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GLOSSARY OF TERMS AND DEFINITIONS – REFER TO WIOA WEBSITE
GENERAL
YOUTH
I. **POLICY:** This policy has been revised and can be found on the WSD Policy Website at [WIOA Administrative Standards Policy](#).

II. **OPERATIONAL GUIDANCE:**
Refer to the WIOA Administrative Standards Policy for detailed policy. The following is intended as *guidance and clarification*.

NEPOTISM: For Montana’s WIOA programs personal relationship means domestic partners and immediate family means: wife, husband, children, daughter-in-law, son-in-law, parents, grandchildren, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparents, step-grandparents, spouse's grandparents, spouse's step-grandparents, step-children, step-parents, brothers and sisters, and step-brothers and step-sisters of the customer. When relationships such as those listed above or others that may be perceived as a relationship exist service providers must use prudent judgment and refer the individual to other staff or another service provider as appropriate.

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COMPLAINTS AND GRIEVANCES

I. **POLICY**: This policy has been removed. Please refer to the Complaint System Policy at the WSD Policy Website.

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MONITORING, EVALUATION AND TECHNICAL ASSISTANCE

Monitoring, evaluation and technical assistance is an integral part of the oversight responsibilities required by law. Monitoring and evaluation identify areas of strength and weakness in program operation with the intent of improving program performance. Technical assistance increases program operation and management capabilities.

Monitoring is an essential part of program management to ensure compliance with appropriate laws, regulations, plans, provider agreements, policies and procedures. Monitoring provides the opportunity to strengthen or improve programs and systems to promote continuous improvement.

The One Stop Operator may conduct supplemental oversight reviews of providers to determine the extent to which the provider is assisting in the development and operation of the One Stop Center. The One Stop Operator may recommend that a service provider take a course of corrective action for any deficiencies found in the provider’s operations that relate to the One Stop Center.

Special onsite reviews may be conducted to investigate allegations of mismanagement or to clarify unusual findings. Special reviews may or may not result in corrective action. A special review could lead to the implementation of an investigation of known or suspected incidents of fraud, program abuse, or criminal conduct.

I. Monitoring Process

The Bureau conducts program, data and fiscal monitoring and evaluation of service providers annually. Monitoring may be conducted to review the previous program year(s) or 12-month period prior to the on-site visit.

On-site monitoring and/or limited scope reviews may consist of interviews with appropriate staff and reviews of policies, procedures, accounting reports, source documents, and other records as considered necessary pertaining to any or all of WIOA Title IB activities including:

1. Fiscal
2. Adult
3. Youth
4. Dislocated Worker (Formula)  
   Dislocated Worker (NEG)
5. Work Experience (WEX)
6. On-the-Job Training
7. Customized Training
8. Management Information System (MIS)  
   MWorks (security access, timely and accurate input at provider level)
   Data Validation
Section 1.50
Monitoring/Evaluation/Technical Assistance

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9. Eligible Training Provider List
10. The One-Stop System including One-Stop Operators, Centers and Service Providers

Monitoring may be conducted onsite with additional oversight conducted by telephone, desk reviews of documents and reports, and such other means as deemed necessary by the Bureau. Members of entities such as One-Stop Operators, State Workforce Innovation Board members, or U.S. Department of Labor may accompany onsite monitors.

Regular oversight and monitoring of WIOA activities and providers of basic and individualized career services is conducted to ensure compliance with WIOA requirements including:

1. Compliance with the uniform administrative requirements described in WIOA Law Title IB Section 181 and USDOL uniform administrative requirements, including the appropriate administrative requirements and applicable cost principles at WIOA Reg. Subpart B for all entities receiving WIOA title IB funds;
2. Compliance with applicable laws and regulations in accordance with the State’s monitoring system;
3. Determining that expenditures have been made against the cost categories and within the cost limitations specified in the Act and Regulations and in this part;
4. Ensuring that established policies are achieving program quality and outcomes meet the objectives of the Act and the WIOA regulations;
5. Compliance with the nondiscrimination and equal opportunity requirements of WIOA section 188 and 29 CFR part 37. Requirements for these aspects of the monitoring system are set forth in 29 CFR 37.54(d)(2)(ii);
6. Compliance with data collection and reporting system policies and procedures;
7. Determining whether or not there is compliance with other provisions of the Act and the WIOA regulations and other applicable laws and regulations; and
8. Determining if service providers and contractors have demonstrated substantial compliance with WIOA requirements.

Findings of Noncompliance: If, as a result of financial and compliance audits or otherwise, the Bureau has determined that noncompliance with the uniform administrative requirements found at 29 CFR part 95 or part 97, as appropriate, the requirements referred to in WIOA Sections 181 and 184, 29 CFR Part 37, or any other substantial violation of WIOA Title IB, the Division will require corrective action to secure prompt compliance.

Failure to Take Corrective Action: If, as a result of financial and compliance audits or otherwise, the Bureau has determined a substantial violation of specific provisions of WIOA Title IB, and corrective action has not been taken, the Bureau may:

1. provide technical assistance as necessary and appropriate;
2. prohibit the use of eligible providers;
3. select an alternative entity to provide services;
4. withhold one (1) percent of the service provider’s administrative total accrued expenditures to date. If the service provider does not receive administrative funding, one (1) percent of total accrued expenditures to date will be withheld.

II. Monitoring Definitions

**Area of Concern:** When the monitor finds a practice that might lead to non-compliance of law, rule, or policy. This would be used for a questionable practice but not a practice that is definitely out of compliance. In the report, the monitor would word this as a matter of technical assistance or chance for improvement. Depending on the concern, the provider may or may not respond to these on the report. The Area of Concern should be followed by a recommendation.

**Recommendation:** Technical Assistance given in writing to the provider addressing an area of concern.

**Compliance Findings:** When the monitor finds a practice that appears to be in violation of law, rule, or policy. Any time documentation is missing for enrollment, eligibility, data validation, MIS standards, etc. this would be a compliance finding. **Deficiencies regarding overall program and/or case management policy would be a compliance finding.** The Compliance Finding would be immediately followed by Action Required. The compliance finding will reference the law, regulation, or policy that is not being followed.

**Action Required:** The action the provider must take to resolve the Compliance Finding.

**Questioned Cost:** Used when monitors find unallowable purchases and/or incorrect or documentation is missing for activities, services or payments that were made with program dollars. The payment is questioned until the provider has a chance to respond and resolve the discrepancy.

**Disallowed Cost:** Used when the provider cannot provide the documentation to support a questioned cost that is a clear violation of policy, rule or law. The provider has the responsibility to reimburse the program with non-federal funds.

Providers can collect repayment from the participant, if applicable, but it is at their discretion and the responsibility lies with the provider to repay the cost within the report/response deadline.

**Commendation:** Given when the monitor finds good work the provider is doing!
**Corrective Action:** The action plan that the provider will do to resolve their Compliance Findings and/or Areas of Concern within the monitoring time period. This basically means the actions the provider does to bring themselves into compliance.

**Formal Corrective Action:** This is when a service provider has severe problems with the monitoring and requires additional monitoring for a specific period of time (usually one year) to ensure they are in compliance. Severe problems can include findings that occur in a significant number of cases and show little or no improvement from the prior year(s). Being on Formal Corrective Action requires the provider to outline what happened on the next Request for Proposal.

III. **Schedules and Timelines for Monitoring**

Schedule for monitoring service providers (reserved)

Timeline

<table>
<thead>
<tr>
<th>Event</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date set for onsite review</td>
<td>30 days before review</td>
</tr>
<tr>
<td>Onsite review is conducted</td>
<td></td>
</tr>
<tr>
<td>Entrance and Exit Interviews</td>
<td>Conducted at the time of the onsite review</td>
</tr>
<tr>
<td>Report mailed to Service Providers</td>
<td>30 days after onsite review</td>
</tr>
<tr>
<td>Corrective Action Plan due</td>
<td>30 days from date the report was received</td>
</tr>
<tr>
<td>Accept or Deny Corrective Action Plan</td>
<td>45 days from date Corrective Action Plan was received by the State</td>
</tr>
<tr>
<td>Corrective Action taken</td>
<td>30 days after approval of Correction Action Plan</td>
</tr>
<tr>
<td>Requests to extend corrective action plan are negotiable</td>
<td></td>
</tr>
</tbody>
</table>
Follow-up Within 30 but no more than 120 days after approval of Corrective Action Plan

IV. Evaluation
Evaluation is the measurement of the effectiveness of programs in meeting objectives, program goals and performance standards. Evaluations are intended to promote, establish, implement, and utilize methods for continuously improving workforce activities in order to achieve high-level performance within, and high-level outcomes from the statewide workforce investment system.

The Bureau will produce a report on training provided and the use of training funds that is presented to the State Workforce Investment Board annually. This report includes the types of training providers used, the top training programs requested by WIOA participants, a comparison of in-state and out-of-state training costs, comparison of cost categories for training, comparison of the cost between different types of training providers, and a comparison of participant training completions and participant outcomes. The information on training is included in the WIOA Annual Report as well.

The Bureau will also analyze the data collected from the Customer Satisfaction surveys of participants and employers. A report will be written and presented to the SWIB on an annual basis. Other reports as requested from the SWIB will be produced on behalf of the workforce system.

From these reports, the SWIB and Bureau will be able to assess how effective the programs are in meeting objectives and goals and recommend any improvements that need to be made.

V. Technical Assistance
Technical assistance and training may be recommended by the Department of Labor and Industry or requested by the service provider. Technical assistance may be the means of improving program operations, facilitating the implementation of corrective action or providing information. Service providers will not be monitored on the quality or compliance of their programs during technical assistance visits but will be provided direction to improve quality and compliance issues. State program managers may provide technical assistance and training directly or outside sources may be used. Such requests should be coordinated through the appropriate program manager or specialist.

Requests for minor technical assistance may be submitted verbally or in writing. If major assistance or assistance in several areas is requested, the request should be in writing so that staff has sufficient information to decide on the most appropriate form and level of assistance to provide. If several service providers request assistance in related areas, a general training session may be scheduled.
Program managers may schedule technical assistance visits to service providers to provide information or special training, discuss areas of concern, evaluate program operation, or any combination thereof.

Service provider attendance is required at state-sponsored technical assistance sessions.

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STATEWIDE PERFORMANCE AND SANCTIONS

I. One Stop Operator Performance

One Stop Operator Performance will be evaluated based on the Terms and Provisions and Scope of Service in their One Stop Operator Agreement.

II. Service Provider Performance

Federal Performance Measures will be applied to all service providers. Service providers must meet all of the Federal performance measure levels applicable to the program(s), Adult, Dislocated Worker or Youth, for which they receive funding. Service providers that fail to meet applicable performance standards will be subject to sanctions. (See following chart)

STATE OF MONTANA
PERFORMANCE LEVELS
PROGRAM YEAR 2016
July 1, 2016 – June 30, 2017

<table>
<thead>
<tr>
<th>Performance Measure</th>
<th>PY’16</th>
<th>PY’17</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>July 1, 2016 through June 30, 2017</td>
<td>July 1, 2017 through June 30, 2018</td>
</tr>
<tr>
<td>WIOA Adult</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employment Rate 2nd quarter</td>
<td>71.0%</td>
<td>71.0%</td>
</tr>
<tr>
<td>Employment Rate 4th quarter</td>
<td>71.0%</td>
<td>71.0%</td>
</tr>
<tr>
<td>Median Earnings 2nd quarter</td>
<td>$5,913</td>
<td>$5,913</td>
</tr>
<tr>
<td>Credential Attainment 4th Quarter</td>
<td>63.0%</td>
<td>63.0%</td>
</tr>
<tr>
<td>WIOA Dislocated Worker</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employment Rate 2nd quarter</td>
<td>71.2%</td>
<td>71.2%</td>
</tr>
<tr>
<td>Employment Rate 4th quarter</td>
<td>67.2%</td>
<td>67.2%</td>
</tr>
<tr>
<td>Median Earnings 2nd quarter</td>
<td>$7,192</td>
<td>$7,192</td>
</tr>
<tr>
<td>Credential Attainment 4th Quarter</td>
<td>63.0%</td>
<td>63.0%</td>
</tr>
<tr>
<td>WIOA Youth</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employment Rate 2nd quarter</td>
<td>64.9%</td>
<td>64.9%</td>
</tr>
<tr>
<td>Employment Rate 4th quarter</td>
<td>55.7%</td>
<td>55.7%</td>
</tr>
<tr>
<td>Median Earnings 2nd quarter</td>
<td>$2,727</td>
<td>$2,727</td>
</tr>
<tr>
<td>Credential Attainment 4th Quarter</td>
<td>61%</td>
<td>48.8%</td>
</tr>
<tr>
<td>Wagner-Peyser</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employment Rate 2nd quarter</td>
<td>70.9%</td>
<td>70.9%</td>
</tr>
<tr>
<td>Employment Rate 4th quarter</td>
<td>66.7%</td>
<td>66.7%</td>
</tr>
<tr>
<td>Median Earnings 2nd quarter</td>
<td>$5,028</td>
<td>$5,028</td>
</tr>
</tbody>
</table>

III. Performance Calculations

Acceptable performance for each measure is calculated based on negotiated factors which are explained in the management information system.
IV. **Sanctions**  
Sanctions ensure that service providers and the overall workforce investment area have adequate tools to maintain high standards of performance. Sanctions provide technical assistance to improve performance, and the understanding necessary to take the proper action in the event program performance is not improved.

Sanctions may be applied to the One Stop Operator and to individual service providers for failing to meet performance.

The Bureau will provide information regarding sanction issues to the appropriate committee(s) of the State Workforce Investment Board. Sanctions include, but are not limited to, the steps described below. The steps are progressive in nature, that is, failure to comply with step one may lead to the action set forth in step two.

- Corrective action planning and implementation.
- Placement on probationary status. Probationary status is a period of not more than two years in which the District or service provider may have funding reduced or de-obligated; must maintain monthly contact with Bureau staff and make appropriate status reports until the District or service provider has clearly indicated that problems and concerns are corrected.
- Reduction or de-obligation of all or part of the funds.
- Re-allotment of funds.
- Termination of the Provider Agreement.

V. **General Guidelines for Application of Sanctions**  
Sanctions will be based on the severity of the performance problem as follows:

- Failure to achieve at least 80% of the negotiated rate on any performance measure in any one year.

- Failure to attain at least an 80% Composite Performance Rate (all program measures) for a program in any one year, the Bureau will provide technical assistance and require the service provider to develop a Corrective Action Plan for that program to improve performance. State Oversight Staff will notify the appropriate committee of the SWIB, who will review and monitor the plan and recommend that the service provider be placed on probation.
Failure to attain at least an 80% Composite Performance Rate (all program measures) for a program in any two consecutive years, the Bureau will notify the SWIB, who will recommend de-obligation or termination of the Provider Agreement.

The Bureau will provide technical assistance and require corrective action.

VI. Other Sanctions

Failure to perform. The Statewide Programs and Division will monitor the service provider’s performance as per individual Agreements. Performance will be based on plan versus actual expenditures of funds and fulfillment of the Terms and Provisions and Scope of Services. The process will include monthly program and fiscal desk review; regular communication with operators and providers; attendance at training and technical assistance sessions; Monthly Status Reports; and Agreement Modifications and Monitoring.

Service providers found deficient in any of these areas will submit a corrective action plan to the Bureau. The Bureau will provide the appropriate technical assistance.

Should a service provider fail to fulfill the corrective action, and Bureau staff has exhausted the viability of technical assistance as a remedy to correct the problem, staff will forward the information to the appropriate committee(s) of the SWIB indicating that the service provider be placed on probationary status.

Failure to successfully complete all terms of the probationary status may result in recommending de-obligation of funds and/or that the service provider became ineligible for any future funding consideration.

In cases of claims of known or suspected incidents of fraud, malfeasance, misapplication of funds, gross mismanagement, or other criminal activities in federally-funded programs, the Bureau will report all known information on the Federal Incident Report (20 CFR 629.55). In addition, Oversight staff may initiate a special investigation or audit of the incident. The special investigation or audit may include, but is not limited to additional on-site monitoring and/or a financial audit conducted by a third-party auditing firm. For the purpose of this section the following definitions apply:

1. Fraud, Misfeasance, Nonfeasance or Malfeasance Fraud
   Misfeasance and nonfeasance or malfeasance should be considered broadly as any alleged deliberate action that is apparently in violation of Federal statutes and regulations. This category includes, but is not limited to, indications of bribery, forgery, extortion, embezzlement, theft of participant checks, kickbacks from participants, intentional payment to a contractor or service provider without the expectation of receiving services, payments to ghost enrollees, misuse of appropriated funds, and misrepresenting information in official reports.

2. Misapplication of Funds
Misapplication of funds should be considered as any alleged use of funds, assets, or property not authorized or provided for under the Workforce Innovation and Opportunities Act or regulations, grants, agreements or contracts. This category includes, but is not limited to, nepotism, political patronage, use of participants for political activities, ineligible participants, conflict of interest, failure to report income from Federal funds, violation of agreement/contract/grant procedures, and the use of Federal funds for other than specified purposes.

3. Gross Mismanagement
Gross mismanagement should be considered as actions or situations arising out of management ineptitude or oversight, leading to major violations of WIOA processes, regulation, or agreement/contract/grant provisions which could severely hamper the accomplishment of program goals. These include situations that lead to waste of government resources and could jeopardize future support for a particular project. This category includes, but is not limited to, non-auditable records, unsupported costs, highly inaccurate fiscal or program reports, payroll discrepancies, payroll deductions not paid to Internal Revenue Service, and the lack of good internal control procedures.

4. Employee/Participant Misconduct
Employee/participant misconduct should be considered as actions occurring during or outside work hours that reflect negatively on the Department of Labor, the State of Montana, or the WIOA program. Misconduct may include, but is not limited to, conflict of interest or the appearance of conflict of interest involving outside employment, business, and professional activities, the receipt or giving of gifts, fees, entertainment and favors, misuse of Federal property, misuse of official information and such other activities as might adversely affect the confidence of the public, as well as serious violations of Federal and State laws.

All program activities may be suspended during the time that a special investigation or audit is being conducted. Following completion of the special investigation or audit, action taken may include, but is not limited to:

1. Reinstatement;
2. For audits, resolutions as prescribed in the Fiscal Section of this Policy Manual;
3. Reduction or de-obligation of all or part of the funds awarded to a service provider or operator;
4. Placement on Probationary Status
5. Termination of all or part of the operator or provider agreement with possible repayment of funds;
6. Civil or criminal prosecution, if warranted.
SERVICE PROVIDER SELECTION PROCESS AND PROVIDER AGREEMENTS

I. POLICY: This policy has been revised and can be found on the WSD Policy Website at WIOA Service Provider Selection and Provider Agreement Policy

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ASSURANCES AND CERTIFICATIONS

I. **POLICY:** This Policy has been combined with Administrative Standards (Section 1.30) and can be viewed on the WSD Policy Website at [WIOA Administrative Standards Policy](#)
PROVIDING NOTICE OF EQUAL OPPORTUNITY AND NONDISCRIMINATION

I. **POLICY:** This policy has been removed and combined with the Complaint System Policy and can be viewed on the [WSD Policy Website](#).
REPORTING

Service providers must submit quarterly program and expenditures for the adult, youth, dislocated worker, State Displaced Homemaker and one-stop operator programs for provider agreement. NOTE: Dislocated Worker National Emergency Grants (NEG) will continue to provide monthly reports.

I. Quarterly Reports

Program Narrative
The program narrative report tracks the progress of the goals as listed on the Scope of Services in the Provider Agreement. The narrative should address difficulties, successes and accomplishments in meeting goals, and point out areas for technical assistance.

Adult, youth and dislocated worker and State Displaced Homemaker program managers will review program narratives as part of the program management process during the grant year. Information gained will be used to provide technical assistance and training to individual providers, providers in a region, and for area and statewide training sessions.

Program Narrative Format
1. Service Provider
2. Program
3. Report for quarter ending
4. Discussions of activities, outreach, etc. (based on Scope of Services) and coordination with One Stop Operators, Community Management Teams and others
5. Data entry issues
6. Expenditures and enrollments planned versus actual at quarter end. Deficiencies explained.
7. What works?
8. What does not work?

Timeline for Submitting Reports
Quarterly program and expenditure reports are due by 5:00 p.m. on the twenty-fifth (25) calendar day of the first month after the quarter end date. Quarter end dates are March 31, June 30, September 30, and December 31.

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FUNDING ALLOCATION

I. WIOA Adult and WIOA Youth

Montana’s procedure for equitably allocating resources across the State utilizes the federal formula. This ensures that resources are distributed in a fair and equitable manner. Montana’s Procedure is as follows:

Montana has one local area. WIOA funding is allocated to the area based on the following formula:

- 1/3 unemployed in the Areas of Substantial Unemployment (ASU – a contiguous area with an average unemployment rate of 6.5% or greater);
- 1/3 excess unemployed greater than 4.5 %
- 1/3 total number of individuals in Montana who are economically disadvantaged

The State is broken into MAC0 Montana Association of Counties) areas and each MAC0 area is allocated a portion of the WIOA funding based upon the federal formula.

Minimum Percentage (Hold Harmless):

Each MAC0 district in Montana is guaranteed to receive an allocation percentage for the current fiscal year that is no less than 90% of the average allocation percentage of what that district received for the prior two preceding fiscal years.

Amounts necessary to increase allocations to districts to comply with paragraph (a) of this section must be obtained by ratably reducing the allocations to be made to other districts.

If the amounts of WIOA funds appropriated in a fiscal year are not sufficient to provide the amount as specified in WIOA Regulations 683.125 (a) the amounts allocated to each district must be ratably reduced.

WIOA Law Sections 128 (b)(2)(ii); and 133 (2)(A)(ii)
WIOA Regulations 20 CFR Part 683.125 (a)(b)(c)

Funding is allocated to the MAC0 districts by first applying a base of 9% for Youth and 35% for Adult. Base funding is subtracted from total funding for each program. The remainder of un-allocated funding is allocated using ratios of the three factors from the above formula.

The WIOA Adult and WIOA Youth funds are then contracted by the Division to the service providers. The Statewide Workforce Innovation Board (SWIB) conducts a Request for Proposal (RFP) for all WIOA providers. These contracts are valid for seven years provided the service provider is meeting performance standards and has no serious issues with compliance.

The RFP process the State uses follows the State of Montana Procurement Laws found at http://gsd.mt.gov/ProcurementServices/rfpprocess.mcpx
II. **WIOA Dislocated Worker**
WIOA Dislocated Worker funding is based on the six criteria in the following formula:

Insured unemployed, using data for regular UI claims and UCFE claims;

Excess unemployed greater than 4.5 percent. The excess number equals the higher of the number of unemployed individuals in excess of 4.5 percent of the civilian labor force within Montana, OR the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment;

Economically disadvantaged;

Declining employment using annual average employment data from the Quarterly Census of Employment and Wages;

Agricultural unemployment;

Long term unemployed.

However, the WIOA Dislocated Worker program is a statewide program and the funds are not restricted to each MACo district. Funds are allocated based upon need.

III. **Rapid Response**
Rapid Response funding is 25% of the total WIOA Dislocated Worker funding at the beginning of each year. The funds are allocated statewide based upon need.
I. **POLICY:** This policy can be found on the WSD Policy Website at [One-Stop Certification Policy](#).
GENERAL ELIGIBILITY DETERMINATION PROCESS

MWorks is the data entry system used to maintain and track all services provided through the funding programs in this Manual.

