

WIOA Title I-B Adult Program Q & As

Subject: Date sequence in enrollment paperwork

Date: April 2, 2019

Question:

I understand local areas have 30 days to approve an enrollment. When a staff member enrolls a customer, in this case the youth program, on April 12, 2019, and they don't have them sign the AJC application until days or weeks later, is that acceptable as long as they are within the 30-day timeframe?

Response

The WIOA Title I-B application must be signed when the individual expresses interest in the program. At this time the individual must also be registered in the AJC system and enrolled in the WIOA Title I-B Youth Program. The youth must submit verification prior to the supervisors' approval, unless they are considered an Out-of-School high-risk youth (WIOA Title IB Policy Section 206.01.C.1)

The supervisor must approve the enrollment within 30-days.

Subject: Determining Low Income Eligibility

Date: April 2, 2019

Question:

When a prospective participant is applying for WIOA Title I-B program (s), and indicates they are receiving TANF, SNAP, SSI, or RCA, will the individual be eligible? If they are on TANF and SNAP do, they need the print outs from both programs?

Response:

When individuals are receiving Public assistance (SNAP, TANF) other than AHCCCS, they are considered Low Income. Only one type of low-income verification is required. Types of acceptable documentation are included in the WIOA Title I-B Eligibility Checklist: <https://des.az.gov/sites/default/files/media/wioaeligibilitychecklist.pdf>

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Subject: Determining Eligibility

Date: March 28, 2019

Question:

1. Can the signed self-attestation be used at the initial assessment along with the income worksheet to determine eligibility when the individual attest is *unemployed* at the time of registration but have worked within the past six months and is a family of one?
 - **Please note:** Eligibility is being determined during the initial assessment, and *only basic services are being provided.*
2. When the family composition is more than one, and there is income by other family members, can the self-attestation be used along with the income worksheet?

Response:

1. The signed self-attestation along with the income worksheet is acceptable when the individual is unemployed at the time of registration although has worked within the past six months. Note: In this scenario, eligibility would not need to be determined at the first visit as the individual is not receiving Individualized Career and Training Services.
2. No, if the family composition is more than one, and there is income earned by other family members, the income must be verified/documented. The worksheet and applicant statement alone must be used only as the last resort. Every attempt to obtain income verification must be used prior to using the WIOA Applicant Statement.

WIOA Title IB Adult Policy section 102, "Low-income documentation for priority of service must be collected. Acceptable forms of documentation may be found on the *WIOA Eligibility and Verification Checklist* (Exhibit 100A)."

Subject: Career Planning Services

Date: March 20, 2019

Question:

When should the Career Planning Services be added to the S & T plan for WIOA Title I-B Adults and Dislocated Workers?

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Response:

It should be added when they receive individualized career training or training services.

Subject: Forklift Operator training

Date: March 7, 2019

Question:

Can we count the Forklift Operator training as attainment for a credential?

Response:

Yes. Please refer to WIOA Title I-B, Section 512 for types of recognized credentials.

Subject: Definition of a family

Date: March 5, 2019

Question:

We have an applicant who is 31 years old, unemployed, resides with parents and is receiving Supplemental Nutrition Assistance Program (SNAP)/Public Assistance benefits, can this individual count as a family of one?

Response:

Yes, the individual's parent's income does not need to be requested. The individual will meet eligibility requirements based on public assistance. No other income verification is needed.

Subject: Measurable Skills Gain (MSG)

Date: February 14, 2019

Question:

Does a MSG need to be set under each WIOA Title I-B program, when an individual co-enrolls with another WIOA Title I-B program?

Response:

Yes, a MSG must be set under each WIOA Title IB program.

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Subject: Veteran Priority of Service Verification

Date: February 11, 2019

Question:

Can the Arizona Driver's License be used as proof of Veterans' Priority of Service and/or cross match since it now displays whether the individual is a Veteran?

Response:

No, the Arizona Driver's License (AZDL) is not an allowable form of verification under WIOA Title I-B program for veteran status and cannot be used as a cross match. LWDA's must continue to use the WIOA Title I-B Eligibility Checklist for acceptable verification and documentation.

Although the AZDL may verify veteran status; it does not verify the individual's eligibility for Veterans' Priority of Service

Subject: Countable income

Date: February 6, 2019

Question:

We have a participant who stated on the WIOA Title I-B application was employed while incarcerated at a AZDOC facility. Should this be listed as recent employment in AJC?

Response:

Yes, the individual should be listed as recently employed. Income earned while incarcerated is not excluded from income calculations.

Subject: Proof of disability documents

Date: January 30, 2019

Question:

For enrollment purposes, if the participant provides outdated documentation showing their disability, can the LWDA accept the document as proof?

Response:

There is no expiration for disability documents. If an individual needs additional disability testing, then participant may be referred to Vocational Rehabilitation services.

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Subject: Incentives Approval Request Form

Date: January 17, 2019

Question:

Where can I find the permission/request to offer incentives to Adults and Dislocated Worker program participants?

Response:

A request will need to be sent to DERS Finance and Budget unit for pre-approval at WIOAFiscalReports@azdes.gov. The link to the "Incentive Approval Request" form (WIOA-1084A): <https://des.az.gov/sites/default/files/dl/WIO-1079A.pdf>

Subject: Services that will trigger inclusion to WIOA Title I-B program

Date: January 8, 2019

Question:

If a person comes in and does a series of workshops, and those workshops include services that would trigger an inclusion as a participant, should that person be determined eligible for the WIOA Title I-B program?

Response:

Yes, "Job Club/ Workshops" is a service that triggers participation. Please refer to AJC Service Dictionary. <https://des.az.gov/sites/default/files/dl/AJC-Service-Dictionary.pdf>. Whenever a staff-assisted service is provided by WIOA Title I-B staff, the individual must be registered in AJC and enrolled in a WIOA Title I-B program, and all services provided to the participant must be added to the S & T Plan in AJC.

Eligibility documentation must be collected prior to providing the participant individualized career and training services.

Also, prior to providing training services the LWDA must determine eligibility for training services, as described in WIOA Title I-B Training Services 502.01.

Subject: Eligibility Requirements

Date: November 29, 2018

Question:

Can the LWDA serve an individual with a Medical Marijuana card?

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Response:

The LWDA must not refuse to serve the participant because he has Medical Marijuana Card. He also does not have to disclose his disability, unless he is requesting accommodations. The individual must have the goal of obtaining employment to be served by WIOA Title I-B program, since this is the purpose of the WIOA Title I-B programs.

Per A.R.S. 36-2813-Employment must not discriminate against individual who are Medical Marijuana Cardholders. See below:

Unless failure to do so would cause an employer to lose a monetary or licensing related benefit under federal law or regulations, an employer may not discriminate against a person in hiring, termination or imposing any term or condition of employment or otherwise penalize a person based upon either:

1. The person's status as a cardholder.
2. A registered qualifying patient's positive drug test for marijuana components or metabolites, unless the patient used, possessed or was impaired by marijuana on the premises of the place of employment or during the hours of employment.

Subject: Adult Basic Education

Date: October 21, 2018

Question:

We have an individual who is attending GED classes. Can he/she be enrolled for Adult Basic Education using Title I-B funds?

Response

WIOA Title I-B funds may not be used to provide Adult Education and Literacy activities, unless they are combined with another type of training. Since Bureau of Indian Affairs is providing the GED training, the LWDA may support the participant by paying for the GED exam as a supportive service. The service would be Supportive Services-Training-Related Expenses.

For the WIOA Title I-B Program to get credit for the credential, tribal staff must add the credential and the date the GED was obtained to the *Fourth Quarter after Exit Outcome* screen in AJC. Also, special rule for GEDs: for the outcome to be considered a success, the individual must be in education or training leading to a postsecondary credential or employed within one year after exit. In addition to providing the individual the Supportive Services-training related expenses, it would make sense for the WIOA Title I-B program to also provide job search assistance and/ or to discuss postsecondary education with participant.

