Title I participants and employers as exceptions to the Individual Training Account process.

References:

PUBLIC LAW 113–128, Workforce Innovation and Opportunity Act
20 CFR 680.760

[VBWD Policy 401-04 Provision of Training Services](#)

[VWL 16-06 Change 1 Eligible Training Provider Programs List](#)

Procedure:

Customized Training is training that is provided to an employer (including a group of employers) for a group of WIOA Title I enrolled participants by a qualified third-party training provider identified and contracted by the employer. The training must result in needed workplace skills specific to the employer's business and/or industry and the employer agrees to hire or retain participants upon successful completion of the training.

Customized Training contracts must meet the following requirements:

1. A Customized Training contract will provide reimbursement of up to 50% of the training cost. The training duration should be short term, not to exceed six (6) months, unless approved in advance by the Executive Director of the Western Virginia Workforce Development Board (WVWDB).
2. The employer must have been in business for at least twelve (12) consecutive months immediately prior to contract, have at least two (2) employees other than the owner, and have all required licenses, certifications, and insurances.
3. All training will be for occupations identified as in demand in the labor market and determined to be of priority by the Western Virginia Workforce Development Board (WVWDB) in the Local Plan.

Staff may request a waiver for participants that are interested in training outside of these target sectors and occupations. Waivers must be requested, with all required documentation, and approved by the WVWDB Director prior to approving funding for the participant. Waiver documentation must include, at a minimum:

- justification within the participant's IEP identifying occupation interest and/or aptitude;



- barriers to employment and/or training in the target sectors and occupations; and
- local labor market information including LMI data as well as at least 3 different current job openings paying a self-sufficient wage (as defined in our Eligibility policy) for the occupation connected to the training.

These items must be attached to the waiver request form to the WVVWDB Director. Waivers may be available for no more than 5% of funds budgeted annually by line item and by program (i.e.: 5% of the Adult ITA budget, etc.).

4. Customized Training is primarily intended for new employer hires; however, employed workers may be authorized at the discretion of WVVWDB. Should Customized Training be provided to an employed worker(s), the worker(s) must not be earning a self-sufficient wage (as defined in the local Eligibility policy) or wages comparable to or higher than wages from previous employment.
5. Must provide 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.
6. The employer will not use Customized Training funded participants to displace any regular employee, or to replace any employee on layoff.
7. The employer must not have relocated from any location within the United States within one hundred and twenty (120) days, where the relocation resulted in any employee losing their job at the original location.
8. The employer must identify a third-party training provider for the delivery of Customized Training services. The training provider must have expertise in the training area to be delivered.
9. If the Executive Director of the WVVWDB determines funding is low, preference will be given to training that results in the participant earning an industry recognized credential.
10. The employer agrees to hire all participants who successfully complete Customized Training as new employees. In the case of current employees who may be authorized and successfully complete Customized Training, the employer agrees to retain them within the business with the possibility for upward mobility.
11. Positions authorized for Customized Training must be full-time and pay at least a wage meeting the definition of self-sufficient per the local Adult, Dislocated Worker and Youth Eligibility policy, unless otherwise agreed to by the WVVWDB.



12. The training must relate to the 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 approved in advance by the Executive Director of the WVWDB.

Related Forms:

[Incumbent Worker Training Contract](#)

[Incumbent Worker Training Application](#)



Title: Data Validation	Related Forms: No
Effective Date: 12/13/2019	Revised Date:

Purpose:

The purpose of this policy is to establish guidelines for the implementation of data validation for Workforce Innovation and Opportunity Act (WIOA) program operation at the local level.

References:

Workforce Investment Act of 1998 (WIA)

Workforce Innovation and Opportunity Act (WIOA)

TEGL 3-03

TEGL 9-07

TEGL 06-14, Attachment A

VWL #14-09 Timely Data Entry

TEGL 39-11 Guidance on the Handling and Protection of Personally Identifiable Information

VWL #20-06 WIOA Participant Activity Code Definitions, Projected Durations & Use Projection Limitations

VWL #20-07 Change 1 Virginia Workforce Connection System of Record & Electronic Case Files

Policy:

The Western Virginia Workforce Development Board must ensure to the maximum extent feasible the accuracy of the data entered into the system of record, the Virginia Workforce Connection (VaWC). The WVVWDB, and its' contractors, as applicable, will comply with state and federal reviews of local records as required. The data validation initiative covers both the accuracy of aggregate reports submitted to ETA on program activity and performance outcomes and the accuracy of individual data elements.

Procedure:

This process assesses the accuracy of data records. Data element validation is performed by reviewing samples of participant records against source documentation to ensure compliance with federal definitions.

Not all data elements are subject to validation. Data elements are selected for validation based on three factors:

1. **Feasibility** – Data elements can be validated only when it is practical and efficient to locate and examine supporting evidence within the records. Therefore, such items as race, ethnicity, and gender will not be validated because these data elements are self-reported by participants, and it is not efficient to locate the participant to document these characteristics. It is also not practical to validate for data entry

errors.

2. **Risk** – The process for validating data elements is based partly on the likelihood that the data element may be inaccurate. Data elements involving human judgment are more prone to error than data elements that do not involve human judgment. For example, determination of employment based on supplemental sources is more likely to be in error than determination of employment from wage records.
3. **Importance** – Data elements are selected for validation based primarily on their importance to the integrity of the ETA 9091 report (Annual Report).

The ETA standardized software generates a sample of the participant records and data elements the State or grantee will validate. Data element validation samples are selected from a sample of offices within the State, rather than from every office.

Two sampling techniques are used:

- **Clustering** – The software selects the sample of exiters from a relatively small number of locations within the State where source documentation is stored. This approach reduces the burden that on-site validation imposes on the State by limiting the number of locations to visit.
- **Stratification** – Cases that have a higher potential for error that will affect performance (positive employment or education outcomes) and more data elements to be validated are sampled in greater proportion than cases with a reduced chance of error (negative employment or education outcomes) and fewer elements to validate.

Once the State has validated the sampled records, the software weights the results of the validation to correct for over- and under-sampling resulting from the clustering and stratification.

The data element validation includes assembling worksheets arrange visits to local offices. If appropriate, state staff should conduct the validation onsite except for data stored at the state level, i.e., wage record information. States have the flexibility to determine the most efficient source to use to validate the information when more than one source is specified. State staff shall notify local staff well in advance of when the onsite validation, if any, will occur to ensure local staff is available to assist in the validation. State staff shall also inform local staff which records will be sampled.

To ensure integrity and authority of the data validation process, Virginia completes the data validation process through the Virginia Community College System (VCCS). The state monitor who is assigned to the local office is responsible for conducting the review of participant records, and the submittal of the annual data validation report to ETA. Participant records will be reviewed in both paper and electronic format. The WVWDB may provide assistance to the VCCS in completing data validation, upon request.

Accuracy Standards



States and grantees will be held accountable for meeting acceptable levels and will be required to address any issues concerning data accuracy. States and grantees that fail to meet accuracy standards will receive technical assistance from ETA and will develop and implement a corrective action plan. Data that do not meet accuracy standards will not be acceptable for measuring performance and may keep the State or grantee from being eligible for incentives that are awarded based on performance data.

Upon completion of data validation, the results will be shared with the local area. In incidents where acceptable levels are not met, technical assistance may be provided. Depending on the degree of deficiency, the State may require a corrective action plan from the local area.

Data Elements and Source Documentation

The elements required for data element validation focus on eligibility, performance, and services. See the following link for a list providing federal guidance regarding what types of source documentation are acceptable to validate key data elements related to WIA/WIOA program eligibility, services and outcomes:
<http://wdr.doleta.gov/directives/attach/TEGL/TEGL-6-14-Attachment-A-Acc.pdf>.

Only one of the documents listed for each element is required for validation. However, if multiple sources are collected for the same data element and the sources conflict, the most reliable source should be used to determine if the element passes or fails. For example, for School Status at Participation copies of records from an educational institution are a more reliable source than participant self-attestation. Special attention must be paid to the following general definitions for certain types of source documentation:

- **Cross-Match:** A cross-match requires validators to find detailed supporting evidence for the data element.
- **VaWC:** Unless otherwise noted, VaWC refers to specific, detailed information that is stored in the State's information system that supports an element. An indicator, such as a checkmark on a computer screen, is not acceptable source documentation in and of itself. For example, VaWC is an acceptable source documentation for date of first training service. To be an acceptable source to validate the date of first training service, in addition to the date of first training, VaWC should have information about the type of training and the organization that provided the training. This detailed information makes valid source documentation and makes it unnecessary for such states to validate this data element in local offices.
- **Self-Attestation:** Self-attestation occurs when a participant states his or her status for a particular data element, such as pregnant or parenting youth, and then signs and dates a form acknowledging this status. The key elements for self-attestation are:
 - the participant identifying his or her status for permitted elements and
 - signing and dating a form attesting to this self-identification.
- **Case Notes:** Case notes refer to either paper or electronic statements by the case manager that identifies, at a minimum, the following:



- a participant's status for a specific data element,
- the date on which the information was obtained, and
- the case manager who obtained the information.



Title: Equal Opportunity (EO)	Related Forms: Yes
Effective Date: 1/27/2017	Revised Date: 8/6/2018

Purpose:

The Western Virginia Workforce Development Board (WVWDB) as a recipient of federal funds, is obligated to comply with the nondiscrimination and equal-opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination on the basis of race, color, religion, gender, national origin, age, disability, political affiliation or belief and, for beneficiaries only, citizenship, as well as any other classes protected by federal law, and participation in WIOA programs.

References:

COMMONWEALTH OF VIRGINIA, Virginia Community College System Workforce Investment Act (WIA) Policy Number: 00-10
 Civil Rights Act of 1991
 Civil Rights Act of 1964
 Age Discrimination in Employment Act
 Americans with Disabilities Act of 1990
 Age Discrimination Act of 1975
 Rehabilitation Act of 1973
 Title IX Education Amendments Act of 1972
~~PUBLIC LAW 113-128, Workforce Innovation and Opportunity Act, Section 184, 188-190~~
 Title IX Education Amendments Act of 1972
 State's Methods of Administration (MOA)
 DOL Civil Rights Center and state policy directives
 Immigration Reform and Control Act of 1986
 Equal Pay Act
 VWL # 15-05 WIOA Discrimination Complaint Process
[VWL # 16-09 WIOA Program Grievance and Complaint Processing](#)

Policy:

It is the policy of the WVWDB to provide equal opportunity to all employees and applicants for employment as well as participants in or recipients of any WVWDB program or activity. The Board will ensure recruitment and hiring of staff is done in a manner as to reflect the available workforce in the local and regional areas without regard to protected statuses. It is against the law for this recipient of Federal financial assistance to discriminate on the following bases: ~~against any individual in the United States, on the basis of~~ race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I– financially assisted program or activity.



Any person who believes he or she has been subjected to discrimination based on race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship, or participation in WIOA, has the right to file a complaint within 180 days of the alleged discrimination.

WIOA-funded programs and activities will allow for physical as well as program accessibility to individuals with disabilities, programs will be provided in the most integrated environment appropriate to individuals with disabilities, and that communications with individuals with disabilities will be as effective as communications with others.

Procedure:

The WVWDB has designated the Director as their Equal Opportunity (EO) Officer, who will be responsible for adopting and publishing complaint procedures and ensuring that they are followed. The EO Officer is also responsible for ensuring publication of the name, title, address, telephone number and TDD number of the EO Officer or other individuals responsible for receiving complaints. ~~The manager of each Virginia Workforce Center in the area~~ The local staff of the One Stop Operator will act as an EO liaison. The EO Officer can be contacted at the Board's office at ~~313 Luck Avenue, Roanoke, VA 24016~~ 4419 Pheasant Ridge Road Suite 301 Roanoke, VA 24014 or via telephone at 540-562-8442. If the EO Officer is unavailable to receive complaints, the ~~Program Specialist~~ Operations Director will be the alternative contact.

The WVWDB, ~~Workforce-Virginia Career Works~~ Centers, Program Operators and Training Providers shall include in orientations to employees and/or participants a discussion of their rights under the nondiscrimination and equal opportunity provisions and the right to file a complaint of discrimination with either the local workforce investment board (LWIB)/Civil Rights Commission (CRC)/ U.S. Department of Labor (DOL) for customers and vendors or the WVWDB EO Officer/U.S. Equal Employment Opportunity Commission (EEOC) for employees and applicants. The EO Officer has the responsibility of communicating the available options of where to file complaints to complainants. Communication of policy shall be documented on a notification instrument for employees and applicants/participants and retained in individuals' files as well as a copy provided to new employees upon employment. Potential vendors should be notified of this policy by statements in contracts and MOUs. The WVWDB shall ensure audiotape access to ~~the tape "Equal Opportunity Is the Law"~~ Equal Opportunity information for individuals with visual disabilities, as well as persons who have difficulty reading and/or comprehending written materials. Additionally, "Equal Opportunity Is the Law" posters will be posted at all WVWDB facilities. These posters contain a nondiscrimination and EO statement as well as information about filing a complaint. Where a significant portion of eligible population may need service or information in a language other than English or Spanish, the WVWDB shall provide the initial notice and other material in the needed language to the extent possible.