I. Application

The application process includes completion of the MWorks application form. All service providers are required to use the MWorks ApplicationWIOA.08. The completed application shall be electronically entered in MWorks.

The application process requires evidence of all necessary eligibility documentation regarding citizenship, age, income (for youth and adults) and selective service registration (if applicable). All documentation necessary to establish eligibility for the WIOA program must be collected and reviewed within 45 days of the application date (as recorded on the application form). Equal Opportunity data must be collected at this point.

WIOA Sec. 188. (a)

Upon completion of eligibility determination, service providers may enroll the eligible applicant directly into the WIOA program or place them in an applicant pool that is good for 45 days from the application determination date. For youth, adults and dislocated workers, program enrollment is based on appropriate eligibility criteria, participant need, and programmatic considerations. For adults and dislocated workers, program eligibility enrollment occurs when services beyond self-service and informational activities have been provided.

II. Participation

The next step is WIOA Registration or formal enrollment, which indicates eligibility has been established and for adults that priority for service in accordance with WIOA Section 134(d)(E) has also been established. This priority for service is to be distinguished from priority for covered persons. Priority for covered persons applies to all populations, whereas priority for individualized career and training services in instances of limited funding applies to adults only.

For WIOA adults and dislocated workers, career services beyond self-service and information activities requires formal enrollment. In other words, if the provision of the service is characterized by significant staff involvement and funded by Title I, the individual must be registered. These services are considered qualifying services that “trigger” participation:

Staff-assisted job search & placement including career counseling;

Staff-assisted job referrals;
Staff-assisted job development, and

Information on supportive services

Prior to the point of participation (which requires receipt of a program-funded service) eligibility determination for Title IB services has been completed in addition to the “Equal Opportunity Is the Law” form.

In the case of WIOA youth, participation commences on the date of first youth service unless the youth received prior WIOA-funded services, which is in accordance with the State’s policy relative to a common participation date across core workforce programs. In those instances, participation would commence after eligibility determination and receipt of a qualifying service, consistent with TEGL 17-05.

III. Referral
Service providers shall provide information to eligible applicants, whether enrolled in WIOA or not, of the services available through WIOA service providers, including information regarding the opportunities for nontraditional training and employment. Determination may be made prior to enrollment in WIOA to refer an eligible applicant to another service agency or training and education program deemed more suitable for the individual. Each service provider shall ensure that an eligible applicant who cannot be served by its particular program is referred to appropriate agencies, both within and outside the WIOA system that may be able to better serve the applicant. A referral form facsimile is shown in the forms section on DLI’s website.

IV. Confidentiality and Release of Information
State and federal privacy laws safeguard an individual's privacy from the misuse of federal and state records and provide individuals access to their records. Providers must maintain participant and applicant files in a manner to safeguard confidentiality.

Funding source agencies have access to participant files. Access to files should be granted on a "need to know" basis. If other agencies, prospective employers, or other individuals or agencies request access to information in a file, an authorization of release for the information must be obtained from the participant. A "Sample Authorization of Release Form" facsimile is shown in the forms section of this manual. The sample form may be used as an Authorization form with the agency’s name inserted on the form. Participants should sign the form only after all information is complete.

Access to the records from other agencies may also require authorization for release of information.
ADULT AND DISLOCATED WORKER ELIGIBILITY AND SERVICE PRIORITY

I. General Eligibility Requirements

To receive Title I B Adult or Dislocated Worker individualized career and training services, an individual must:

1. Be a U.S. Citizen or Registered Alien; and
2. Meet Selective Service Registration requirements, if applicable.

Additional Eligibility Requirements for Adults

1. Individuals must be 18 years of age or older and
2. Meet the service priority required for adults (e.g. low-income and public assistance recipients).

Additional Eligibility Requirements for Dislocated Workers

An individual must meet the WIOA definition of a dislocated worker or displaced homemaker definition as found in Part III of this Section and the Glossary of Terms and Definitions.

II. Service Priority for WIOA Adults (WIOA Law Section 134(c)(3)(E))

Career services are universally available to all individuals entering a one-stop system facility. However, covered persons (veterans and eligible spouses of veterans) are given priority of service over non-covered persons.

Adult Service Priority

1. Priority for individualized career and training services shall be given to recipients of public assistance; low-income; and individuals who are basic skills deficient, consistent with the Workforce Innovation and Opportunity Act.
   i. Receives, or in the past six (6) months has received, or is a member of a family that receives, or in the past six (6) months has received assistance through:
      - SNAP in accordance with the Food and Nutrition Act of 2008; or
      - TANF under Part A of Title IV of the Social Security Act; or
      - SSI (supplemental security income) established under Title XVI of the of the Social Security Act; or
      - State or local income-based public assistance. In Montana, this is General Assistance (GA); Refugee Cash Assistance (RCA); and ACA Medicaid.
ii. Received an income, or is a member of a family that received a total family income that did not exceed the higher of:

- The poverty line; or
- 70 % of the lower living standard income level.
  Montana uses the 70 percent of the lower living standard income level to determine low-income. Refer to Section 3.70 Income/Family Size Determination for the Income Table for Adults and Youth and guidance on what income must be included and or income that may excluded in determining low-income.
- Qualifies as a homeless individual as defined Section 41403(6) of the Violence Against Women Act of 1994;
- Is an individual with a disability whose own income meets the requirements of a program described in subparagraph b., but who is a member of a family whose income does not meet this requirement?

iii. Qualifies as a homeless individual as defined Section 41403(6) of the Violence Against Women Act of 1994;

iv. Is an individual with a disability whose own income meets the requirements of a program described in subparagraph b., but who is a member of a family whose income does not meet this requirement?

WIOA Law Sec. 3 (36)

2. Individuals who are recipients of public assistance (TANF, SNAP, Supplemental Security Income (SSI), ACA Medicaid, Refugee Cash Assistance (RCA), and General Assistance (GA) are considered to meet Categorical Income Eligibility and may be automatically income eligible and no further income verification is required if the individual has provided acceptable documentation.
   i. SNAP

   - SNAP documentation must be current and verify that the individual receives or is a member of a household that is receiving SNAP benefits as described in 1. (a). Examples of documentation include the Letter of Award if the individual is the recipient, or documentation that lists the individual is a member of the household receiving SNAP, and documentation such as a SNAP benefit summary showing the dates to verify that benefits were received within the six-month period prior to application to a WIOA program. Refer to the appropriate Verification Worksheet for complete list of acceptable documentation.
   - ACA Medicaid: Medicaid card must be in the applicant’s name.

   ii. Cash Public Assistance:
• TANF documentation must be current and verify that the individual is receiving or is a member of a family that is receiving TANF payments at the time of application to a WIOA program. Examples of acceptable documentation include the Letter of Award if the individual is the recipient, or documentation that lists the individual as a member of the family currently receiving TANF, and documentation such as the TANF benefit summary that shows the dates of the public assistance. Refer to the appropriate Verification Worksheet for complete list of acceptable documentation.

• SSI, RCA and GA are payments made to a single recipient. The individual applying to WIOA must be the recipient at the time of application to a WIOA program in order to be considered as receiving public assistance and would be considered as a family of one. Examples of acceptable documentation include the Award Letter or other authorization notice to receive cash public assistance. Refer to the appropriate Verification Worksheet for complete list of acceptable documentation.

Dislocated Worker Priority for Individualized Career and Training Services
The Workforce Innovation and Opportunity Act does not provide a priority of service requirement for dislocated workers. However, plant closures or significant dislocation events are given priority for Individualized Career and Training services. All other eligible individuals impacted are considered of equal status for receipt of services notwithstanding federal requirements pertaining to priority for covered persons (veterans and eligible spouses).

Priority of Service for Covered Persons, also known as Veterans’ Priority of Service (P.L. 107-288 (Jobs for Veterans Act) and 20 CFR Part 1010)
1. Veterans and eligible spouses of veterans (covered persons) are entitled to priority over non-covered persons for the receipt of employment, training, and placement services provided under new or existing USDOL-funded job training programs. See definition of Covered Persons in the glossary.
2. Veterans priority of service does NOT change a program’s intended functions; covered persons still need to meet all program eligibility requirements.
3. Priority of service applies to every qualified job training program funded, in whole or in part by USDOL including:
   i. Any such program or service that uses technology to assist individuals to access workforce development programs (such as job and training opportunities, labor market information, career assessment tools, and related support services;
   ii. Any such program or service under the public employment service system, One-Stop Career Centers, the Workforce Innovation and Opportunity Act of 2014, a demonstration or other temporary program; and

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iii. Any workforce development program targeted to specific groups,
    and those programs implemented by States or local service
    providers based on Federal block grants administered USDOL

4. Service Providers must ensure a process for identifying covered persons at
    the point of entry including enrollment into workforce services, to allow
    covered persons to take full advantage of priority of service. Identification
    does not mean verification of veteran status. Self-identified veterans must be
    made aware of:
    i. Their entitlement to priority of service;
    ii. The full array of employment, training, and placement services
       available under priority of service; and
    iii. Any applicable eligibility requirements for those programs and/or
        services.

III. Dislocated Worker Eligibility Criteria
A dislocated worker, for the purposes of the Title I of the Workforce Innovation and
Opportunity Act, is:

An individual who
1. Has been terminated or laid off from their job, or who received a notice of
   termination or layoff, from their employer; *
2. Is eligible for or has exhausted their unemployment payments; or has been
   employed for a duration sufficient to demonstrate attachment to the
   workforce, but cannot get unemployment compensation because of low
   earnings or having done work for an employer not covered under a State
   unemployment compensation law; and
3. Is unlikely to return to a previous industry or occupation; **

An individual who
1. Has been terminated or laid off, or has received a notice of termination or
   layoff, from employment as a result of any permanent closure of, or any
   substantial layoff at, a plant, facility or enterprise;
2. Is employed at a facility which the employer has made a general
   announcement that such facility will close within 180 days; or
3. For purpose of eligibility to receive services other than training services,
   intensive services or supportive services, is employed at a facility at which the
   employer has made a general announcement that such facility will close;

An individual who was self-employed (including employment as a farmer, rancher, or a
fisherman) but is unemployed as a result of general economic conditions in the
community in which the individual resides or because of natural disasters; or

An individual who is a displaced homemaker (must meet the dislocated worker definition
of a displaced homemaker).
An individual who

1. Is a spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or
2. Is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in paragraph (16)(B).

WIOA Sec. 3 (15)

DISPLACED HOMEMAKER.—The term “displaced homemaker” means an individual who has been providing unpaid services to family members in the home and who— (A)(i) has been dependent on the income of another family member but is no longer supported by that income; or (ii) is the dependent spouse of a member of the Armed Forces on active duty (as defined in Section 101(d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in Section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in Section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in Section 101(16) of title 38, United States Code) death or disability of the member; and (B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

WIOA Sec. 3 (16)(B)

*Separating military service members (non-retiree) and military spouses may be enrolled for services as dislocated workers if they meet the definitions set forth in TEGL 22-04 Section 4.

Recently separated veterans and transitioning service members are considered to have received a notice of termination or layoff from their employer (DD-214) per III.A.(i) of this Section. For full definitions of Recently Separated Veteran and Transitioning Service Member see the Glossary of Terms and Definitions on DLI’s WIOA website.

**Montana’s UI profiling and referral process satisfies the criteria necessary to meet category A. of the dislocated worker definition. Claimants who have been referred from the Unemployment Insurance Division through Worker Profiling, REA/RES, EUC REA and REA Pilot meet the definition. In such cases, documentation of the referral is sufficient to establish dislocated worker eligibility.

20 CFR Part 663. Introduction Subpart A.2. Registration and Eligibility

IV. Eligibility Verification

Verification of eligibility is used to ensure the reliability of the participant information system, to guarantee services are provided to persons most in need, and to avoid potential disallowed costs. Once an applicant is determined to be eligible, verification of eligibility must be completed using the Eligibility Verification/service priority worksheet. No individualized career services may be provided until the participant has furnished proof of eligibility to the enrolling agency.
The primary responsibility for providing documentary evidence rests with the applicant/potential participant. Copies of all documentary evidence must be maintained in the participant’s file. For those ex-service members without a DD-214, service providers should work with local or State veterans’ staff to obtain a copy. The lack of a DD-214 cannot be used to deny services; it is the responsibility of the provider – in concert with the individual – to obtain a DD-214 in the absence of other allowable documentation.

If an applicant is unable to produce the necessary documents to prove eligibility, service providers have two options to determine eligibility. They can verify information given via telephone contact with an employer or by document inspection, or an applicant statement may be used (use is limited). However, service providers must ensure applicant statements and/or staff verification are allowable from the perspective of federal data validation requirements.

Service providers will use the Eligibility Verification Worksheet for the Adult Program or for the Dislocated Worker program to determine the eligibility documentation that is required for registered individuals to receive Individualized Career Services. The completed worksheet must be maintained in the individual’s file.

The Adult and Dislocated Worker Verification Worksheets are on the Department’s website.
YOUTH ELIGIBILITY AND SERVICE PRIORITY

I. **POLICY:** This policy has been incorporated into the WIOA Title I Youth Program Policy and can be found on the WSD Policy Website at: [WIOA Title I Youth Program Policy](#).

Parent/Guardian Program Consent

II. **Operational Guidance**

Enrolling a minor into WIOA without parental consent can put the Montana Department of Labor and WIOA Youth Service providers at risk of being sued and increases liability, particularly if the participant is injured or mistreated. Service providers must obtain signed consent from a parent or guardian for youth who are under the age of 18. In situations where an unaccompanied minor, not in foster care, with no one assuming Legal Custody of them (most generally these are homeless or runaway youth) they are allowed to sign for themselves. Case managers must have very detailed case notes documenting the youth’s situation and also comment on the consent form and place the form in the participant’s file. Service providers may continue to use their current consent (if approved by Oversight program managers) form or the WIOA.48 Parent/Guardian Program Participation Consent Form.

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STATE DISPLACED HOMEMAKER PROGRAM

I. **POLICY:** This policy has been revised and can be found on the WSD Policy Website at: [State Displaced Homemaker Policy](#)

II. **OPERATIONAL GUIDANCE:**
Refer to the State Displaced Homemaker Policy for detailed policy. The following is intended as guidance and clarification from determining eligibility to providing services.

**Eligibility**
1. Loss of support could mean a death or divorce within the timeline established in the State Displaced Homemaker Policy.
2. Caring for the home and family generally refers to the care of the applicant’s parents, spouse, siblings, other relatives and children.
3. A criminal offender is eligible if they meet any one of the Eligibility Requirements for the SDH program.

**Services**
The needs of displaced homemakers are extensive. Besides the problems associated with economic loss – child care, transportation, housing and lack of basic necessities – the disruption of family life may result in emotional, medical and legal difficulties. Displaced homemakers often lack self-confidence and self-esteem, which can be formidable barriers to employment. Meeting these needs is achieved through counseling, training, jobs, services and health care.

Generally, any service provided to adults and dislocated workers through the WIOA Title IB program are available to State Displaced Homemaker participants. Services described in the Objectives and Services document (WIOA.49) including developing an Individual Employment Plan (IEP), providing skills assessment and testing and similar activities (refer to the Assessment and IEP sections of this manual), ITAs and Occupational Skills training are available to State Displaced Homemaker participants.

State Displaced Homemaker providers receive very little funding for this program therefore co-enrollment in WIOA Title IB adult and youth programs is encouraged as appropriate. Whenever co-enrollment occurs SDH and adult providers should work closely to determine the best way to serve the participant and leverage funding.

**Referral**
Displaced homemakers often lack self-confidence and self-esteem, which can be formidable barriers to employment. Crisis intervention and counseling are often critical preliminary needs of displaced homemakers. Referral to relevant community service agencies will provide information and assistance with respect to such items as health care, financial matters, education, nutrition, and legal problems.
Follow-up
Enrollment into follow-up when the participant attains unsubsidized employment is not a requirement of State Displaced Homemaker Program. However, case manager may enroll in follow-up if deemed appropriate to further assist the participant. Case managers may decide that it’s more appropriate to continue enrollment in the program for a limited time to provide assistance such as supportive services.
ASSESSMENT AND PLANNING

I. INITIAL ASSESSMENT

Initial assessment is part of the overall intake process and includes the initial determination of each individual’s employability, aptitudes, abilities and interests through interview, testing and counseling. All participants must have an initial assessment completed to evaluate basic skills, experience, and the appropriateness for service and ability to benefit from the Workforce Innovation and Opportunity Act. When the initial assessment indicates that Individualized Career Services are appropriate, an Individual Employment Plan (IEP – WIOA.16) is then completed for adults and dislocated workers. Regarding youth, if an initial assessment indicates that additional services should be provided, an Individual Service Strategy (ISS - WIOA.17) will be developed.

II. COMPREHENSIVE ASSESSMENT GUIDELINES

Individual Employment Plan or Individual Service Strategy

A complete assessment is an independent, comprehensive evaluation of an individual, designed to identify information vital to the development of a service strategy and to set goals and objectives which culminate in gainful employment.

The IEP/ISS should be revisited on a regular basis and amended, as appropriate, when additional needs are identified or goals are achieved. Assessment is a holistic, ongoing process and should not be viewed as a one-time event. It should include a full array of options for the participant from which program staff, together with the participant, makes informed decisions and select the appropriate services, which will best enable the participant to seek and retain long-term self-sufficient employment.

1. Assessment means an examination of the capabilities, needs and vocational potential of an applicant or participant.
2. An initial assessment indicates that additional services are appropriate and triggers the completion of an Individual Employment Plan (IEP) or Individual Service Strategy (ISS) and registration in WIOA Title I programs.
3. A comprehensive assessment is completed upon enrollment in the WIOA program. The comprehensive assessment provides specific information for the development of the IEP/ISS.
4. WIOA service providers must use the assessment tools provided through the Montana Career Information System (MCIS) when working with their participants in the comprehensive assessment process. Through the use of these tools, the participant will create a customized electronic portfolio which will guide their career planning and be accessible to partner program operators such as Adult Basic Education and Vocational Rehabilitation in the event the participant needs to be referred to these partners for services. MCIS tools include, but are not limited to, IDEAS Assessment, O*Net Interest Profiler, PEP Talk, Micro-Skills and Reality Check and Resume Builder.
Providers should use those LMI and MCIS tools that are most appropriate to assess the needs of the individual participant.

For example: If an individual has been successfully participating in a training program and you will assist them in completing the training; or they have prior training and experience in an occupation, but just need an additional certification or help with license renewal then they may only need the Resume Builder tool to assist in their job search.

**Waivers from MCIS assessment may be granted by a WIOA program manager under some circumstances.** Requests to waive MCIS assessment because the service provider wants to use different career planning assessment tools will not be approved.

Developing the Individual Employment Plan or the Individual Service Strategy
The assessment of the participant should be client-centered and provide for a diagnostic evaluation of a participant’s employment barriers, taking into account the participant’s family situation, work history, education, occupational skills, interests, aptitudes, attitudes towards work, motivation, behavior patterns affecting employment potential, financial resources and needs, supportive service needs, and personal employment information as it relates to the local labor market. The name(s) of the assessor, name(s) of participants being assessed and assessment results need to be identified on the IEP/ISS.

Assessments by Other Programs
Initial assessments such as interest inventories, career assessment and similar assessments (other than basic skills assessments) conducted by other human service programs or educational institutions within the last six months may be used where appropriate, rather than requiring the participant to undergo additional, duplicative assessments, which may disrupt and discourage further participation. However, the service provider should evaluate the information provided and complete updated assessments if needed for effective WIOA program planning and update the ISS/IEP appropriately.

### III. BASIC SKILLS ASSESSMENT GUIDELINES

All Adult and Dislocated Worker participants, with the exception of those individuals that can provide other acceptable documentation listed under the acceptable TABE alternatives or received a waiver from a program manager must be assessed for basic skills deficiencies (reading and math) using the Test for Adult Basic Education (TABE) Standardized Test as part of their initial assessment. The TABE is not required for enrollment and should be administered within a reasonable time following enrollment based upon the participant’s plan.
A copy of the TABE scoring sheet indicating grade level skill must be maintained in each participant file. The results (reading/math) need to be quantifiable through grade equivalency scores or raw score from criterion-referenced assessment tools (TABE) and entered in MWorks. Plans to address basic skills deficiencies for those that tested at or below the eighth grade (8.9) must be documented in the IEP for adults or dislocated workers.

Literacy and numeracy gains are not performance measures for these programs; however poor math and/or reading skills could be a factor in the participant’s education and employment goals. Deficiencies should be addressed in the Individual Employment Plan and discussed with the participant to provide them the opportunity to determine how they want to address the deficiencies and explore options for improvement.

Post-testing is not a requirement for adults and dislocated workers. However, if it’s determined that the participant should be post-tested this should only occur if the participant has gone through remediation or tutoring to determine whether or not they’ve raised their basic skills. Individuals may be post-tested several times as appropriate while they are enrolled in the program. How often depends on a plan developed by the case manager and the participant. Please apply the 30 to 60 days intervals (depending up test scores) between post-testing.

1. **Acceptable TABE alternatives must have documentation placed in the participant’s file and be documented in case notes.**

   **Acceptable Documentation:**
   
   i. High school equivalency diploma attained within the last year;
   ii. Degree or certificate from college, university or technical school;
   iii. Collateral contacts with school/college which include the name and results of the assessment;
   iv. Copy of post-secondary grades sufficient to demonstrate the participant’s basic skill proficiency; and
   v. COMPASS (College Placement Tests) taken within the last year and using the latest version of the test.
   vi. Accuplacer may be used in place of COMPASS.

2. Examples of unacceptable alternatives for the TABE include:
   
   i. High school diploma;
   ii. Report cards;
   iii. High school equivalency diploma obtained longer than one year ago;
   iv. Teacher or school administration statements not citing specific assessments or test results; and
   v. Tests that are not standardized.
   vi. Other types of testing and assessments may be done for each client. Results may be used in the development of the Individual Employment Plan.
3. Waivers from TABE assessment may be granted by the WIOA program managers under other special circumstances.
INDIVIDUAL EMPLOYMENT PLAN (IEP)

I. Description

An Individual Employment Plan (IEP) is required for Adult and Dislocated Worker participants in WIOA Title IB Individualized Career and Training services. It is both a form and a continual process. The IEP is developed in partnership with the participant. The IEP identifies where the participant is, where the participant wants to be and the appropriate mix and sequence of services and support to reach a realistic employment goal. The development of the IEP and updates or revisions should be based upon the results of the comprehensive assessment process.

Initially the IEP shall be the basic instrument, which documents:

1. That participants have had an initial assessment;
2. The decisions made regarding the mix and combination of services for the participant, including referrals; and
3. Quarterly reviews to evaluate the progress of the participant in meeting planned objectives.

The IEP form shall include a description of:

1. Short and long-term goal(s) and objectives;
2. Appropriate, measurable achievement objectives to meet those goals;
3. Mix and sequence of services and other resources needed;
4. Organizations and/or individuals who will provide those services or resources; and
5. The twelve-months of supplemental follow-up contact with participants who have exited to unsubsidized employment for performance purposes; and 12 months of follow-up services which may be provided to participants who have entered unsubsidized employment to help them with employment retention, wage gains and their career progress. (The extent of the follow-up services provided may be based on the availability of funding)

Service providers must use the Individual Employment Plan (WIOA.16) provided in the Forms Section on DLI’s WIOA website.

A signed copy (signed by program staff and participant) must be provided to the participant and the original attached to the Individual Employment Plan and maintained in the participant’s file.