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Subject: Right to Work

Date: November 1, 2018

Question:

Can the LWDA serve eligible individuals under WIOA Title I-B if the individual resides outside of the US? Specifically, individuals who reside across the border Arizona/Mexico.

Response:

There is no requirement for them to be a resident in the US, as long as they are legally able to work in the USA.

Subject: Form I-9

Date: October 29, 2018

Question: Is the LWDA required to complete the I-9 form?

Response:

The LWDA is not required to complete the form, unless the LWDA is considered the employer of record for work experience and work-based training. The LWDA must use the List of Acceptable Documents on page 4 of the I-9 as described in the WIOA Title I-B Eligibility Checklist to determine "Right to Work" prior providing individualized career or training services to a WIOA Title I-B participant.

Subject: Participant Exit

Date: October 25, 2018

Question:

When will it be appropriate for the Local Workforce Development Area (LWDA) program manager to sign off on the *Participant Exit Considerations* document?

Response:

This is a LWDA internal practice. There is not a state-level form for this purpose. There are a couple of reminders to help determine when the form should be used:

- ✓ Reasons for exclusionary exits must occur prior to exit for the individual to be excluded from the performance indicator calculations, with exception of the death of participant.
- ✓ Credentials may be earned during participation or within one year after exit.

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WIOA Title I-B Adult, Dislocated Worker, and Youth program participants who earn a secondary, or HSE diploma must also be employed or in education or a training program leading to a recognized postsecondary credential within one year following exit. Adding a question to the form to address this situation is suggested.

Subject: Literacy Services

Date: October 15, 2018

Question:

Can Adult Education and literacy activities be provided to Adult and Dislocated Workers under WIOA Title IB?

Response:

WIOA Title I-B Adult and Dislocated Worker funds must not be used to pay for *Adult Education and Literacy Activities*. This service has been removed from AJC and the AJC Service Dictionary. The WIOA Title I-B programs may refer participants to Title II for *Adult Education and Literacy Activities*. The WIOA Title I-B Adult and Dislocated Worker Programs may pay for Adult Education and Literacy Activities when provided in combination with another training program. Please refer to the *Adult Ed. and Literacy Activities Provided in Combo w/ Another Training Service* on the AJC Service Dictionary <https://des.az.gov/sites/default/files/dl/AJC-Service-Dictionary.pdf.pdf>.

Also, the WIOA Title I-B program funds must not be used to provide prerequisite training (reading, writing, math). *Prerequisite Training* has been removed from AJC and the AJC Service Dictionary. For training program prerequisite courses to be paid, the cost of the prerequisite courses must be included in the program description on the ETPL. The cost of the prerequisite courses must be included in the ITA.

Subject: Eligibility Criteria for Adults

Date: October 9, 2018

Question: Is Medicaid (AHCCCS) considered as a public assistance benefit since it is also based on income?

Response:

No, Medicaid (AHCCCS) must not be used as qualifier for the WIOA Title I-B Adult Program Priority of Service. Medicaid is not included in the definition of low-income in WIOA Section 3(36)(A)(i), as the State of Arizona determines the income eligibility requirements for AHCCCS. Arizona's income eligibility requirements for AHCCCS for a family of one is more than 70% of the LLSIL and the HHS Poverty Guidelines; therefore, individuals may qualify for AHCCCS that do not meet the WIOA definition of low income.

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Subject: Program Exit/Gap in Service

Date: October 9, 2018

Question:

If individuals can only be excluded at exit, does this mean the 90 day no longer applies? Previously, the individual would need to provide documentation first to show they were not able to participate "90 days."

Response:

Gaps in service are not allowed under WIOA. The definition of WIOA exit and the exclusionary exits requirements have not changed. Clients who have not received a service funded by the WIOA Adult, Dislocated Worker or Youth Programs or a partner program for 90 consecutive calendar days and who are not scheduled for future services are considered to have exited the program.

For a participant to be excluded from performance, conditions in TEGL 10-16, change I, Attachment 2 –Table A (Adults and Dislocated Worker Programs) or Table B (Youth Program) must be met. The 90-day requirement still applies to the two following exclusions:

- Medical treatment must last more than 90-days and must preclude entry into unsubsidized employment for the participant to be excluded from the performance. Documentation is required.
- Active Duty must last more than 90-days when a participant is a member of the National Guard or other reserve military unit of the armed forces and is called to active duty. Documentation is required.

Note: Incarceration exclusion requirements do not require a 90-day incarceration.

Subject: Supportive Services

Date: September 27, 2018

Question:

Can legal aid be paid as a supportive service? I have a participant who believes that a previous employer did not pay for hours worked and she is seeking legal assistance.

Response:

Limits for supportive services are set at the local level and must be included in local policy.

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Subject: Eligibility Question

Date: September 4, 2018

Question:

Employed individuals, who are well over the 130% LLSIL threshold, are not considered “underemployed”, aren’t testing as basic skills deficient and don’t meet any of the priority of service 2 criteria. Should we still be serving them under priority of service 4? Or is that a local area decision?

Response:

The WIOA Title I-B Adult Program may serve employed and underemployed individuals. Priority of service must be provided to individual who are low income, basic skill deficient, and recipients of public assistance.

If LWDA determines the individual is not “underemployed”, he or she must not receive individualized career or training services. Basic career services may be provided to everyone. However, the definition of “underemployed” is defined at the local level, which allows for local flexibility. LWDA’s are required to define “underemployed” in local policies and include the definition in the local plan modification which were due December 15, 2018.

For employed individuals, prior to providing individualized career and training services, the LWDA must determine if the individual is “underemployed.” TEGL 19-21 includes examples of “underemployed” individuals that local policies may include:

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

https://wdr.doleta.gov/directives/corr_doc.cfm?docn=3851

DES has required LWDA’s include the self-sufficiency level, as a percentage of the LLSIL, in their local plans. Since the self-sufficiency level is determined by your LWDB, it may also be changed by the LWDB at any time, when it is determined that the self-sufficiency level is not set at the appropriate level. A change to the self-sufficiency level does require a modification to the local plan.

PB 18-016 includes LWDA may either use the self-sufficiency income level for the individual’s family size for the definition of “underemployed” or use the definition of

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“underemployed” in their local policies, which may include the examples above.

https://des.az.gov/sites/default/files/media/pb18_016lowerlivingstandardincomelevel_8_2018matrix.pdf

In addition to determining an individual’s employment status (whether the participant is unemployed, or underemployed), the LWDA must determine if the individual is eligible for training services. Eligibility requirements for training services are included in the WIOA Title I-B Training Services Policy section 502.

Subject: Determining Basic Skill Deficiency

Date: August 7, 2018

Question:

Do LWDA staff need to TABE test all individuals who apply for the WIOA Title I-B Adult program?

Response:

For the WIOA Title I-B Adult program, LWDA’s are required to determine if individuals are the basic skill deficient for the Priority of Service requirements. Basic skill deficient is defined as: an individual who is an adult, who 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 society. LWDA’s must have a policy on how it will determine if adults are basic skills deficient, which may include formalized testing instruments. In TEGL 19-16, USDOL provides a clarification that all English Language learners meet the definition of basic skills deficient. Use of the TABE test is not prohibited.

One of the Measurable Skill Gain options for individuals who are in Secondary Education (High School and Title II-Adult Education) is an increase in at least one Educational Functional Level (EFL). For this type of Measurable Skill Gain, LWDA’s must use a test approved by the National Reporting System (which includes TABE 9/10, and TABE 11/12, among others), to pre-test and post-test for EFL.

Subject: Right to Work Documentation

Date: August 7, 2018

Question:

Do LWDA staff need to complete an I9 at intake? The I-9 form is listed on the Eligibility Checklist.

Response:

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Yes, an eligibility determination must be provided prior providing individualized career services and training services. As part of the eligibility determination, the LWDA must determine the individual's "Right to Work" by completing the I-9 and collecting document(s) listed on the form. Basic career services may be provided prior to the eligibility determination. All individual who receive staff-assisted services (basic career, individualized career, and training services) must be enrolled in the WIOA Title I-B program.