Customers and vendors may file discrimination complaints with the WVWDB EO Officer or with the Director, Civil Rights Center, U. S. Department of Labor. Retaliatory action shall not be taken by agency management against any person for filing a complaint of discrimination; opposing a prohibited practice; furnishing information; assisting in participating in any manner in an investigation, review, hearing or any other activity related to the administration of, exercise of authority under, or privilege secured by, the nondiscrimination and EO provisions, of WIOA. Any WVWDB employee, contractor, or employee of



a WVVWDB contractor found in violation of the policy shall be subject to appropriate disciplinary action. ~~Workforce-Virginia Career Works~~ Centers and Service and Training providers shall promptly notify the WVVWDB EO Officer of any complaints or lawsuits filed against it alleging discrimination.

EO complaints may be filed by the individual or on behalf of the individual by an authorized representative, as a third-party complaint or as a class action complaint. The three major theories of discrimination that can be used to prove illegal discrimination under WIOA and other civil rights laws are disparate treatment, disparate impact and failure to provide reasonable accommodation. The complaint must be filed in writing and signed by the filer and must include the following information:

- complainant's name and address, or other means by which the complainant may be contacted;
- identification of individual(s) and/or organization(s) responsible for the alleged discrimination;
- a description of the complainant's allegations to:
 1. determine WVVWDB's jurisdiction of the complaint,
 2. timeliness of the complaint,
 3. specific prohibited basis of the alleged discrimination (i.e., race, sex, etc.), and
 4. apparent merit of the complaint.

The WVVWDB may only review complaints that are in its jurisdiction. There are three criteria that determine jurisdiction: basis, timeliness and whether the respondent is a recipient of DOL funds. Basis is met if the claim is regarding those protected classes covered by civil rights (above). Timeliness is met if a complaint is filed within 180 days of the alleged violation. This time limit can be waived by the Director of CRC if certain criteria is met. All programs and activities operated by the WVVWDB are funded by WIA/WIOA and therefore meet the final criteria for jurisdiction. If it is determined that the board does not have jurisdiction, the WVVWDB ~~WIB~~ EO Officer shall notify the complainant in writing that he or she does not have jurisdiction over the complaint, including reasons for the determination, and the complainant's right to file with the Director of CRC within 30 days of the notice and refer the complaint to the appropriate ~~Workforce~~ partner.

If the complainant elects to file a complaint with the WVVWDB, the WVVWDB shall have 90 days to process a complaint and issue a decision (60 days for the ~~LWIA-WVVWDB~~ to investigate and 30 days for a review at the State level, if warranted). If the complainant files with both the CRC and the WVVWDB, they will be notified that the CRC shall not investigate until the 90-day period has expired. If the complainant chooses to file with the CRC only, the WVVWDB EO officer should log the complaint and assist the complainant in preparing the CRC's Complaint Information Form. During the 90-day period, complainants may elect to participate in mediation. The choice whether to use mediation or the customary investigative process rests with the complainant. If mediation is not elected, or is unsuccessful, the complaint shall be investigated in accordance with the WVVWDB's complaint-processing procedures. Such complaint procedures shall include the following elements:

1. Initial, written notice to the complainant, and a notice that the complainant has the right to be represented in the complaint process;
2. A written statement provided to the complainant that contains a list of the issues raised in the complaint and, for each issue, a statement whether the WVVWDB will accept or reject the issue, and the reasons for each rejection;

3. A period for fact-finding or investigation (data collection or on-site) of the issues and review of evidence (direct, circumstantial, comparative or statistical) followed by the writing of an investigative report;
4. A 15-day period during which the WVVWDB will attempt to resolve the complaint through mediation; and
5. A written Notice of Final Action provided to the complainant within 90 days of the date on which the complaint was filed, that contains the WVVWDB's determination.

The written Notice of Final Action must include:

1. The jurisdictional authority including the basis for the investigation
2. The WVVWDB's decision on the issue and an explanation of the reasons underlying the decision,
3. A description of the way the parties resolved the issue; and
4. A notice that the complainant has the right to file a complaint with the Director of CRC within 30 days of the Notice if he/she is dissatisfied with the WVVWDB's final action on the complaint.

If the WVVWDB does not provide a written decision within 90 days of the filing of the complaint, the complainant need not wait for a decision to be issued but may file a complaint with the CRC within 30 days of the expiration of the 90-day period. If a complainant is not satisfied with the WVVWDB's resolution, the complainant may file a complaint with the CRC. Such complaint must be filed within 30 days of the date the complainant received the Notice of Final Action from the WVVWDB. The complainant shall be notified that if the complaint is not filed within 180 days of the alleged discrimination or a complaint has not been filed with CRC within 30 days of the receipt of WVVWDB's determination or expiration of the 90-day period, the Director of CRC may extend the time limits for good cause shown.

The ~~Western Virginia Workforce Development Board's~~ WVVWDB EO Officer shall determine at the conclusion of the investigation of a complaint whether there is reasonable cause to believe that a violation occurred. If an investigation results in a "reasonable cause" finding, the WVVWDB's EO Officer shall submit the signed investigative report, including determination and recommendation, to the State EO Officer for review within 60 days of the filing date. Based on review of the determination, the State EO Officer will determine if further review by the Attorney General's Office and the VEC Commissioner, or his designee, is warranted. If the VEC concurs with the determination, the WVVWDB's EO Officer shall issue a written determination. The determination shall notify the complainant of the specific findings, the proposed remedial or corrective action, and the time in which corrective action must be completed.

Where a "no cause" finding is made, the complainant shall be notified in writing. Such a determination represents the final action of the Western Virginia Workforce Development Board's EO Officer. The WVVWDB's EO Officer shall notify the complainant of his or her right to file a complaint with the CRC if he or she believes the WVVWDB's resolution is unsatisfactory. The complainant shall be informed that this right must be exercised within 30 days.

If discrimination is found through the process of a complaint investigation, the respondent shall be requested to voluntarily comply with corrective action(s) or conciliation agreement to correct the discriminatory actions or conditions. Actions to correct discrimination deficiencies may include any of the following:

- Back pay, or other monetary relief (Federal funds shall not be used to provide monetary relief);
- Hire or reinstatement;
- Promotion;
- Benefits or other services denied; and
- Any other remedial or affirmative relief such as outreach, recruitment, and training to ensure equal opportunity.

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 either the Board's EO Officer to evaluate progress made toward resolving the violations when a ~~Workforce~~-Virginia Career Works Center, Service or Training Provider is cited for discrimination. Violations because 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.

Conciliation agreements must include the following provisions:

- Be in writing;
- Address each cited violation, specify the corrective action to be taken, and state the period needed to attain compliance;
- Provide for periodic reporting, as determined by the ~~WVWDB~~ EO Officer, regarding the status or corrective action;
- Provide that the violation(s) do not recur; and
- Provide for enforcement if a breach of the agreement occurs.

If the ~~WVWDB~~ EO Officer concludes that compliance cannot be achieved through voluntary means, he or she will notify the State EO Officer 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.

The State EO Officer may secure voluntary compliance with the ~~Workforce~~-Virginia Career Works Center, Service or Training Provider through a written assurance and/or conciliation agreement. Sanctions shall be considered by the State EO Officer (or the VEC Commissioner) only if the Virginia Career Works ~~Workforce~~-Center, Service or Training Provider will not agree to take voluntary corrective action. Sanctions that may be imposed include termination of funding, partial funding and disallowance of selected cost.

The Western Virginia Workforce Development Board shall maintain an automated or manual log of discrimination complaints to include:

- name and address of complainant;



- the basis of the complaint (i.e., race, sex, age, etc.),
- a description of the complaint;
- the date the complaint was filed;
- the disposition and date of disposition of the complaint; and
- other pertinent information.

Records pertaining to discrimination complaints, investigations, or any other such actions shall be retained for a minimum of three (3) years from the date of resolution. Information pertaining to the identity of any persons providing information related to, or assisting in, an investigation or a compliance review shall be maintained in a confidential manner to the extent possible. If it is necessary that a person's identity be disclosed, the person(s) shall be protected from retaliation.

Related Forms:

Equal Opportunity Form



BLUE RIDGE REGION

Title: Eligible Training Provider Certification	Related Forms: Yes
Effective Date: 1/27/2017	Revised Date: 10/8/2018

Purpose:

The purpose of this policy and procedure is to: explain the process for entities to apply and remain on the statewide Eligible Training Provider List (ETPL) for WIOA Title I training funds.

- ~~1. determine eligibility criteria applied by the WVVWDB to initial certification of training providers;~~
- ~~2. establish a subsequent process for annual training provider review and recertification; and~~
- ~~3. describe the appeals process available to providers refused certification.~~

References:

15-02 Identification of Eligible Providers of Occupational Skills Training
15-03 Registered Apprenticeship and Eligible Training Provider List
VWL #15-01 Procedure for Establishing Training Provider Eligibility under WIOA
VWL #15-01, Change 2: Procedure for Establishing Training Provider Eligibility under WIOA
VWL 15-01, Change 1: Procedure for Establishing Training Provider Eligibility under the WIOA
Identification of Eligible Providers of Occupational Skills Training
Attachment F - Youth Service Providers
Policy 404-01 Identification of Eligible Training Providers
VWL 16-06 Eligible Training Provider and Programs List, Attachment A Part I and II Training Provider Application; and VWL 16-06 Change 1

Policy:

The WVVWDB will certify training providers on an annual basis and enter the information into the Virginia Training Provider Network. Certification is good ~~through June 30 of the Program Year in which it for one year from when it~~ becomes effective. To receive WIOA training funds, a training provider must apply for certification of each program that leads to a certificate, degree, license, or for each course that leads to skill attainment. After one full year of eligibility, approved Eligible Training Providers will be required annually to provide basic information for continued eligibility and will submit performance information for participants whose activities were funded through an ITA. Training programs that do not receive initial certification or recertification may appeal that decision, following the process outlined below.

The following entities may apply for consideration to be included on the statewide ETPL:

1. A postsecondary educational institution that is eligible to receive federal funds under Title IV of the Higher Education Act of 1965 and that provides a program that leads to certification or license or college certificate, associate degree, or baccalaureate degree.



2. A postsecondary school that offers informal instructional programs with curricula designed primarily for students who have completed the requirements for a high school diploma or its equivalent. Such schools include programs of academic-vocational, vocational, and continuing professional education that may lead to a certification or licensure. This category excludes avocational and adult basic education programs.
3. An entity that carries out related instruction under the National Apprenticeship Act that is recognized by the Virginia Department of Labor and Industry.
4. A provider of a program of occupational training services that under Section 23-276.2 of the Code of Virginia is exempt from certification as a postsecondary school such as a professional or occupational training program regulated by another state or federal governmental agency other than the State Council of Higher Education for Virginia (SCHEV), any school, institute, or course of instruction offered by any trade association or any non-profit affiliation of a trade association on subjects related to the trade, business, or profession represented by such association.
5. A provider of adult education and literacy activities under Title II of WIOA, if these activities are provided in combination with occupational skills training.

Programs and providers under categories 1 and 2 must provide evidence of active certification by the appropriate state agency to operate or must have program approval from an applicable state agency in order to be considered for approval to offer training services to WIOA customers through the individual training account method. Programs and providers under category 3 will be granted approval, if requested, following confirmation by the Virginia Department of Labor and Industry that the sponsoring employer and apprenticeship related instruction have been recognized by the state and are active and in good standing. The approval or denial of any training provider or program will be entered into the Virginia Workforce Connection (VaWC).

Procedure:

For initial certification, the applying provider must demonstrate that the training program meets the eligibility criteria set forth by the state. The applicant also must submit required information for the consumer reports system on the Virginia Training Provider Network. ~~Community-based organizations & nonprofits that wish to be approved as training providers must provide performance data of 50% or greater completion rate and 65% or greater credential attainment rate in order to be considered.~~ Applying providers may be requested to attend board meetings where their application is being reviewed to present information and/or answer questions that may arise. The application/~~s and supplemental application~~ provided by the state will be used. The application provided by the state lists required documentation be provided with the application including Virginia oversight documentation, copy of license to conduct business in Virginia, copy of training provider non-discrimination policy, copy of training provider grievance procedure, suspension/debarment certification, anti-discrimination certification and required



BLUE RIDGE REGION

training program application with training program description, outline of program and skills to be obtained. The WVVWDB is also required to review and ensure physical and program access in accordance with WIOA Section 188 and The Americans with Disabilities Act (ADA).