Once the IEP form is complete and the participant is enrolled in a WIOA or state program, case managers must open up a MWorks Employment Plan for that participant. The goals, objectives and potential services based on the information in the IEP should be set up in the Employment Plan and from that point on case managers will use the Employment Plan as a continuance of the IEP. The Employment Plan should be reviewed regularly and updated quarterly as documented in case or progress notes. Follow-up services must be opened on the current MWorks Employment Plan for all adults who
have exited to unsubsidized employment. Case managers should not open a separate Employment Plan for Follow-up.

The participant will not be required to sign the MWorks Employment Plan each time the plan is updated unless there are major changes in the goals.

II. Goals and Objectives

Goals and objectives are the desired short and long-term program goals and outcomes and the steps established between program staff and the participant which, when reached, represent successful completion of that portion of the service plan. For each employment goal, there should be one or more interim objectives. These objectives should be achievable in manageable steps, enabling the client to attain success.

Not every agency can provide all the services indicated by the comprehensive assessment and noted in the IEP. There is the expectation that if the needed services exist and are accessible in a community the agency will make a reasonable, concerted effort to link participants with those services. However, it is recognized that enrollment in WIOA is neither an entitlement nor legal right to services, nor automatic access to limited resources. Therefore, it is expected that if needed services are not available, it shall be so documented on the IEP, and alternative plans shall be developed. A facsimile of the IEP and instructions for completion can be found in the Forms Section on DLI's WIOA website.
INDIVIDUAL SERVICE STRATEGY (ISS)

I. **POLICY:** This policy has been incorporated into the WIOA Title I Youth Program Policy and will soon be posted on the [WSD website](http://www.wsd.gov).

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FAMILY SIZE AND INCOME DETERMINATION

I. Family Size
Family size must be determined and verified only if using family income to determine low-income status. Family size will be determined by counting the maximum number of family members in the residence during the last 6 months, not including the current month.

A family, for eligibility purposes, means two or more persons related by blood, marriage, or decree of court, who are living in a single residence. Family may also include a parent or guardian and dependent children. (Refer to the Glossary for the definitions of “dependent children” and “independent children” under Family)

In certain cases, an individual may be considered a “family of one” for the purpose of eligibility determination. This includes individuals with a disability whose family income may exceed the income criteria, but whose own income meets the income criteria.

II. Income Determination
Income is the amount of all reportable income for each family member for the prior six (6) months, not including the current month. This amount multiplied by two (2) is the total annualized family income.

Family income means all includable income actually received from all sources by all members of the family during the income determination period. However, when computing family income, the income of a spouse and/or other family members shall only be counted for that portion of the income determination period that the person was actually a part of the family of the applicant. Family size for the determination period is the maximum size of the family during such period. All items not expressly excluded are includable income.

Applicants having minimum or no income should complete an applicant statement that describes their means of support in the last six months. A facsimile of an applicant statement is in the Forms Section on DLI’s WIOA website.

INCLUDE in Family Income:

Money wages and salaries before any deductions;

Net receipts from non-farm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership after deductions for business expense);
Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses);

Regular payments from railroad retirement, strike benefits from union funds, worker's compensation, and training stipends;

Alimony;

Military family allotments or other regular support from an absent family member or someone not living in the household;

Pensions whether private, government employee (including Military retirement pay);

Regular insurance or annuity payments other than Supplemental Security Income disability (SSI) or veterans’ disability;

College or university grants, fellowships, and assistantships;

Net gambling or lottery winnings;

Social Security Disability Insurance payments (SSDI);
   1. Social Security Disability Insurance (SSDI) pays benefits to individuals that have worked in the past, paid Social Security taxes, and are currently unable to work for a year or more because of a disability. SSDI is considered income replacement and must be included in family income.

Unemployment Insurance Compensation;

Child support payments; and

Old age and survivors’ insurance benefits received under section 202 of the Social Security Act (42 USC 402).
   1. Old age and survivors’ insurance benefits include:
      i. Social Security Survivor Benefits – these are benefits paid to people up to age 18 who have had a parent die and the parent paid wages into the system; and
      ii. Social Security Retirement Benefits – these are benefits that are paid to people who reached their social security age and have wages paid in the system.

**EXCLUDE from Family Income:**
Public Assistance cash payments (including Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), Refugee Case Assistance (RCA), and General Assistance (GA));

1. Supplemental Security Income (SSI) is a program that pays benefits to disabled adults and children who have limited income and resources. It is also paid to people 65 and older without disabilities who meet the financial limits. SSI is considered cash assistance and individuals receiving SSI are automatically income eligible the same as individuals receiving TANF or SNAP. A WIOA applicant on SSI is a family of one. Refer to the Adult or Youth Verification Worksheets for acceptable documentation for SSI recipients.

Foster care child payment;

Title IV of the Higher Education Act (i.e., Pell Grants, Federal Supplemental Educational Opportunity Grants (FSEOG), and Federal Work-Study (FWS);

Needs-Based scholarship assistance;

Income earned while [the veteran was] on active military duty and certain veteran’s benefits (i.e., compensation for service-connected disability, compensation for service-connected death, vocational rehabilitation, and education assistance);

Capital gains

Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car;

Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury;

Non-cash benefits such as employer paid fringe benefits, food or housing received in lieu of wages, Medicare, Medicaid, school meals, and housing assistance; and

Tribal Government Payments (i.e., Per Capita Payments, Lease Payments, Individual Indian Money (IIM)).

### III. Income Table for Adults and Youth

<table>
<thead>
<tr>
<th>Family Size</th>
<th>Annual Non-Metro Area</th>
<th>6 Months Non-Metro Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$12,060*</td>
<td>$6,030*</td>
</tr>
<tr>
<td>2</td>
<td>$17,282</td>
<td>$8,641</td>
</tr>
<tr>
<td>3</td>
<td>$23,727</td>
<td>$11,863</td>
</tr>
</tbody>
</table>
For families larger than six persons, add the amount equal to the difference between the six and the five-person family income levels for each additional person in the family.

**EXAMPLE: To calculate family of 7 Income Level**

<table>
<thead>
<tr>
<th>Family of 6 Level</th>
<th>$40,425</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family of 5 Level</td>
<td>-34,565</td>
</tr>
<tr>
<td>Difference</td>
<td>$5,860</td>
</tr>
</tbody>
</table>

$40,425 + $5,860 = $46,285

For families with eight or more persons, add $5,860 for each additional person.

**Explanation of Income Table**
The table is a combined listing of seventy (70) percent of Lower Living Standard Income Levels (LLSIL) and OMB Poverty Guidelines. The figures are annualized (12-month) incomes. The figure marked with an asterisk (*) is from the poverty guidelines published by Health and Human Services; the remainder is from LLSIL figures for non-metro areas.
I. Selective Service Registration

All participants enrolled in WIOA Adult, Dislocated Worker and Youth programs must be in compliance with Selective Service Registration under the Military Selective Service Act as a condition for participation.

Males between the ages of 18 and 26 who must register with the Selective Service include:

- Citizens of the United States;
- Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees, who take up residency in the U.S. before their 26th birthday; and/or;
- Dual nationals of the United States and another country regardless of whether they live in the United States.

Selective Service registration is not required of U.S. citizens if the male falls within one of the following categories:

- Men who are serving in the military on full-time active duty;
- Men attending the service academies; and;
- Disabled men who are continually confined to a residence, hospital or institution;
- Men who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday.

Selective Service registration is not required of non-U.S. citizens if the male falls within one of the following categories:

- Non-U.S. male who came into this country for the first time after his 26th birthday and has acceptable forms of supporting documentation including:
  1. Date of entry stamp in his passport;
  2. I-94 with date of entry stamp on it; or
  3. A letter from the U.S. Citizenship and Immigration Services (USCIS) indicating the date the man entered the United States presented in conjunction with documentation establishing the individual’s age.
Non-U.S. male who entered the U.S. illegally after his 26th birthday. He must provide proof that he was not living in the U.S. from age 18 through 25.

Non-U.S. male on a valid non-immigrant visa.

The lists are not intended to be exhaustive and the Selective Service System provides a quick reference chart showing who must register on the Selective Service website at http://www.sss.gov/PDFs/WhoMustRegisterChart.pdf

II. Selective Service Compliance
In order to receive WIOA-funded services, all males born on or after January 1, 1960 must present documentation to show compliance with the Selective Service registration requirement. Acceptable documentation showing registration status includes:

Selective Service Acknowledgement letter

Form DD-214 “Report of Separation”

Screen printout of the Selective Service Verification on the Selective Service website at www.sss.gov/RegVer/wfVerification.aspx. For males who have already registered this website can be used to confirm their Selective Service number as well as the date of registration, by entering a last name, social security number, and date of birth.

Selective Service Registration Card

Selective Service Verification Form (Form 3A)

Stamped Post Office Receipt of Registration

III. Registration Requirements for Males under 26 Years
Prior to being enrolled in a WIOA-funded program, all males born on or after January 1, 1960 who are not registered with the Selective Service and have not reached their 26th birthday must register through the Selective Service website at http://www.sss.gov

Male participants who enter the WIOA program at age 17 or younger and attain age 18 while participating in the program must be registered for Selective Service by the 30th day after their 18th birthday to remain eligible for WIOA services. Funds expended on male participants not registered for Selective Service by the 30th day after their 18th birthday may be considered disallowed costs. Any male youth participant who attains age 18 while enrolled in WIOA and refuses to comply with Selective Service Registration requirements shall be exited from the WIOA youth program. These youths would not be placed in follow-up and there should be case notes in MWorks that describe, in detail, the circumstances as to why services were not/could not be continued.
IV. Registration Requirements for Males 26 Years and Over

Prior to being enrolled in a WIOA-funded program, all males 26 years of age or older, must provide documentation of compliance with the Selective Service registration requirement. Individuals who did not register for the Selective Service or who cannot provide any of the documentation listed above must obtain a Status Information Letter from Selective Service indicating whether he was required to register. The Request for Status Information Letter can be accessed at [http://www.sss.gov/PDFs/infoform.pdf](http://www.sss.gov/PDFs/infoform.pdf) and the instructions can be accessed at [http://www.sss.gov/PDFs/instructions.pdf](http://www.sss.gov/PDFs/instructions.pdf)

The individual will need to describe, in detail, the circumstances that prevented him from registering (e.g., hospitalization, institutionalization, incarceration, military service) and provide documentation of those circumstances. The documentation should be specific as to the dates of the circumstances. The Status Information Letter is good for life and the individual should be encouraged to keep their original letter in a safe place for future reference. **If the Status Information Letter indicates that an individual was not required to register for the Selective Service, then he is eligible to enroll in WIOA-funded services.**

If the Status Information Letter indicates that the individual was required to register and now cannot because he is 26 or older, he is presumed to be disqualified from participation in WIOA-funded activities and services until it can be determined that his failure to register was not knowing and willful. **All costs associated with WIOA-funded services provided to non-eligible individuals may be disallowed.**

V. Determining Knowing and Willful Failure to Register

If an individual was required to register with Selective Service but failed to do so the individual may only receive services if they can provide evidence to establish that the failure to register was not knowing and willful. Service providers will be responsible for evaluating the evidence presented by the individual and determining whether the failure to register was a knowing and willful failure.

The individual should be encouraged to offer as much evidence and in as much detail as possible to support his case. Evidence may include an applicant’s statement and supporting documentation of his circumstances at the time of the required registration and the reason for failure to register. Examples of documentation that may help in making a determination in these cases include:

Service in Armed Forces. Documentation verifying that a man has served honorably in the U.S. Armed Forces such as the DD Form 214 or his Honorable Discharge Certificate may be considered sufficient evidence that his failure to register was not willful or knowing.

Third Party Affidavits. Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering, are also acceptable documentation that may also
be helpful to service providers determining whether the failure to register was willful and knowing.

In determining whether the failure was “knowing”, service providers should consider:

Was the individual aware of the requirement to register?

If the individual knew about the requirement to register, was he misinformed about the applicability of the requirement to him (e.g., veterans who were discharged before their 26th birthday were occasionally told that they did not need to register)?

On which date did the individual first learn that he was required to register?

Where did the individual live when he was between the ages of 18 and 26?

Does the status information letter indicate that Selective Service sent letters to the individual at that address and did not receive a response?

In determining whether the failure was “willful”, service providers should consider:

Was the failure to register done deliberately and intentionally?

Did the individual have the mental capacity to choose whether or not to register and decided not to register?

What actions, if any, did the individual take when he learned of the requirement to register?

If the service provider determines it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. If the service provider determines that evidence shows that the individual’s failure to register was knowing, and willful, WIOA services must be denied. Individuals denied services must be advised of available WIOA grievance procedures. Service providers must keep documentation related to all evidence presented in determinations related to Selective Service.
SOCIAL SECURITY NUMBER PROCEDURE

In accordance with Section 7 of the Privacy Act of 1974 (5 U.S.C. Section 552a Note (Disclosure of Social Security Number), unless the disclosure is required by Federal statute, applicants may not be denied any right, benefit or privilege provided by law because of the individual's refusal to disclose his/her Social Security Number (SSN).

Disclosure of an individual's social security number pursuant to the Internal Revenue Code where it is used as the identifying number for the purposes of a return, statement or any other document under the Code (i.e., for payment of wages for OJT, Work Experience, etc.) may be properly required.

NOTE: Applicants who do not possess a Social Security card must apply for one to ensure that a copy of that card may be placed in the applicant file.

I. Guidelines for Obtaining Social Security Number

Although an applicant cannot be denied WIOA services for failure to disclose their SSN, they must submit their SSN in order to receive wages paid while participating in WIOA (i.e., OJT).

Training and Employment Guidance Letter (TEGL) No. 5-08 (issued November 13, 2008) says that States must request a participant’s social security number when offering intensive WIOA services or providing financial assistance, however the State may not deny access to any participant who refuses to provide a social security number. Not obtaining an SSN from a participant means that any outcomes for this participant would be excluded from performance measures unless supplemental information is available to verify the performance outcomes for non-wage based measures.

It is important for service providers to request the applicant’s SSN at intake and advise them that their social security numbers are maintained in a secure and confidential manner. Applicants should also be advised that the State only uses the SSN for the following:

Payment of wages and allowances, even though at intake it may not be possible to determine the form of payment, if any, the applicant will receive; and

Tracking Unemployment Insurance Wage Records for the calculation of program performance measure outcomes.

According to Federal reporting requirements a valid SSN must be obtained and recorded prior to termination and record transmittal. The regulations further state that The Department (USDOL) assumes full responsibility for protecting the confidentiality of the data and will ensure that data files are maintained according to applicable Federal laws, with particular emphasis upon compliance with the provisions of the Privacy Act and the Freedom of Information act. It will remove SSN from participant files before they are
All recipients of WIOA Title IB funds are governed by these requirements.

Participants having a Social Security card may be hesitant to have a copy of the card made by case managers. In cases like this, The Verification of Documentation (WIOA.53) form should be used. The form states the participant’s name and SSN. The form must be signed by the case manager and maintained in the participant’s file.

II. Procedure for Obtaining Social Security Number
Providers should assist the applicant in obtaining a SSN from the Social Security Administration. If the applicant does not have a Social Security Number a block or pseudo-number should be assigned using the following formula: Service Providers should use the number 9 as the first digit. EXAMPLE: Participant born November 12, 1958, the block number would be 911-12-1958. Please note this in the participant’s file. Allowing MWorks to assign a pseudo Social Security Number is also acceptable.
ADULT AND DISLOCATED WORKER SERVICES AND ACTIVITIES

The Workforce Innovation and Opportunity Act provides for two levels of services beyond basic career services for adults and dislocated workers; individualized career and training services.

I. Basic Career Services

Basic career services are universally available to everyone entering the facility. Other partner sites need only provide the career services appropriate to their participants and funding source.

Pre-enrollment Services
Pre-enrollment services include all self-help services and basic career services requiring minimal staff assistance including:

1. Determinations of eligibility to receive assistance under WIOA Title I;
2. Outreach, intake (which may include worker profiling), and orientation to the information and other services available through the one-stop delivery system;

Orientations
All individuals entering or re-entering services are to be oriented to the program. Required information for the orientation is the participant's rights and procedures for filing grievances and claims of discrimination. Additional topics for orientation may include:

1. An introduction to the program – purpose and goals;
2. Rules and regulations of the program;
3. Provider responsibilities;
4. Participant responsibilities;
5. Program resources and supportive services available;
6. Job-related injury procedures; and
7. Wage and pay information.

While participants who have previously been enrolled in the program may not need an extensive orientation, they still need to be oriented briefly on all areas and especially on any program changes.

Orientation must include information and documented acknowledgement of procedures for complaints, grievances, and discriminatory practices. Documentation that the applicants/participants have received information regarding the above-mentioned procedures is the completed two-part "Equal Opportunity is the Law" participant discrimination form. One copy of this document must be maintained in the participant file and one must be provided to the applicant/participant.

Initial assessment of skill levels, aptitudes, abilities, and supportive service needs;
Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas. Labor Market Information (LMI) must be provided to participants in every program. LMI generally encompasses four major areas:

1. National job trends, including supply and demand/
2. Local job opportunities
3. Education and skill requirements for jobs.
4. Job seeking skills (writing resumes, job interview techniques, etc.)

LMI can be obtained from Department of Labor and Industry’s Research and Analysis Bureau at [www.ourfactsyourfuture.mt.gov/publications](http://www.ourfactsyourfuture.mt.gov/publications), and through career awareness programs such as Montana Career Resource Network (MCRN).

Provision of performance information and program cost information on eligible providers of:

1. Training services;
2. Adult education;
3. Post-secondary vocational education;
4. Vocational education activities available to school dropouts under Carl Perkins;
5. Vocational Rehabilitation program activities.

Provision of information regarding how the local area is fulfilling performance measures and any additional performance information with respect to the one-stop delivery system in the local area;

Provision of accurate information relating to the availability of supportive services including child care and transportation available in the local area, and referral to such services, as appropriate;

Provision of information regarding filing claims for unemployment compensation;

Assistance in establishing eligibility for:

1. Welfare-to-work activities available in the local area; and
2. Programs of financial aid assistance for training and education programs that are not funded under WIOA and are available in the local area;

Computer Resources;

Resource Room use;

Open Workshops;
Job search and placement assistance, and where appropriate, career counseling;

Provide information on follow-up services that may be available to participants, as appropriate, including counseling regarding the workplace, for participants in workforce innovation and opportunity activities authorized under this subtitle who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate;

Rapid Response – may only be used by Job Service Workforce Center staff or agency that receives Rapid Response funds.

One-Stop Services

II. Individualized Career Services

Priority Groups
Individualized career services are available to adults and dislocated workers who are members of a priority group (see Section 3.10 for adult, dislocated worker and veterans’ priority of service); and

1. Are unemployed and are unable to obtain employment through basic career services provided; and
2. Have been determined to be in need of more individualized services in order to obtain employment; or
3. Are employed, but have been determined to be in need of individualized career services in order to obtain or retain employment that leads to self-sufficiency.

Individualized career services include:

1. Comprehensive and specialized assessments of the skill levels and service needs, which may include:
   i. Diagnostic testing and use of other assessment tools; and
   ii. In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.

2. Development of an individual employment plan (IEP) to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals;
3. Group counseling;
4. Individual counseling and career planning;
5. Case management for participants seeking training services; (No proof of ETP needed if not paying tuition)
6. Short-term pre-vocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance
Section 4.00
Adult and Dislocated Worker Services and Activities
Page 4

skills, and professional conduct, to prepare individuals for unsubsidized employment or training;
7. Work Experience/Internships;
8. Adult Basic Education/Financial Literacy Services.

III. Moving from Individualized Career to Training Services
To move from individualized career services to training services there must be significant development of the IEP that indicates training is necessary for the individual to obtain or retain employment leading to self-sufficiency.

The individuals must receive, at a minimum:

A completed IEP as described above; and

A comprehensive and specialized assessment of skill levels and service needs; or

Group and/or individual employment counseling; or

Case management and career planning.

IV. Training Services
Training services means any WIOA-funded and non-WIOA funded training service. Individuals with other employment issues shall be afforded opportunities for participation in training activities designed to improve participation in the workforce and lead to higher earnings for individuals who successfully complete them. Training activities for persons in these groups will be provided in the context of the state’s vision to provide universal access for all customers.

Training Services may be provided to adults and dislocated workers:
1. Who have met the eligibility requirements for individualized career services and who are unable to obtain or retain employment through such services;
2. Who after an interview, evaluation, or assessment, and case management, have been determined to be in need of training services and to have the skills and qualifications to participate successfully in the selected program of training services;
3. Who select programs of training services that are directly linked to the employment opportunities in the local area involved or in another area in which individuals receiving such services are willing to relocate; and
4. Who are unable to obtain other grant assistance for such services, including Federal Pell Grants; or
5. Require assistance beyond that made available under other grant assistance programs, including Federal Pell Grants; and who are determined to be eligible in accordance with the priority for services criteria and the service provider’s determination of funds available to provide the service.
Training services may be provided under this paragraph to an individual who otherwise meets the requirements of this paragraph while an application for a Federal Pell Grant is pending, except that if such individual is subsequently awarded a Federal Pell Grant, the training provider must reimburse the service provider the WIOA funds used to pay the tuition portion of the training costs from the PELL Grant.

WIOA 20 CFR Part 680.230(c) and WIOA Sec. 134 (c)(3)(B)

Note: Training services may include:

1. Occupational skills training, including training for nontraditional employment and for training programs operated by the private sector; *(requires ETP)*
2. On-the-job training; *(does not require ETP)*
3. Programs that combine workplace training with related instruction, which may include cooperative education programs; *(requires ETP)*
4. Training programs operated by the private sector; *(requires ETP)*
5. Skill upgrading and retraining; *(requires ETP)*
6. Entrepreneurial training; *(requires ETP)*
7. Job readiness training *(does not require ETP)*
8. Adult education and literacy activities provided in combination with services described in any of clauses (i) through (vii) of WIOA Section 134 (d)(4); *(does not require ETP)*
9. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training. *(does not require ETP)*
10. Short-term pre-vocational training that is generally one week (40 hours) or less which does not provide certification or a credential upon completion. *(does not require ETP)*

Note: WIOA funding may be used for training that leads to a goal of self-employment.
The service provider must verify and pay tuition and other training costs in accordance with the training provider’s documented payment policy or terms. WIOA funding may be used for any expenses considered to be part of the Cost of Attendance (see Section 4.60, D) that cannot be met from the PELL or other grant assistance. In situations of co-enrollment with other WIOA or non-WIOA programs (e.g. TAA, etc.), the case manager will coordinate with the training provider and other program(s) to ensure the participant’s training needs are met and there is no duplication of services. WIOA funding shall always be a supplement to another grant assistance.
YOUTH SERVICES AND ACTIVITIES

I. POLICY: This policy has been revised and the updated version can be found on the WSD Policy Website at: WIOA Title I Youth Program Policy.

II. Operational Guidance
The United States Department of Labor (USDOL) is committed to providing high quality services for youth and young adults beginning with career exploration and guidance, continued support for educational attainment, opportunities for skill training in in-demand industries and occupations, and culminating with a good job along a career pathway or enrollment in post-secondary education.

Occupational Skills Training is one of the 14 requirement elements that may be provided to older youth. Youth providers should consider the following when making the determination to provide this service.