Subject: Pell Grant and Registered Apprenticeships

Date: July 30, 2018

Question:

Are the participants of a registered apprenticeship program required to apply for a Pell Grant?

Response:

Yes, for a participant to receive training services through WIOA Title I-B programs the individual must apply for the Pell Grant, when they will be attending a school that accepts the Pell Grant.

Subject: Basic Skill Deficient Clarification for Adult Program Priority of Service

Date: July 23, 2018

Question:

Our program has a potential client who is a family of one, currently working making \$12.50 an hour 26 hours a week and just received second job where he earns \$16.25 an hour for 30 hours a week? He is basic skills deficient in language and is requesting training services to take attend an administrative justice program?

Response:

Yes, "individuals who are Basic Skill deficient" is a separate category under the Priority of Service provisions of WIOA Title I-B Adult Program. There is not a requirement that individuals who are basic skill deficient also must be low-income to be served as "priority of service" participant. The individual who are basic skill deficient may be served as a "priority of service" customer regardless of his or her income level.

The WIOA Title I-B Adult program does not have income eligibility. LWDA's must determine if an individual is low-income, a recipient of public assistance or basic skill deficient for priority of service for individualized and career services. If an individual does not meet the Priority of service requirements and is employed, the LWDA must

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also determine if an individual is “underemployed”, and LWDA’s may use the LLSIL self-sufficiency column on the LLSIL Matrix to determine “underemployment”, however LWDA’s have flexibility to define “underemployed” using another method and in this case LWDA’s are not required to use the LLSIL self-sufficiency column. If an individual income level exceeds the income levels on the LLSIL (70 % or Self-sufficiency levels) that does not necessarily mean the LWDA may not serve the individual. This is where local policy would come into consideration. However, in this case, since the individual is basic skill deficient, he is eligible under priority of service, and his or her income level is not taken into consideration.

For training services, eligibility requirements are included in WIOA Title I-B Training Service Policy section 502.01

Subject: Skill Upgrade/ Retraining

Date: July 20, 2018

Question:

Does the 80-hour prep course for the National Test for Medical Assistant through the National Health Careers Association meet the definition of *Short-term Pre-vocational Services*? Or would this course be considered Skill Upgrading/ Retraining?

Response:

The 80-hour prep course for the National Test for Medical Assistant offered through the National Health careers Association does **not** meet the definition of Short term Pre-Vocational Services.

Short-term Vocational Services is defined as short-term development of learning skills, communication skills, interviewing skills, punctuality, personality, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training.

The 80-hour prep course for the National Test for Medical Assistant thru the National Health careers Association does meet the requirement of *Skill Upgrading/ Retraining*, which is a type of training service (20 CFR 680. 200) that is **not** exempt from ITA requirements and ETPL requirements.

Subject: Definitions for Information-Only Services and Significant staff involvement

Date: July 12, 2018

Question:

Can you provide a definition of clients served and significant staff involvement?

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Response:

Definitions of Participant, Self-Service, Reportable individual can be located in 677.150. The Workforce Innovation and Opportunity Act: Joint Rules for Unified and Combined State Plans, Performance Accountability and the One-Stop System includes the following guidance on significant staff involvement on page 55824:

Information-only services or activities are activities or services that provide readily available information that does not require an assessment by a staff member of the individual's skills, education, or career objectives. In a public workforce development setting, information activities or services may include both self-service basic career services and staff-assisted basic career services. Both are designed to inform and educate an individual about the labor market and to enable an individual to identify his or her employment strengths, weaknesses, and range of appropriate services. However, basic career services that require significant staff involvement are not considered information-only services or activities.

Applying the above guidance to determining when a reportable individual satisfies the definition of a "participant," an individual is a reportable individual, but not a participant, when a staff member provides the individual with readily available information that does not require an assessment of the individual's skills, education, or career objectives, because the individual is a recipient of information-only services or activities. Such information could include labor market trends, the unemployment rate, businesses that are hiring or reducing their workforce, information on high growth industries, occupations that are in demand, and referrals other than referrals to employment. Information-only services or activities also occur when a staff member provides the individual with information and instructions on how to access the variety of other services available in the one-stop center.

Significant staff involvement that would result in an individual qualifying as a participant includes a staff member's assessment of an individual's skills, education, or career objectives in order to achieve any of the following:

- Assist individuals in deciding on appropriate next steps in the search for employment, training, and related services, including job referral;
- Assist individuals in assessing their personal barriers to employment; or
- Assist individuals in accessing other related services necessary to enhance their employability and individual employment related needs.

Registration in AJC must occur when a demonstrates an intent to use program services, including providing identifying information, use of the self-service system and receive informational services or activities. Enrollment in the WIOA Title I-B program must occur when WIOA Title I-B staff provide services beyond self-service and informational-only

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services and activities. Only when individuals are enrolled in the WIOA Title I-B program in AJC will they count as being served by the WIOA Title I-B program.

Subject: Definition of “Chronically Unemployed” and “Inconsistent Work History”

Date: July 12, 2018

Question:

We are currently developing a scope of work for Transitional Jobs and Work Experience. What is the official state definition of “chronically unemployed” and “inconsistent work history”?

Response:

TEGL 16-19 requires the terms “chronically unemployed” and “inconsistent work history” to be defined by the Local Workforce Development Board. These definitions must be developed at the local level and included in local WIOA Title I-B policies.

Subject: Documentation for Training Milestone Type – Measurable Skill Gain for Registered Apprenticeships

Date: May 30, 2018

Question:

What type of documentation is needed for the training milestone type, Measurable Skill Gain, in regard to an increase in pay on newly acquired skills or increased performance? Can we document conversations with Registered Apprenticeship program sponsors in our case notes?

Response:

Yes – regarding clients who are participating in a Registered Apprenticeship program for the training milestone type, Measurable Skill Gain, documentation may be entered for an increase in pay based on newly acquired skills when the following information is included in the case note:

1. Employer name and name of the employer’s staff member who is verifying the pay increase;
2. Date and time the telephone conversation occurred with the employer to verify the pay increase;
3. The previous and increased pay rates;
4. The date the pay increase takes effect; and
5. Name of the LWDA case manager who confirmed the pay increase with the employer.

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Subject: Proof of Right to Work

Date: April 16, 2018

Question:

Is the I-797 Form acceptable for proof of right to work in the United States?

Response:

Yes, the LWDA may accept an expired *Permanent Resident Card* (I-551) with a *Notice of Action* (I-797) form that indicates the card is valid for an additional year, as proof of legal residency, and employment authorization.

Subject: Supplemental Wages

Date: April 11, 2018

Question:

I have a participant whose employer verified she is employed with them but did not earn any wages at 2nd quarter after exit due to being on medical leave the whole quarter. Do I report her as employed under the 2nd quarter after exit performance accountability outcomes even though she had no earnings? Also, on the Wage section in AJC, do I report \$1.00 to show she is an employee but has not had any earnings?

Response:

Although this individual is attached to the employer, she did not receive any wages in the 2nd Quarter after exit. She is not included in the performance accountability measure for Employment in the 2nd Quarter after Exit. The LWDA ***must not*** add a dollar as supplemental wages to show that she was employed, as she did not earn this money and the dollar amount would become part of the median earnings calculations. LWDA's must follow the requirements in Policy Broadcast 17-034 Supplemental Wage Information for documentation of supplemental wages.

Per TEGL 10-16, Change 1 (page 8), the performance accountability measure for Employment in the 2nd Quarter is calculated as "The number of participants who exited the reporting period who are found to be employed, either through direct UI wage record match, Federal or Military employment records, or supplemental wage information in the second quarter after exit quarter DIVIDED by the number of participants who exited during the reporting period."

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Subject: AJC Case Notes for Incumbent Worker Participants

Date: March 27, 2018

Question:

As we refine our Incumbent Worker training process and procedures, there is a question that we need guidance on. Incumbent programs are one of the only WIOA Title I-B programs that is company focused and does not require the same level of participant tracking. We are operating under the following assumptions and require confirmation on the AJC case notes portion, so we make sure we are compliant.