~~The WVVWDB will request renewal verification and program performance reporting for providers/programs using a standard statewide template and procedure. This data will be entered by the WVVWDB into the state reporting system to ensure transparency and support informed customer choice in the evaluation and selection of training providers. Providers of training who fail to provide the verification and performance information within 90 days of request will be removed from the state eligible training provider list.~~

Initial provider & program applications, ~~for those that have~~ not previously ~~been~~ approved, may be submitted to the WVVWDB throughout the year. These applications will be reviewed at the next applicable Board or Committee meeting for approval. In instances where training opportunities may be lost due to the timing of Board or Committee approval of ETPL applications, the Board grants the Executive Director authority to review and assure the ETPL application(s) are compliant with regulations and requirements and grant provisional approval of the training provider/program. The Board or Committee will ratify the application(s) at the next meeting. Notification of approval status will be provided to the provider in writing following the respective meeting and vote. Renewal provider & program applications will be requested by the WVVWDB annually with a deadline for submission. The applications will be reviewed at the next applicable Board or Committee meeting for approval following the deadline. Notification of ~~approval application~~ status will be provided in writing to the training provider following the respective meeting and vote.

Should the WVVWDB deny an application, staff will:

1. 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 decision.
2. If a provider requests a reconsideration, the Board shall review the request within 90 calendar days and issue a written decision that either upholds or reverses the original decision.
3. If the WVVWDB reverses its initial decision to deny the application, WVVWDB staff will send the training provider notice within 5 business days after approval is obtained. WVVWDB will then post the program of training service on the state provider network.
4. If the WVVWDB 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 local board to provide, by a preponderance of the evidence, that the decision to decertify was appropriate.

Appeals for reconsideration must be submitted to the Board staff at least 10 days in advance of the next scheduled board of directors meeting following notification. Should fewer than 10 days remain prior to the next board meeting, the appeal will be considered at the next subsequent meeting in which the 10-day notice requirement can be met. If the issue is not resolved satisfactorily, the WVVDB will submit the application to the appropriate state division for reconsideration.

Out of State Training Providers

In order for an eligible WIOA customer to obtain training through an out-of-state provider, the training provider program must be listed on another State's ETPL. WIOA funds may be used for training programs approved by other states. ETPLs in other states can be located here: http://www.servicelocator.org/program_search.asp?prgcat=1&officeType_1=0&frd=true . If a LWDB chooses to utilize an out-of-state training provider and pay for it with WIOA Title I funds, then the following criteria must be met:

1. The training provider program must be on the host state's approved training provider programs list; and documentation of this fact, including the eligible time period, and Section 188/ADA compliance must be maintained by the LWDB.
2. The LWDB must collect sufficient data and add the provider's program to the VaWC system so that the participant can be linked to the program for training service accountability.
3. A detailed case note must be entered into the VaWC, explaining why the participant went to an out-of-state training program rather than an in-state training program.

Registered Apprenticeships

In accordance with WIOA, Registered Apprenticeship programs are automatically eligible for the ETPL. If a Registered Apprenticeship program sponsor would like to have a program included on the state Eligible Training Provider and Programs list, the sponsor must provide the WVVDB registration information for Registered Apprenticeship in accordance with Virginia Board of Workforce Development Policy No. 404-02, Registered Apprenticeship Programs. The WVVDB will enter the Registered Apprenticeship program information into the VaWC once the application information is verified with the Virginia Department of Labor and Industry (DOLI) in writing.



A recognized registered apprenticeship program may remain on the ETPL as long as it remains registered and recognized by DOLI or until a Registered Apprenticeship program sponsor requests to have a program removed. Registered Apprenticeship programs are not subject to the state performance requirements.

Distance and Online Training Providers

WIOA funds may be used for programs that are conducted in a completely online format. Online providers may apply and be considered for inclusion on the state ETPL and will be required to meet the same eligibility and performance criteria established for classroom based instructional providers.

Training Provider Performance

Initial training provider program applications must also provide information addressing factors related to the indicators of performance, as described in WIOA section 116 (b)(2)(A)(i)(I-IV) and VWL 16-06 guidance from the state:

1. The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program;
2. The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;
3. The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program; and
4. The percentage of program participants who obtain a recognized post-secondary credential, or a secondary school diploma or its recognized equivalent during participation in or within one year after exit from the program.

If the training provider is not able to provide program performance information related to the factors listed above, the training provider must submit a plan describing how they will work with the WVVWDB to collect and report on this information for continued eligibility. Upon initial eligibility approval, the training provider must work with the WVVWDB to develop a plan to begin tracking and reporting these factors.

Upon renewal, each training provider program will be reviewed by the WVVWDB to determine continued program eligibility. As part of the continued eligibility process, approved Eligible Training Providers will be required to annually certify program performance information for participants whose activities were funded through an Individual Training Account (ITA). In the absence of any performance data, the provider must develop methods for collecting the required program performance information to remain on the ETPL and to be considered for continued eligibility. The WVVWDB will also consider the State Eligible Training Provider Performance Quarterly report, program performance data submitted by the training provider,



and WIOA Section 188 and ADA compliance. Performance data will be entered into the VaWC to ensure transparency and support informed customer choice in the evaluation and selection of training providers. Providers of training who fail to provide the verification and performance information within 90 days of request will be removed from the state eligible training provider list. If a training provider is not recertified for continued eligibility, participants already enrolled in training may remain in the program until completion.

At renewal, in order to remain on the ETPL, all eligible training providers and programs who receive funding through an ITA must annually validate performance information on the following four outcomes for WIOA Title I participants (see state VWL 16-06 for more details):

1. Training completion rate must meet or exceed 50%*
2. Credential attainment rate must meet or exceed 65%*
3. Entered employment rates
4. Post training earnings

*Per VBWD Policy No. 404-01, outcomes 1 and 2 will be used to evaluate continued inclusion on the ETPL.

Related Forms:

[Training Provider Application](#)

[Training Program Application](#)



BLUE RIDGE REGION

Title: File and Information Maintenance	Related Forms: Yes
Effective Date: 1/27/2017	Revised Date: 9/18/2020

Purpose:

To protect confidentiality of all ~~WVWDB customer~~ private and personal information and maintain files in an organized and relevant manner.

References:

VWL #14-02 Guidance on the Handling and Protection of Personally Identifiable Information
Privacy Protection Act of 1980

VWL #16-03 Standardized Participant File Format

VWL #16-03 Attachment A, Standardized Participant File Format

VWL #19-05 Guidance on the Handling and Protection of Personally Identifiable Information (PII)

29 CFR Part 37

VWL #11-03 Record Retention

VWL #14-09 Timely Data Entry

TEGL 39-11 Guidance on the Handling and Protection of Personally Identifiable Information

VWL #20-06 WIOA Participant Activity Code Definitions, Projected Durations & Use Projection Limitations

VWL #20-07 Change 1 Virginia Workforce Connection System of Record & Electronic Case Files

Policy:

The Western Virginia Workforce Development Board (WVWDB) is committed to protecting ~~the~~ personally identifiable information (PII) and other confidential information ~~of all customers~~. Signed consent forms must be obtained for an individual to authorize the release of personal information. Additionally, the WVWDB will follow all state guidelines and guidance regarding file format for WIOA programs.

PII is defined as information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual.

Sensitive information is defined as any classified information whose loss, misuse, or unauthorized access to or modification of could adversely affect the interest or conduct of Federal programs, or the privacy to which individuals are entitled to under the Privacy Act.

Protected PII is information that if disclosed could result in harm to the individual whose name or identity is linked to that information. Examples of protected PII include, but are not limited to, Social Security Number (SSNs), credit card numbers, bank account numbers, home telephone numbers, ages, birthdates, marital status, spouse names, educational history, biometric identifiers (fingerprints, voiceprints, iris scans, etc.), medical history, financial information and computer passwords.

Non-sensitive PII is information that if disclosed, by itself, could not reasonably be expected to result in personal harm. Essentially, it is standalone information that is not likely or closely associated with any protected or unprotected PII. Examples of non-sensitive PII include



BLUE RIDGE REGION

information such as first and last names, e-mail addresses, business addresses, business telephone numbers, general education credentials, gender or race. However, depending on the circumstances, a combination of these items could potentially be categorized as protected or sensitive PII.

Procedure:

~~Protected PII is defined by the US Department of Labor as that which, if disclosed, could result in harm to the individual whose name or identity is linked to that information. Some examples include social security numbers, addresses, credit card numbers, bank account numbers, home telephone numbers, ages, birthdate, or marital status.~~

All WIOA customers must be advised of this policy. All ~~WIOA-WVWDB~~ Staff and Service Provider ~~staffs~~ are required to sign a confidentiality pledge which specifies that the individual is aware of the priority placed on confidentiality and the customer's right to privacy. The ~~WIOA Staff/Service Provider~~ pledge will also include an understanding that when/if their role terminates/changes, all PII obtained that is no longer required for job duties must be surrendered to the WVWDB at that time. In projects for feedback, performance or other statistical goals, results may only be reported as group data, no individual results may be reported. This same policy holds true for collection of market opinion surveys, panel or focus group findings and research of satisfaction among other customer groups.

Prior to collection of PII or sensitive personal information:

- ~~a. a-~~ Individuals shall be notified that such information will only be used for purposes of service under the WIOA-funded grant program and its attendant regulations. As part of the WIOA program application individuals shall sign a release acknowledging such.
- ~~b. b-~~ Individuals shall also be notified that with written consent, such information may be shared with other partner organizations for purposes of referral and potential coordination of services beyond WIOA.
- ~~c. e-~~ The individual may agree in writing to release all or portions of their information and be provided the opportunity to indicate what information may or may not be shared. The individual may also indicate if there are specific organization(s) to which their information may not be shared. The consent may be modified or revoked by the individual at any time by providing written notice. Customer initials should be obtained to document customer designations and subsequent changes.

Written consent for release of information will remain in effect from the date of signature for 35 years allowing for the training period and follow up to occur. The customer will be advised of this policy at the time of the signing of the release form. If the customer objects to signing due to the 35-year timeframe, an adjustment in timeframe may be made by WVWDB staff. The consent form will state that the participant's information may be used for reporting purposes because of

federal regulations associated with the benefit of federal funds and that the participant's personal information will remain confidential.

~~In order to~~To protect PII once collected, the following guidelines must be followed:

- ~~a.~~ a. PII of WIOA participants shall not be transmitted by email or stored on CDs, DVDs, thumb drives etc. unless it can be encrypted using federally approved standards. Only the WVVWDB may grant such permission with advance written approval and, at the time of the request, will convey the necessary standards to be followed.
- ~~b.~~ b. ~~All PII data of WIOA participants shall be stored, always, in an area that is physically safe from access by unauthorized persons and the data will be processed electronically using the state WIOA system of record as communicated. Accessing, processing and processing and storing of WIOA grant PII data on personally owned equipment, at off-site locations and by non-grantee managed IT services is strictly prohibited unless approved by the Commonwealth of Virginia.~~ e
- ~~c.~~ c. PII and sensitive data will only be retained and destroyed in accordance with state guidance.
- ~~d.~~ d. No PII or sensitive information will be used for any purpose other than necessary under WIOA. Any information collected for customer service or continuous improvement efforts will be aggregated, reported anonymously without any connection to an individual.
- e. When/if there is a change in Service Provider/WIOA Staff, all PII that has been collected by that staff person/provider must be surrendered to the WVVWDB in order to transfer it to the new provider/staff.

Files should be documented properly for all activities with clients. For example, if Staff Assisted Job Search is provided, a copy of the job listing or flyer for the job fair that client was referred to should be placed in file to substantiate action. Each activity should have documentation to explain and show how the activity was provided. Additionally, any & all barriers that are identified should be addressed within each client's IEP (Individualized Employment Plan). For example, if an individual is identified as being basic skills deficient, that barrier should be identified within the IEP with steps and actions to eliminate or mitigate that barrier.

All files and other work-related records shall only be in possession of staff as needed for their specific job duties. Access to any PII must be restricted to only those employees funded by WIOA Title I that need it in their official capacity to perform duties in connection with the scope of work in the grant agreement, contract, or MOU. When/if any individual is no longer in need of any files or records for the duties of their job, all records & files must be returned to WVVWDB ~~administrative~~ staff. Formal documentation of the return or surrender of records may be required. Records and files may include, but are not limited to, program participant



files, access to electronic records, access to work-related software programs, work phone and/or phone information (i.e.: texts, pictures, etc.), and emails.