1. Was the youth unable to obtain or retain employment through basic career services;
2. Was it determined that the youth, after an interview, evaluation, or assessment, and case management, would benefit from training services and to have the skills and qualifications to participate successfully in the selected program of training;
3. Was the training program selected directly linked to the employment opportunities in the local area involved or in another area in which individuals receiving such services are willing to relocate;
4. Was the youth unable to obtain other grant assistance for such services, including Federal Pell Grants therefore requiring assistance beyond that made available under other grant assistance programs, including Federal Pell Grants; and
5. Was the service provider’s determination of providing training based on funds available to provide the service?
CASE MANAGEMENT AND CAREER PLANNING

I. Adults and Dislocated Workers

What is Career Planning?
Career Planning means the provision of a client-centered approach in the delivery of services, designed to:

1. Prepare and coordinate comprehensive employment plans, such as service strategies, for participants to ensure access to necessary workforce investment activities and services, using where feasible, computer-based technologies; and
2. Provide job, education, and career counseling during program participation and after job placement.

WIOA Law Sec. 3 (8)

WIOA Adult and Dislocated Worker funded staff, known as Career Planners, provide case management services to all participants enrolled in Workforce Innovation and Opportunity Act Title I programs. Federal law identifies case management as follows:

1. Comprehensive and specialized assessment of skill levels and service needs through
   i. Diagnostic testing and use of other assessment tools; and
   ii. In-depth interviewing and evaluation to identify employment barriers

2. Development of an individual employment plan to identify employment goals and objectives, and appropriate services needed to achieve those goals and objectives.
3. Information on training available in local and regional areas, information on individual counseling to determine which training is suitable training, and information on how to apply for such training.
4. Information on how to apply for financial aid, including referring participant to educational opportunity centers, and notifying participants that they may request financial aid administrators at institutions of higher education to use the administrators’ discretion under section 479A of such act (20 U.S.C. § 1087tt) to use current year income data, rather than preceding year income data, for determining the amount of need of the participant for Federal financial assistance under title IV of such Act (20 U.S.C. §§ 1070 et seq.).
   This request is sometimes referred to as a Professional Judgment.
5. Short-term prevocational services, including development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare participants for employment or training.
6. Individual career counseling, including job search and placement counseling, during the period in which the participant is receiving services, and after receiving services for purposes of job placement.
7. Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including
   i. Job vacancy listings in such labor market areas;
   ii. Information on jobs skills necessary to obtain jobs identified in job vacancy listings described in subparagraph (a);
   iii. Information relating to local occupations that are in demand and earnings potential of such occupations; and
   iv. Skills requirements for local occupations described in subparagraph (c).

8. Information relating to the availability of supportive services as described in Section 4.100 of the WIOA Operations Manual.

Career Planner Responsibilities
In addition to the defined case management identified above, career planners are responsible for

1. Providing testing of basic skills, comprehensive assessment and testing;
2. Co-enrolling in all applicable programs as appropriate;
3. Maintaining consistent contact with participants as appropriate; and, if unable to make contact after repeated attempts in a 90-day period, closing all services and enrollments effective the date the services were last provided;
4. Developing and continually updating of an Individual Employment Plan (IEP) or Individual Service Strategy (ISS);
5. Determining if participant requests for training services and supportive or other services are allowable, appropriate and able to be funded;
6. Coordinating joint training plans and employment services as appropriate;
7. Monitoring the progress of participants in their approved plan;
8. Recording all program services and case notes in MWorks within the required timelines and as service/contact occurs, reflecting any significant issues or changes;
9. Maintaining the participant file (paper file);
10. Ending the participant’s services and program enrollment when services are no longer being provided;
11. Ensuring that participants are aware of their responsibilities as noted in C.

Note: A significant failure to meet these case management responsibilities based on program monitoring may result in formal corrective action if there is no improvement from one year to the next.

Participant Responsibilities
1. Obtaining prior approval for any type of service or assistance from the WIOA Program;
2. Informing Career Planner of progress;
3. Informing Career Planner of changes (address, phone number, classes or training, personal situations, etc.) in a timely manner (as it is happening, not weeks/months later).

4. Informing Career Planner of problems in any area (training, personal, financial, etc.) that could impact successful completion of their approved plan;

5. Informing Career Planner of work status;

6. Timely submitting copies of grades, certifications, diplomas, registration schedule, bills, receipts, etc.

II. **Youth Operational Guidance** (The Youth Case Management POLICY has been incorporated into the WIOA Title I Youth Program Policy)

Case management services are available to youth participants enrolled in Workforce Innovation and Opportunity Act Title I programs.

Case managers provide:

1. Comprehensive and specialized assessment of skill levels and service needs through
   i. Diagnostic testing and use of other assessment tools;
   ii. In-depth interviewing and evaluation to identify barriers to education and/or employment.

2. Case management services to youth may include assisting the youth in the development of the Individual Service Strategy (ISS) by helping them identify career and education goals and objectives, and appropriate services needed to achieve those goals and objectives.

3. Assisting the youth apply for financial aid, including referring participant to educational opportunity centers, and notifying participants that they may request financial aid administrators at institutions of higher education.

4. Providing short-term prevocational services, including development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare participants for employment or training.

5. Individual career counseling, including job search and placement counseling, during the period in which the participant is receiving services, and after receiving services for purposes of job placement.

6. Coordinate co-enrollments for youth in other WIOA programs as appropriate.

The participant also has responsibilities during their participation in the youth program by:

1. Participating in the development and planning of their Individual Service Strategy (ISS);

2. Taking an active role in working toward attainment of the goals developed on the ISS;

3. Obtaining prior approval for any type of service or assistance from the WIOA Program;
4. Informing Case Manager of progress;
5. Informing Case Manager of changes (address, phone number, classes or training, personal situations, etc.) in a timely manner (as it is happening, not weeks/months later).
6. Informing Case Manager of problems in any area (training, personal, financial, etc.) that could impact successful completion of their approved plan;
7. Informing Case Manager of work status; and by
8. Timely submitting copies of grades, certifications, diplomas, registration schedule, bills, receipts, etc. when requested by their case manager.
WORK EXPERIENCE (WEX)

I. Adults and Dislocated Workers

General Description Work Experience is a planned, structured learning experience that takes place in a worksite for a limited period of time that is based upon the needs of the participant. A work experience worksite may be in the private for-profit sector, the non-profit sector or the public sector. Work Experience is an authorized career services activity for WIOA Adults and Dislocated Workers.

Youth providers refer to II. Youth Work Experience for instructions specific to the WIOA Title I youth program.

WIOA Work Experience may be full-time or part-time depending upon the needs of the participant.

Work Experience shall be designed to enhance the employability of individuals through the development of good work habits and basic work skills.

Work Experience shall be limited to persons needing assistance in becoming accustomed to basic work requirements, including basic work skills, or those needing to explore new career options due to recent layoffs or declining job growth in their current or most recent employment.

Work Experience may be used as a Situational Assessment. A Situational Assessment provides a participant with the opportunity to explore different work interests and try out their skills and abilities in a work setting. In addition, it allows the program staff and the participant to jointly determine the social aspects, work culture, and physical and communication requirements of the worksite. This determination provides valuable information on the job supports needed by the participant to achieve a successful job match.

Work Experience participation creates an employer/employee relationship. Normally, the WIOA service provider establishing the worksite is considered the employer and pays the participant’s wages along with necessary taxes and workers’ compensation costs.

In some cases, the worksite employer can be considered the employer and would then be responsible for the payment of wages, taxes and workers’ compensation. In these situations, the service provider reimburses the worksite employer through an invoice process.

Regardless of who is considered the employer, the activity must comply with all applicable employment laws and regulations as noted in Section B.
Employment Law & Work Experience Requirements
Because an employer/employee relationship is established, Work Experience placements must:

1. Comply with the Fair Labor Standards Act regarding wages paid, hours worked and child labor regulations;
2. Complete an I-9 in accordance with the Immigration Reform and Control Act;
3. Provide Workers Compensation coverage;

**Exclusions:** Montana state law excludes work-training programs such as WIOA work experience from the definition of employment for purposes of unemployment insurance compensation (UI). Therefore, Work Experience wages are not subject to payment of UI taxes by the employer and WEX participants do not earn wage credits during their participation.

**MCA 39-51-204 (1)(m)**

Participant Wages, Benefits, Hours of Work and Duration of Assignment

**Work Experience Wages.** Work Experience participants shall be paid an hourly wage for hours worked which may be in ¼ hour increments. Wages are considered a work-training or educational allowance.

**Wage Rate.** Each participant will receive a wage based on:

1. Applicable federal and state minimum wage; or
2. At the same rates as trainees or employees who are in similar occupations, and who have similar training, experience and skills within that worksite, whichever is higher.

**{WIOA 181(a)(1)(A)}**

**Tax Withholding.** Work Experience wages are subject to withholding for Social Security, Federal Income Tax, and Montana State Income Tax. Therefore, participants must complete a W-4 and the employer must issue a W-2. Transportation and/or supportive services, if paid, are over and above wages and are not subject to tax deduction.

**Injury.** Providers are to ensure that each WEX participant is covered by State Workers' Compensation Insurance or adequate injury insurance.

**Hours of Work.** **WEX participants must be provided with the same level of benefits and working conditions as the other employees working the similar type of work and length of time.** Full-time participation is defined as working 32-40 hours per week, or the same number of hours worked by regular employees at the worksite, not to exceed 40 hours per week. **Neither overtime work nor overtime pay are allowable.**
Part-time Work Experience is encouraged, when appropriate, for older workers, the disabled, single parents with small children, or individuals in other similar circumstances.

*Duration of WEX Assignment.* Work Experience is to be for a limited time that is reasonable in duration. The length of the Work Experience assignment is to be based on the needs of the participant and purpose of placing that participant in a WEX. Factors such as prior work experience and occupational interests should be taken into consideration. Generally, a WEX assignment should not exceed 600 hours and may be shorter than that depending upon the participant. Providers wishing to establish or extend a WEX in excess of the 600-hour duration must get prior approval from the WIOA Program Manager.

**Worksite Supervision**

Service providers should visit participants and their supervisors at their worksites on a bi-weekly basis to assist in job-related or personal counseling and job coaching. The performance and progress of the participant is to be monitored on a regular basis to determine if continued participation, transfer to another activity, and placement in unsubsidized employment, or other action is most appropriate.

**Required Work Experience Documents**

**Standard Work Experience** (service provider as employer): A Memorandum of Agreement (MOA) and Training Summary must be completed prior to the placement of participants at a worksite. The MOA (WIOA.21) sets forth the intent of the activity. The Training Summary (WIOA.21F) outlines the work elements, duties and skills for which the participant will receive training or perform during the WEX activity assignment.

Only one agreement per worksite is required per program year and slots are open entry/open exit and can be refilled as participants are transferred to other activities.

**Alternative Work Experience** (worksite as the employer): A Memorandum of Agreement (WIOA.21) Training Summary (WIOA.21F), Agreement Work Experience Wage Subsidy Agreement (WIOA.21C) must be completed prior to the placement of a participant at the worksite. WEX Wage Subsidy situations are specific to an individual participant, so new paperwork must be completed with each participant placed at a worksite. Reimbursement to the worksite employer will be done using the Work Experience Wage Subsidy Invoice (WIOA.21D).

All time sheets requirements listed under the Standard Work Experience apply to participants on an Alternative Work Experience.

All participants on a WEX must complete a time sheet at the end of the scheduled work period. The job duties and tasks that the participant performed must be completed on the Work Experience Time Sheet (WIOA.21G) for each day worked and must tie to the work elements, duties and tasks listed on the Training Summary. Time sheets must be
signed and dated by both the participant and the supervisor. The supervisor must be listed on Training Summary as authorized to sign time sheets. Time sheets must be completed with days, dates, hours, duties documented, signed and dated before a participant can be paid.

**Union Concurrence:** Following an informal consultation with the appropriate labor organization, the Union Concurrence Form (WIOA.21B) is to be completed for each agreement where a collective bargaining agreement covers the occupation the participant(s) are to be placed in. A copy of the Union Concurrence Form must be kept with each MOA whether or not a collective bargaining agreement exists. A note on the Union Concurrent Form such as N/A is sufficient when there is no collective bargaining agreement. The Union Concurrent Form should always have the signature of the worksite authorized signatory regardless of whether or not there is a collective bargaining agreement in place.

**Training Summary:** A training summary must be completed for each job that will be performed at a Worksite. The original training summary must be attached to the worksite MOA and a copy placed in each of the participant’s file that will be maintained with the appropriate timesheets for that placement.

One training summary may be used and attached to the MOA if several participants are placed in the same occupation (using the same O’NET Code) on a worksite. Additional sheets to list the participants may be attached to the Training Summary.

**Note:** The Training Summary must be completed by identifying the participant and employer (worksite); supervisor(s) that are authorized to sign timesheets and a phone number; occupation and the O’NET Code; Wage per hour and hours of work per week; the WEX start and end dates (not estimated but actual end date); a list of the skills, duties and tasks for which the participant will receive training; check yes or no for initial skills and the actual training hours.

**Timesheets:** All participants on a WEX must complete a time sheet (WIOA.22D) at the end of the scheduled work period. The job duties and tasks that the participant performed must be completed on the WIOA Adult Work Experience Time Sheet for each day worked and must tie to the work elements, duties and tasks listed on the WIOA Adult Training Summary.

1. Timesheets must be completed with pay period dates, dates and hours worked, and duties documented;
2. Timesheets must be signed and dated by both the participant and the supervisor;
3. The supervisor must complete the evaluation section of the timesheet;
4. The individual signing as the supervisor must be listed on Training Summary as authorized to sign time sheets;
5. Timesheets must be complete with dates, duties, supervisor evaluation, and signed and dated before a participant can be paid.
Facsimile and instructions for the Memorandum of Agreement, Training Summary, Union Concurrence, Wage Subsidy Agreement and Wage Subsidy Invoice forms (only applies when the provider is paying the worksite and not the participant) are in the Forms Section on DLI’s WIA website. The provider’s copy of the appropriate WEX documents (Training Summary, Timesheet and Bi-Weekly Contact Record) must be attached together and kept in the provider’s office with a copy in each participant’s file. The provider may choose to maintain Work Experience MOAs in the participant’s file or in a separate binder.

Facsimile and instructions for the Memorandum of Agreement, Training Summary, Union Concurrence, Wage Subsidy Agreement and Wage Subsidy Invoice forms (only applies when the provider is paying the worksite and not the participant) are in the Forms Section of this Manual and online. The provider’s copy of the appropriate WEX documents must be attached together and kept in the provider’s office.

MWorks Documentation
1. Case note Work Experience details including: how the worksite was determined; worksite information (worksite supervisor); and expected duration of the work experience;
2. Enter the name of the worksite in the Work Experience Service task feature;
3. Set up individual Payment Authorizations for each pay period. Payment authorizations must be able to be tied back to the timesheets in the participant’s file. In order to do this the pay period dates or end date and hours worked for that pay period must be documented on all Payment Authorization. NOTE: The only time pay periods should be combined on a single Payment Authorization is when timesheets are not submitted timely and the individual will not receive payment for the timesheet until the end of the next pay period. In those instances, document this clearly on the Payment Authorization.

II. Youth
Work Experience is a critical WIOA youth program element. Work experience helps youth understand proper workplace behavior and what is necessary in order to attain and retain employment. Work experience can serve: (1) as a stepping stone to unsubsidized employment; and (2) is an important step in the process of developing a career pathway for youth. According to research, work experience is correlated with higher high school graduation rates and success in the labor market. This is particularly important for youth with disabilities. (Preamble, WIOA Regulations)

Work experiences are designed to enable youth to gain exposure to the working world and its requirements; help youth acquire the personal attributes, knowledge, and skills needed to obtain a job and advance in employment.

Work Experience Expenditures
Local youth programs must expend not less than 20 percent of funds allocated to them to provide in-school and out-of-school youth with paid and unpaid work experience. This includes wages, staff costs for the development and management of the Work Experience.

Work Experiences for Youth

1. Work experience must include academic and occupational education. Education offered concurrently and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster. (WIOA Law Sec. 129(c)(2)(E)) The new program element requires integrated education and training to occur concurrently and contextually with workforce preparation activities and workforce training for a specific occupation or occupational cluster for the purpose of educational and career advancement. Youth participants are not required to master basic academic skills before moving on to learning career-specific technical skills.

2. The types of work experiences include the following categories:
   i. Summer employment;
   ii. Opportunities and other employment;
   iii. Opportunities available throughout the school year;
   iv. Pre-apprenticeship programs;
   v. Internships and job shadowing; and
   vi. On-the-job training opportunities as defined in WIOA Sec. 3(44) and in WIOA 20 CFR Part 680.700.

Employment Law & Work Experience Requirements

Work Experience placements must:

1. Comply with the Fair Labor Standards Act in regard to wages paid, hours worked and child labor regulations.
2. Complete an I-9 in accordance with the Immigration Reform and Control Act.
3. Provide Workers’ Compensation coverage

Exclusions: Youth that have been in a paid Work Experience may not claim unemployment insurance. Montana state law excludes work-training programs such as WIOA work experience from the definition of employment for purposes of unemployment insurance compensation (UI). Therefore, Work Experience wages are not subject to payment of UI taxes by the employer and WEX participants do not earn wage credits during their participation.

MCA 39-51-204 (1)(m)

Participant Wages, Benefits, Hours of Work and Duration of Assignment

07/01/2015
Work Experience Wages. Work Experience participants shall be paid an hourly wage for hours worked which may be in ¼ hour increments. Wages are considered a work-training or educational allowance.

Wage Rate. Each participant will receive a wage based on:

1. Applicable federal and state minimum wage; or
2. At the same rates as trainees or employees who are in similar occupations, and who have similar training, experience and skills within that worksite, whichever is higher.

3. Providers are not restricted to paying minimum wage for a youth work experience and may pay the youth a higher wage based on wages in the community and are commiserate with other employees at the worksite doing the same job but not more than the other employees doing the same job.

Tax Withholding. Work Experience wages are subject to withholding for Social Security, Federal Income Tax, and Montana State Income Tax. Therefore, participants must complete a W-4 and the employer must issue a W-2. Transportation and/or supportive services, if paid, are over and above wages and are not subject to tax deduction.

Injury. Providers are to ensure that each WEX participant is covered by State Workers' Compensation Insurance or adequate injury insurance.

Hours of Work. WEX participants must be provided with the same level of benefits and working conditions as the other employees working the similar type of work and length of time. Participants may work part-time or full-time in a Work Experience depending on service provider funding and the number of youth in a WEX. Full-time participation is defined as working 32-40 hours per week, or the same number of hours worked by regular employees at the worksite, not to exceed 40 hours per week. Neither overtime work nor overtime pay is allowable. Child labor laws must be observed when scheduling work hours for youth under 18 years of age.

Duration of WEX Assignment. The length of the Work Experience assignment is to be based on the needs of the participant and purpose of placing that participant in a WEX.

Worksite Supervision
Service providers should visit participants and their supervisors at their worksites on a bi-weekly basis to assist in job-related or personal counseling and job coaching. The performance and progress of the participant is to be monitored on a regular basis to determine if continued participation, transfer to another activity, and placement in unsubsidized employment, or other action is most appropriate.

Required Work Experience Documents
Memorandum of Agreement (MOA) and Training Summary must be completed prior to the placement of participants at a worksite. The MOA (WIOA.22) sets forth the intent of the activity. The WIOA Youth Training Summary outlines the work elements, duties and skills for which the participant will receive training or perform during the WEX activity assignment.

WIOA Work Experience agreements shall be set up annually to coincide with the program year start and end (e.g., July 1, 2015 to June 30, 2016). There only needs to be one agreement per worksite to cover all participants that may be placed there. There could be a number of training summaries tied to that worksite based on job titles.

Union Concurrence: Following an informal consultation with the appropriate labor organization, the Union Concurrence Form (WIOA.22B) is to be completed for each agreement where a collective bargaining agreement covers the occupation the participant(s) are to be placed in. A copy of the Union Concurrence Form must be kept with each MOA whether or not a collective bargaining agreement exists. A note on the Union Concurrent Form such as N/A is sufficient when there is no collective bargaining agreement. The Union Concurrent Form should always have the signature of the worksite authorized signatory regardless of whether or not there is a collective bargaining agreement in place.

Training Summary: A training summary (WIOA.22C) must be completed for each job that will be performed at a Worksit. The original training summary must be attached to the worksite MOA and a copy placed in each of the youth’s file that will be maintained with the appropriate timesheets for that placement.

One training summary may be used and attached to the MOA if several participants are placed in the same occupation (using the same O’NET Code) on a worksite. Additional sheets to list the participants may be attached to the Training Summary.

Note: The Training Summary must be completed by identifying the participant and employer (worksite); supervisor(s) that are authorized to evaluate the youth’s performance and sign timesheets and a phone number; occupation and the O’NET Code; Wage per hour and hours of work per week; the WEX start and end dates (not estimated but actual end date); a list of the skills, duties and tasks for which the participant will receive training; check yes or no for initial skills and the actual training hours.

Timesheets: All participants on a WEX must complete a time sheet (WIOA.22D) at the end of the scheduled work period. The job duties and tasks that the participant performed must be completed on the WIOA Youth Work Experience Time Sheet for each day worked and must tie to the work elements, duties and tasks listed on the WIOA Youth Training Summary.

1. Timesheets sheets must be completed with pay period dates, dates and hours worked, and duties documented;
2. Timesheets must be signed and dated by both the participant and the supervisor;
3. The supervisor must complete the evaluation section of the timesheet;
4. The individual signing as the supervisor must be listed on Training Summary as authorized to sign time sheets;
5. Timesheets must be complete with dates, duties, supervisor evaluation, and signed and dated before a participant can be paid.

Facsimile and instructions for the Memorandum of Agreement, Training Summary, Union Concurrence, Wage Subsidy Agreement and Wage Subsidy Invoice forms (only applies when the provider is paying the worksite and not the participant) are in the Forms Section on DLI’s WIA website. The provider’s copy of the appropriate WEX documents (Training Summary, Timesheet and Bi-Weekly Contact Record) must be attached together and kept in the provider’s office with a copy in each participant’s file. The provider may choose to maintain Work Experience MOAs in the participant’s file or in a separate binder.

MWorks Documentation

1. Case note Work Experience details including: how the worksite was determined; worksite information (youth’s supervisor); and expected duration of the work experience;
2. Enter the name of the worksite in the Work Experience Service task feature;
3. Set up individual Payment Authorizations for each pay period. Payment authorizations must be able to be tied back to the timesheets in the participant’s file. In order to do this the pay period dates or end date and hours worked for that pay period must be documented on all Payment Authorization. NOTE: The only time pay periods should be combined on a single Payment Authorization is when timesheets are not submitted timely and the individual will not receive payment for the timesheet until the end of the next pay period. In those instances, document this clearly on the Payment Authorization.

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ON-THE-JOB TRAINING (OJT)

I. Description

OJT is training by an employer that is provided to a paid participant while engaged in productive work in a job that provides knowledge or skills essential to the full and adequate performance of the job.

OJT is an important training services activity whereby employers provide necessary equipment and training for jobs by means of a "hire first, train later" strategy. WIOA participants who successfully complete the OJT period are subsequently retained in permanent employment. The OJT should to be used for occupations in higher skills categories. It is not subsidized employment of low-skill occupations, which require very little training time. OJT is only appropriate for the length of time necessary to be trained in the specific occupation.

OJT may be sequenced with or accompanied by other types of services such as occupational, pre-vocational or literacy training.

OJT contracts may be written for either full-time or part-time employment. Contracts written for occupations identified on the Office of Apprenticeship (OA), USDOL or the Montana apprenticeable occupations list should, with the knowledge and approval of the employer, be coordinated with the Apprenticeship Section of the Montana Department of Labor and Industry.