Current process:

1. We create a registration in AJC for each participant.
2. We are looking at the ability to concierge the AJC enrollment process for each individual participant (vs. having each participant create their own since this is a company facing process vs. the individual contributor like other WIOA programs.)
3. We are recording individuals; however, the contract is to the company. We can track notes at the company level or the individual level. Which is the preferred mechanism?

The clarification is primarily on the last point – where should we track notes. I assume the company level; however, we are not certain and therefore the notes have been tracked in at the individual level in the past when we were treating the program with the same eligibility requirements as other programs (before we realized there were different policies for the Incumbent program).

Response:

If the note is about the participant, it should be added under the participant's Enrollment or Program Notes. If the note is about the employer, it should be added under Employer Notes. For incumbent worker training, the LWDA must document that the employee has a six months' work history with the employer. Participant and Performance data is reported to USDOL but is not used to calculate the LWDA's performance. If a paper application is completed by the employee, the LWDA must ensure that the paper application has the same questions that are currently in AJC so that staff have the participant's information available to enter into AJC.

Subject: Gap in Service

Date: February 28, 2018

Question:

Can you advise if a Gap in Service can be used in the following circumstances?

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1. Participant #1 was in a car accident this past weekend, he will not be able to resume his training for a year; or
2. Participant #2 is incarcerated and in he might remain incarcerated for a few months?

Response:

1. No, Participant #1's recovery surpasses the maximum gap in service of 180 days, which includes an extended gap in service. Gaps in Service are covered in the WIOA Title I-B Adult and Dislocated Worker section 107.B. and the WIOA Title I-B Youth program section 209.B. LWDA staff must add end dates to all services on the S & T plan. Since no services will be provided in the next 90 days, he will be exited. This exit qualifies as exclusionary exit as a "health/ medical" reason as he is precluded from participation for longer than 90 days, which excludes him from the performance measures. Documentation must be either uploaded into AJC or saved in the participant's file. Exclusionary exits are included in TEGL 10-16 Attachment 2
https://wdr.doleta.gov/directives/attach/TEGL/TEGL_10-16_Attachment_2.pdf . Participant # 1 may be re-enrolled when he recovers, if he still meets all of the eligibility requirements for the WIOA Title I-B program.
2. No, Participant #2 must not be placed in a gap in service. Incarceration is not an allowable reason for gap in service. If the participant will be incarcerated for more than 90 days, LWDA staff must add an end date to each service on the S & T plan and he will be exited after 90 days, if no additional services are provided. Since the incarceration is longer than 90 days, the exit would qualify as exclusionary exit using the "institutionalized" reason, which excludes him from the performance measures. This information can be found in the WIOA Title I-B Adult & Dislocated Worker policy, Section 107.A. and the WIOA Title I-B Youth program section 209.A. Documentation of his incarceration must be uploaded in to AJC or saved in the participant's file. When the participant is released from incarceration, he may be re-enrolled if he continues to meet eligibility requirements for the WIOA Title I-B program.

Subject: Calculating Unemployment Insurance Income

Date: February 1, 2018

Question:

Unemployment Insurance payments are now includable income when determining priority of service based on income status, as well as used to establish Title 1 eligibility. Income data is collected for the past six months and then annualized for comparison to the LLSIL tables. My question, since regular UI recipients do not receive UI payments

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for more than 26 weeks, can we exclude the inclusion of UI payments when annualizing and just add the amount received within the past 26 weeks (6 months) once the annual calculations is completed for the other sources of includable income?

Response:

Yes, Unemployment Insurance benefits must not be annualized because the maximum number of weeks a participant can receive these benefits is 26 weeks.

Subject: Calculating Unemployment Insurance Income

Date: Jan 18, 2018

Question:

Please advise what the family size would be for the following scenario:

Howard and Bill are a married couple that recently relocated to the Tempe area 6 months ago. They each made \$150, 000.00 per year. They have been living on their savings since arriving in Arizona. They have two adopted children and were both employed in Colorado. Howard needs training and supportive services to help find gainful employment.

Response:

In this scenario, the participant is unemployed, has not had any income in the past six months, and has a family size of 4. The family includes two dads and two kids. The participant is considered low-income and would be considered a priority of service participant if enrolling in the WIOA Title I-B Adult Program.

Subject: Development of Individual Employment Plan Service in AJC

Date: November 21, 2017

Question:

After the Individual Employment Plan (IEP) service is opened in AJC, should it be closed after the initial assessment and goal setting is completed; or should staff keep the IEP open until all other services have been provided?

Response:

The Individual Employment Plan (IEP) is an on-going strategy between staff and the participant to identify employment goals, appropriate achievement objectives, associated strategies, and the appropriate combination of services for the participant to achieve his or her employment goals. Staff also provides information regarding eligible training providers and programs from the Eligible Training Provider List (ETPL). The IEP

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must be updated with each contact to reflect progress, status, and changes to the IEP. The IEP service in AJC must remain open until all planned services are completed.

Subject: Income Calculation for Priority of Service

Date: November 20, 2017

Question:

When determining Adult program priority of service based on low income status, is there a policy reference as to what constitutes income that must be included in the 6-month calculation and what types of payments/income are excluded? Also, does a documented disability for an Adult allow the exclusion of other household income, making the individual a family size of 1 due to the disability?

Response:

Low-income Individual is defined in the WIOA Title I-B Adult and Dislocated Worker Policy in Section 102.03 (WIOA 3 (36)). The WIOA Title I-B Eligibility Checklist includes acceptable documentation for Individual/ Family Income. All income, including Unemployment Compensation, and Child Support payments, which is new under WIOA, are included in the income calculation with the exception of military wages for veterans or transitioning service members (Section 102.04.) For individuals with disabilities, their own income is counted, instead of the individual's family income, and the individual's income must meet the low-income definition and not exceed the higher of the poverty line or 70 percent of the LLSIL.

Subject: Difference in Reportable Individuals and Participants

Date: November 16, 2017

Question:

The AJC No Participation Report is showing a large number of Basic Services enrollments. Most of Basic Service enrollments are for individuals who received information-only services. For example, front-end staff are using the AJC service "Outreach, Intake and Orientation" to document participation in our One-Stop orientations. This service does not trigger participation, according to the AJC Service Dictionary. This aligns with the DES Adult/DW policy Section 105(B)(3). Because these individuals are receiving information-only services, they have not met the standard for enrollment.

1. Should we adjust our processes to delay WIOA enrollment until participants receive services beyond information-only services?

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2. What are the consequences of these enrollments remaining open with no services triggering participation?

Response:

1. No, “Outreach, Intake, and Orientation” is a basic career service which requires registration and enrollment in a WIOA Title I-B program in AJC. If an individual receives this service, he or she is considered a “reportable individual”. Reportable individuals are not included in the performance accountability measures but are included in the State Annual Performance Report to track the number of individuals taking part in self-services, receiving informational only-services and failing to complete program requirements for eligibility or participation.
2. If the participant only receives “Outreach, Intake, and Orientation” or another service that does not trigger participation, the individual will be counted on the State Annual Performance Report to track the number of individual taking part in self-services, receiving informational only-services and failing to complete program requirements for eligibility or participation, but will not be included the performance accountability measures. If the individual does not receive any additional services from the WIOA Title I-B program or partner program for 90 consecutive days and is not scheduled for future services, the individual is considered to have exited the program. The WIOA Title I-B enrollment in AJC will close at that time, and the exit date is the last day of service.

Subject: Supplanting Concern for Incumbent Worker Training Part II

Date: November 7, 2017

Question:

If the employer does not have a dedicated trainer and shifts the staff member’s focus to training for a short time and then they return to their “normal” duties, can the employer use the 50% required match as that person’s wages without being considered as supplanting?

Also, if the employer has a dedicated in-house trainer that does not train outside their normal work schedule, can the employer use the 50% required match as that person’s wages without it being considered as supplanting?