Data Breach

Failure to comply with the requirements included in this policy and any guidance referenced above, or any improper use or disclosure of PII for an unauthorized purpose, may result in the termination or suspension of the employee, contract or memorandum of understanding, or the imposition of special conditions or restrictions, such as the WVVWDB may deem necessary to protect the privacy of participants or the integrity of data.

In the event that the WVVWDB or contracted service provider suspects, discovers, or is notified of a data security incident or potential breach of security relating to personal information, the WVVWDB shall as soon as possible, but no later than twenty-four (24) hours from the incident, notify the WIOA Title I Administrator and Grant Recipient. The WIOA Title I Administrator will notify the DOLETA Federal Project Officer assigned to Virginia about data security incident or potential breach. It is also recommended that timely notice of a breach is provided to local workforce development board members and chief local elected officials.

The notification shall include the following:

1. Approximate date of the incident
2. Description of cause of the security event and how it was discovered
3. Number of individuals affected and the type of PII involved
4. Steps taken/to be taken to remedy the event

The WVVWDB and/or contracted service provider shall also comply with notification requirements outlined in §18.2-186.6. of the Code of Virginia.

Electronic Case Management

The Virginia Workforce Connection (VaWC) will be the only system of record utilized for electronic case records for WIOA Title I programs. Documents uploaded to VaWC must be in PDF format, as it allows a document to retain its pagination, formatting, and fonts. All local staff will follow guidance from the Virginia Community College System (VCCS) regarding electronic case files. The local area will utilize Adobe PDF and DocuSign for electronic signatures, only. Meetings and document inspection will be provided electronically through the use of Zoom. Case-related electronic documents must be stored within the VaWC. Backup copies of documentation may not be stored on any computer's desktop or hard drive. Documentation of participant expenses (i.e.: invoices, supportive services, training contracts, etc.) must all be uploaded into VaWC as documentation as well as all applicable eligibility documentation.

Related Forms:

Consent to Exchange Information
Confidentiality Pledge
Program Operation Transition Agreement



Title: Individual Employment Plan/Service Strategy	Related Forms: Yes
Effective Date: 12/13/2019	Revised Date:

Purpose:

The purpose of this policy is to provide ~~entities awarded a subcontract or agreement through the Western Virginia Workforce Development Board WIOA TITLE I funds WIOA Title I program staff for Title I~~ with the guidelines and requirements for the development and implementation of Individual Employment Plan (IEP) and Individual Service Strategy (ISS) documents.

References:

VWL 20-07 Change 1 VaWC and Electronic Case Files
Workforce Innovation & Opportunity Act (WIOA)
TEGL 21-16, 08-15, 03-15, 19-16

~~Workforce Innovation & Opportunity Act (WIOA)~~
~~Training & Employment Guidance Letters (TEGL) 21-16, 08-15, 03-15, 19-16~~

Policy:

The ~~i~~Individual ~~E~~mployment ~~P~~lan (IEP)/Individual Service Strategy (ISS) is an individualized career service plan, under WIOA sec. 134(c)(2)(A)(xii)(II), that is developed jointly by the participant and ~~career planner program staff when determined appropriate by the one-stop center or one-stop partner~~. The plan is an ongoing strategy to identify employment goals, achievement objectives, and an appropriate combination of services for the participant to achieve the employment goals.

WIOA enhanced the youth program design through an increased emphasis on individual participant needs by adding components to the objective assessment and individual service strategy. WIOA incorporates career pathways as part of both the objective assessment and development of the ISS. In addition, the ISS should directly link to one or more of the performance indicators.

Procedure:

The IEP is an individual plan based on the information provided by the assessment. It serves as the basis for the entire case management strategy for Adults & Dislocated Workers, and identifies:

1. Employment goals (s), including non-traditional employment goals;
2. Job readiness, specific strengths, and identified deficiencies;
3. Appropriate achievement objectives;
4. Appropriate services based on assessment;
5. Assessment of individual's financial, social and / or supportive needs; and,
6. Sequence and mix of services to be provided.



The IEP will also document the services provided to the individual. If changes in the employment goals and / or services occur, the IEP must be revised.

Any information that describes an individual's medical condition or disability must be maintained in a separate file consistent with policies and procedures referenced above and reference made via case notes to the separate file.

Local labor market information must be taken into consideration in the development of the IEP.

It is the WIOA Title I Program Operator's program staff responsibility to ~~establish processes to~~ review and approve all registration paperwork, including the IEP, for completeness, accuracy and internal consistency as well as to ensure that the plan in each participant's file is current at all times.

The WIOA Title I Youth program requires every youth participant to have an ISS. The program calls for customer- focused services based on the needs of the individual participant not on the time constraints or structure of the provider. This includes the creation of career pathways for youth in all Title I youth programs, including a connection to career pathways as part of a youth's individual service strategy (ISS) in the youth formula-funded program. The ISS must directly link to one or more of the performance indicators. WIOA also calls for participants to be intimately involved in the design and implementation of services so the youth voice is represented, and their needs are being met.

The ISS represents an individual plan for each young person that includes:

1. Educational goal/s of the participant;
2. Employment goal/s of the participant, including when appropriate, non-traditional employment goals;
3. Objective assessment of current academic & skill levels, basic & occupational skills, prior work experience, employability, interests & aptitudes, supportive service needs, and developmental needs;
4. A "roadmap" to achieve measurable and attainable short & long-term goals;
5. Appropriate achievement objectives for the participant;
6. Appropriate services, the sequence & mix of the services, and justification for the services to be provided;
7. Any referral/s to other services/programs;
8. Services needed, but not available; and
9. Linkages to one or more performance indicator, that considers career planning & the results of the objective assessment and that prescribes achievement objectives and services for the participant.

The ISS is a distinct plan designed specifically for the participant and is based on the information obtained during the objective assessment. The ISS will serve as the basis for the entire case management service strategy and as a guide for delivery of appropriate services. The ISS will identify and document a youth's progress, activities completed, benchmarks reached, and accomplishments.



Additionally, the ISS shall be:

- Developed in partnership with the participant;
- Used as a tool that can & will change over time, as necessary, to meet the needs of the participant;
- Used as a roadmap to achieve goals;
- Designed to reflect the participant's interests & incorporate career pathway planning;
- A living document, reviewed & updated regularly (at a minimum once every 90 days);
- A reference for goals and credentials to be obtained by the participant;
- A timeline for individual participation, independent of program year or contractor timelines; and
- A record of services, in conjunction with case notes.

Related Forms:

IEP Adult DLW

IEP Youth



BLUE RIDGE REGION

Title: Individual Training Accounts (ITA)	Related Forms: Yes
Effective Date: 1/27/2017	Revised Date: 9/18/2020

Purpose

The purpose of training is to provide eligible ~~customers-participants~~ 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 Individual Training Account (ITA) development and expenditures.

Reference

Workforce Innovation and Opportunity Act (WIOA) Title ~~I4~~

~~00-8 Virginia's Training Voucher System under WIA~~

VWL #05-08, Individual Training Accounts for Out-of-School and/or Older Youth

[VWL 16-06 Change 1 Eligible Training Provider and Programs List](#)

[VBWD Policy 401-04 Provision of Training Services](#)

[VWL 20-06 VaWC Services Codes](#)

Policy

A WIOA [Title I](#)-eligible ~~participant registrant~~ is enrolled in a training program if the Individual Employment Plan (IEP) supports that the training is necessary to transition the participant into the workforce. The training must support the stated purpose of WIOA [Title I](#) and be in accordance with the description of training as contained in the Act. Whenever feasible, training vendors will be requested to allow participants to receive credit for required courses when equivalent courses have been completed and can be documented from other training institutions. Additionally, costs associated with College Level Examination Program (CLEP) Testing will be treated as a training cost if the testing relates to the curriculum of study.

Procedure

Eligibility

All recipients of training funds must be eligible based upon criteria established under the Act. WIOA [Title I](#) requires the coordination of training costs with funds available under other grant assistance (Section 134). 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 but excluding loans, to pay the costs of such training to avoid duplication of payment. Individuals must maintain an active application status for PELL assistance. The exact mix of funds shall be determined based on the availability of funding for either training costs or supportive services, with the goal of ensuring that the costs of the training program the participant selects are fully paid, and that necessary supportive services are available so that the training can be completed successfully. The total school budget will be supplied by the vendor based upon a formula used by institutions that determine financial aid. ~~This total school budget is not inclusive of childcare assistance.~~



Staff should determine and document clearly the need for training for each participant in both the Individual Employment Plan (IEP) as well as in case notes in the system of record, the Virginia Workforce Connection (VaWC).

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 identified as in demand in the labor market and determined to be of priority by the Western Virginia Workforce Development Board (WVWDB) in the Local Plan.

Staff may request a waiver for participants that are interested in training outside of these target sectors and occupations. Waivers must be requested, with all required documentation, and approved by the WVWDB Director prior to approving funding for the participant. Waiver documentation must include, at a minimum:

- justification within the participant's IEP identifying occupation interest and/or aptitude;
- barriers to employment and/or training in the target sectors and occupations;
- and local labor market information including LMI data as well as at least 3 different current job openings paying a self-sufficient wage (as defined in our Eligibility policy) for the occupation connected to the training.

These items must be attached to the waiver request form to the WVWDB Director. Waivers may be available for no more than 5% of funds budgeted annually by line item and by program (i.e.: 5% of the Adult ITA budget, etc.).

Training funded specifically for Commercial Driver's License (CDL) may not exceed 25% of the total occupational skills training budget, per program, per year.

Training Selection

Training will be provided for priority occupations only as determined by the Board by an institution or organization certified as meeting the criteria and having completed the procedures outlined in the Eligible Training Provider Certification policy. Participants have choice of any approved provider and approved program that is on the statewide ETPL housed within the system of record, VAWC. Approval for local funding, however, will be based on criteria listed within this policy as well as funding limitations within supportive services that may be required for trainings. Participants must complete the Training Plan, acknowledging their choice, and this form must be kept in the participant's program file.

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 for completion.~~ Because entering or returning to the workforce is a priority under WIOA [Title I](#) training, training cannot exceed more than 24 calendar months. Training should lead to an industry-recognized certification and employment that earns a sustainable wage. Participants whose IEP includes training lasting more than 24 months must request a waiver from the WVWDB [Executive](#) Director PRIOR to beginning the training and expenditure of funds.



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 WVVWDB will NOT provide funding for courses/programs previously funded with WIOA Title I program funds but not successfully completed.

Cost Limitation

The local WVVWDB limits training cost to no more than \$3,500 per participant within a twelve-month period, except as approved by the WVVWDB Director prior to the expenditure of funds via a waiver. Funding of training and supportive services combined may not exceed a total of \$86,000 in a 12-month period. All WIOA registrants will be made aware of any excess cost of training not covered by the program for which they will be responsible. Program ~~operators~~ staff are expected to work closely with participants to determine the individuals' ability to contribute to the cost of training and negotiate a funding plan that will adequately meet the needs of the participant while using WIOA funding in the most efficient manner possible.

WIOA Title I training funding is always a payor of last resort. This means all other funding sources should be explored for potential payment, prior to WIOA Title I funds being obligated and/or expended for training. Examples may include scholarships, federal financial aid, other private or public grant funding, etc. Furthermore, if a participant chooses a training which has a cost higher than that of the approved ITA limit, the WVVWDB does not encourage participants to secure loans to pay the difference. The source of payment for remainder of amount due would be participant responsibility and should be verified PRIOR to obligating or expending WIOA Title I funds.

Administration

All requests for ITA funding must be supported in the participant's IEP. Contact with the participant is required. All participants are also required to complete performance reviews with their case manager on a quarterly/ semester/module basis in accordance with the timeframes outlined on the IEP. ITA funding is authorized on a semester/quarterly/module basis and requires documentation that the participant has successfully completed previous work. Discontinuation of funding for students who are not performing or demonstrating satisfactory progress toward completion of training goals is allowed. Students are expected to maintain no less than a cumulative 2.0 grade point average for the year in order to continue to receive WIOA funding. Invoices from training providers must be placed in customer files with vouchers to substantiate payments. Vouchers must have all signature lines successfully signed prior to payments being made. Payment are made to training providers on behalf of an individual participant. Payments are not made to participants directly and are not made as reimbursements for expenses paid by participants prior to program enrollment and/or approval from program operator.