Personnel involved in the decision-making process to place an eligible participant into an OJT must document the decision in the participant’s Individual Employment Plan or Individual Service Strategy. The decision should demonstrate that the training chosen is appropriate, that the training is necessary, that the participant does not already possess the skills, or that the individual needs to upgrade their skills to move to a new job.

Reverse Referrals (see Glossary) may be accepted for OJT only if the participant's assessment and IEP/ISS document such OJT as an appropriate training activity. The employer must be aware that an individual not currently in their employ may or may not be referred back for employment consideration. OJT contracts written for eligible employed workers do not constitute a reverse referral.

II. Eligibility

OJT contracts may be written for WIOA eligible employed workers when:

The employee is not earning a self-sufficient wage as determined by policy;

The requirements in WIOA regulations, 20 CFR Part 680.700(b), contracts may not be made with an employer that exhibits a pattern of failure to provide participants long-term
employment as well as wages and benefits; and the contract must be limited to the period of time required for a participant to become proficient in the occupation for which the training is provided; and

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.

III. Reimbursement and Contract Requirements
Reimbursements under OJT contracts are deemed to be compensation for the extraordinary costs associated with training participants and the costs associated with the lower productivity of the participants. The standard reimbursement rate for OJT contracts is up to 50%. An OJT contract reimbursement rate may be up to 75% if a higher rate is justified based on one or more of the following factors:

1. The characteristics of the participant (e.g. long-term unemployed, little or no work history, physical or mental disability, ex-felon);
2. The size of the employer (50 or fewer employees);
3. The quality of employer-provided training and advancement opportunities;
4. The training is in an apprenticeable occupation and the employer has agreed to sponsor a registered apprenticeship.

WIOA Law Sec. 134(c)(3)(H)(ii)

Training that is not considered appropriate includes, but is not limited to:
1. Occupations in lower wage industries where prior skill or training is not prerequisite for hiring;
2. Occupations with high labor turnover;
3. Occupations, which lead to relocation of establishments from one area to another;
4. Seasonal occupations;
5. Occupations with a substantial number of experienced and able workers who are presently unemployed;
6. Occupations dependent on tips and/or commission to equal the minimum wage; and
7. Occupations with low paying, dead-end jobs.

Contractor Eligibility
1. OJT assistance will be available only in industries providing job continuity or security;
2. Any firm or industry in violation of local, state or federal labor laws is not eligible for training assistance;
3. Any firm, employer or industry who has had two (2) or more OJT contracts and has exhibited a pattern of failure to provide OJT participants continued, long-term employment as regular employees with wages and working conditions at the same level and to the same extent as similarly situated employees are
ineligible to enter into further WIOA OJT contracts. (See Glossary for definition of "Pattern of OJT Contract Failure").

WIOA Law Sec. 194(4)

4. Relocation
   i. No funds provided under the Act shall be used, or proposed for use, to encourage or to induce the relocation of an establishment, or part thereof, that results in the loss of employment for any employee or such establishment at the original location.
   ii. For 120 days after the commencement or the expansion of commercial operations of a relocating establishment, no funds provided under this Act shall be used for customized or skill training, on-the-job training, or company-specific assessments of job applicants or employees, for any relocating establishment or part thereof at a new, or expanded location, if the relocation of such establishment or part thereof results in a loss of employment for any employee of such establishment at the original location.
   iii. For the purposes of this section, relocating establishment means a business entity, including a successor-in-interest, which is moving any operations from a facility in one labor market area within the United States and its territories to a new or expanding facility in another labor market area. For the purposes of this section, a labor market area is an area within which individuals can readily change employment without changing their place of residence.

WIOA Law Sections 3(30) and 181(d); 29 CFR Part 683.255
   iv. Pre-award review. To verify that an establishment is expanding or not relocating employment from another area, the program operator shall conduct a pre-award review to ensure that the company has not relocated and the relocation resulted in layoffs or displacement of workers. Service providers shall use the OJT Pre-Award Review form (WIOA.24) to document this process. A facsimile of OJT Pre-Award Review form is in the forms section of this manual.

5. Approval. Before writing an OJT contract, service providers shall determine that abnormal labor conditions such as a strike, a lockout or similar conditions do not exist at the establishment or its affiliates;
6. Established Wages - industries not meeting the established wage priorities are not eligible;
7. Prevailing Standards - occupations must meet prevailing standards with respect to wages, hours and conditions of employment;
8. Reimbursements
   i. WIOA funds shall not be provided to reimburse OJT training costs when the participant was referred and hired through a private employment agency and was required to pay a referral and placement fee;
ii. Training costs will be an allowable WIOA expenditure if the employer paid the referral and placement fee;

9. Training Contracts may be with the private or public sector.

Contract Period
OJT contracts should be written for a period of time that takes into account actual training time plus additional time to anticipate unexpected time away from training by the participant. This process should ensure that end date of the contract is sufficiently into the future so as not to require a contract modification to extend the end date. (NOTE: This is the contract period, not the training time.)

Length of Training
OJT training authorized for a participant shall be limited to a period not in excess of that generally required for the acquisition of skills needed for the particular occupation. For the purpose of this section, training shall not exceed a maximum of 1040 hours.

The following procedures will apply to determine the maximum number of reimbursable weeks of training for an occupation:

1. O*Net – The Occupational Information Network
   Locate the title of the occupation in the O*NET and identify the occupation's 5 or 6-digit occupational code. For example, Receptionist and Information Clerks: 43-4171

2. Job Zone Determination
   i. Using the O*NET code, find the Job Zone level in the O*NET (Example: 43-4171 = Job Zone - 2)
   ii. Then locate the Job Zone on the chart below. It shows maximum OJT time reimbursable for any occupation at a given Job Zone. For example, Receptionist: 43-4171.00 has a Job Zone of 2. Read across to see that 800 hours is the maximum for any Job Zone 2 occupation.

<table>
<thead>
<tr>
<th>Job Zone Level</th>
<th>Maximum Training Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>400 hours</td>
</tr>
<tr>
<td>2</td>
<td>800 hours</td>
</tr>
<tr>
<td>3</td>
<td>*1,200 hours</td>
</tr>
<tr>
<td>4</td>
<td>*1,600 hours</td>
</tr>
<tr>
<td>5</td>
<td>*2,080 hours</td>
</tr>
</tbody>
</table>

   *Occupations with a Job Zone of 3 or higher cannot exceed 1040 hours duration.

Employee/Trainee Wages
1. Minimum Starting Rate
   The minimum starting rate of OJT employees shall be the greater of:
   
   i. Applicable federal and state minimum wage; or
   
   ii. At the same rates as trainees or employees similarly situated in similar occupations by the same employer, and who have similar training, experience and skills, whichever is higher.

   WIOA Sec. 181(a)(1)(A)

2. Wage Rate Calculations
   
   i. In cases where the OJT is for a salaried position, an hourly rate of pay should be calculated for reimbursement purposes by taking the gross monthly salary, multiplied by 12 then divided by 2080 hours (e.g. $2,600 \times 12 = $31,200/2080 = $15). NOTE: With salaried positions, be sure that paid time off (i.e. vacation, sick, holiday, PTO) is accounted for in the Weekly Work Logs and not reimbursed.

   ii. In cases where the trainee may receive two different rates of pay (e.g. regular rate and shift differential for evening/weekend hours), calculate the maximum contract amount based on the best estimation of the trainees’ schedule during the contract. On the monthly invoice, breakout the training hours and reimbursement for each rate of pay on a separate line.

   Note: WIOA funds shall not be used for overtime wages, holidays, sick leave, or vacations.

Concurrence
Upon entering into the development of an OJT contract, the service provider through informal consultation with the appropriate labor organization will determine if there is a collective bargaining agreement between the employer and the employees or their representatives. Written concurrence from the appropriate labor organizations is required for all positions involving collective bargaining agreements.

Apprenticeable Occupations
When training is proposed for apprenticeable occupations, the provider should, with the knowledge and approval of the employer, consult with the appropriate apprenticeship representative regarding the coupling of training with apprenticeship programs. The purpose is to provide individuals who receive OJT training with the opportunity to participate in a structured training program that lasts beyond the limits of the WIOA OJT training, and provides for an incremental increase in wages.

Program Standards and Cost Guidelines for OJT Contracts
1. “Hire First” Principle means that employers must agree to hire prior to training for all entry-level positions.
Note: This does not mean that the employers can "try out" or work the trainee for a period of time prior to contract funding to see if the trainee will work out.

This means:

i. The employer "hires" the participant as of the entry date into the OJT program;
ii. The participant is considered to be an employee, not a trainee, of the contractor;
iii. The participant is entitled to all the rights and benefits of all regular employees; and
iv. The employer has made a commitment to provide continued employment after training.

2. Trainee Entrance Schedule
All employees should enter training within one-month period of the funding date on the contract.

3. Contract Assembly
An OJT contract contains the following:

i. OJT Pre-Award Review
ii. Concurrence
iii. On-the-Job Training Contract
iv. Special Terms and Provision/Assurances and Certifications
v. OJT Training Summary
vi. Apprenticeship Notification

Referral and Hire
No participant will be started in a proposed OJT slot until a contract has been negotiated and signed.

After negotiation of the OJT contract referral of eligible trainees may begin.

A copy of the OJT Contract is to be given to the employer and the participant. The provider will maintain the original contract.

Reports
1. OJT Monthly Invoice
This report is to be completed monthly for each contract. The initial progress report will be completed for the month in which the contract is approved regardless of reportable activity. Each report will cover each cumulative activity under a specific contract. The final report should be completed for the month in which the scheduled training days are completed. When used for payment, this report must be completed within five (5) days of contract
completion/termination. Do not wait until the end of the month. The report is kept on file with the provider.

The service provider will make a monthly visit to the contractor to complete the OJT Monthly Invoice. The provider must review the employer records to ensure all information entered on the Monthly Report is accurate. The provider should obtain a copy of the record to attach to the monthly invoice for backup documentation. The record may be a time card or any other document that the employer is using to document hours worked during the month. On the date of the visit, employer and the provider must sign and date the OJT Invoice. The signatures will certify that the information on the invoice is correct and is reflective of the employer records, including hours worked and wages paid. Note: Signatures may not always be the employer per se, but a qualified person in the employer’s office may sign, as long as the qualifier’s signature is also on the original contract.

Original signatures must be used on the Monthly OJT Invoice. Signed invoices may not be altered with whiteout or correction tape.

2. OJT Monthly Service Report
   This report is used with the OJT Monthly Invoice. Providers will make a monitoring/assistance visit to the contractor worksite on a regular monthly basis. Contacts with the trainee will also be made at that time.

   During these visits, the provider will complete the OJT Monthly Invoice and OJT Monthly Service Report. Regular visits will provide providers an opportunity to provide services or assistance to the employer and participant that may prevent major problems or deficiencies from occurring. Any problems or deficiencies that may be uncovered during a visit should be outlined in the provider’s Evaluation and/or Corrective Action section of the OJT Monthly Service Report. Also, any corrective action plans should be included.

3. Weekly Work Log
   During the monthly visit, providers will collect documentation from the participant on what they have been learning during the past month. There are a variety of ways in which providers can do this. One way would be to collect a copy of the daily work log that apprentices are required to keep for their program, or providers develop their own log for participants to keep, or use the WIOA.26A Weekly Work Log. Providers will then compare the weekly work log to the contract to ensure that the participant is getting the training required for the job.

IV. OJT Contract Modification

   Contract modifications must be done using the Contract Modification Form.
The contractor or the provider may initiate a contract modification.

Signed contracts are not to be altered with whiteout or correction tape. Changes may only be made by a modification, or if that is not possible, by lining out the incorrect data, hand printing the new data and by having both parties initial the change.

Copies of the modifications should be distributed to all parties who have copies of the original contract.

Facsimile of OJT Contract, Terms and Provisions, Training Summary, Pre-Award Review, Apprenticeship Notification and Union Concurrence forms and the Contract Modification Forms are in the Forms Section of this Manual.

V. **Time Limitations**
No person may participate in OJT in excess of the time generally required for acquisition of skills needed for the position within a particular occupation. The Occupational Information Network (O*NET) codes gives direction for determining the appropriate training time.
CUSTOMIZED TRAINING

I. Description
Customized Skills Training is designed to meet the special requirements of an employer or a group of employers by allowing them to tailor and design work-based skills training. Customized training is conducted with a commitment by the employer to employ, or in the case of incumbent workers, continue to employ, an individual on successful completion of the training.

Note: An incumbent worker must still meet the statutory definition of either adult or dislocated worker to receive customized training.

Employers may be reimbursed by the WIOA program for the costs incurred in providing the training including staff/instructor time or training materials.

Customized Skills Training can be provided after a WIOA participant is hired or if an employer makes a commitment to hire the participant upon successful completion of the training.

II. Requirements
Customized training may be provided for an employer or group of employers when:

The employee is not earning a self-sufficient wage (there is currently no State established self-sufficiency wage).

The employer, or group of employers, have made the commitment to employ or continue to employ, an individual that has successfully completed the program; and

The customized training 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.

III. General Guidelines

For each participant, the employer develops the training plan and measurable goals and determines the method by which the training is provided. Proficiency levels should be based on local business or industry skill standards.

The training activity may take place at the worksite or in a classroom setting. The employer or an intermediary may provide the training.

IV. Documentation Requirements
Employers must complete the Customized Skills Training Plan/Reimbursement Invoice. When completed, this form documents the training plan, skills attainment, costs incurred by employer, and amount of reimbursement. This form must be maintained in the participant’s file. Individual Employment Plans shall be updated accordingly to reflect participation in customized skills training. Facsimile and instructions for the Customized Skills Training Plan/Reimbursement Invoice (WIOA.33) are in the Forms Section on DLI’s WIOA website.

V. Time Limitations
Training should be for a specified length of time and may take place at the worksite or in a classroom.
INDIVIDUAL TRAINING ACCOUNTS (ITA)

I. Description

Individual Training Accounts are established on behalf of the participant. WIOA Title IB Adult, Dislocated Worker and Older Youth (18 or older) participants will use ITAs to purchase training services from eligible providers they select in consultation with the case manager or career planner.

Individual Training Account services may be made available to employed and unemployed adults and dislocated workers who have met the eligibility requirements for Individualized Career services, and have been determined to be unable to obtain or retain employment leading to self-sufficiency through such services. Youth are not required to receive Individualized Career services as a condition for the ITA.

The participant must have a completed IEP or ISS that indicates that, through interview, evaluation or assessment, the participant has been determined to be in need of training and has the necessary skills and qualifications to successfully complete the selected training program.

Selection of a training program must include the identification that the training is directly linked to occupations that are in demand in the local area, or in another area to which an adult or dislocated worker is willing to relocate. In determining local demand occupation(s), providers may allow for training in occupations that may have high potential for sustained demand or growth in the local area.

Participants may select training programs in religious activities/occupations provided the training costs are covered through an ITA, the training meets the requirements in Section 1.30 Administrative Standards part H. and the training provider is on the Eligible Training Provider List.

Participants may select training that leads to self-employment in a particular occupation provided the training costs are covered through an ITA and the training provider is on the Eligible Training Provider List. As noted in Section 1.30 Administrative Standards part J. d., WIOA funding cannot be used for business start-up costs.

Start-Up Costs. Costs associated with the start-up of businesses are not considered allowable under the provisions of WIOA Law Section 181. Start-up costs associated with entrepreneur training would also fall under this prohibition. This prohibition will also apply to the start-up costs of an agency that would provide services to WIOA clients. However, the purchase of equipment (with appropriate prior approval) will continue to be an allowable cost.

II. Limitations on who can receive training services
Training services may be made available to employed and unemployed adults, dislocated workers and youth (age 18 or older) who:

1. A case manager or career planner determines, after an interview, evaluation, or assessment, and career planning, are:
   Unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services;
   In need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
   Have the skills and qualifications to participate successfully in training services;

2. Have selected a program of training services that is directly linked to the employment opportunities in the local area or the planning region, or in another area to which the individuals are willing to commute or relocate;

3. Are unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as State-funded training funds, Trade Adjustment Assistance, and Federal Pell Grants established under title IV of the Higher Education Act of 1965, or require WIOA assistance in addition to other sources of grant assistance, including Federal Pell Grants (provisions relating to fund coordination are found at WIOA 20 CFR Part 680.230 and WIOA Sec. 134(c)(3)(B); and

4. If training services are provided through the adult funding stream, are determined eligible in accordance with the State and local priority system, if any, in effect for adults under WIOA 20 CFR Part 680.600 and WIOA Sec. 134(c)(3)(E).

Service providers and training providers must coordinate funds available and make funding arrangements with partner agencies so that WIOA ITA funds supplement Pell and other grant sources to pay for the cost of training (see D. re: Cost of Attendance).

Participants may enroll in ITA funded training while their application for a Pell Grant is pending provided that the service provider has made arrangements with the training provider and the participant regarding the allocation of the Pell Grant, if it is subsequently awarded. If a Pell Grant is awarded, the training provider must reimburse the service provider the ITA funds used to underwrite the tuition portion of the training costs from the PELL Grant.

Service providers should consider all available sources of funds, excluding loans, in determining an individual’s overall need for WIOA funds. Resources such as PELL, GI Bill and other federal grants should not be included in calculations of the level of WIOA assistance until the grant has been awarded.
Reimbursement is not required from the portion of Pell Grant assistance disbursed to the participant for education-related expense. Note: Tuition is the sum charged for instruction and does not include fees, books, supplies, equipment and other training related expenses.

III. Duration, Cost Limits and Availability

Currently, there is no monetary limit or cap on ITAs; nor is there a limit on the length of the training. Service providers should keep in mind that the intent of WIOA is to get participants trained and into the workforce as quickly as possible. Training that can be completed within a few years or even shorter timeframe is the standard expectation. If a participant is requesting a longer training program, service providers should consult with a program manager. Service providers are to base the amount of the ITAs and duration of the training on each eligible participant’s needs and circumstances and the availability of program funds; with the goal to serve as many individuals as possible with the funding available.

ITAs are awarded per semester, quarter or for uninterrupted training coursework. Second and subsequent ITAs will be awarded only for continuing classes in the educational or training institution initially attended, unless there is mutual and justifiable agreement between the service provider and the participant that another training institution or training program is necessary.

An individual who has been determined eligible for an ITA may select a training institution and program from the Montana Eligible Training Provider List (ETPL) or from another State, provided that the training institution and program is listed on that State’s Eligible Training Provider List, after consultation with a case manager or career planner. Unless the program has exhausted funds for the program year, the Service provider must refer the individual to the selected training program, and establish an ITA for the individual to pay for training.

WIOA 20 CFR Part 680.340

Payments may not be made to a training provider until the service provider ensures that the training provider and program selected is on the Eligible Training Provider list at time of payment for tuition and fees under WIOA ITAs.

IV. Payment system

Individual Training Accounts are designed to identify WIOA funded costs associated with the training cost of attendance. The Cost of Attendance may include tuition, fees, room and board, books, supplies, and tools (if required for the training course). The ITA identifies the WIOA obligation for the participant and the participant will be able to access information about the account from the Service provider. Each service provider is responsible for maintaining an ITA payment system which ensures that payments made to Eligible Training Providers are timely, for the agreed upon amount, ensuring that the
provider is on the ETPL at time of payment and that the payments are supported by appropriate documentation.

**Note:** Cost of Attendance may also include other expenses that are not incurred through the training provider such as child care, transportation, rent and other living expenses. WIOA service providers should take into account the full cost of participating in training services, including the cost of support services and other appropriate costs. WIOA funds may be used to assist with such expenses and are considered supportive services.

Financial responsibility for ITAs remains with the service provider who developed the ITA, in consultation with the participant, throughout the period of training, regardless of the location of the training provider. The financial responsibility of the service provider also extends to supportive services.

V. **Retakes of required classes**

WIOA funds may be used to pay for retakes of required classes if there is sufficient justification that has been documented by the case manager. Examples of justifiable reasons to pay for a retake would be the requirement to attain a specific grade to advance to higher level coursework in the training program; or circumstances beyond the participant’s control such as an unforeseen health issue. Service providers should consult with a program manager if they are uncertain about funding a specific retake request.

VI. **Documentation**

Contact between the case manager or career planner, and the participant must occur, at a minimum, at the end of each quarter, semester or uninterrupted training course during the lifetime of the training plan. Contact may be made by telephone, through the mail, personal contact or other appropriate means to provide documentation of successful progress. Documents such as attendance records, grade reports, and statements from the instructing agency, are required as proof of participation and satisfactory academic progress. If the documentation indicates the participant is having problems, the career planner should maintain more frequent contact. Documentation of status of the provider, either Montana’s ETPL or another State’s list, must be maintained in the participant’s file.

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ELIGIBLE TRAINING PROVIDERS

I. POLICY: This policy and the WIOA Eligible Training Provider Appeal Process have been revised and can be found on the WSD Policy Website at: ETPL Policy

II. Operational Guidance
Refer to the ELIGIBLE TRAINING PROVIDER LIST Policy on the WSD Policy Website at ETPL Policy for detailed policy. The following is intended as guidance and clarification.

VENDORS
New Vendor
To set up new vendors for payment a State of Montana supplemental W-9 needs filled out, signed and dated. This document is located here: Form WIOA 49 MT W-9.

Send the completed document, indicating required objectives and services, to the following address: DLIWSDW9INPUT@mt.gov.

Current Vendor
Current vendors do not require a new State of Montana Supplemental W-9 provided their information is current and up-to-date. Verify vendor information in the database, if there are any changes a new W-9 may be needed.

ELIGIBLE TRAINING PROVIDERS
New Training Provider
The new provider portal allows for online program submission by training providers. To establish a new potential Eligible Training Provider the following action needs to be taken: an email sent to the MTETPL@mt.gov email box with the potential training providers contact information; full name, email and phone number. The ETPL program manager will contact the potential training provider and set up the provider portal.

If the program of study is approved it will be displayed on our website under Eligible Training Provider List. Interested parties will be notified of the course approval.

If a program of study is denied, the provider will be sent a denial letter and the program will not be listed. The provider has the right to appeal the denial. Interested parties will be notified of the denial.

Current Training Provider
Certain current providers from the old eligible training provider list are being updated to the new display module. If a provider has not been displayed on the new module email MTETPL@mt.gov with the provider name and program of study.

Registered Apprenticeships
Registered apprenticeship programs are automatically qualified for placement on the ETPL but have to indicate they want placement on the list. They will remain on the list as
long as the program is registered or until the program sponsor notifies the state that it no longer wants to be included on the list.

Registered Apprenticeship programs are not subject to the same application procedures and performance information requirements as other providers, nor do they require a period of initial eligibility; as they go through a detailed application and vetting procedure to become a Registered Apprenticeship program.

Any Registered Apprenticeship program sponsor taking an application(s) are an in-demand occupation by default. Minimal information may be required from an apprenticeship in order to execute payment of WIOA funding.

2. Pre-apprenticeship programs do not have the same automatic ETP status.
CREDENTIALS

The Workforce Innovation and Opportunity Act (WIOA) has put into place a Credential Attainment indicator for Title I, Title II, and Title IV programs. Credential Attainment is the percentage of those participants enrolled in an education or training program (excluding OJT and Customized Training) who attained a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program.

A participant who has attained a secondary school diploma or its recognized equivalent is included in the percentage of participants who have attained a secondary school diploma or its recognized equivalent only if the participant also is employed or is enrolled in an education or training program leading to a recognized postsecondary credential within one year after exit from the program.