Response:

We have not found any information in the WIOA regulations that would not permit that trainer’s wages from counting towards the 50% non-federal share for training provided in house, including if the trainer is on temporary assignment or is a dedicated in-house trainer. Incumbent worker training must only be provided if the training is **not normally**

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provided by the employer and if it is being provided to retain employment and prevent layoffs of the incumbent workers. Incumbent worker training must meet the requirement in the WIOA Title I-B Section 510.

Local Workforce Development Boards must consider when determining if an employer is eligible to receive local incumbent worker funds:

1. The characteristics of the individuals in the program;
2. The relationship of the training to the competitiveness of an individual and the employer;
3. Other factors the Local Workforce Development Board determines appropriate, including the number of the employees trained, wages, and benefits including post training increases, and the existence of other training opportunities provided by the employer.

LWDAs have the discretion on whether or not to contract with an employer. The LWDA may include more requirements for employers in local policy.

Subject: Supplanting Concern for Incumbent Worker Training

Date: October 25, 2017

Question:

We have had several discussions around what constitutes “supplanting” with Incumbent Worker Training and would love to have feedback and clarity from the State.

1. If the employer has a dedicated trainer who takes time during normal work hours to train, is that supplanting?
2. If the employer does not have a dedicated trainer and pulls staff from other areas, during normal work hours, to train, is that supplanting?

We are trying to see does the situation create an additional cost to the employer to determine what costs are allowable and should be paid.

Response:

1. If the employer has a dedicated trainer who takes time during normal work hours to train, is that supplanting?

No, providing incumbent worker training through a dedicated trainer during normal work hours is not supplanting. However, Incumbent worker training must only be provided if the training is **not normally** provided by the employer and if it is being provided to retain employment and prevent layoffs of the incumbent workers. Incumbent worker training must meet the requirement in the WIOA Title I-B Section 510.

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2. If the employer does not have a dedicated trainer and pulls staff from other areas, during normal work hours, to train, is that supplanting?

No, incumbent worker training provided by a trainer from another area, during normal work hours, it is not supplanting. However, incumbent worker training must only be provided if the training is **not normally** provided by the employer and if it is being provided to retain employment and prevent layoffs of the incumbent workers. Incumbent worker training must meet the requirement in the WIOA Title I-B Section 510.

Subject: Exit Detail in AJC

Date: October 25, 2017

Question:

When is it appropriate to use the drop-down options “Other Reason for Exit” and “Criminal Offender”?

Response:

For WIOA Title I-B, there are no “other reasons for exit” that would result in the participant being excluded from performance accountability measures other than those listed in TEGL 10-16 Attachment 2

https://wdr.doleta.gov/directives/attach/TEGL/TEGL_10-16_Attachment_2.pdf.

The “Other Reasons for Exit” option in AJC is used by the National Farmworkers Job Program and must not be used by WIOA Title I-B staff.

The “Criminal Offender” option in AJC is used by Title II-Programs that offer corrections education and other institutionalized individuals (WIOA Section 225) and must not be used by WIOA Title I-B Staff.

Subject: Exit Detail in AJC

Date: October 25, 2017

Question:

Do we select “institutionalized” from the “Other Reasons for Exit” dropdown menu in AJC, if the participant was incarcerated during participation and was released within 2 months (12/6/16-2/10/17), and after he was received additional services? Participant is now being exited due to lack of commitment. We have lost contact with the individual.

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Response:

No, since the participant is exiting due to lack of commitment rather than being incarcerated the “institutionalized” reason for exit must not be used and the participant will be included in performance.

However, if the participant being exited due to his incarceration, “institutionalized” would be selected from the “Other reason For Exit “dropdown menu, and the participant would be excluded from performance.

Subject: Assessment Tests in AJC

Date: October 24, 2017

Question:

The Assessment tool options have changed under the Enrollment Details-Testing Lin in AJC. The previous tests options were:

- TABE 7-8, 9-10
- CASAS
- WorkKeys
- SPL
- BEST
- BEST Plus
- TABE CLAS-E
- Wonderlic

Can you please let us know the when to use the TABE Survey 9-10 and TABE 9-10 and the difference between the both tools? Can the TABE CLAS-E be used to attain an MSG? Also, what are the MAPT and GAIN tools and can they be used for WIOA and attain an MSG?

Revised Policy Broadcast 17-016, Measurable Skills Gain Documentation includes LWDAs must use tests determined suitable for the National Reporting System (NRS) by the U.S. Secretary of Education to determine an increase of at least one EFL of a participant who is receiving instruction below the postsecondary level for the Measurable Skill Gain indicator.

Response:

The list of tests in AJC has been updated to include only the tests that are currently approved by the National Reporting System. On Sept 7, 2017, TABE 11/12 was also approved and we have requested that this test also be added to the list of tests in AJC.

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All of these tests may be used to determine measurable skill gains. More information on each of the tests, including forms, formats, and publishers, is available at: <https://www.federalregister.gov/documents/2016/12/13/2016-29899/tests-determined-to-be-suitable-for-use-in-the-national-reporting-system-for-adult-education>.

TABE Survey is an abbreviated form of TABE 9/10. TABE Clase-E is one of the tests approved to test English Language Learners and it may be used to determine educational functioning level (EFL) for the measurable skill gains performance accountability measure.

Subject: Case Management for Participants Placed in a Registered Apprenticeship

Date: October 11, 2017

Question:

If an adult is placed in four-year Registered Apprenticeship program, does the LWDA need to provide follow-up services for four years?

Response:

No, if a participant is placed in a Registered Apprenticeship, the Apprenticeship service must be added to the S & T plan in AJC. The WIOA Title I-B enrollment remains open until the estimated end date (or until staff enters the end of service by entering the actual end date) so the estimated end date would be set out for four years. Since the participant has not exited the program, case management would be provided rather than follow-up services. LWDA must contact the participant at least every quarter to determine if the participant is still employed with the Registered Apprenticeship program, and if the participant needs any additional assistance.

Subject: On-The-Job Training and the Measurable Skill Gain Performance Accountability Measure

Date: October 10, 2017

Question:

Can a Measureable Skill Gain be set a WIOA Title I-B Adult Program participant who is participating in On-the-Job Training?

Response:

Yes, the measurable skill gain must be set for all participants in an education or training program in the WIOA Title I-B Adult and Dislocated Worker Program. On-the-Job Training (OJT) is a type of training service that is provided in the WIOA Title I-B Adult

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and Dislocated Worker Programs, which requires the measureable skill gain to be set in AJC. Completion of an OJT is considered a training milestone for the Measurable Skill Gain performance accountability measure.

Subject: Work-based Training Employer Requirements

Date: August 31, 2017

Question:

Section 507.01 of the WIOA Title I-B Training Services policy states “All businesses must be located and conducting business within the state of Arizona.” How does AZDES define this? Is there a timeframe a business should be operating in AZ prior to submitting a work-based application? Define “conducting business?”

Response:

Conducting business means engaging in commerce, manufacturing, selling or buying goods, or providing a service for money. For work-based training, employers may be in the public, private non-profit, or private sectors, as described in 20 CFR 680.700 (a). Employers must have a physical and permanent address in Arizona. Post Office boxes or private rental boxes are not considered a physical address. The business must be a legal entity registered to do business in Arizona. Work-based training must not be provided to a company that has relocated if, within 120 days of its application, the relocation has resulted in any employees losing his or her job at the original location, as described in 20 CFR 683.260.

Subject: Supplemental Security Income Program Documentation

Date: August 16, 2017

Question:

We’d like clarification on whether an applicant must be listed on the Social Security Income (SSI) grant to be considered “low income”.

Per the most recent Eligibility Checklist dated 2/1/16:

The applicant is receiving or has received cash assistance or other support services from the following sources (items A-D) in the last six months prior to participation in the program and must be listed on current grant or show dates of eligibility for benefits or lives in a high poverty area.