Waivers

A waiver to the above maximum specifications may be requested from WVVWDB director on a case-by-case basis. Waivers must be submitted and approved by the Director prior to the



expenditure of funds. The necessity for waiver must be sufficiently justified and documented for a waiver to be approved. ~~The Executive Director may approve exceptions to the cost limit up to \$8000 maximum limit for the following: computer & information systems training and certification; healthcare training and certification; and manufacturing & processing training and certification. Please note, the eligible training provider who receives the maximum waiver amount of WIOA funds to serve a WIOA participant will need to include certification testing and placement into employment as part of their training cost.~~

Related Forms:

Waiver Request

Training Policy & Selection

Training Plan

Training Policy & Selection



Title: Incumbent Worker Training	Related Forms: Yes
Effective Date: 1/27/2017	Revised Date: 7/8/2020

Purpose:

To ensure that development services for existing workforce are provided to local businesses.

References:

VWL 16-05 Change 1 Incumbent Worker Training
VWL 16-05 Change 1 Attachment A Incumbent Worker Training Data Entry Process
VWL 16-05 Change 1 Attachment B Incumbent Worker Training Eligibility Documentation
VWL 16-05 Change 1 Attachment C Incumbent Worker Training Required Data Elements
VWL No. 16-05 Incumbent Worker Training
VWL 16-05 Attachment A Incumbent Worker Training Data Entry Process
VWL 16-05 Attachment B Incumbent Worker Training Eligibility Documentation
Virginia Board of Workforce Development Policy Number 15-00, Incumbent Worker Training
Virginia Board of Workforce Development Policy No. 15-02, Identification of Eligible Providers of Occupational Skills Training
Workforce Innovation and Opportunity Act of 2014 Section 122 and Section 134
Training and Employment Guidance Letter (TEGL) WIOA No. 03-15, Guidance on Services Provided through the Adult and Dislocated Worker Program under the Workforce Innovation and Opportunity Act and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services
Workforce Innovation and Opportunity Act; Employment and Training Administration; Labor Final Rule, Subpart F—Work-Based Training Sections 680.700 through 680.840
Policy 403-04 Incumbent Worker Training

Policy:

WIOA funds may be made available through a process designed to assist local area businesses, which could include a single firm or a group of firms that share similar needs, using a sector strategy approach to meet the skills training needs of their incumbent workforce to either avert potential layoffs or to retain employment, such as increasing the skill levels of employees so they can be promoted within the company and create backfill opportunities for less-skilled employees. Up to 20% of local WIOA Title I Adult and Dislocated Worker program allocated funds may be used for the provision of the federal share of the cost of providing Incumbent Worker training. Statewide rapid response and local WIOA funds are available to provide incumbent worker training.

Procedure:

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

- 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
- Meet the Fair Labor Standards Act requirements for employer-employee relations and have an established employment history with the employer for 6 months or more
- A paid, full-time employee to be trained that works at a facility located in Virginia or working for a staffing agency and placed at a Virginia facility
- Has an established employment history with the employer of 6 months or more (NOTE: In the event that IWT is being provided to cohort of employees, not every employee in the cohort must have an established employment history of 6 months with the employer as long as a majority of those in the cohort meet the employment history requirement)
- Has been recommended by their current employer for Incumbent Worker training in order to address changes in the necessary skills to remain in their position, to remain in their company, or avoid a layoff.

Employees are not required to meet WIOA Title I Adult and Dislocated Worker eligibility requirements, unless they are also enrolled as a participant in these WIOA programs.

All employers participating in incumbent worker training must meet the eligibility below:

- 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). Employees participating in Incumbent Worker Training activities must earn, or be eligible for a wage gain to earn, at least 150% of the poverty guidelines (self-sufficiency rate set forth by WVWDB) as defined in the Income Guidelines that are released on an annual basis.
- The potential state, regional, and local economic impact, if any, of the training project
- All training will be for occupations identified as in demand in the labor market and determined to be of priority by the Western Virginia Workforce Development Board (WVWDB) in the Local Plan. Staff may request a waiver for training outside of these target sectors and occupations. Waivers must be requested, with all required documentation, and approved by the WVWDB Director prior to approving funding for the participant. Waiver documentation must include, at a minimum:
 - justification by employer of industry being in-demand;
 - statement by employer noting growth of occupation;



- and local labor market information including LMI data as well as at least 3 different current job openings paying a self-sufficient wage (as defined in our Eligibility policy) for the occupation connected to the training.

These items must be attached to the waiver request form to the WVVWDB Director. Waivers may be available for no more than 5% of funds budgeted annually by line item and by program (i.e.: 5% of the Adult ITA budget, etc.).

~~Statewide rapid response and local WIOA funds are available to provide incumbent worker training. The Board 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.~~

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 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.

The WVVWDB and its service provider will follow all guidance provided by state & federal agencies as referenced above and any future guidance provided. Employers wishing to utilize the Incumbent Worker Training service must complete the Incumbent Worker Training application, with required documentation listed on the application, and submit to WVVWDB staff. The employer selects and procures the training provider for this type of training, although the WVVWDB may help identify training providers. WVVWDB staff will review the application in conjunction with federal, state & local policies and available funding. If eligible for funding, WVVWDB staff will work with the employer to obtain required information for participating employees. Applicable information and documentation will be entered and uploaded into the Virginia Workforce Connection (VaWC), per applicable policies. Upon completion of training and/or payment for training, the employer must submit documentation of expense and training reimbursement request to WVVWDB staff for processing. Upon receipt of acceptable documentation, reimbursement payment will be processed for employer.



Related Forms:

Incumbent Worker Training Application

Incumbent Worker Training Employee Eligibility Certification Form

Incumbent Worker Training Employee Eligibility Documentation Sheet

Incumbent Worker Training Grievances Complaints and Equal Opportunity Notification

Incumbent Worker Training Reimbursement Request



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Title: Monitoring & Oversight	Related Forms: No
Effective Date: 1/27/2017	Revised Date: 5/22/2017

Purpose:

The purpose of this policy is to establish a monitoring system which contains acceptable standards for ensuring accountability. The system includes monitoring and implementation of sub-grantee contracts and program services, carrying out monitoring activities at reasonable intervals, and taking prompt and appropriate corrective action when evidence indicates a possible violation of the Act, regulations, or policies of the VCCS or the WVVDB.

References:

WIOA Public Law No. 113-128
VWL #11-08, Local Monitoring Requirements for Workforce Investment Areas
Western Virginia Workforce Development Board Bylaws
WVVDB Financial Operations Manual
Agreement between the Western Virginia Workforce Development Board and the Chief Local Elected Officials Consortium

Policy:

Through regular oversight & monitoring of WIOA sub-recipients, ~~and~~ contractors, and WVVDB program staff, the WVVDB will assess compliance with regulations & policies established by the WIOA, VCCS, and WVVDB as well as compliance with the terms and conditions of contracts between the Board and operators. Monitoring activities may be conducted quarterly but at least once per year, and appropriate corrective action will be administered when evidence indicates a possible violation of one of the aforementioned regulations or policies. The major areas of compliance review include, but are not limited to, administrative, financial & program.

Compliance monitoring will be conducted by reviewing records and documents maintained by the WVVDB administrative office on each program or contract; conducting onsite reviews of procedures, records, and documents maintained by the contractor or program operations staff; and submitting written reports of findings, including corrective action recommendations if appropriate. The WVVDB will also monitor program ~~its service provider's~~ performance for any additional non-WIOA funding sources such as grants, partnerships, etc.

Procedure:

General Monitoring Procedure

- ~~A. A written monitoring checklist is developed to ensure all acceptable standards of accountability are reviewed. This checklist is based on criteria set by the state.~~
- ~~B.~~ A. Compliance monitoring activities are scheduled in advance with the contract signatory or designated representative or program operations staff. Those responsible for the contract or program operations are also notified as to the purpose, procedure and specific areas to be monitored.
- ~~C.~~ B. Reports, records and documents, maintained by the WVVDB administrative office on each contract or program, are reviewed for completeness, accuracy and timeliness of submission. Such reports, records and documents include but are not limited to:

1. The approved contract and modifications thereto and/or program specifications,
2. Correspondence and reports maintained by the contracting officer in the contract program operations file,
3. Transmittal of individual participant records,
4. Previous monitoring reports, and
5. Applicable corrective plans.

D.C. Each contract or program is monitored at the site of operation at least once per year, when possible. On-site monitoring includes but is not limited to:

- ~~1. An entry interview with the contract signatory or designated representative or program operations staff;~~
- 2.1. A review of applicable written policies and procedures;
- 3.2. Staff and participant interviews;
- 4.3. A review of participant records, including eligibility documentation; and
- 5.4. A review of financial procedures, records and documentation, including service provider cost allocation policy; and
- ~~6. An exit interview with the contract signatory or designated representative or program operations staff.~~

E.D. A written report is completed on each contract or program monitored and is simultaneously submitted to the Director, the WVVDB Chair and the contract/program operator. These written reports may be informal for desk reviews, with a formal report completed at least once annually ~~with an on-site review~~. The written report includes ~~but is not limited to:~~

- ~~1. Completed applicable sections of the written monitoring checklist;~~
~~Written comments, required actions and recommendations on identified deficiencies.~~

F.E. Verbal reports may be made to the Director when apparent deficiencies are identified which may need immediate action. Such deficiencies include but are not limited to:

1. Inaccurate or insufficient financial management procedures;
2. Inaccurate or insufficient participant eligibility determinations;
3. Child labor law violations; or
4. Blatant non-compliance with the terms of the contract or program specifications or with other applicable federal, state, WVVDB, or WIOA requirements.

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 WVVDB and the Director with sufficient information to justify a decision to notify appropriate legal authorities.

Investigation Procedures

- A. The Director notifies the WVVDB 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.
- B. The Director or WVVDB Chair appoints specific persons as appropriate to conduct special investigations.



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- C. Assistance or advice from other individuals approved by the Executive Committee or the Director may be solicited during a special investigation.

Desk Reviews

Desk reviews are conducted by WVVDB staff to ensure that the performance objectives of Workforce Investment Area III and individual contracts and programs are attained within reasonable limits. These ~~performance-desk~~ reviews are used to determine whether program design and program mix are adequate to meet the needs of the eligible population and attain planned objectives. ~~Performance-Desk~~ reviews are conducted at regular intervals on each contract or program operating in Area III. Participant and financial status reports are reviewed on the basis of actual cumulative data versus plan, actual performance rates versus plan, and actual performance relative to performance standards criteria. In addition, reports ~~are~~ generated from the VAWC are used to monitor program performance. WVVDB staff may request performance reports or information from program operation ~~staffers~~ for the purpose of analyzing performance data or to respon~~dse~~ to performance related inquiries. These reviews may be performed quarterly.

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 initiate corrective action may include any of the following:

1. No plan for corrective action with written justification for not initiating such action (NOTE: This action could only be taken with board approval, otherwise a corrective action plan must be completed);
2. A written plan for corrective action which includes dates for implementing and completing such action; or
3. A written explanation of the appropriate action which has been initiated prior to the issuance for the request for corrective action.



Title: On-the-job Training (OJT)	Related Forms: Yes
Effective Date: 1/27/2017	Revised Date: 9/26/2019

Purpose:

The purpose of this policy and procedure is to establish guidelines for the arrangement of on-the-job training (OJT) where an individual will be able to learn an employment related skill or qualify for a particular occupation through demonstration and practice.

References:

Federal Register [20CFR, Sec. 667.272, Sec. 667.268, Sec. 664.710, 20 CFR Part 652, 20 CFR 663.700]
VCCS Policy 00-8, Virginia's Training Voucher System under WIA and Exceptions
PUBLIC LAW 113–128 Workforce Innovation and Opportunity Act (WIOA)
VCCS Policy 403-03, On-the-Job Training

Policy:

It is the policy of the Western Virginia Workforce Development Board (WVWDB) to allow as part of WIOA program participation, where applicable, eligible individuals to engage in OJT to successfully re-enter and/or remain a part of the workforce.

Procedure:**A. Participant Eligibility:**

1. Participants who, after assessment if applicable and in accordance with the Individual Employment Plan (IEP), have a substantial need for OJT;
2. Employed worker(s) when:
 - a. The employee is not earning a self-sufficient wage as determined by WVWDB policy;
 - b. The OJT relates to the 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 identified by the WVWDB; and
 - c. The OJT is provided through a contract with an employer or registered apprenticeship program sponsor.
3. Participants of a registered apprenticeship can receive funding for the OJT portion of their apprenticeship. OJT funds can be used for the OJT portion only. An ITA may be considered for use for the instructional piece of the apprenticeship.