(TEGL 10-16)

I. Policy

All training services must be clearly identified and expectations for earning of a credential must be stated in the participant’s Individual Service Strategy, Individual Employment Plan, Individualized Plan for Employment, or PEP Talk. The participant must understand that once training begins, he or she is expected to complete all required activities. Partial program completion does not meet the intent of Federal requirements and program personnel must not report credentials if the participant failed to complete the entire program.

Credential: This indicator measures attainment of two types of credentials:
   1. Recognized postsecondary credential
   2. Secondary school diploma or its recognized equivalent

Recognized Postsecondary Credentials is defined as a credential consisting of:
   1. Industry-recognized certificate or certification
   2. Certificate of completion of an apprenticeship
   3. License recognized by the State or Federal government
   4. Associate or baccalaureate degree
   5. Graduate degrees for purposes of the VR program

A recognized postsecondary credential is awarded in recognition of an individual’s attainment of measurable technical or industry/occupational skills necessary to obtain employment or advance within an industry/occupation. These technical or industry/occupational skills generally are based on standards developed or endorsed by employers or industry associations. Neither certificates awarded by local boards, nor are

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work readiness certificates included in this definition because neither type of certificate documents the measurable technical or industry/occupational skills necessary to gain employment or advance within an occupation. Likewise, such certificates must recognize technology or industry/occupational skills for the specific industry/occupation rather than general skills related to safety, hygiene, etc., even if such general skills certificates are broadly required to qualify for entry-level employment or advancement in employment.

Examples of recognized postsecondary credentials that meet the definition:

- **Certified Nursing Assistant (CNA) License**
  - Example of Occupational License
- **Automotive Service Excellence (ASE) Certification**
  - Example of Occupational Certificate
- **Certificate of Completion of a Registered Apprenticeship Program**
  - Example of Occupational Certificate
- **Associates of Applied Science Degree in Diesel Technology**
  - Example of Associates Degree
- **National Institute for Metalworking Skills (NIMS) Certification**
  - Example of Occupational Certificate
- **Massage or Cosmetology License**
  - Example of Occupational License

Public and Private Entities that issue postsecondary credentials:

1. State educational agency or a State agency responsible for administering vocational and technical education within a State
2. An institution of higher education described in Section 102 of the Higher Education Act that is qualified to participate in the student financial assistance programs authorized by title IV of the act. This includes community colleges, proprietary schools, and all other institutions of higher education that are eligible to participate in Federal student financial aid programs
3. An institution of higher education that is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or tribes
4. A professional, industry, or employer organization (e.g., National Institute for Automotive Service Excellence certification, National Institute for Metalworking Skills Inc., Machining Level 1 credential) or product manufacturer or developer (e.g., recognized Microsoft Information Technology certificates, such as Microsoft Certified IT Professional, Certified Novell Engineer, a Sun Certified Java Programmer, etc.) using a valid and reliable assessment of an individual’s knowledge, skills, and abilities
5. State Registered Apprenticeship Agency or ETA’s Office of Apprenticeship

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6. A public regulatory agency, which awards a credential upon an individual’s fulfillment of educational, work experience, or skill requirements that are legally necessary for an individual to use an occupational or professional title or to practice an occupation or profession (e.g., Federal Aviation Administration aviation mechanic license, or State-licensed asbestos inspector)

7. A program that has been approved by the Department of Veterans Affairs to offer education benefits to veterans and other eligible persons

8. Job Corps, which issues certificates for completing career training programs that are based on industry skills standards and certification requirements

Recognized Secondary School Diploma or its recognized equivalent

For purposes of credential attainment performance indicator, a secondary school diploma is one that is recognized by a State and that is included for accountability purposes under the Elementary and Secondary Education Act of 1965 as amended by Every Student Succeeds Act (ESSA). A secondary school equivalency certification signifies that a student has completed the requirements of a high school education.

Examples of secondary school diplomas, alternate diplomas, and recognized equivalents recognized by States include

1. Obtaining certification of attaining passing scores on a State-recognized high school equivalency test
2. Earning a secondary school diploma or State-recognized equivalent through a credit bearing secondary education program sanctioned by State law, code or regulation (Applies to WIOA Title 1 and IV only)
3. Obtaining certification of passing a State recognized competency-based assessment (Applies to WIOA Title 1 and IV only)
4. Completion of a specified number of college credits (Applies to WIOA Title 1 and IV only)

Documentation: Program personnel should obtain a copy of the certificate (diploma, certificate, school letters, license or school transcript that indicates degree attained, etc.) and place the document in the participant’s file.

Note: School letters must have the participant’s name and actual date of graduation.

II. What counts as a Credential for WIOA reporting purposes?

The following is a list of questions to consider when reviewing a program of instruction for certificate eligibility. The resources cited for each question are examples of the types of requirements or program policies to look for when attempting to answer the questions. The resources identified are not comprehensive; you may find other resources locally that also support your decision to define a program of instruction as

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"certificate-eligible". College course catalogues and degree/certificate requirements typically answer many of these questions to the extent necessary to make your determination. Employers who will hire certificate holders can also answer questions when a training catalogue does not provide the necessary information.

**Question 1:** Is the program more than one course of instruction? If it is one course only, what are the expectations of the participant after successfully completing the course?

**What to look for:**
- Program descriptions in college or training provider catalogues.
- Occupational licensing and certification requirements by the certifying agency.

**Question 2:** Does the training program have structure? Is there a standardized mechanism of delivery?

**What to look for:**
- Lesson plan(s)
- Curriculum
- Class syllabus
- Prerequisites - i.e., the program is completed through a series of training activities that build upon each other to expand the student's breadth and depth of knowledge and skills.
- Evidence based on lesson plans, curricula, etc. that instructors typically teach the course in the same sequence, according to the same schedule, each time the course is offered.

**Question 3:** Does the program fulfill a specific set of occupational requirements with clear and measurable goals and objectives? Can the certificate holder function effectively on the first day of employment with minimal supervision?

**What to look for:**
- Job qualifications or pre-requisites (e.g., licensure, certification or any other evidence the prospective employee must provide as evidence of competency in order to be hired).
- Once all training and testing is completed, what does the student obtain for his/her effort? (e.g., license to practice or credentials of competency).
- The individual can perform the work required by the occupation without additional training immediately after hiring. For example, an emergency medical technician (EMT) can perform Cardiopulmonary Resuscitation (CPR) on a patient at the time of hiring by an ambulance service.

**Question 4:** Is the certificate and knowledge/skills transferable from one employer to another within the industry that recognizes the certificate?

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What to look for:

• Employer hiring standards within the industry.
• Evidence of reciprocity across state or regional borders (i.e., no further training is required to secure the same job in another location, or minimal training requirements to account for regulatory differences associated with State licensing and certification laws/regulations.) For example, an EMT certified by the National Registry of EMTs in the State of Wyoming would be immediately eligible for EMT licensure and hiring in the State of Montana.

Question 5: Who issues the certificate or license?

What to look for:

• Licensing or certification requirements identified by the training program provider.
• State, county, tribal or municipal licensing or certification regulations or requirements.
• Professional or industry endorsements and standards.
• Apprenticeship programs.

Question 6: Can the participant secure a job in the occupation without obtaining the certificate or license?

What to look for:

• Eligibility requirements for certificates, licenses or credentials.
• Continuing education requirements to renew certificates, licenses or credentials.
• Certificate, license or credential expiration dates.
• Length of time a certificate, license or credential is valid.
• Recertification requirements after a certificate, license or credential has expired.
• Employer requirements for maintaining current certification, licensure or credentials.
• Employer prerequisites to employment that state a preference for applicants with the certificate/license/credential.

Question 7: How is successful program completion determined?

What to look for:

• A passing score on a written test is required to qualify for a license, certificate or credential.
• A passing score on a practical skills test (if applicable) is required to qualify for a license, certificate or credential.

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- The training program and courses have clearly stated pass-fail criteria that apply to all students.
- All students are tested according to the same sets of standards and criteria determined by the occupation to be minimally acceptable.
- Reasonable testing accommodations for individuals with disabilities measure the same standards and competencies as any other student who has participated in the program.
SUPPORTIVE SERVICES

I. **Policy:** This policy has been revised and can be found on the WSD Policy Website at: [Supportive Services Policy](#)

II. **Operational Guidance:**
The following is intended as guidance and clarification from determining eligibility to providing services.

Drug testing (depending on circumstances this may be paid out of Training-Related fees/Materials/Supplies or Work-Related Materials/Supplies under other supportive services);

Background Checks (depending on circumstances this may be paid out of Training-Related fees/Materials/Supplies or Work-Related Materials/Supplies under other supportive services).

Self-employment: Products or equipment needed to begin work as a nail technician or cosmetologist may be approved but booth rental would not.
FOLLOW-UP SERVICES AND ACTIVITIES

Follow-up Services are services that are provided to adult and dislocated worker participants who enter employment and all youth participants after exiting their WIOA enrollment. Follow-up services provide a continuing link between the participant and workforce system. These services allow providers to assist with other services that the participant may need once he or she obtains employment.

I. Adult and Dislocated Worker Follow-up Services

Appropriate follow-up Services, that may include counseling regarding the workplace, must be made available to Adult and Dislocated Worker participants who exit to unsubsidized employment for a minimum of 12 months following the first date of employment.

Case managers should contact the participant at least once a quarter to check in with participants who have obtained unsubsidized employment to see if they need assistance in job retention, wage gains and career progress.

Appropriate follow-up services may vary among different participants, for example participants with multiple employment barriers and limited work histories may need significant follow-up services to ensure long-term success in the labor market including program funded supportive services. Others may identify an area of weakness in WIOA training that may affect their ability to progress further in their occupation or to retain employment.

Follow-up services could include:
1. Additional career planning and counseling
2. Contact with the participant’s employer, including assistance with work related problems that may arise;
3. Peer support groups;
4. Information about additional educational opportunities; and
5. Referral to supportive services available in the community

Note: Financial assistance such as needs-related payments are not an allowable follow-up service.

II. Youth Follow-up Services

All WIOA Youth participants, with the exception of those listed in B.2. must receive some form of follow-up services for a minimum duration of 12 months. Follow-up services may be provided beyond 12 months if it’s beneficial to the youth to continue to receive follow-up services. Follow-up services are critical services that are provided following a youth’s exit from the program to help ensure the youth is successful in employment and/or post-
secondary education and training. Case manager should make contact at least quarterly with the youth to ascertain their status and to determine if they need additional service or support. This must be documented in case notes. The types of services provided and the intensity of follow-up services may differ for each participant however follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome.

WIOA Law Sec. 129(c)(2)(I)

Youth follow-up services may include:

1. The leadership development and supportive service activities listed in 20 CFR Parts 681.520 and 681.570;
2. Regular contact with youth participant’s employer, including assistance in addressing work-related problems that arise;
3. Assistance in securing better paying jobs, career pathway development and further education or training;
4. Adult mentoring; and/or
5. Providing services as necessary to ensure the success of youth participants in employment and/or post-secondary education.

WIOA 20 CFR Part 681.580

Although WIOA regulations mandate the provision of follow-up services to all youth there will be times when it might not be possible to provide follow-up services or to provide these services for a minimum of twelve (12) months. Some youth may have relocated to another state, or cannot be located or contacted after several attempts, or have clearly communicated that they are not interested in receiving further services or additional assistance. While there is no doubt of the value of providing follow-up services that service provision may not be possible in every instance and cannot be "forced." In these instances, it is critical to exercise due diligence with respect to the mandatory provisions of follow-up services for a minimum duration of 12 months after exit. Case managers must document thoroughly in MWorks case notes the justification for not providing follow-up services.

Youth that might not receive follow-up services include:

1. Youth that have not been in contact with the case manager for a period of at least 90 days (3 quarters). NOTE: Case managers should document at least six attempts to contact the youth in that time period;
2. Youth that have moved from the area;
3. Youth that refuse to participate;
4. Youth that have requested closure from the program and no further contact;
5. Youth that are institutionalized;
6. Youth receiving medical treatment or providing care for a family member with a health/medical condition that precludes continued participation in the program;
7. Youth who have relocated to a mandated program.
i.e., youth in foster care or another mandated program and have moved from the area because of such program

Note: This does not include relocation to Job Corps

Youth that are in follow-up but cannot be contacted. Keep the follow-up service open on the youth’s MWorks Employment Plan. Attempt to contact the youth at least once a quarter and document this in a case note. Close the follow-up service at the end of the minimum requirement period of 12 months.

III. Follow-up Activities

Follow-up activities are conducted to ensure positive outcomes and to give credit for outcomes. Obtaining supplemental data to determine if the individual is employed in the four calendar quarters following exit to unsubsidized employment is a follow-up activity.

Timelines for Quarterly Follow-up
The first quarter follow-up should be done during the calendar quarter after the participant exits from WIOA programs.

Calendar quarters:
January – March
April – June
July – September
October – December

Example:
If a participant exits September 30, 2011, follow-up would be done according to the following calendar quarters:
1st Quarter: October – December 2011
2nd Quarter: January – March 2012
3rd Quarter: April – June 2012
4th Quarter: July – September 2012

Example:
If a participant exits May 2, 2011, follow-up would be done according to the following calendar quarters:
1st Quarter: July – September 2011
2nd Quarter: October – December 2012
3rd Quarter: January – March 2012
4th Quarter: April – June 2012

Follow-up must actually occur during the quarter being recorded.
As per USDOL common measures policy (TEGL 17-05, dated 2/17/06), allowable sources of supplemental information for tracking employment-related outcomes include case management notes, automated data base systems (i.e., MISTICS), documented contacts with employers, and participant surveys. Providers must keep in mind that all supplemental data and methods are to be documented and are subject to audit.

Service providers should use the Follow-up tab to record status in the Follow-up Contact section. A comment should be entered for each Follow-up contact. The comment should provide information regarding where the information was obtained, employer name, address, phone number, the occupation that the participant has entered, or any other pertinent information.

In the absence of Unemployment Insurance wage data, follow-up results can be used to enhance performance for three performance measures. Results count positively toward the measures if participants are found to be in unsubsidized employment in the quarters after exit. Supplemental follow-up results can be used for the following performance measures:

1. Entered Employment (first quarter after exit for Adults and Dislocated Worker participants)
2. Employment Retention (first, second, and third quarters after exit for Adult and Dislocated Worker participants)
3. Placement in Employment or Education (first quarter after exit for Youth participants)
IV. Supplemental Data Requirements

Supplemental Data refers to information collected in lieu of Unemployment Insurance (UI) wage records in order to demonstrate an employment-related outcome.

State UI wage records are the preferred data source for any performance measure pertaining to employment, including ETA’s Adult Common Measures. These records are owned by individual State Workforce Agencies and are governed by confidentiality and privacy statutes; most entities, including community colleges and private organizations, do not have access to wage records, which contain personally identifiable information including Social Security Numbers (SSNs). This is the reason that ETA has assumed the burden of tracking Common Measures for grantees that provide the four (4) data elements as detailed in the High Growth and Community-Based Job Training Grants: General Quarterly Reporting Forms and Instructions.

There are several allowable sources of Supplemental Data. In the absence of UI wage records, there are several sources of supplemental data that can be used to demonstrate employment-related outcomes. These include copies of pay stubs covering the period called for by the performance measure, employer documentation (including written affidavit or telephone conversation) indicating the individual was employed some time during the period called for by the performance measure, documentation from the former participant, case management notes and proprietary websites that offer employer fee-based information.

1. Information from Employers: In general, this pertains to a written affidavit or documented telephone conversation with an employer indicating the individual was employed at some time during the period called for by the performance measure. At a minimum, grantees should obtain a signed release from participants prior to exit allowing such contact. The employer verification, whether written affidavit, letter on official letterhead or telephone conversation, should contain the employer’s name, dates of employment for the individual in question and earnings for the period, in addition to the name, title, address, and telephone number of the employer representative providing the information.

2. Information from Former Participant: In general, this pertains to a written attestation form or documented telephone contact with the former participant that they were employed during the period called for by the performance measure. At a minimum, this should include updated contact information for the former participant, dates of employment and total earnings for the period, the employer’s name, address and telephone number and, in the case of a written attestation, the signature and date signed by the former participant. (If a documented telephone conversation is utilized, then the information should include the name/signature and date signed by the grantee’s staff member.)

3. Information from Proprietary Websites: A number of websites offer fee-based employment verification and wage-related information, although not all
employers provide information to all sources. These include www.theworknumber.com, www.verifyjob.com, and www.usverify.com/incomeverify.html. These websites are not endorsed by USDOL-ETA.

All Supplemental Data sources must be documented and are subject to audit.
THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT
(WARN)

I. POLICY: This policy has been incorporated into the Rapid Response Policy and can be found on the WSD Policy Website at: WSD Policy Website.
Rapid Response encompasses the strategies and activities necessary to (1) plan for and respond to announcements of a closure or layoff; or mass job dislocations due to natural or other disasters; and (2) to deliver services to enable dislocated workers to transition to new employment as quickly as possible. The purpose of rapid response is to promote economic recovery by responding to layoffs and dislocations and preventing or minimizing the impact on workers, businesses and communities. Rapid Response strategies and activities that are noted in Title I-B, Section 134 of the Workforce Innovation and Opportunity Act, are provided by the Job Service Operations Bureau (JS Bureau) through the statewide network of Job Service Centers to individuals determined to be eligible dislocated workers.

I. Rapid Response Activities include, but are not limited to:

   - Informational and direct reemployment services for workers, including but not limited to information and support for filing unemployment insurance claims, information on the impacts of layoff on health coverage and other benefits, information on and referral to career services, reemployment-focused workshops and services, and training;

   - Delivery of solutions to address the needs of businesses to transition, provided across the business lifecycle (expansion and contraction), including comprehensive business engagement and layoff aversion strategies and activities designed to prevent or minimize the duration of unemployment;

   - Convening, brokering, and facilitating the connections, networks and partners to ensure the ability to provide assistance to dislocated workers and their families such as home heating assistance, legal aid, and financial advice; and

   - Strategic planning, data gathering and analysis designed to anticipate, prepare for, and manage economic change.

II. Required Rapid Response activities:

   Layoff aversion activities

   Immediate contact with the employer, representatives of the affected workers, and the local community, including an assessment of and plans to address the:
   1. Layoff plans and schedule of the employer;
   2. Background and probable assistance needs of the affected workers;
   3. Reemployment prospects for workers; and
   4. Available resources to meet the short and long-term assistance needs of the affected workers.

WIOA 20 Parts CFR 682.300 and 682.310
The provision of information and access to unemployment compensation benefits and programs, one-stop system services, employment and training activities, including information on the WIOA Dislocated Worker program, Trade Adjustment Assistance, Pell Grants, the GI Bill, and other resources.

The delivery of other necessary services and resources including workshops, classes and job fairs to support reemployment efforts for the affected workers.

Developing and maintaining partnerships with other appropriate Federal, State and local agencies and officials, employer associations, industry business councils, labor organizations, and other public and private organizations, in order to:

1. Conduct strategic planning to develop strategies to address dislocation events and ensure timely access to a broad range of necessary services.
2. Develop mechanisms for gathering and exchanging information and data relating to potential dislocations, resources available, and the customization of layoff aversion or rapid response activities, to ensure the ability to provide rapid response services as quickly as possible.

Delivery of services to worker groups for which a petition for Trade Adjustment Assistance has been filed.

WIOA 20 CFR Part 682.330

III. Layoff aversion

Consists of strategies and activities to prevent or minimize the duration of unemployment resulting from layoffs. Layoff aversion strategies and activities may include, but are not limited to:

Providing assistance to employers in managing reductions in force, which may include early identification of firms at risk of layoff, assessment of the needs of and options for at-risk firms, and the delivery of services to address those needs.

Ongoing engagement, partnership, and relationship-building activities with businesses in the community, in order to create an environment for successful layoff aversion efforts and to enable the provision of assistance to dislocated workers in obtaining reemployment as soon as possible.

Establishing linkages with economic development entities including local business retention and expansion activities.

Connecting businesses and workers to short-term, on-the-job, or customized training programs and apprenticeships before or after layoff to help facilitate rapid reemployment.

WIOA 20 CFR Part 682.320
IV. **Local Rapid Response Activities and Procedures**

Responding to and documenting layoffs or potential layoffs:
When the Job Service learns of a layoff or possible layoff, they contact the business to gather more information, explain the services available to both the business and the workers and arrange a way to get information about services to the affected workers as soon as possible. In these initial contacts, staff will provide the business information about the WIOA Dislocated Worker program, WARN Act, Trade Adjustment Assistance Act (TAA) and National Emergency Grants (NEG) that might possibly apply to the dislocation. If applicable and approved, the TAA and NEG programs would provide additional funding beyond the WIA Dislocated Worker program to meet the reemployment needs of the affected workers.

Job Service Centers are responsible for documenting all layoffs regardless of size in their respective communities within 3 work days or at the earliest possible time after learning of the layoffs by completing an **ISC (Initial Screening Contact)** report in MWorks. This report communicates the details of a layoff or business closure and is sent via email to the DLI WSD ISC distribution list. This list includes the Dislocated Worker/Rapid Response Unit; the Job Service Operations Bureau Chief and Regional Directors, Unemployment Insurance team managers, and the TRA Coordinator in Unemployment Insurance.

The JS Bureau shall respond to WARN notices within 48 hours of the layoff or plant closure notice. In those cases where a WARN notice is not required but the closure or layoffs will have a significant impact on the community, the JS Bureau will respond at the earliest possible time. A significant layoff is defined as one which impacts the community, taking into consideration the occupations and skill levels of the laid off workers, in which it is located. Services to dislocated workers shall be provided to those who are most in need and can most benefit from those services.

Disseminating information to the affected workers:
Ideally, the Job Service would meet with the workers in a group setting for a Rapid Response informational meeting. These meetings provide information to workers of the services available to them through the workforce system. If possible, these meetings would take place at the work site, but can also be done at the local Job Service or in a rented meeting room at a time that is convenient to the workers. The partners in the communities who provide various services to people are invited to attend the Rapid Response meeting and present their program information to the workers. Some of the partners who might attend a Rapid Response meeting are as follows: The Dislocated Worker program operator, Unemployment Insurance representatives, Job Service staff, Children’s Health Insurance Plan (CHIP), and Consumer Credit Counseling. Depending on the need of the workers there may be additional partners who attend a Rapid Response meeting.
RR Workshop/Meeting Reports: If a Rapid Response Workshop (group meeting) is conducted, staff should prepare and submit a report to the Rapid Response Program Manager that includes the business name, location, date and time of the workshop, Rapid Response staff in attendance, number of workers in attendance and the occupations represented, information and services provided and partner programs that participated in the meeting.

When group meetings are not possible, information is disseminated to workers individually by either leaving informational packets at the business or, if names and addresses can be obtained from the employer, contacting the workers by mail and encouraging them to schedule an appointment to learn about the available services.

Assessment of worker needs and documentation of Rapid Response service:
Whether in a group setting or one-on-one, Rapid Response Worker Surveys are to be completed on each of the affected employees to assess their particular needs and goals. Rapid Response services provided to each worker include registering for work, resume assistance, information and assistance in how to file for Unemployment Insurance, intensive case management, information on the Dislocated Worker program and other services as appropriate. Worker Survey results gathered at a group meeting shall be compiled (1) year from the date of the work

When Rapid Response services are provided to affected workers, it must be recorded in the worker’s MWorks record under: Options – Seeker Services – Rapid Response.