The applicant is receiving or has received cash assistance or other support services from the following sources (items A-D) in the last six months prior to participation in the

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program and must be listed on current grant or show dates of eligibility for benefits or lives in a high poverty area.

However, the language in Arizona Job Connection (AJC) states a member of a household that receives SSI and WIOA Section 3 (36) states an individual who is a member of a family receiving SSI. In January of 2016 we had a discussion with DES on this and were informed that the participant must be identified on the award letter, but we never received a response on how the AJC question should be answered, and the AJC language remains.

Response:

Yes, the language in AJC is accurate. If an individual receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received assistance through the SSI program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq), the individual is considered to be a low income, as described in WIOA 3(36). If this is the case, the Local Workforce Development Area (LWDA) staff must answer “yes” to the question in AJC.

If the individual is not listed on the award letter, the individual must be considered a family member, as defined in WIOA, of the individual who is on the award letter.

The definition of “Family” is included in PB 17-012.

https://des.az.gov/sites/default/files/media/pb_17_012definition_of_family.pdf. For the definition of family, “dependent” is defined on page of 8 of the Youth Q & As https://des.az.gov/sites/default/files/media/youthqa8_1_17.pdf.

Subject: Eligibility for an Arizona Resident Living Abroad

Date: August 10, 2017

Question:

Can we enroll an individual (spouse of a Veteran) who is currently stationed outside the country, into Title I? I’m being told she has an Arizona Driver’s license and is considered a resident of Arizona. If so, how would you recommend we manage the eligibility process? We won’t be able to get “wet signatures” on anything. She would like to be part of the Hartford apprenticeship program?

Response:

Yes, if the individual meets eligibility requirements for the WIOA Title I-B Program, the individual may be enrolled in the WIOA Title I-B program. The individual must provide documents to verify eligibility that are included in the AJC Service Dictionary. These documents may be provided through email and “wet signatures” are not required.

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Subject: S & T Plan and MSG Triggers

Date: July 31, 2017

Question:

Can you please clarify that by doing a pre/posttest utilizing the TABE 9/10 assessment, if a customer raises their score by a grade level (i.e. 6.3 to 7.5) that would count as an Educational Functioning Level (EFL) for the Measureable Skill Gain (MSG)?

Response:

No, if a participant receives more than one educational or training service, only one MSG needs to be set in AJC per program year. However, if more than one MSG is set, only one MSG per participant per program year is used to calculate success on the MSG indicator. In AJC, the measurable skill gains calculation includes the MSG that was set on most recent date, so if the participant was successful in attaining the most recent MSG the performance outcome would be positive, and if the participant was not successful in attaining the most recent MSG the performance outcome would be negative.

Subject: Utility Late and Reconnection Fees

Date: July 27, 2017

Question:

Can you please clarify if reconnection fees for disconnected utilities is allowable or does it fall under the Section 306; page 7, part "B"?

Response:

WIOA Title I-B funds must not be used to pay for utility late payment fees or reconnection fees.

Subject: Rapid Response Funds for Layoff Aversion

Date: April 13, 2017

Question:

How do I enroll a job seeker into AJC for layoff aversion activity? Rapid Response funding will cover layoff aversion training. No WARN notice for employer was filed. Should the client be enrolled as Adult with Rapid Response Assistance? The participant be hired with the stipulation that he will receive his certificate within 90 days of hire. The

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training is required because if the participant does not earn the certificate the participant will be terminated.

Response:

Based on the information provided, rapid response funds must not be used to provide training for the adult participant because the circumstances do not meet the requirements in 20 CFR 682.302. Layoff aversion is defined at 20 CFR 682.320 and includes the appropriate use of layoff aversion strategies and activities. As described, layoff aversion would not apply to this scenario. If the LWDA does not have WIOA Title I-B Adult funds available, it may transfer WIOA Title I-B Dislocated Worker funds to the Adult Program.

Subject: Employed at Participation and WIOA Title I-B Performance Accountability Measures

Date: April 11, 2017

Question:

If an individual at time of registration is employed and they are still working at the same employment at time of exit, is staff able to record the employment on the Exit Questions link?

Response:

Individuals who are employed at the time of enrollment in the WIOA Title I-B Adult, Dislocated Worker, or Youth Programs, and who maintain the same employment throughout the participation period, are not excluded from the Employment Rate-2nd Quarter After Exit and Employment Rate-4th Quarter after Exit Performance Accountability Measures. The LWDA must record the employment on the Exit Questions link at the time of exit. If the participant is found to be employed in the 2nd quarter after exit and in the 4th quarter after exit, either by direct UI wage record match, federal or military employment records, or supplemental wage information the individual will be counted in the numerator of the performance calculation.

Subject: Supportive Services after Exit

Date: January 23, 2017

Question:

Is there a statutory or regulatory change in WIOA that disallows the provision of support services to Adults and Dislocated Workers during the required 12-month follow-up period? I'm only using the word "required" because we're required to offer follow-up services. We've been providing support services as a follow-up service for quite some

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time. It's been in our local policies since 2001, and they've been reviewed many times by State monitoring staff. Not sure what the role of follow-up services for employment, retention, or getting re-employed would be if the need falls under the definition of a supportive service, and we can't provide it without re-enrollment. Just wondering the source of this change.

Response:

The WIOA Final Regulations clarify that Supportive Services may not be provided after exit. On page 56158 of the WIOA Final Regulations, a commenter recommended that supportive services such as tools, uniforms, bus passes, etc. be allowed for up to a year after the exit date, stating that some individuals might require additional help in keeping a job. The U.S. Department of Labor responded to this comment stating that "Supportive Services under WIOA 134 (d) (2) are provided to allow an individual to participate in career or training services." The commenter was interested in extending supportive services after the period of exit from the WIOA Title I-B adult and dislocated worker program; however, this is outside the authority of WIOA. Supportive Services are provided to enable participation in career and training services."

<https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15975.pdf>

20 CFR 680.910 includes when supportive services may be provided to WIOA Adult and Dislocated Worker program participants:

- a) Supportive Services may only be provided to individuals who are:
 - 1) Participating in career or training services as defined by WIOA sec. 134 (c) (2) and (3); and
 - 2) Unable to obtain supportive services through other programs providing such services.

- b) Supportive services may only be provided when they are necessary to enable individuals to participate in career and training activities.

Follow-up services must be provided, as appropriate, including counseling regarding the workplace for participants in adult and dislocated worker activities for up to 12 months after the first day of employment, as described at 20 CFR 678.430.

Per WIOA Adult and Dislocated Worker Program policy, follow-up services are provided to clients who have obtained employment and who have exited the WIOA Adult and Dislocated Worker Programs to promote job retention, wage gains, and career progress.

The types of follow-up services that may be provided to participants who have exited the Adult and Dislocated Worker Programs include additional career planning, contact with the participant's employer (including assistance with work related issues that may arise); peer support groups, information pertaining to additional educational

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opportunities, and referral to supportive services available in the community, as described in the WIOA Adult and Dislocated Worker Program policy.

The AJC Service Code Dictionary will be revised to reflect this change in policy.

Subject: Serving Offenders in the WIOA Title I-B Programs

Date: December 18, 2016

Question:

I attended AJC Training yesterday. While reviewing the demographic section in AJC, the class was told that anyone that had the "offender" barrier was not eligible to participate in any WIOA programs. Is this accurate? And if so, can you show me in policy where this is stated?

Response:

This is incorrect. Offenders may receive services in the WIOA Title I-B Adult, Dislocated Worker, and Youth Programs if they meet the other eligibility requirements. One of the purposes of WIOA is to increase access to and opportunities for employment, education, training, and supportive services needed to succeed in the labor market, particularly for eligible participants with barriers to employment. Offenders are included in the definition of "individuals with barriers" to employment. Offender is also an eligibility criteria for In-School Youth (ISY) and Out-of-School Youth (OSY) in the WIOA Title I-B Youth Program.