B. Employer Eligibility:

1. May be in the public, private non-profit, or private sector;
2. Must have adequate personnel to provide sufficient supervision and training;
3. Must provide a minimum of 50% of the employee's wage throughout the training;

4. Must provide 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;
- ~~5. Must not have a history exhibited a pattern of failing to provide OJT participants with continued long-term employment with wages and employment benefits, including health benefits, and working conditions at the same level as other employees working a similar length of time and doing the same type of work; or pattern of failing to provide OJT participants with continued long-term 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;~~
- ~~6-5.~~ 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~~
- ~~7-6.~~ Must not use OJT assignments to displace regular employees, or to replace any employee on layoff;
- ~~8-7.~~ Must agree that the OJT contract is limited to the time needed for the participant to become proficient in the occupation for which training is provided;
- ~~9-8.~~ Must provide a Federal Employer Identification number to demonstrate the business is a legitimate employer with full-time employees, and conducting trade or business at an appropriate worksite;
- ~~10-9.~~ Must maintain workers compensation insurance and provide a Certificate of Insurance issued by the company's insurance carrier;
- ~~11-10.~~ The Employer must be the actual employer of record for all participant wages. A temp or payroll agency may not serve as the employer of record; ~~and-~~
- ~~12-11.~~ All training will be for occupations identified as in demand in the labor market and determined to be of priority by the Western Virginia Workforce Development Board (WVWDB) in the Local Plan.

Staff may request a waiver for participants that are interested in training outside of these target sectors and occupations. Waivers must be requested, with all required documentation, and approved by the WVWDB Director prior to approving funding for the participant. Waiver documentation must include, at a minimum:

- justification within the participant's IEP identifying occupation interest and/or aptitude;
- barriers to employment and/or training in the target sectors and occupations;
- and local labor market information including LMI data as well as at least 3 different current job openings paying a self-sufficient wage (as defined in our Eligibility policy) for the occupation connected to the training.

These items must be attached to the waiver request form to the WVWDB Director.

Waivers may be available for no more than 5% of funds budgeted annually by line item and by program (i.e.: 5% of the Adult ITA budget, etc.).

C. Payments to Employers:

1. Are deemed to be compensation for the extraordinary costs associated with training participants including additional supervision, training and the costs associated with the lower productivity of the participants, and those extraordinary costs need not be documented by the employer; and
2. Must not be in excess of 50 percent of the wage rate of the OJT participant.



D. Reimbursement Amount:

An OJT contract must be limited to the period required for a participant to become proficient in the job for which the training is designed. In determining the appropriate length of the contract, consideration should be given to the skill requirements of the job, the academic and occupational skill level of the participant, prior work experience, and the participant's individual employment plan.

Reimbursement to the employer shall be provided for 50% of the employee's wages up to a maximum of \$8,000, minus any funds spent on other training methods (i.e.: occupational skills training through an ITA, etc.). The length of time on the OJT will depend on the amount of training that the participant will require in the new position and the amount of funding allocated toward the reimbursement.

A comparison between the resume and/or the current skills of the participant and the skills/requirements of the job description will be done to calculate the amount of reimbursement provided to the employer. For example, if the job description has ten (10) main functions that are required for an employee to be proficient in the job, and the employee possesses the skills to perform 8 out of 10 of those functions, then the participant will require training on 20% of the job. This percentage (20%) is the percentage of the maximum \$8,000 that can be paid out. Here, the person would have a maximum OJT expenditure of \$1600 (20% of the \$8,000 maximum).

Participants are marketed to employers as eligible for OJT by WVWDB staff. ~~If interested in a potential contract, the employer is to contact the Business Services Coordinator.~~

A review of the employer will ensure that the employer has, or forecasts, sufficient work to provide long-term regular employment for the participant.

The employer will provide a job description of the occupation as performed in the company and a concise outline of the OJT to be given, tasks to be learned, and the approximate hours of training required for each task. Once this information is provided, ~~the Business Services Coordinator~~ WVWDB staff will determine the length of the training period and the total reimbursement that will be provided by the OJT contract.

If the employer is agreeable to the length of training and the reimbursement amount, then an OJT contract will be prepared. This contract must be in place prior to the start of training. When the contract is completed, it will be provided to the employer for his or her signature. After the employer has signed the contract, the appropriate official will sign for the WIOA program. A completed copy will be given to both the employer and ~~the Business Services Coordinator~~ WVWDB staff, with a copy in the WIOA Title I participant case file.

The employer will submit a timesheet and invoice for review and approval. Once the invoice is approved and signed, it will be submitted for payment. The ~~agency~~ WVWDB will then



reimburse the employer for training cost. Copies of invoices, timesheets and payment processing documentation will be included in WIOA Title I participant case file.

Related Forms:

On-the-job Training Contract

OJT Invoice



Title: Priority of Service	Related Forms: No
Effective Date: 1/27/2017	Revised Date: 9/26/2019

Purpose:

The purpose of this policy is to establish guidelines for priority of service for the WIOA Title I Adult program. These guidelines are not to be considered as eligibility requirements but as procedures established to ensure that recipients of public assistance and other low-income individuals, as well as other identified applicants such as veterans and those who are basic skills deficient, receive priority for services.

References:

PUBLIC LAW 113–128 Workforce Innovation & Opportunity Act (WIOA)

03-03 Priority of Service

VWL #08-09, Priority of Service for Veterans

Training and Employment Guidance Letter WIOA NO. 3-15

Policy 600-01 Veterans' Priority of Service

VWL #18-04 Priority of Service

Policy:

As mandated by federal law, priority of service to receive individualized career and training services under the WIOA Title I Adult program will be given to veterans and their spouses, recipients of public assistance, other low-income individuals and individuals who are basic skills deficient. The Poverty Guidelines and the Lower Living Standard Income Level, as published by the U.S. Department of Labor annually, are to be used in determining low-income status, in addition to the low-income individual definition found in the guidance referenced above

A veteran is defined as a person who served in the active military, naval or air service, and who discharged or released under conditions *other than* dishonorable. Individuals that are spouses of any of the following are considered eligible spouses:

- a. Any veteran who died of a service-connected disability;
- b. Any veteran who has a total disability resulting from a service-connected disability;
- c. Any veteran who dies while a disability so evaluated was in existence; or
- d. Any member of the Armed Forces serving active duty who, at the time of application for assistance, is listed, pursuant to section 556 if title 37 and regulations issued by the Secretary concerned, in one of more of the following categories and has been so listed for a total of more than 90 days:
 - i. Missing in action;
 - ii. Captured in the line of duty by a hostile force; or
 - iii. Forcibly detained or interned in the line of duty by a foreign government of power.



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Applicants who are determined to be basic skills deficient will also receive priority of services under the WIOA Title I Adult Program. 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.

Procedure:

1. First priority will be provided to veterans and eligible spouses who are also included in the above identified WIOA Priority Groups. This includes veterans and their eligible spouses who are *also* recipients of public assistance, low-income individuals, or individuals who are basic skills deficient.
2. Second priority will be provided to individuals *not* covered under the veteran or eligible spouse criteria, who *are* recipients of public assistance, other low-income individuals or basic skills deficient.
3. Third priority will be veterans and eligible spouses that are *not* recipients of public assistance, other low-income individuals or basic skills deficient.
4. Fourth priority will go to individuals who fall into priority populations as defined by the Governor and/or the local Board. As of the date of this policy, there are no Governor or local-approved additional priority populations.
5. Lastly, non-veteran or eligible spouses, who are not recipients of public assistance, low-income individuals or individuals who are basic skills deficient.

To monitor implementation of Priority of Service locally, the Western Virginia Workforce Development Board (WVWDB) staff will run reports from the Virginia Workforce Connection (VaWC) quarterly and review the results to ensure there are no discrepancies in implementation of Priority of Service. If any are found, they will be addressed ~~directly with the WIOA Title I Program Operator~~ for remediation, as needed.



Title: Supportive Services	Related Forms: Yes
Effective Date: 1/27/2017	Revised Date: 9/18/2020

Purpose:

To establish guidelines for provision of supportive services using WIOA funds.

References:

PUBLIC LAW 113–128 Workforce Innovation and Opportunity Act (WIOA) Section 3 (59) and Section 134
Policy 401-05 Provision of Supportive Services

Policy:

Supportive services may be provided only to WIOA clients who are participating in WIOA programs and who are unable to obtain supportive services through other programs. No program operator may provide supportive services funded by a WIOA program until other local area programs (which generally provide the supportive service needed by the client) have been contacted. If a non-WIOA program can provide the supportive service needed by the client, a referral will be made by the program ~~operator-staff~~. However, if alternative resources cannot be found, then supportive services may be provided using WIOA funds, if it is necessary to enable eligible individuals to participate in program activities under WIOA.

Supportive services may include such services as:

1. Transportation;
2. Child care;
3. Assistance with the purchase of uniforms for occupational skills training, or appropriate work attire for work activities;
4. Training/work-related tools, and other reasonable expenses required to keep a participant in intensive services or training, or
5. Other program activities – for example, auto repairs, test fees, rent, etc.

Needs related payments are not currently offered by the Western Virginia Workforce Development Board.

Procedure:

Supportive services may be provided either in kind or through cash assistance. To obtain payment for any supportive service, the participant or the service-providing vendor must provide appropriate documentation. Such documentation will include, at a minimum, the following:

1. Justification for the need for supportive services (which must include training attendance records, documentation of miles traveled, receipts, etc.);
2. A description of the supportive service provided;
3. A list of all organizations contacted and why supportive services could not be obtained through such programs; and
4. An invoice or receipt for payment received (itemized and dated) for the supportive service.



Supportive services are intended as temporary assistance and should not be considered or provided as long-term support. Provision of supportive services is not guaranteed and is contingent on availability of funding. All payments must be made directly to the vendor.

The following are special regulations established by the WVVDB to govern the provision of supportive services:

1. Travel Allowance: A travel allowance may be paid for travel to and from the training facility. ~~The written request must document the need for the increase in the travel allowance.~~ Travel allowances will be paid for actual days participated only, and must be documented by an attendance record, which is signed by the appropriate activity representative at the facility and by the participant. Actual round-trip miles per day must be reported correctly by the participant. Attendance documentation must be kept, and in no instance will payment be made in advance. The participant will be required to sign a receipt documenting payment received for the applicable period. Travel reimbursement should be paid at the mileage rate set by the IRS annually, which can be found at <https://www.irs.gov/credits-deductions/individuals/standard-mileage-rates-at-a-glance>. Travel/mileage will be reimbursed for no more than \$2,000 per program year per participant.
2. Child Care: To receive child-care payments, participants must show evidence of need, and such payments can be made only when participants cannot afford to pay the childcare themselves. Payment will be made only for those days the participant attends training ~~and the child is present at child care.~~ To document the actual cost of child care that has been provided, the participant must furnish a Documentation of Child Care Form, which gives the dates and hours per day of child care, and the signature of the child-care provider (including date form is signed) and the cost of the child care provided ~~as well as the training attendance record which is signed by the appropriate activity representative at the facility and by the participant.~~ As stated above, ~~attendance documentation must be kept, and~~ in no instance will payment be made in advance. The participant will be required to sign a receipt documenting payment received for the applicable period. Child Care expenses will be reimbursed for no more than \$2,000 per program year per participant.
3. Assistance with Training Uniforms, Work Attire and Related Tools: To receive assistance with training uniforms or appropriate work attire and training/work-related tools, the participant must show evidence of need and the inability to pay for the items himself or herself. Documentation will consist of a completed Supportive Service ~~Documentation Request~~ form and an invoice (itemized and dated) for the items purchased. The participant will be required to sign a receipt documenting payment received for the applicable period. Uniforms, tools, and attire will be reimbursed for no more than \$2,000 per program year per participant.
4. Other: Other needed supportive services to help an individual remain in training or be able to successfully complete program participation, not specified in the above sections, and which the trainee cannot afford, may be provided on a case-by-case basis. Each situation will be evaluated as the need arises, and determination of whether support is needed will be made by the Board Director by way of a waiver request from staff. Proper



documentation and verification are required. The participant will be required to sign a receipt documenting payment received for the applicable period.

Funding of training and supportive services combined may not exceed a total of \$8,000 in a 12-month period. All WIOA registrants will be made aware of any excess cost of training not covered by the program and for which they will be responsible. Program operators are expected to work closely with participants to determine the individual's ability to contribute to the cost of training and negotiate a funding plan that will adequately meet the needs of the participant while using WIOA funding in the most efficient manner possible.

Payments to clients must be sufficiently documented (i.e.: computer printout showing funds loaded to card, copy of check payment/voucher, client signature acknowledging they received payment).

Waivers

A waiver to the above maximum specifications may be requested from WVVWDB director on a case-by-case basis. Waivers must be submitted to and approved by the Director prior to the expenditure of funds. The necessity for waiver must be sufficiently justified documented for a waiver to be approved.