Referral to WIOA:
Workers may then follow-up by scheduling an appointment with a WIOA case manager to determine if enrollment into the Dislocated Worker program would be a possibility based on their particular needs/goals and the program guidelines and capabilities. If determined eligible and enrolled into the Dislocated Worker program, services that may be provided could include: retraining or skills upgrade through a classroom setting or On-the-Job (OJT), supportive services to assist with participation in training, conducting job search and/or relocating out of the area to new employment.
YOUTH INCENTIVES

I. POLICY: This policy has been incorporated into the WIOA Title I Youth Program Policy and can be found on the WSD Policy Website at: WIOA Title I Youth Program Policy.

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PROGRAM PERFORMANCE REPORTING REQUIREMENTS

The purpose of this Section is to describe the requirements and methodology for WIOA program performance reporting. The Bureau will report quarterly and annual program performance.

I. Quarterly Performance Reports

A quarterly Unemployment Insurance wage extract from MWorks will be pulled using participant data in advance of the quarterly due dates. This will enable the Bureau enough time to merge the extract with participant wage data from Montana’s Unemployment Insurance system, the Wage Record Interchange System (WRIS), and the Federal Employment Data Exchange System (FEDES) to gather data from other states’ Unemployment Insurance systems and Federal employment databases, respectively.

The Bureau staff will incorporate updated performance levels and reporting periods for performance measures. The Bureau will submit performance reports to ETA as well as provide quarterly individual performance reports to each service provider.

II. Annual Reporting

The Bureau will produce the Workforce Investment Act Standardized Record Data (WIASRD) on a quarterly basis.

III. Performance Report Due Dates

Due Dates for Federal program performance reporting are as follows:

1st Quarter Due approximately November 15
2nd Quarter Due approximately February 15
3rd Quarter Due approximately May 15
4th Quarter Due approximately August

Annual Report Due October 1
WIOASRD Due October 15

IV. Data Sources for Calculating Performance Levels

Unemployment Insurance Wage Records
To the extent consistent with State law, the Unemployment Insurance (UI) wage records will be the primary data source for tracking the adult and dislocated worker entered employment, retention, and average earnings measures and the employment portion of the youth placement in employment or education measure.

Unemployment Insurance wage records are not accessible to any agencies that are not part of state government. MCA 39-51-603 restricts the use of wage records and protects the confidentiality of those records. If written permission is obtained from a
participant, UI wage and benefit data can be released to the individual or their
designated recipient.

Any participant may also visit a local Job Service Workforce Center and request his/her
own wage record printout.

Additional Wage Records
While most forms of employment in a state’s workforce are considered “covered
employment,” certain types of employers and employees are excluded by federal UI law
or are not covered under state UI law. Record sharing and/or automated record
matching with other employment and administrative data sources can be used to
determine and document employment and earnings for “uncovered” workers.

Additional wage record data sources include the following:

Wage Record Interchange System (WRIS): Montana participates in this system and
receives wage data for exited participants who move out-of-state.

1. Federal Employment Data Exchange System (FEDES): Montana participates
   in this pilot project and receives wage data for exited participants working for
   the federal government. Data is available from the Office of Personnel
   Management, U.S. Postal Service, and Department of Defense.
2. Railroad Retirement System: No data is available from this source at this time.
3. State government employment records: No data is available from this source
   at this time.
4. Local government employment records: No data is available from this source
   at this time.
5. Judicial employment records: No data is available from this source at this
   time.
6. Public school employment records: No data is available from this source at
   this time.
7. State New Hires Registry: No data is available from this source at this time.

Supplemental Data
Supplemental data should be utilized for program management purposes and to gain a
full understanding of program performance and activities. Although a majority of
employment situations will be covered by unemployment insurance (UI) wage records,
certain other types of employment, particularly self-employment, are either “not covered”
or the data are very difficult to access due to confidentiality issues and concerns (e.g.,
access to tax records). Therefore, although wage records are the primary data source for
any federal employment-related performance measure, in the absence of wage records,
supplemental data can be utilized to demonstrate outcomes (with the exception of
earnings).
If an individual holds two jobs—one covered by Unemployment Insurance and one that is not covered for reasons stated above—only the “covered” employment will count toward program performance.

Supplemental data can be utilized to demonstrate outcomes on the Entered Employment Rate for adults and dislocated workers, the Employment Retention Rate for adults and dislocated workers, and the placement portion of the Youth Placement in Employment or Education.

Supplemental data cannot be utilized to demonstrate outcomes on the Average Earnings common measure for adult and dislocated worker populations.

An individual’s desire for entrepreneurial training should not be discouraged simply because the subsequent employment is not or may not be covered by wage records. In order to convey full and accurate information on the employment impact of ETA programs, and in order to get appropriate credit for outcome attainment, supplemental sources of data may be used to document a participant’s entry and retention in employment for those participants not covered by wage records.

As per USDOL common measures policy (TEGL 17-05, dated 2/17/06), allowable sources of supplemental information for tracking employment-related outcomes include the following:

1. Case management notes
2. Automated data base systems
3. Documented contacts with employers
4. Participant surveys

Providers must keep in mind that all supplemental data and methods are to be documented and are subject to review.

V. Definitions

Employed at Participation - An individual employed at the date of participation who did any work at all as a paid employee, in his or her own business, profession or farm, worked as an unpaid worker in an enterprise operated by a member of the family, or is one who was not working, but has a job or business from which he or she was temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, whether or not paid by the employer for time-off, and whether or not seeking another job.

(TEGL 17-05 (2/17/06))

Not Employed at the Date of Participation – An individual is considered not employed at the date of participation when he/she (a) did no work at all as a paid employee on the date participation occurs, (b) has received a notice of termination of employment or the
Employer has issued a WARN or other notice that the facility or enterprise will close, or (c) is a transitioning service member.

Employed in Quarter After Exit Quarter - The individual is considered employed if UI wage records for the quarter after exit show earnings greater than zero. UI Wage records will be the primary data source for tracking employment in the quarter after exit. When supplemental data sources are used individuals should be counted as employed if, in the calendar quarter after exit, they did any work at all as paid employees (i.e., received at least some earnings), worked in their own business, profession, or worked on their own farm.

Training Services - include WIOA-funded and non-WIOA funded partner-training services. These services include: occupational skills training, including training for nontraditional employment; on-the-job training; programs that combine workplace training with related instruction, which may include cooperative education programs; registered apprenticeships; training programs operated by the private sector; skill upgrading and retraining; entrepreneurial training; job readiness training; adult education and literacy activities in combination with other training; and customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

Certificate - A document that is awarded in recognition of an individual's attainment of measurable technical or occupational skills necessary to gain employment or advance within an occupation. These technical or occupational skills are based on standards developed or endorsed by employers. Credentials awarded by workforce investment boards and work readiness certificates are not included in this definition. Credentials must be awarded by one of the following.

1. A state education agency, or a state agency responsible for administering vocational and technical education within a state;
2. An institution of higher education described in Section 102 of the Higher Education Act (20 USC 1002) that is qualified to participate in the student financial assistance programs authorized by Title IV of that Act. This includes community colleges, proprietary schools, and all other institutions of higher education that are eligible to participate in federal student financial aid programs;
3. A professional, industry, or employer organization (e.g., National Institute for Automotive Service Excellence certification, National Institute for Metalworking Skills) or a product manufacturer or developer (e.g., Microsoft Certified Database Administrator, Sun Certified Java Programmer) using a valid and reliable assessment of an individual's knowledge, skills and abilities;
4. A registered apprenticeship program;
5. A public regulatory agency, upon an individual's fulfillment of educational, work experience or skill requirements that are legally necessary for an individual to use an occupational or professional title or to practice an
occupation or profession (e.g., Federal Aviation Administration aviation mechanic certification, State-licensed Emergency Medical Technician);

6. A program that has been approved by the Department of Veterans Affairs to offer education benefits to veterans and other eligible persons;

7. Job Corps centers that issue credentials; and

8. Institutions of higher education that are formally controlled, or have been formally sanctioned or chartered by, the governing body of an Indian tribe or tribes

Post-Secondary Education means a program at an accredited degree-granting institution that leads to an academic degree (e.g., AA, AS, BA, BS). Does not include programs offered by degree-granting institutions that do not lead to an academic degree.

Advanced Training means an occupational skills employment/training program, not funded under Title I of the WIOA, which does not duplicate training received under Title I. Includes only training outside of the One-Stop, WIOA and partner, system, i.e., training following exit.

Basic literacy skills deficient means the individual computes or solves problems, reads, writes, or speaks English at or below the 8th grade level or is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family, or in society.

High School Diploma Equivalent - a GED or high school equivalency diploma recognized by the State.

Qualified apprenticeship is a program approved and recorded by the ETA/Office of Apprenticeship (OA) or by a recognized State Apprenticeship Agency (State Apprenticeship Council). Approval is by certified registration or another appropriate written credential.

Military service - reporting for active duty.
PERFORMANCE MEASURES

The WIOA Performance Reports (quarterly and annual) will cover participants who receive services financially assisted by formula or statewide reserve funds under the following ETA programs.

- WIOA Adult Program
- WIOA Dislocated Worker Program
- WIOA Youth Program
- National Emergency Grants

Montana received a waiver from USDOL-Employment and Training Administration (ETA) to report only on Common Measures for all programs. The Common Measures policy is outlined in Training and Employment Guidance Letter (TEGL) 17-05 issued by USDOL-ETA. See the Common Measures appendix in the back of the WIOA Policy Manual for TEGL 17-05 or on the Internet as Appendix H on DLI’s website at http://wsd.dli.mt.gov/WIOA/WIOAmanual_coverpage.asp

I. Adult, Youth and Dislocated Worker Performance Measures

Employment Rate – 2nd Quarter after Exit

Adult and Dislocated Worker

Methodology:

*The percentage of program participants who are in unsubsidized employment during the 2nd quarter after exit.*

The number of participants who exited during 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 2nd quarter after the exit quarter DIVIDED by the number of participants who exited during the reporting period.

Youth

Methodology

*The percentage of Youth program participants who are in education or training activities, or in unsubsidized employment, during the 2nd quarter after exit.*

The number of Youth participants who exited during 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. OR found to be enrolled in secondary education, postsecondary education, or occupational skill training in the
2nd quarter after the exit quarter **DIVIDED** by the number of Youth participants who exited the program during the reporting period.

**Employment Rate – 4th Quarter after Exit**

**Adult and Dislocated Worker**

Methodology:

*The percentage of program participants who are in unsubsidized employment during the 4th quarter after exit.*

The number of participants who exited during 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 4th quarter after the exit quarter **DIVIDED** by the number of participants who exited during the reporting period.

**Youth**

Methodology

*The percentage of Youth program participants who are in education or training activities, or in unsubsidized employment, during the 4th quarter after exit.*

The number of Youth participants who exited during 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. OR found to be enrolled in secondary education, postsecondary education, or occupational skill training in the 4th quarter after the exit quarter **DIVIDED** by the number of Youth participants who exited the program during the reporting period.

**Median Earnings – 2nd Quarter after Exit**

Methodology:

*The median earnings of program participants who are in unsubsidized employment during the 2nd quarter after exit from the program, as established through direct UI wage match, federal or military employment records, or supplemental wage information.*

The collected quarterly wage information values are listed in order, from the lowest to the highest value. The value in the middle of the list is the median earnings value, where there is the same quantity of numbers above the median number as there is below the median number.

The following participants are not included in this measure:
Section 5.20  
Performance Measures  
Page 3

1. Participants who have exited and are not employed in the 2nd quarter after exit
2. Participants who have exited program and for whom earnings is not yet available.
   There is a 2-quarter lag in reporting wage outcomes. If after 2 quarters, the person’s wages are not available, it is permanently reported as a $0 which would count as a negative for Employment Rate – 2nd Quarter and excluded from Median Earnings – 2nd Quarter because the person is considered not employed.
3. Participants who have exited from a program who have $0 income.
4. Participants who have exited a program and are in subsidized employment
5. Participants who have exited for any of the “Exclusions”

Credential Attainment

Methodology:

* Credential Attainment is the percentage of those participants enrolled in an education or training program (excluding OJT and Customized Training) who attained a recognized postsecondary credential or secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program.*

To get credit for secondary school diploma or its equivalent the participant must also:

1. Be employed within one year after exit OR
2. Be enrolled in an education or training program leading to a recognized postsecondary credential within one year after exit

Measurable Skills Gain

*All participants who, during a program year, are in an education or training program that leads to a recognized secondary or postsecondary credential or employment are counted in the calculation of this measure.*

Who is included in this indicator?

1. Title 1 Adult and DW – Only individuals in training count in the indicator (includes OJT and Customized Training)
2. Title 1 Youth – All In-School-Youth are included and certain Out-Of-School Youth
   Out-Of-School Youth who are in occupational skills training, secondary or postsecondary training while in the program are included.

Other Information:
1. Measurable Skill Gains are reported on a yearly basis and are not an exit based measure
2. Participants are given credit for 1 gain per year even if they earn more than 1 during a Program Year
3. If a participant has more than 1 “Period of Participation” in a Program Year, they can get credit for one gain for each “Period of Participation”
4. Record all Measurable Skill Gains in MWORKS – the reporting system will count them appropriately
5. Programs shall not delay enrollment or services to participants until a new program year even if you believe there is insufficient time for the participant to make a Measurable Skill Gain

Types of Measurable Skill Gain

1. Achievement of at least one educational functioning level, if the participant is receiving instruction below postsecondary education level
2. Attainment of a secondary school diploma or equivalent
3. Secondary or postsecondary transcript for sufficient number of credit hours
   Secondary: Transcript/Report Card showing passing grades for 1 semester
   Postsecondary: Transcript/Report Card showing passing grades for 1 semester if going to school full-time (12 hours or more): Part time students (less than 12 hours) must show a total of 12 hours over 2 completed consecutive semesters
4. Satisfactory progress report toward established milestone from an employer or training provider. Example: Completion of an OJT or completion of one year of an apprenticeship program
5. Passage of an exam required for an occupation or progress attaining technical/occupational skills as evidenced by trade-related benchmarks such as knowledge-based exams

Documenting a Measurable Skill Gain

To document that your participant has earned a Measurable Skill Gain, collect the following:

1. Achieving at least one education functioning level:
   Compare the participant’s pre-test with the participant’s post-test. Keep copies of all tests
   States may report EFL gains for people who exit a program below the postsecondary level and enroll in postsecondary education and training during the program year. A program below the postsecondary level applies to participants enrolled in a basic education program. (They exit and do not have a HS diploma or its equivalent and enroll in Postsecondary during the program year) Keep documentation showing they have enrolled in Postsecondary education including basic education programs.
2. Attainment of secondary school diploma or equivalent:
   Obtain copy of the High School diploma or equivalent

3. Secondary or Postsecondary transcript/report card:
   Secondary – keep a copy of the transcript or report card for one semester showing the participant is passing
   Postsecondary – keep copies of the appropriate transcript or report card

4. Established milestones such as successful completion of OJT or one year of an apprenticeship program
   Must document substantive skill development that the participant has achieved
   i. Can use satisfactory or better progress report from an employer or training provider
   ii. Progress reports may include training reports on milestones completed as the individual masters the required job skills, or steps to complete an OJT or apprenticeship program
   iii. Increases in pay resulting from newly acquired skills or increased performance – documentation from the employer

5. Successful passage of an exam that is required for a particular occupation or progress in attaining technical or occupational skill as evidenced by trade-related benchmarks, such as knowledge-based exams
   Obtain copy of the exam that was passed

II. Exclusions

There are certain things that happen in participant’s lives that allow them to be excluded from performance measures. Those are:

1. Incarceration in a correctional institution or has become a resident of an institution or facility providing 24-hours support such as hospital or treatment center for enough time to prevent the participant from participation in a workforce program for 90 days or longer
2. Medical treatment where the treatment is expected to last longer than 90 days and precludes entry into unsubsidized employment or continued participation
3. Deceased
4. Member of the National Guard or other reserve military unit of the armed forces and is called to active duty for at least 90 days.
5. For Youth program – Participant is in the Foster Care system and exits the program because they move from the local area as part of the Foster Care program or system.
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PROGRAM PARTICIPATION AND EXIT UNDER COMMON MEASURES

I. Point of Participation for Common Measures Reporting

What is the definition of a participant? A participant is an individual who is determined eligible to participate in the program and receives a service funded by the program in either a physical location (One-Stop Career Center or affiliate site) or remotely through electronic technologies.

When does program participation occur? Following a determination of eligibility (if required), participation in a program commences when the individual begins receiving a service funded by the program or a partner program, consistent with Montana’s policy of utilizing a common participation date across core workforce programs. This phrase has the same meaning as the “date of participation” used in some of the measures. If the participant receives services from multiple programs, then Montana uses the earliest date of service as the “date of participation” when reporting on the measures in each program.

Operational Parameters:

1. Eligibility guidelines will determine whether an individual is eligible to participate in a WIOA program.
2. The phrase “determined eligible to participate in the program” under WIOA does not apply to individuals who receive core services in a self-service, facilitated self-help, or staff-assisted function funded by the Wagner-Peyser Act. These individuals are considered participants and are included in the Wagner-Peyser Act performance accountability system.
3. Individuals who are age 18 or older who only receive WIOA-funded self-service or informational activities are to be counted as participants under the WIOA Adult program. Their treatment under the WIOA performance accountability system is covered in Section 8 of TEGL 17-05.
4. Individuals eligible to participate in the WIOA Dislocated Worker program who only receive WIOA-funded core services, including self-service or informational activities, are to be counted as participants under the WIOA Dislocated Worker program. Their treatment under the WIOA performance accountability system is covered in Section 8 of TEGL 17-05.
5. An individual may be participating in several programs simultaneously and may be counted as a participant in each of those programs. For example, a customer who accesses information on a computer purchased / leased from one funding stream and who is assisted by an employee who is paid from yet another funding stream may be considered as a participant in both funding streams, as appropriate, and with consideration to the programs’ eligibility definitions.
6. Self-directed job search is a service and individuals who use self-directed tools for job search are participants. Please note that self-directed job search alone does not initiate participation in the WIOA Youth program.

7. In accordance with the Workforce Innovation and Opportunities Act, receipt of post-employment follow-up services designed to ensure job retention, wage gains, and career progress does not result in the commencement of a participation period.

8. Examples of other services and activities that do not commence participation in a program include the following:
   i. Determination of eligibility to participate in the program;
   ii. Caseload management activities of an administrative nature that involve regular contact with the individual or employer to obtain information regarding his / her employment status, educational progress, or need for additional services;
   iii. Income maintenance or support payments (e.g., Unemployment Insurance (UI) benefit payments, Temporary Assistance for Needy Families (TANF), other cash assistance, Food Stamps, and subsidized childcare). Montana will assure that UI claimants will be actively engaged in the search for new employment while they receive UI benefits and that the workforce system will provide reemployment services and job search assistance to speed their return to work.
   iv. Individuals who visit a physical location for reasons other than its intended purpose (e.g., use of restrooms or ask staff for directions) are not participants.

II. Point of Exit for common Measures

The term program exit means a participant has not received a service funded by the program or funded by a partner program for 90 consecutive calendar days, has no gap in service, and is not scheduled for future services. The exit date is the last date of service. Montana has the capability to track participant services across the DOL-funded required One-Stop partner programs until the individual exits all services.

The phrase “and is not scheduled for future services” does not apply to a participant who voluntarily withdraws or drops out of the program. In these circumstances, once a participant has not received any services funded by the program or a partner program for 90 consecutive calendar days, the date of exit is applied retroactively to the last day on which the individual received a service funded by the program or a partner program.

Are there any exceptions to the definition of exit?
A participant should not be considered as exited if there is a gap in service of greater than 90 days in one of the following circumstances:

1. Delay before the beginning of training;
2. Health/medical condition or providing care for a family member with a health/medical condition;
3. Temporary move from the area that prevents the individual from participating in services, including National Guard or another related military service. A gap in service must be related to one of the three circumstances identified above and last no more than 180 consecutive calendar days from the date of the most recent service to allow time to address the barriers to continued participation. However, case managers may initiate a consecutive gap in service of up to an additional 180 days for the participant that follows the initial 180-day period to resolve the issues that prevent the participant from completing program services that lead to employment. Case managers must document all gaps in service that occur and the reasons for the gaps in service, including the participant’s intent to return to complete program services.

Common Exit Operational parameters:
1. In accordance with the Workforce Innovation and Opportunities Act, receipt of post-employment follow-up services designed to ensure job retention, wage gains, and career progress do not count as a service that would extend the participation period. Such follow-up services that do not extend the period of participation could include, but are not limited to: additional career planning and counseling; contact with the participant’s employer, including assistance with work-related problems that may arise; peer support groups; information about additional educational opportunities; informational mailings; and referral to supportive services available in the community. Although these services will not extend the participation period or delay program exit, case managers are reminded that these services may have a direct and positive impact on the employment retention and wage gains of participants who enter employment.
2. Examples of other activities that do not extend the period of participation or delay program exit include the following:
   i. Determination of eligibility to participate in the program;
   ii. Caseload management services and any other required administrative case load management activities that involve regular contact with the participant or employer to obtain information regarding the participant’s employment status, educational progress, or need for additional services;
   iii. Income maintenance or support payments (e.g., Unemployment Insurance (UI) benefit payments, Temporary Assistance for Needy Families (TANF), other cash assistance, Food Stamps, and subsidized childcare). Montana will assure that UI claimants will be actively engaged in the search for new employment while they receive UI benefits and that the workforce system will provide reemployment services and job search assistance to speed their return to work. However, trade readjustment allowances and other needs-related
payments funded through the Trade Adjustment Assistance (TAA) program, WIOA, or National Emergency Grants are elements of a training program that delay program exit because these allowances and payments are tied to continuous participation in skills training.

When does exit from the program occur?
Once a participant has not received any services funded by the program or a partner program for 90 consecutive calendar days, has no gap in service, and is not scheduled for future services, the date of exit is applied retroactively to the last day on which the individual received a service funded by the program or a partner program. If the participant receives services from multiple programs, then the last or most recent date of service will be the “date of exit” for use in reporting on the measures in each program.

Montana coordinates service tracking through MWorks for the required DOL funded One-Stop partner programs. This enables the state to provide accountability under the common measures when the participant has exited all services funded by these programs.

III. Exclusions from common Measures
Occasionally, circumstances arise that are beyond the control of both the participant and the program and are expected to last for an undetermined period beyond 90 days. The intent here is to identify a common list of specific circumstances as to when a participant can be excluded from common measures. A participant in any of the following categories, either at the time of exit or during the three-quarter measurement period following the exit quarter, will be excluded from common measures.

Institutionalized – The participant is residing in an institution or facility providing 24-hour support, such as a prison or hospital, and is expected to remain in that institution for at least 90 days. This reason does not apply to individuals with disabilities (as defined in 29 CFR 37.4) residing in institutions, nursing homes, or other residential environments; individuals participating in the Responsible Reintegration of Youthful Offenders program; and individuals participating in the Prisoner Reentry Initiative.

Health/Medical or Family Care – The participant is receiving medical treatment or providing care for a family member with a health / medical condition that precludes entry into unsubsidized employment or continued participation in the program. This does not include temporary conditions or situations expected to last for less than 90 days.

Deceased

Reserve Forces Called to Active Duty – The participant is a member of the National Guard or a military Reserve unit and is called to active duty for at least 90 days.
Relocated to a Mandated Program – For youth participants only, the participant is in the foster care system or another mandated (residential or non-residential) program and has moved from the area as part of such a program. This does not include relocation to a Job Corps center.