Subject: Text Messages as Documentation for Supplemental Data

Date: December 1, 2016

Question:

Would a text message be considered valid for Supplemental Data, verification of employment from client? We could case note the conversation with the client about employment, just like we would do for a phone.

Response:

Yes, a text message is acceptable. The text message needs to be documented in case notes to be an allowable source of supplemental information. However, please note that LWDA's must not request that clients or employers' text confidential data to LWDA staffs' personal cell phones.

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Subject: Supplemental Data

Date: December 1, 2016

Question:

For barbers who are self-employed, what is considered valid Supplemental Data documentation?

Response:

Allowable sources of supplemental data in order to track employment-related outcomes include case management notes, automated data base systems, surveys of participants, and contact with employers. All supplemental data and methods must be documented and are subject to audit.

Subject: Electronic Signatures on Time Sheets

Date: October 17, 2016

Question:

May the LWDA accept electronic, scanned, and/or faxed documents (such as participant timesheets) as the "original" document to eliminate staff travel time in going to collect timesheets throughout the county? The ADES website states; *LWDAs are required to obtain signatures on forms as specified in policy. However, DES does not require customer files to contain original signatures. Copies of original documents that contain signatures may be filed in the client's paper file and/or scanned and uploaded on to AJC.*

Response:

LWDAs may accept electronic signatures on WIOA Title I-B fiscal forms, including participant's timesheets, if the LWDAs have local policies that permit the acceptance of electronic signatures and has established internal controls to prevent fraud and abuse.

Subject: Accepting Electronic, Faxed or Scanned Documents with Signatures

Date: October 7, 2016

Question:

Our LWDA is requesting guidance on the following if we change our policy to stipulate that we will:

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“Accept electronic, scanned, and/or faxed documents (such as participant timesheets) as the “original” document to eliminate staff travel time in going to collect timesheets throughout the county.”

The ADES website states;

LWDAs are required to obtain signatures on forms as specified in policy. However, DES does not require customer files to contain original signatures. Copies of original documents that contain signatures may be filed in the client’s paper file and/or scanned and uploaded on to AJC.

Response:

LWDAs may accept electronic scanned and/or faxed signatures on WIOA Title I-B fiscal forms, including participant’s timesheets, if the LWDAs have local policies that permit the acceptance of electronic signatures and established internal controls to prevent fraud and abuse.

Subject: Verification of Social Security Number

Date: October 6, 2016

Question:

I was wondering why a U.S. Passport can no longer be used to verify SSNs? It was in the July 2014 and previous eligibility checklists and was removed in the February 2016 revision.

Response:

To verify an individual’s Social Security Number (SSN), the document must be listed on the WIOA Eligibility Checklist under the Social Security Number criteria, and the document must include the individual’s SSN. Passports do not include SSNs, so LWDAs must not accept them as verification of the SSN.

Subject: Transferring a Client from One LWDA to Another

Date: August 22, 2016

Question:

I am looking for guidance and/or directives for participants moving out of the area; an individual wants to be transferred from one LWDA to another (the AJC system has not exited the participant), individual is currently in his 12 month of follow-up). Youth has moved to Phoenix and is wanting services through Maricopa County LWDA. If allowable, I need more specifics on how this is done.

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Response:

The LWDA who has a participant who would like to transfer to another LWDA should contact the receiving LWDA and speak to WIOA staff about the participant's request to transfer. The receiving LWDA would need to agree to the transfer. The paper file may also be requested, or eligibility documents may be uploaded into AJC. A Change Control Request form with the new office and new case manager is sent from the LWDA that will be receiving the client to the DES Workforce Administration IT email at ea-wioa@azdes.gov, and DES Workforce Administration IT will assign the client to the office and case manager that will be working with the client at the new LWDA. If the client is transferred, the outcome for the client will be included in the performance of the LWDA where the client is assigned. There is a not a way to share credit.

Subject: Doctor's Note from Doctor Practicing Medicine in Another Country

Date: August 8, 2016

Question:

May the LWDA accept a Doctor's note from a Doctor who practices medicine in Mexico?

Answer:

LWDAs may accept medical documentation as proof of disability, if it is determined by the LWDA that the person making the diagnosis is qualified to make such a determination. Certification from a foreign provider is sufficient, so long as that person is authorized to practice in his or her country.

In this case, the doctor's note is acceptable proof of a disability because it is written by a certified M.D who is qualified to make the diagnosis.

The LWDA may determine that the individual would benefit from co-enrollment with the Vocational Rehabilitation (VR) program. The medical documentation may be included with the referral. After reviewing the medical documentation, if VR determines additional information is needed, they will request e-mail such or they can send the person for an evaluation that is paid for by VR.

Subject: Initial and Comprehensive Assessments

Date: July 21, 2016

Question:

Which WIOA Service in Arizona Job Connection (AJC) corresponds with Basic Skills Assessments (TABE)? "Comprehensive Assessment" is defined in the Service Code Dictionary as: A comprehensive assessment of skills levels and activity/service needs

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including diagnostic testing or other assessment tools, and in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.

If this is the appropriate service, is it correct to say that this will typically be the first Individualized Career Service added to an Adult program participant's S&T Plan? TABE is the accepted method of determining Basic Skills Deficiency, which impacts Priority of Service status. Should the TABE therefore be administered prior to delivery of other Individualized Career or Training Services?

Response:

To determine the participant's specific skill level in numeracy, literacy, and in speaking English, a comprehensive assessment including diagnostic testing must be provided as the first Individualized Career Service. LWDA's must use any assessment approved by the U.S. Department of Education (DOE) for the National Reporting System, as identified in 80 FER 48304-48304, to assess Adults and Dislocated Workers. The most recent list of tests determined suitable for the NRS is available online at <http://federalregister.gov/a/2015-19847>. The Test for Adult Basic Education (TABE) 9/10 is listed as one of the acceptable tests. The use of these tests required when measuring an increase of at least one Educational Functioning Level for the Measurable Skill Gain performance accountability measure.

For the Adult program, the results of the diagnostic test will be used to confirm if the individual is basic skills deficient, which will then be used to determine the individual's priority of Service. Priority of Service for the Adult program is located in Section 102.01. After the comprehensive assessment, other Individualized career services and training services must be provided to the participant according to priority of service.

The Initial Assessment is recorded using the Initial Assessment service code and the Comprehensive Assessment is recorded using the Comprehensive Assessment service code.

Subject: Providing Supportive Services During Basic Career Services

Date: July 21, 2016

Question:

In the AJC Service Code Dictionary, Support Services-Transportation Services are listed as "WIOA Basic Career Self-service Services". Does this mean that we are authorized to give out transportation assistance to individuals who have not had their eligibility documents collected and are utilizing basic career services only?

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Response:

Yes, Supportive Services are offered to enable an individual to participate in WIOA Title I-B activities. This includes basic career services, individualized career services and training services. Participants must be enrolled in a WIOA Title I-B program for reporting purposes in order to receive supportive services. The requirements for LWDA supportive service policies are in the *WIOA Title I-B Supportive Service Policy*, Section 301.01 and state transportation assistance is permitted if allowed in the LWDA Supportive Services policy. All WIOA Title I-B policies can be located on the WIOA Policy and Procedure Manual page.

Subject: Definition of Disability

Date: June 30, 2016

Question:

What is the definition of a disability? How does the Workforce Innovation and Opportunity Act define whether a disability prevents someone from being able to Work?

Response:

The Workforce Innovation and Opportunity Act (WIOA) adopts the American with Disabilities Act (ADA) of 1975, as amended by the ADA Amendments Act of 2008 (ADAAA) definition of disability. The three-prong definition of disability is defined as:

- Physical or mental impairment that substantially limits one or more of the major life activities of the individual;
- A record of such an impairment; and
- Being regarded as having such an impairment.

To clarify the terms in this definition, the follow phrases are also defined:

The phrase “physical or mental impairment” means:

- Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems; neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin and endocrine; any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities, any mental or
- Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

The phrase “physical or mental impairment” includes, but is not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech

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and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism. The phrase “physical or mental impairment” does not include homosexuality or bisexuality.