Related Forms:

Waiver Request

Documentation of Child Care

Training Attendance Sheet

Supportive Services [Documentation Request](#)

[Participant Receipt Confirmation](#)

[Transportation Supportive Services Agreement](#)



Title: Work Experience <u>& Transitional Jobs</u>	Related Forms: Yes
Effective Date: 6/8/2017	Revised Date: 09/18/2020

Purpose:

The purpose of this policy is to establish guidelines for the arrangement of Work Experiences and Transitional Jobs where an individual will be able to learn an employment related skill or qualify for an occupation through demonstration and practice.

References:

20 CFR Part 652

20 CFR 663.700

VEC Policy 00-8

Fair Labor Standards Act

20 CFR 680

20 CFR 683

VWL #19-07 WIOA Title I Youth Program Work Experience 20% Expenditure Requirement

WIOA, Public Law 113-128

TEGL 19-16 and 10-16 Change 1

Policy:

It is the policy of the Western Virginia Workforce Development Board (WVWDB) to provide the option of Work Experience or Transitional Job to WIOA Title I program participants, where applicable and beneficial. Work Experiences and Transitional Jobs are "Work Experience" is a planned, structured learning experiences s that takes place in a workplace for a limited period. Work eExperiences may be paid or unpaid, as appropriate. A work experienceWork Experiences and Transitional Jobs may be workplace may be in the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any Work Experience or Transitional Job where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists.

Procedure:

Participant Eligibility

Participants can be deemed eligible once assessed and an Individual Employment Plan has been created. In accordance with the IEP, there must be a substantial need for Work Experience such as:

- workplace literacy
- resume building
- or other appropriate purposes.

Participants must successfully complete work readiness training prior to entering a work experience.



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Further, for a participant to be eligible for a Transitional Job, they must be chronically unemployed or have an inconsistent work history with a documented barrier to employment, documented by at least one of the reasons below:

- An applicant who is an “Unemployment Insurance Claimant” and who has been profiled as “likely to exhaust benefits”, such as an individual who has been required to attend a Reemployment Services and Eligibility Assessments (RESEA) meeting
- Consisting of relatively short-term attachment to past jobs (approximately 1 year or less) and gaps in work history that cannot be explained by recent economic conditions
- Typified by unemployment for a period equal to what would be required for exhaustion of Unemployment Insurance benefits, a work history with frequent episodes of unemployment, despite being able and willing to work
- Individuals who is or has been subject to any stage of the criminal justice process, and for whom Transitional Job may be beneficial and requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction

Employer-Host Eligibility

An eligible ~~Work Experience~~ employer/host for a Work Experience or a Transitional Job must meet the following criteria:

- May be in the public, private non-profit, or private sector
- ~~Must have been in business for at least one year~~
- Must have adequate personnel to provide enough supervision and training
- Must provide a job description 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 or Work Experience 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 Work Experience assignments to displace regular employees, or to replace any employee on layoff.~~
- All training will be for occupations identified as in demand in the labor market and determined to be of priority by the Western Virginia Workforce Development Board (WVWDB) in the Local Plan.

Staff may request a waiver for participants that are interested in training outside of these target sectors and occupations. Waivers must be requested, with all required documentation, and approved by the WVWDB Director prior to approving funding for the participant. Waiver documentation must include, at a minimum:

- justification within the participant’s IEP identifying occupation interest and/or aptitude;
- barriers to employment and/or training in the target sectors and occupations;



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- and local labor market information including LMI data as well as at least 3 different current job openings paying a self-sufficient wage (as defined in our Eligibility policy) for the occupation connected to the training.

These items must be attached to the waiver request form to the WVVDB Director. Waivers may be available for no more than 5% of funds budgeted annually by line item and by program (i.e.: 5% of the Adult ITA budget, etc.).

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

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 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. Transitional Jobs provide an opportunity to develop workplace skills within the context of an employee-employer relationship, in which the program provider generally acts as the employer.

A Work Experience or Transitional Job contract must be limited to the period required for a participant to become proficient in the job for which the training is designed. In determining the appropriate length of the contract, consideration should be given to the skill requirements of the job, the academic and occupational skill level of the participant, prior work experience, and the participant's individual employment plan. Work Experiences must include an academic component of some nature, whether that be to learn work readiness, a specific skill, update or increase math skills, etc. This must be documented within the Work Wexperience contract and must be completed either prior to or during the Work Experience.

Participants will market themselves to employers as eligible for Work Experiences s or Transitional Jobs, either verbally or with a referral form provided to them. If interested in a potential contract, the employer is to contact WIOA staff the WIOA Program Coordinator at the appropriate One-Stop Virginia Career Works Center. Work Experiences or Transitional Jobs may not be provided within a One-Stop or Works Center, they must be performed off-site from the Centers, unless approval from the Executive Director of the WVVDB has been received in writing PRIOR to the start date of the work experience

A review of the host employer will ensure that the employer has that there is currently or expected to have, or forecasts, enough work to provide work experience the service for the participant. An on-site visit will ensure that the host employer has the necessary equipment, materials, and supervision to conduct the training.

The host employer will provide a job description of the occupation as performed in the company and a concise outline of the Work Experience Transitional Job to be given, tasks to be learned, and the approximate hours of training required for each task. Once this information is provided,



BLUE RIDGE REGION

the ~~WIOA Program Coordinator~~ WIOA Staff will determine the length of the training period and the hourly wage that will be covered by the ~~Work Experience~~ contract. Work Experiences will be paid at a rate of \$10 per hour for no more than 320 hours, for a maximum of \$3200 on a Work Experience. Transitional Jobs will be paid at the wage rate of the position, based on the job description from the host. Transitional Jobs and Work Experiences must be combined with comprehensive career and supportive services, as needed. The maximum to be expended per participant per year is \$8,000 total combined between training and supportive services expenses. All these pieces are used to create a contract between the ~~employer~~ host, participant & the service provider. This contract must be in place prior to the start of training. When the contract is completed, it will be taken to the ~~employer~~ host for his or her signature.

The WIOA ~~Case Manager~~ staff is responsible for ensuring the participant's skill levels will result in the successful completion of the Work Experience or Transitional Job activity. The ~~Case Manager~~ WIOA staff must also ensure the following are completed:

- A ~~Training Plan and~~ Work Experience or Transitional Job 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.
- The ~~case manager~~ WIOA staff shall contact the participant 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.
- A minimum of one on-site monitoring visit must be made during the time of active training of a participant at the worksite.
- Time and attendance records must be reviewed prior to forwarding requests for ~~incentive~~ payments.

Funding

A minimum of 20% of WIOA Title I Youth program funds must be spent on Work Experiences each program year. Up to 10% of combined WIOA Title I Adult & Dislocated Worker program funds may be used to provide Transitional Jobs each program year. **Example:** A local area receives \$1.5 million in Adult funds and \$1.0 million in Dislocated Worker funds; it may use up to \$250,000 (10% of the total – \$150,000 Adult and \$100,000 DW) for Transitional Jobs.

Related Forms:

Performance Evaluation

Participant Timesheet

Work Experience/Transitional Job Agreement



BLUE RIDGE REGION

Title: Youth Incentives	Related Forms: Yes
Effective Date: 1/27/2017	Revised Date: 2/13/17

Purpose:

To provide guidance on the provision of incentives to eligible participants through the WIOA Title I Youth program ~~additional WIOA services to the eligible youth population in our area.~~

References:

PUBLIC LAW 113–128 Workforce Innovation and Opportunity Act Sections 129, 150
00-5 Youth Programs under Title I of the Workforce Investment Act
OMB Circular No. 122 (Cost Principles for Non-Profit Organizations), Attachment B, Item 33
NPRM Section 681
20 CFR §681.640
Training and Employment Guidance Letter (TEGL) 21-16, Change 1 Third WIOA Title I Youth Formula Program Guidance

Policy:

It is the policy of the WVVWDB to provide reasonable incentives, or awards, to youth who participate in WIOA programs and successfully complete training or educational programs in order to encourage participation in such activities. Incentives are permitted for recognition of achievement directly tied to work experience, education and training activities and are tied to the goals of the specific program. Incentives must meet cost principles. Incentives may not include entertainment such as movie or sporting event tickets or gift cards to movie theatres or other venues whose sole purpose is entertainment. The WVVWDB does not provide incentives via gift cards.

Procedure:

The justification and strategy for awarding incentives ~~s 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 or to the attainment of specific and measurable program outcome. All incentive awards are subject to the availability of WIOA funds and are not an entitlement.

Youth incentive award payments are limited to a lifetime amount of \$3,500 maximum per eligible youth and documented in accordance with applicable WIOA regulations. Participants cannot receive multiple incentives payments for the same activity.

Achievements eligible for an incentive include (with maximum amounts to be provided):

- Attain high school diploma (\$100);



- Graduate an alternative school (\$100);
- Complete a GED test (incentive can be offered for each test completed) (\$50 per test);
- Career pathway exploration activities (\$100);
- Complete basic, work readiness, occupational skill attainment goals (\$100);
- Complete TABE post-test (attainment of basic skills gain for WIOA performance) (\$200);
- Complete Career Readiness Certificate post-test (attainment of Bronze level or higher) (\$100);
- Create cover letter, resume, sample application, and follow-up letter (All 4 required) (\$100);
- Obtain unsubsidized employment (\$100);
- Retention of employment for 90 consecutive days (\$100); and/or
- Attain a post-secondary credential (occupational certificate, diploma, or degree) (\$100).

~~One-Stop-Center~~ WIOA Title I Youth program staff shall maintain required documentation in the participant's case file detailing the achievement, distribution and management of awards/incentives. At a minimum, ~~Center-WIOA Title I Youth Program~~ 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). Service providers 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 service provider 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.

Related Forms:

Youth Incentive Attainment Log



BLUE RIDGE REGION

Western Virginia Workforce Development Board – Bylaws

Local Workforce Development Area 3 (LWDA3)

Effective Date: December 13, 2019

Amended: ~~September 18, 2020~~October 26, 2020

Article I – Name

These bylaws are established by the Western Virginia Workforce Development Board (WVWDB) in Local Workforce Development Area 3 (LWDA3).

Article II – Offices

The WVWDB's principal office shall be at 313 Luck Avenue SW, Roanoke, VA 24016 or as subsequently changed by resolution of the WVWDB. The WVWDB may conduct its affairs, carry on its operations, have other offices and exercise its powers within or without the Commonwealth of Virginia, as the WVWDB may, from time to time, determine or the business of the WVWDB may require.

Article III – Mission and Purpose

Section 1 – Mission

The mission of the WVWDB is to prepare job seekers for in-demand occupations to help our region's businesses succeed.

Section 2 – Purpose

The purpose of the WVWDB shall be to plan and coordinate the provision of regional workforce development services for LWDA3 (Counties of Alleghany, Botetourt, Craig, Franklin, Roanoke, and the Cities of Covington, Roanoke, and Salem), within the requirements of the Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128. The WVWDB shall be nonsectarian and non-partisan and the WVWDB or its name shall not be associated with any commercial, sectarian, or partisan interest or concern or any purpose contrary to the objectives of the WVWDB.

Article IV – Board Composition and Members

Section 1 – Composition

The WVWDB membership will be in accordance with Section 107(b) of the WIOA and Virginia Board of Workforce Development Policy 200-02. This composition is detailed in the CLEO-Board Agreement between the WVWDB and the CLEO Consortium for LWDA3. WVWDB private-sector members must be an owner, chief executive officer, chief operating officer, or other individual with optimum-policy making or hiring authority and provide employment opportunities in in-demand industry sectors or occupations.

Section 2 – Selection

The WVWDB members shall be appointed and/or reappointed by the CLEO Consortium and must live or work in LWDA3. Nominations will be solicited through applicable sources, which include but are not limited to economic development entities, workforce development partner agencies, community non-profits, and the general public. Nominations will be reviewed to ensure that stakeholders and major industry partners are represented among the WVWDB members.

Section 3 – Board Member Terms

Board members may serve for a term of 3 years and may serve an unlimited number of consecutive terms. Terms will be staggered to ensure that only a portion of the membership expires within a given year.

Section 4 – Absence from Meetings

WVWDB members may designate an alternate if the member is not able to attend a regular or special called meeting. The name of the alternate must be provided in writing to the Chief Administrative Officer at least three (3) days prior to the scheduled WVWDB meeting. Alternate representatives for WVWDB members can vote on behalf of the WVWDB member.

WVWDB staff shall inform the Chair of the WVWDB in any instance when an appointed member is absent from two (2) consecutive, regularly scheduled meetings of the WVWDB. The Chair shall then call the absences to the attention of the WVWDB member in writing. If the WVWDB member is absent from the next regularly scheduled meeting, the WVWDB member may be removed from the WVWDB. The WVWDB Staff will post the vacancy for nominations and inform the CLEO of a needed appointment at the next CLEO Consortium meeting.