The phrase “major life activities” means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

The phrase “has a record of such an impairment” means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

The phrase “is regarded as having an impairment” means:

- has a physical or mental impairment that does not substantially limit major life activities but that is treated by the recipient as being such a limitation;
- has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or
- has none of the impairments but is treated by the recipient as having such an impairment.

The use of “recipient” is defined in 29 CFR Part 38, and includes State-level agencies that administer, or are financed in whole or part with, WIOA Title I Funds, State Workforce Agencies, State and Local Workforce Development Boards, LWDA grant recipients, one-stop operators, service providers, including eligible training providers, on-the-job (OJT) employers, Job Corp contractors and center operators, Job Corps national training contractors, outreach and admissions agencies, including Job Corps contractors that perform these functions; Other National Program recipients and sub-recipients, as well as other types of individuals and entities.

Disabilities must be self-identified by the applicant. Once an applicant has identified that he or she has a disability, the LWDA must request documentation of the disability for income calculations for eligibility purposes, where required in the WIOA Title I-B Youth Program Policy, and for data validation purposes. All WIOA Title I-B policies can be located on the [WIOA Policy and Procedure Manual page](#).

Acceptable verification and documentation for a disability is located on the [WIOA Title I-B Eligibility Checklist \(Exhibit 100A\)](#).

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Subject: Definition of Cultural Barriers

Date: June 30, 2016

Question:

As I work with Out-of-School Youth (OSY), ages 16-24, for workforce development, my following question is pertaining to that population. Much of our paperwork and online systems include the noted barrier: "Do you experience cultural, social, or geographic isolation?"

I do not know what would qualify under this barrier. Based on Title 42, I understand "cultural, social, or geographic isolation" to include at least "isolation caused by racial or ethnic status that – (i) restricts the ability of an individual to perform normal daily tasks; or (ii) threatens the capacity of the individual to live independently." I do not know what other situations would qualify under this category, nor do I understand how one is determined to be "isolated." Would you please provide a definition of what it means to be "isolated" as well as a handful of examples that would fit under this category?

Response:

The Arizona Job Connection System (AJC) is a case management and reporting system and is used by several programs. The registration questions in AJC are the same, regardless of the program in which the individual is being enrolled. For youth enrolling in the WIOA Title I-B Youth, the question is asked solely for reporting purposes. In AJC, there is a question that asks if the individual has cultural barriers. The question in AJC should be answered "yes" when an individual perceives him or herself possessing attitudes or beliefs, customs, or practices that influence a way of thinking, acting, or working that may serve as a hindrance to employment.

Cultural barriers are not an eligibility criteria for the WIOA Title I-B Youth program for In-School Youth or Out-of-School Youth. The eligibility criteria for the WIOA Title I-B youth program are located in WIOA Title I-B Youth Program Policy in Section 212.01 and 212.02.

Examples of cultural, social or geographical isolation include:

- Refugees and Immigrants experiencing cultural and social isolation as a result of a lack of language proficiency, a loss of social status, and a lack of extended family. Refugees or immigrants may be linguistically isolated because they do not speak English, cannot reach out to others, and are often separated from family and friends, so they have few social supports.
- Geographic isolation is the separation of populations by barriers such as rivers, mountains, or bodies of water. In Arizona, this occurs when an individual resides in rural areas, such as reservations. In Arizona, individuals who reside in the Supai Indian Village at the bottom of the Grand Canyon are affected by geographic isolation. This reservation lacks institutional infrastructure, such as

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roads, utilities, banking and financial services. The Supai Village is only accessible by foot, mule, horseback or helicopter.

Subject: Adding Services to the S & T Plan Prior to Enrollment

Date: June 9, 2016

Question:

If a Service is added to the S&T Plan in AJC while the participant is at a Pending Enrollment Status, what happens if the enrollment is never approved? Does that negatively affect Performance? Does the service become a disallowed cost because the participant was never enrolled? Should services only be added to the S&T plan after the enrollment is approved?

Response:

The WIOA Adult and Dislocated Worker Program policy, Section 105 (B) states that participants must be enrolled in WIOA if they require services beyond self-service or services beyond simply providing the individual information. Pending enrollments must be approved no later than 30 calendar days from the eligibility determination date.

LWDA staff may enter basic career services, such as initial assessments of skill levels, referrals to other programs and services on the S & T plan, while the participant is in a Pending Enrollment Status. The only WIOA Title I-B costs associated with these services will be staff time and the enrollment process that has been initiated. Performance will not be affected if the enrollment is never approved because the client was never enrolled. However, it is not acceptable to delay registration or enrollment in AJC until individualized career services are provided or determined necessary. After enrollment, if it is determined that the individual is in need of individualized career services or training services, eligibility documentation must be collected prior to the provision of these types of services.

Subject: Use of the WIOA Title-I-B Applicant Statement

Date: June 9, 2016

Question:

Some questions have come up regarding how to use the WIOA Title I-B Applicant Statement. Do you have any instructions into when additional documentation is required or for what specific situations when the document is used? Also, does the applicant statement need to be completed when any of the situations are identified on the first page? The first item on page one identifies the applicant statement being required if additional documentation is not able to be provided, I'm assuming as it relates to the WIOA Title IB Eligibility Checklist?

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For example, a client stating he or she is a displaced homemaker completes the Dislocated Worker / Displaced Homemaker section, selects the appropriate box, and provides the date of dislocation. Would this individual also be required to complete the statement on page 2 to validate or provide an attestation when a divorce decree or other type of documentation for a category IV dislocated worker is not provided? If the applicant statement is required, what information would you like to see identified by the client?

Response:

The WIOA Title I-B Adult & Dislocated Worker Policy, Section 102.04 (E) states that the *WIOA Title I-B Applicant Statement* (WIOA-1027) may be accepted as a last resort when the LWDA is unable to obtain other documentation listed on the WIOA Title I-B Eligibility Checklist (Exhibit 100A). To complete the *WIOA Title I-B Applicant Statement*, the applicant is required to check the boxes to which he or she is attesting and sign the document on the first page. Additionally, if any of the boxes are checked on page one, the applicant needs to provide a statement on the second page. The applicant statement should include detailed information that supports the element to which the participant is attesting; the checked box on the first page alone is not an acceptable source of documentation.

Subject: VA Medical Cards as Documentation of a Disability

Date: June 2, 2016

Question:

The VA Medical Center is now issuing cards to veterans with the wording “service connected”, which means the veteran has a disability. Is this acceptable as documentation of the disability?

Response:

LWDAS may accept Veterans Health Identification Cards (VHIC) that state “Service Connected” as documentation of a disability.

Subject: Adult Program and Dishonorable Discharge

Date: April 28, 2016

Question:

Veterans may not be enrolled in the WIOA Title I-B Dislocated Workers (DW) Program if they have a dishonorable discharge. May we enroll veterans that have a dishonorable discharge as an Adult and not list veteran status?

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Response:

Yes. Per 20 CFR 680.660, if a separating service member is separating from the Armed Forces with a discharge other than dishonorable, he or she qualifies for DW Program/activities. However, there is no such stipulation for the WIOA Title I-B Adult Program. Any person can choose not to disclose veteran status and be served in the WIOA Title I-B Adult Program, if he or she is determined eligible.

Subject: Disability Documentation

Date: April 28, 2016

Question:

According to the *WIOA Title I-B Eligibility Checklist (Exhibit 100A)*, ARIZONA@WORK Job Centers are required to obtain documentation of a disability if a participant indicates they have a significant disability. However, in speaking with a disability specialist, we were told that we are never allowed to ask for verification of a disability in order to be in compliance with ADA. Please provide some clarity on whether or not we should be asking for documentation of a disability.

Response:

LWDAs must obtain documentation if a participant indicates they have a significant disability for eligibility purposes. The American with Disabilities Act (ADA) does not preclude agencies and programs which administer programs and that provide services to individuals with disabilities from asking for this information, as it is required for eligibility purposes and service provision.