Section 5 – Vacancies

If vacancies arise, WVWDB Staff will post vacancy information for nominations and inform the CLEO of a needed appointment at the next CLEO Consortium meeting. Requests for nominations will be solicited through applicable sources, which include but are not limited to, economic development entities, workforce development partner agencies, community non-profits, and the general public.

Section 6 – Resignations

Any WVWDB member, officer, or committee member may resign such office/membership at any time. Such resignation shall be made in writing and take effect from the time of its acceptance by the WVWDB. WVWDB Staff will post vacancy information for nominations and inform the CLEO of a needed appointment at the next CLEO Consortium meeting.

Section 6 - Compensation

No form of compensation shall be paid to any WVWDB member in return for such WVWDB member's participation on the WVWDB or for attendance at any meeting of the WVWDB.

Article V – Officers

Section 1 – Officers

The officers of the WVWDB shall be as follows:

- Chair
- Vice-Chair
- Treasurer (Chair of Finance Committee)

Section 2 – Election & Terms

The WVWDB members shall elect officers for a term of two (2) years, with all officers being members of the WVWDB. All vacancies in any office shall be filled by the WVWDB without due delay at its regular meeting or at a meeting specifically called for that purpose. Terms for officers shall run concurrently with the Program Year (July 1st through June 30th).

Section 3 – Duties of Officers

The Chair of the WVWDB shall preside at all meetings of the WVWDB, is an authorized signer on all WVWDB deposit and/or loan accounts and shall perform such executive and administrative functions

as may be prescribed from time to time by the WVVWDB or by the Bylaws. The Chair shall be a private sector WVVWDB member.

The Vice-Chair shall chair all meetings in the absence of the Chair. The Vice-Chair shall be a private sector WVVWDB member.

The Treasurer, or Chair of the Finance Committee, shall be responsible for reviewing the WVVWDB's financial records and overseeing the preparation of financial statements and tax returns. The Treasurer is an authorized signer on all WVVWDB deposit and/or loan accounts.

Section 4 – Office-Holding Limitations

No WVVWDB member shall hold more than one (1) office at a time, and no individuals shall be eligible to serve more than two (2) consecutive terms in the same office.

Section 5 – Subordinate Officers

The WVVWDB may appoint other officers or agents, each of whom shall hold office for such period, have authority and perform such duties as the WVVWDB may determine. The WVVWDB may delegate to any officer the power to appoint any such subordinate officers or agents and to prescribe their respective authorities and duties.

Section 6 – Chief Administrative Officer

The ~~Director of Workforce Development~~Executive Director shall be the Chief Administrative Officer to the WVVWDB. The ~~Director of Workforce Development~~Executive Director shall be the administrator of the WVVWDB and, subject to the control of the WVVWDB, shall in general supervise and control the business affairs and property of the WVVWDB. The ~~Director of Workforce Development~~Executive Director may sign all certificates, contracts, obligations, and other instruments of the WVVWDB and shall do and perform such duties and may exercise such other powers as from time to time may be assigned by these Bylaws or by the WVVWDB.

Article VI - Meetings

Section 1 – Regular Meetings

The WVVWDB shall meet at least quarterly or more as needed at a place within the region. Regular meeting dates shall be established by the WVVWDB at its first meeting of the Fiscal Year/Program Year and notice of the meeting schedule, times, and locations shall be posted by the WVVWDB Director for public notice. Meeting notices shall also be posted on the LWDA3's webpage and at the WVVWDB offices. All public notices of meetings will be posted at least three (3) business days prior to the date and time of the meeting.

Section 2 – Special Meetings

Special meetings may be called by the Chair with at least three (3) business days notice to each of the representatives, either personally, by mail, e-mail, or facsimile transmission.

Section 3 – Cancelled Meetings

The Chair may cancel any meeting so called if it is determined that the business is not sufficient to warrant a meeting or if it is known that there will not be a quorum attending.

Section 4 – Public Comment

All meetings of the WVVWDB and its committees shall be open to the public. The WVVWDB shall make available to the public, on a regular basis through its open meetings, information regarding activities of the WVVWDB, including information on the Local Plan, information regarding its members and WVVWDB appointments, and the minutes of the WVVWDB meetings.

Section 5 – Executive Session

Closed executive session may be used according to the provisions of the Virginia Freedom of Information Act (FOIA). Such sessions may be held during or after an open meeting or may be announced for a future time. The purpose for holding a closed executive session must be announced at the open meeting either immediately prior or subsequent to the closed executive session. Official action on any matter discussed at a closed executive session must be taken at an open meeting.

Section 6 – Compliance with Sunshine Laws

The WVVWDB shall comply with all applicable aspects of the Sunshine provision with are outlined in the CLEO-Board Agreement.

Section 7 – Member Participation by Electronic Means

Members of the WVVWDB, and its committees, may participate in meetings of the WVVWDB by electronic means as permitted by Virginia Code §2.2-3708. The WVVWDB may conduct any meeting wherein public business is discussed or transacted through electronic communication means, provided (i) a quorum is physically assembled at one primary or central meeting location, (ii) appropriate notice of the meeting has been provided at least three business days in advance of the date scheduled for the meeting and (iii) the voice of the remote participant can be heard by all persons at the primary central meeting location. All persons attending the meeting at any of the meeting locations shall be afforded the same opportunity to address the public body as persons attending the primary or central location. Public comments from the meetings will be recorded and available by request.

An individual member may participate remotely if that member is unable to attend due to being in a remote location, an emergency, or a personal matter. The member who is unable to physical attend the meeting must notify the Board Chair and the Executive Director at least a day PRIOR to the meeting that they will be participating electronically. Acceptable reasons for a Board member to participate electronically include:

- Member has a temporary or permanent disability or other medical condition that prevents the members' physical attendance.
- Member has a personal matter and is able to identify with specificity the nature of the personal matter. Electronic participation due to this reason is limited to two (2) times per year.
- Members' principal residence is more than sixty (60) miles away from the meeting location identified in the meeting notice. If a member participates electronically due to this reason, the Board shall record the remote location from which the Member was participating. The remote location does need to be open to the public, if under this condition.

Electronic meetings may be held without a physical quorum present in the event of the enactment of emergency legislation by the Virginia General Assembly or the Virginia Attorney General.

Section 8 – Roberts Rules of Order

The WVVWDB shall use the Roberts Rules of Order, Newly Revised during all official meetings. Votes and actions of the WVVWDB shall be recorded appropriately.

Section 9 – Record Keeping

The WVVWDB Executive Director shall be responsible for the taking, recording, duplicating, distributing, retaining, and disposing of all minutes of the WVVWDB under the guidelines of Federal, State, and Local policy. The Executive Director may delegate this function to other staff.

Article VII - Voting Rights

Section 1 – Quorum

The quorum for a meeting of the WVVWDB shall consist of a majority of both the private sector and public sector members.

Section 2 – Voting Action

All representatives shall vote on all actions taken by the WVVWDB, unless a representative abstains because of a conflict of interest, or for other good cause.

Article VIII- Committees

Section 1 – Executive Committee

The Executive Committee is comprised of the following WVVWDB members:

- Chair
- Vice-Chair
- Past Chair
- Treasurer (Chair of Finance Committee)
- Workforce Center and Services Committee Chair
- At-Large Member (private-sector)

The Executive Committee shall have and exercise the authority of the WVVWDB in the management of the WVVWDB, except as otherwise provided by law. The designation and appointment of the Executive Committee and delegation thereto of authority shall not operate to relieve the WVVWDB, or any individual WVVWDB member, of any responsibility imposed on it by law.

The Executive Committee shall be empowered to act on behalf of the full WVVWDB on business that cannot be held until the next regularly scheduled meeting as determined by the Chair, with the affirmative vote of at least a majority of its members. The full WVVWDB shall be informed of the action taken by the Executive Committee at the next regularly scheduled WVVWDB meeting.

The Executive Committee, unless otherwise ordered by the WVVWDB, shall meet at least quarterly prior to the regularly scheduled meetings of the WVVWDB. Special meetings of the Executive Committee may be called by the Chair. The At-Large Member of the Executive Committee shall have the same term limits as the Executive Committee officers. The At-Large Member shall not be an officer and shall not serve more than two (2) consecutive terms.

Section 2 – Finance Committee

A Finance Committee composed of the Treasurer (Chair) and at least four (4) other members shall be appointed by the WVVWDB. It shall be the duty of this committee to prepare a budget for the program year beginning the first day of July, and to submit it to the WVVWDB for approval. The Finance Committee may, from time to time, submit amendments to the budget for the current program year, which may be adopted by a majority vote at a duly constituted WVVWDB meeting. Committee terms shall be one (1) year with no limits on consecutive terms.

Section 3 – ~~Workforce Center and Services~~Program Oversight Committee

~~The A Workforce Center and Services~~Program Oversight Committee composed of at least ~~five-four~~ (45) members shall be appointed by the WVVWDB. ~~Community partners and other entities that are not WVVWDB members may participate in the committee. At least two of the members will be from the private-sector members on the WVVWDB.~~ The Committee shall meet at least quarterly, or more as needed, and shall provide information and assist with the operational issues relating to the One-Stop Delivery System. The Committee will provide information, assist with planning, operational, and other issues relating to the delivery of Youth, Adult, and Dislocated Worker services. The Chair of the Committee will be appointed by the WVVWDB. Committee terms shall be one (1) year with no limits on consecutive terms.

Section 4 – Opportunity Youth Committee

An Opportunity Youth Committee composed of at least (8) members shall be appointed by the WVVWDB. Community partners and other entities that are not WVVWDB members may participate in the committee. The Committee shall meet at least quarterly, or more as needed, and shall provide the Board with recommendations on how to better engage and serve Opportunity Youth as identified in state code and the Opportunity Youth plan submitted to the Governor's office each year. The Committee can also suggest special projects or initiatives to serve these youth, including potential funding sources for suggested projects. The Chair of the Committee will be appointed by the WVVWDB and shall be a Board member. Committee terms shall be one (1) year with no limits on consecutive terms.

Section 4 – Other Committees

The WVVWDB may at any time appoint standing or ad hoc committees to consist of as many members as seems advisable. The members of such committees shall hold office until the appointment of their successors or the dissolving of the committee. The Chair of any standing or ad hoc committee shall be appointed by the WVVWDB.

Section 5 – Committee Quorum

A majority of any committee of the WVVWDB shall constitute a quorum for the transaction of business, unless any committee shall by a majority vote of its entire membership decide otherwise.

Section 6 – Committee Vacancies

The WVVWDB shall have the power to fill vacancies on the committees.

Article IX - Conflict of Interest

Section 1 – Voting and Conflict of Interest

Section 107(h) of the WIOA and these Bylaws prohibit a member of the WVVWDB from voting on a matter under consideration by the WVVWDB when:

- The matter concerns the provision of services by the member or any entity that the member represents; or
- The matter would provide direct financial benefit to the member or the immediate family of the member. (For these purposes, immediate family means wife, husband, son, daughter, mother, father, brother, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, grandson, granddaughter, grandparent, stepparent, stepchild, or any person residing in the same household); or
- The matter concerns any other activity determined by the Board to constitute a conflict of interest as specific in the Local Plan.

Section 2 – Appearance of Conflict

Members of the WVVWDB are expected to avoid unethical behavior in the course of performing their official duties. The WVVWDB not only expects its members to avoid impropriety, but also to avoid the appearance of impropriety whether or not any actually exists. Members must avoid the appearance of: using their position for private gain; giving preferential treatment to any person or entity; losing their independence or impartiality in making decisions; acting in any way that might erode public confidence in the integrity of the WVVWDB.

Section 3 – Confidentiality

All information, whether transmitted orally or in writing, that is of such a nature that it is not, at that time, a matter of public record or public knowledge is deemed confidential by the WVVWDB. Members shall not disclose confidential information obtained in the course of or by reasons of his/her membership in the WVVWDB to any person or entity not directly involved with the business of the WVVWDB. No member shall use confidential information obtained in the course of or by reason of his/her membership on the WVVWDB in any matter with intent to obtain financial gain for the member, the member's immediate family, or any business with which the member is associated. No member shall disclose confidential information obtained in the course of or by reason of his/her membership on the WVVWDB in any manner with the intent to obtain financial gain for any other person.

Article X - Miscellaneous Provisions

Section 1 – Seal

The WVVWDB may adopt a seal or logo for identification of the Board.

Section 2 – Program Year

The Program Year for the WVVWDB shall be July 1st through June 30th.

Section 3 – Amendments

These Bylaws may be amended by a simple majority vote of the current members of the WVVWDB.

WVVWDB Chair Signature

WVWDB Chair Printed Name

Date