Invalid or Missing Social Security Number – Because the measures require a match of personally identifiable client records with wage and other administrative data in order to obtain outcome information, those participants who do not voluntarily disclose a valid social security number will be excluded from all performance measures.
This section describes data sources and methods to collect data for the common measures. The data source(s) applicable to each measure are as follows:

<table>
<thead>
<tr>
<th>PERFORMANCE MEASURE</th>
<th>DATA SOURCES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Adult Measures</strong></td>
<td></td>
</tr>
<tr>
<td>Entered Employment</td>
<td>Wage records and supplemental data sources</td>
</tr>
<tr>
<td>Retention</td>
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<tr>
<td>Average Earnings</td>
<td>Wage records and supplemental data sources (only for grantees that do not have access to wage records)</td>
</tr>
<tr>
<td><strong>Youth Measures</strong></td>
<td></td>
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<tr>
<td>Placement in Employment or Education</td>
<td>Wage records and supplemental data sources for placement in employment and military. Administrative records for placement in education and training.</td>
</tr>
<tr>
<td>Attainment of a Degree or Certificate</td>
<td>Administrative records</td>
</tr>
<tr>
<td>Literacy and Numeracy Gains</td>
<td>Assessment instrument</td>
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</tbody>
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I. **Wage Records**

To ensure comparability of the common measures on a national level, wage records are the primary data source for the employment-related measures (except as noted in this section).

**Unemployment Insurance Wage Records**

To the extent it is consistent with state law, UI wage records will be the primary data source for tracking the adult entered employment, retention, and earnings measures and the employment portion of the youth placement in employment or education measure. UI wage records include private sector, non-profit sector, and government employer wage reports such as:

1. State government employment records
2. Local government employment records
3. Judicial employment records
4. Public school employment records

**Additional Wage Records**

While most forms of employment in a state’s workforce are “covered” and will be in the UI wage records as noted above, certain types of employers and employees are excluded by Federal UI law or are not covered under states’ UI laws. States may use record sharing and / or automated record matching with other employment and administrative
data sources to determine and document employment and earnings for “uncovered” workers.

Additional wage record data sources include the following:

1. Wage Record Interchange System (WRIS)
2. U.S. Office of Personnel Management (OPM)
3. U.S. Postal Service
5. Railroad Retirement System
6. State New Hires Registry
7. State Department of Revenue or Tax (for individuals who are self-employed, information must be obtained through record-sharing or automated matching of state tax records)

ETA, in collaboration with the Office of Personnel Management, U.S. Postal Service, and the Department of Defense, has created a pilot data exchange system to provide access for all states to federal and military employment wage record information. The pilot data exchange program is called the Federal Employment Data Exchange System (FEDES) and Montana participates in this program.

II. Supplemental Sources of Data
Supplemental data will be used for program management purposes and to gain a full understanding of program performance and activities. Although a majority of employment situations will be covered by wage records, certain other types of employment, particularly self-employment, are either excluded from the sources of data identified under Subsection A above or very difficult for grantees to access due to data confidentiality (e.g., access to State Department of Revenue or Tax records).

Grantees should not be discouraged from providing entrepreneurial training or assisting the hard-to-serve simply because the subsequent employment is not covered by wage records. Therefore, in order to convey full and accurate information on the employment impact of ETA programs, grantees may use supplemental sources of data to document a participant’s entry and retention in employment for those participants not covered by wage records.

Allowable sources of supplemental information for tracking employment-related outcomes include case management notes, automated database systems, One-Stop operating systems’ administrative records, surveys of participants, and contacts with employers. All supplemental data and methods must be documented and are subject to audit.

Supplemental data needs to be entered in the MWorks WIOA Follow-Up screen to ensure it will be used when calculating performance.
See Section 4.110, Follow-Up Services and Activities for more information relating to requirements for supplemental data.

III. Administrative Records
Administrative records will be the data source for the education and training portion of the placement in employment or education measure and the attainment of a degree or certificate measure. All data and methods used to determine placement in education and training or achievement of a degree or certificate must be documented and are subject to audit.

Placement in Post-Secondary Education or Advanced Training/Occupational Skills Training

The following data sources can be used to determine whether participants in youth programs are placed in post-secondary education and / or advanced training / occupational skills training:

1. Case management notes and surveys of participants to determine if the individual has been placed in post-secondary education and / advanced training / occupational skills training; or

2. Record-sharing agreements and / or automated record matching with administrative / other data sources to determine and document that the participant has been placed in post-secondary education and / or advanced training / occupational skills training. These data sources may include:
   i. State boards governing community colleges
   ii. State boards governing universities
   iii. State education associations
   iv. Integrated post-secondary or higher education reporting units
   v. Training institutions / providers

3. Degree or Certificate
   The following data sources can be used to determine whether participants in youth programs attain degrees or credentials:
   i. Document in case management notes that the individual has received a degree or credential. For data validation purposes, required documentation in the participant file includes the following sources:
      - Transcripts
      - Credentials
      - Diploma
      - Letter from school system
   The date on the degree or certificate must match what is entered in MWorks.
ii. Record-sharing agreements and / or automated record matching with administrative / other data sources to determine and document that the participant has received a degree or certificate. These data sources may include:

- State boards of education
- State boards governing community colleges
- State boards governing universities
- State licensing boards for private schools
- State education associations
- Integrated post-secondary or higher education reporting units
- State Department of Professional or Occupational Regulation (possibly other units such as health care administration or specific boards like the “Board of Nursing”)
- Professional, industry, or employer organizations or product manufacturers or developers
- Training institutions / providers
- Adult Basic Education providers (GED or State approved High School Equivalency Certificate / equivalent testing agencies)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. Section 1232g; see the Act’s regulations at 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive U.S. Department of Education funds and may restrict access to a participant’s education outcome information. Grantees are encouraged to contact the Department of Education at (202) 260-3887 (voice), or visit the ED.gov website at http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html for further assistance.
REPORTING DIFFERENCES

I. **POLICY:** This policy has been removed.
DATA ELEMENT VALIDATION

I. **POLICY:** This policy has been removed.

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QUALITY CONTROL

I. Expectations
Montana receives WIOA funding from the Employment and Training Administration (ETA) based on achieving negotiated performance. ETA’s expectations are that work is done in a timely manner and correctly reported on a quarterly basis. ETA reserves the right to sanction any state that does not meet negotiated performance or reporting is consistently incorrect, as verified through the data validation process.

Many aspects of daily work for WIOA programs affect performance reporting for WIOA programs. As part of quality control, the Bureau will review these functions to determine whether service providers are adequately and appropriately meeting deadlines and documentation requirements.

NOTE: A significant failure to meet these requirements based on program monitoring may result in formal corrective action if there is no improvement from one year to the next. See II. Deficiency Consequences.

Data Entry
Timely data entry affects performance reporting and Bureau staff workload if information needs to be backdated. The Bureau requires notification if data entry cannot be accomplished within seven (7) working days. Timely data entry will be determined based on files reviewed at random times and during desk reviews prior to monitoring visits.

Correct Data Entry
Correct data entry affects performance reporting and Bureau staff resources assigned to make corrections to data in MWorks. Data entry problems include missing fields from the WIOA Application. The WIOA Application is the only source of documentation for many fields required for quarterly reporting to ETA. ETA compiles statistics on demographic data for different WIOA populations to determine how they are effectively being served through the program. Incorrect data skews these statistics and does not show an accurate representation of service to WIOA participants.

Data in MWorks should be checked before hitting the Save button to ensure that correct data has been entered in MWorks. Incorrect data problems will be identified during monitoring visits.

Appropriate Documentation
Many elements of WIOA enrollment require appropriate documentation be placed in participant files. Documentation sources can be identified on the WIOA Application or the program Verification Worksheets. Missing documentation will be identified during monitoring visits.
Credential Entry
The Youth program “Attainment of a Degree or Certificate” performance measure requires entry of a credential attained during the participant’s enrollment or within three quarters after exit. Credentials must be documented using a transcript, certificate, diploma, or a letter from an appropriate school system. If there is not a specific date on the credential (i.e., May 2009), the actual date must be case noted. The credential must be entered on the Follow-Up tab in MWorks. If not entered in this area, credentials will not be counted for performance reporting. Deficiencies in credential entry will be identified through quarterly reporting and monitoring.

“Credential Attainment” performance measure requires entry of a credential attained during the participant’s enrollment or within four quarters after exit. This performance measure applies to Adult, Dislocated Worker, and Youth participants. Credentials must be documented using a transcript, certificate, diploma, or a letter from an appropriate training institution. If there is not a specific date on the credential (i.e., May 2012), the actual date must be documented with one of the other sources listed previously. The credential must be entered on the Follow-Up tab in MWorks. If not entered in this area, credentials will not be counted for performance reporting. Deficiencies in credential entry will be identified through quarterly reporting and monitoring.

Literacy/Numeracy Pre-tests
The Youth program “Literacy and Numeracy” performance measure requires that all out-of-school youth participants complete Math and Reading pretests to determine whether they are basic skills deficient.

All pre-tests must be administered within 10 working days of enrollment in the WIOA Youth program. In extenuating circumstances, a waiver may be requested from the Youth program manager to extend the date of the pre-test. Case managers must request a waiver within ten days of enrollment.

NOTE: Service providers may use TABE pre-tests that are administered up to six months prior to the date of first WIA youth service, if such pre-test scores are available. The tests have to be administered using the TABE testing instrument and would have been administered by Adult Basic Education (ABE).

Documentation of TABE testing must be placed in the participant’s file.

No money will be spent on out-of-school youth participants until the pre-test has been administered.

Providers who fail to administer the pre-test within the prescribed timelines will be subject to corrective action. Deficiencies in completing pre-tests will be identified through quarterly performance reporting and monitoring.

Literacy/Numeracy Posttests
Post-testing at various intervals is required to determine if a participant has attained a gain of at least one educational functioning level compared to the pre-test. The Youth program “Literacy and Numeracy” performance measure requires that all out-of-school youth participants complete Math and Reading post-tests if they were determined to be basic skills deficient after completing a pre-test.

1. Out-of-school youth who are basic skills deficient and have pre-tested must be post-tested at least once by the end of year one following the individual’s date of first youth program service.
2. It is recommended that the participant be provided 60 hours of remediation to help them achieve an educational functioning level gain.
3. Youth participants do not need to post-test in the subjects that they achieve at least a ninth-grade level on a pretest.
4. For participants who have completed one year following the date of first youth program service, if more than one assessment is administered after the initial test, the latest assessment within one year of first youth program service will be used to determine if the participant has demonstrated an increase in at least one educational functioning level.

A monthly report will be sent to each provider to remind them that post-tests are due. The report shows which participants are required to be post-tested within three months prior to the anniversaries of their first youth service. Deficiencies in completing post-tests will be identified through quarterly performance reporting and monitoring.

**No money will be spent on out-of-school youth participants if the scheduled post-test has not been taken within the required timelines.**

Follow-up Contact
Follow-up information is used for performance reporting in cases where Unemployment Insurance or federal wage records are not found. Follow-up contact is required for all Youth participants, and for Adult and Dislocated Worker participants who exit to employment. Follow-Up contact information can be used for three Common Measures performance measures:

1. Entered Employment: Follow-up contact is used for participants employed during the first quarter after exit (Adult, Dislocated Worker, and National Emergency Grant performance).
2. Employment Retention: Follow-up contact is used for participants employed during the first, second, and third quarters after exit (Adult, Dislocated Worker, and National Emergency Grant performance).
3. Placement in Employment or Education: Follow-up contact is used for Youth participants who are in employment or post-secondary education/advanced training/occupational skills training during the first quarter after exit.

Follow-up contact is required to be entered on the Follow-Up tab in MWorks. It will not be reported properly if it is entered in any other area in MWorks. To be considered valid, a
comment should be entered in the Comments section on the Follow-Up tab for each follow-up contact.

The comment should state the employer name, address, phone number, and job title if the participant is employed. If the participant is in some type of training after being exited, a brief description should be entered in the Comments section.

Follow-Up contact (this is a follow-up activity) is the only source for verifying that a Youth participant is in some type of training after they are exited from the WIOA Youth program. Therefore, it is very important that this information be entered on the Follow-Up tab in MWorks.

Deficiencies in completing follow-up contact will be identified through monitoring.

Youth Component Services
Federal reporting to ETA requires reporting the most recent date a Youth component service is provided. The most recent date of youth services was added to reporting requirements for the quarterly WIASRD in 2013. There has been no way to capture the most recent date services are provided.

To ensure that the information will be captured, the Task function on the employment plan in MWorks must be used to show that Youth services are being provided. The task must be related to the service by showing a brief description of the service being provided. Then a case note needs to be entered to provide details of how the service was provided.

Reporting requirements for Youth component services include the following categories:

1. Most recent date received educational achievement services: Educational achievement services include, but are not limited to
   i. Tutoring;
   ii. Study skills training
   iii. Instruction leading to secondary school completion, including dropout prevention strategies
   iv. Occupational Skills Training

   Open as many tasks as necessary to show provision of services.

2. Most recent date participated in alternative school: Alternative school services are those provided to a youth by a separate program within a K-12 public school district or charter school through a specialized, structured curriculum.

   Open as many tasks as necessary to show provision of services.

3. Most recent date received summer employment opportunities: Summer employment opportunities must be directly linked to academic and occupational learning.
Open as many tasks as necessary to show provision of services.

4. Most recent date participated in work experience: Work experiences may be paid or unpaid and include internships and job shadowing. Work experience is a planned, structured learning experience that takes place in an employer’s workplace (private for profit, non-profit, or public sector) for a limited period of time.

Open as many tasks as necessary to show provision of services.

5. Most recent date received leadership development opportunities:
   Opportunities that encourage responsibility, employability, and other positive social behaviors include, but are not limited to:
   i. Exposure to post-secondary educational opportunities;
   ii. Community and service learning projects;
   iii. Peer-centered activities, including peer mentoring and tutoring;
   iv. Organizational and team work training, including team leadership training;
   v. Training in decision making, including determining priorities; and
   vi. Citizenship training, including life skills training such as parenting, work behavior training, and budgeting of resources.

Enter task when service opened.

6. Most recent date received supportive services: Support services for youth participants include:
   i. Linkages to community services;
   ii. Assistance with transportation;
   iii. Assistance with child care and dependent care;
   iv. Assistance with housing;
   v. Referrals to medical services; and
   vi. Assistance with uniforms or other appropriate work attire and work-related tools, including such items as eye glasses and protective eye gear.

Enter task when service opened.

7. Most recent date received adult mentoring services: Adult mentoring services may last for the duration of at least twelve (12) months and may occur both during and after program participation. The Adult Mentoring service is required to be opened on each participant’s employment plan.

Open as many tasks as necessary to show provision of services.

8. Most recent date received career guidance/counseling services:
   Comprehensive guidance and counseling and career guidance includes drug and alcohol abuse counseling, as well as referrals to counseling, as appropriate to the needs of individual youth, and career counseling.

Open as many tasks as necessary to show provision of services.
9. Most recent date received follow-up services: Follow-up services include:
   i. Regular contact with a youth participant’s employer, including assistance in addressing work-related problems that arise;
   ii. Assistance in securing better paying jobs, career development and further education;
   iii. Work-related peer support groups;
   iv. Adult mentoring; and
   v. Tracking the progress of youth in employment after training.

Open as many tasks as necessary to show provision of services.

Tasks may be closed when tasks are completed and a corresponding case note has been entered.

II. Deficiency Consequences
ETA has the option of sanctioning states for not meeting acceptable performance. Acceptable performance depends on information entered correctly in MWorks and appropriate documentation placed in participant files. Deficiencies in any of the above areas will result in a service provider being placed on corrective action. If deficiencies are identified after a provider has been placed on corrective action, a portion of WIOA funding may be revoked.

Please be aware that deficiencies in the requirements can lead to corrective action. Problems with any of the above functions may be identified through monitoring or through day-to-day functions. The Program Administration Unit (PAU) will determine whether there are errors for any of the areas identified above, and whether they are substantial enough to warrant corrective action or possible sanction.

**Monitoring Deficiency Consequences Table**

<table>
<thead>
<tr>
<th>Deficiency</th>
<th>Consequence</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Baseline:</strong> Yearly monitoring/incidental findings</td>
<td>Unit staff will identify any monitoring findings and discuss these with service providers during exit. Deficiencies will be noted on monitoring reports after onsite review. Incidental findings will be discussed with service providers as problems are identified.</td>
</tr>
<tr>
<td><strong>Corrective Action:</strong> Second year monitoring/incidental findings</td>
<td>Unit staff will identify monitoring findings that have not been resolved from the previous year’s monitoring or continue to be an issue. Service providers may be placed on corrective action notice if there are unresolved problems or issues that continue to occur.</td>
</tr>
</tbody>
</table>
Incidental findings that continue to occur may result in service providers being placed on corrective action.

**Sanctioning:**
**Year three monitoring/incidental findings**

Monitoring or incidental findings that have not been resolved from the previous year or continue to occur may result in sanctioning of a service provider.

Unit staff will provide technical assistance to any provider deemed deficient in any of the problem areas identified above. The Bureau may also request technical assistance from USDOL for help in resolving identified problems. Service providers are always encouraged to ask questions or ask for help from the Bureau or any other service provider.

Unit staff also has the option to sanction service providers who are not performing satisfactorily as determined through contract and quarterly report monitoring. Prior to any sanction, the Program Administration Unit will provide Technical Assistance. Please refer to the following table that shows the progression for determining individual program provider deficiencies.

**Contract Performance Deficiency Consequences Table**

<table>
<thead>
<tr>
<th>Deficiency</th>
<th>Consequence</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>First six months of contract year and continuing</strong></td>
<td>Unit staff will identify by quarter how each provider is progressing and will provide technical assistance as needed</td>
</tr>
<tr>
<td>Written Action Plan</td>
<td>If provider has deficiencies over 80% of any goal for any six-month period, the provider will be required to write a written action plan to the Unit.</td>
</tr>
<tr>
<td>Corrective Action</td>
<td>If the provider continues to be below 80% of goals for another six months after a Written Action Plan has been established, the provider will be put on corrective action.</td>
</tr>
<tr>
<td>Sanctioning</td>
<td>Service providers who have not improved their performance goals to at least 80% of their targets six months after Corrective Action, sanctions up to cancelling contracts will occur. In addition, the results of any Corrective Actions will be made part of the RFP process the next time contracts are put out for bid.</td>
</tr>
</tbody>
</table>

III. **Quality Control Improvement**

There are several options to improve quality of the requirements for each of the functions listed above. These options include but are not limited to the following:
A peer review to improve quality control for all areas identified above. This provides the ability to correct data and can serve as a learning tool for providers.

Mini-Technical Assistance and Training (TAT) sessions are available to any service provider who wants or needs technical assistance with the cost for these to be absorbed by the Bureau.

Statewide technical assistance (TAT) sessions are held yearly to share information and best practices.

New Case Manager training is provided periodically by Bureau staff to acquaint case managers with program management and data requirements related to the above functions.

Requests to program managers or management information staff for help.
I. **POLICY:** This policy has been removed.
COST PRINCIPLES, ALLOWABLE COSTS AND UNALLOWABLE COSTS

The OMB Uniform Guidance 2 CFR Part 200 Subpart E contains the Federal cost principles that define when and how costs can be charged to grants. Even though the circular does not address every possible cost, they are the groundwork for all grant financial management, and grantees and sub-grantees should rely on their guidance to avoid audit findings and potential liability.

The following general cost principles, as specified in the circular must be used in determining cost allowability for grants.

I. **Costs must be necessary and reasonable**
   Any cost charged to a grant must be necessary and reasonable for the proper and efficient performance and administration of the grant. A grantee or sub-grantee is required to exercise sound business practices and to comply with its procedures for charging costs.

II. **Costs must be allocable**
   A grantee or sub-grantee may charge costs to the grant if those costs are clearly identifiable as benefiting the grant program. Costs charged to the grant should benefit only the grant program, not other programs or activities. In order to be allocable, a cost must be treated consistently with like costs and incurred specifically for the program being charged. Shared costs must benefit both the ETA grant and other work and be distributed in reasonable proportion to the benefits received.

III. **Costs must be authorized or not prohibited under Federal, State, or local laws or regulations.**
    Costs incurred must not be prohibited by any Federal, State, or local laws.

IV. **Costs must receive consistent treatment by a grantee**
    A grantee or sub-grantee must treat a cost uniformly across program elements and from year to year. Costs that are indirect for some programs cannot be considered direct ETA grant costs.

V. **Costs must not be used to meet matching or cost-sharing requirements**
    A grantee may not use federally funded costs, whether direct or indirect, as match or to meet matching fund requirements unless specifically authorized by law.

VI. **Costs must be adequately documented**
    A grantee must document all costs in a manner consistent with GAAP. Examples include retaining evidence of competitive bidding for services or supplies, adequate time records for employees who charge time against the grant, invoices, receipts, purchase orders, etc.
VII. **Costs must conform to ETA grant exclusions and limitations**
A grantee or sub-grantee may not charge a cost to the grant that is unallowable per the grant regulations or the cost limitations specified in the regulations.

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CASH MANAGEMENT

Service providers will use the requisition for cash form to requisition cash under provider agreements. Cash requisitions may be made on a weekly basis, but no less than once per month, and must be received by the Bureau by 2:00 pm Friday to guarantee transfer of the funds by the following Thursday. If received later than 2:00 pm, the transfer may be delayed. The Bureau is not responsible for errors made at the State Treasury once the request for funds transfer is initiated, should the error cause the request to be delayed.

Cash requisitions may not exceed the amount authorized in the service provider’s Notice of Obligation. No cash payments will be made to a service provider of a grant until the Bureau receives the Federal Notice of Obligation from the awarding Federal agency.

I. Authorized Signature Sheet
An individual authorized by the governing body of the service provider organization or agency completes the Authorized Signature Sheet to verify the signature(s) of individuals authorized to draw cash under the agreement with the State-funding agency. Authorized Signature Sheets are applicable to specific service provider agreements and must be submitted annually at the beginning of the contract period.

A facsimile of the Authorized Signature Sheet can be found in the Forms Section.

II. Method of Payment
Payments to service providers shall be made on a cash requisition basis. The Bureau shall limit payments to actual and immediate cash needs. If a service provider does not comply with the requirement to keep cash requisitions limited to only actual and immediate needs or if they do not follow the grant agreement, the Bureau may, after notice to the service provider, discontinue the cash requisition method and make payments by reimbursement only.

Cash requisitions can be made by FAX, US Postal mail, or email. An authorized representative identified on the Authorized Signature Sheet must sign for all cash requisitions. If the requisitions are emailed, an authorized signatory must email them. The drawdown of funds from one grant for the purpose of funding deficits in other grant programs is prohibited.

A sample Requisition for Cash form can be found in the Forms Section.

Service providers may modify any forms noted in this section as needed. The Bureau must approve all modifications to the form prior to implementation.

III. Documentation Required for Cash Request
The Bureau reserves the right to request further documentation for clarifying purposes prior to sending cash transfer.
EXPENSE GUIDELINES

Service providers are authorized through their provider agreement to incur expenses benefiting the service provider’s program. Additional information to clarify service provider responsibility is listed in this section.

I. **Accrued Leave**

**Policy**
Service providers must have a policy regarding accrual and use of paid leave by employees. The policy should have a reasonable limitation on the amount of paid leave that can be accrued from year to year.

**Reference**
Paid leave is allowable provided such costs are absorbed by all organization activities in proportion to the relative amount of time or effort actually devoted to each activity.

(Reference 2 CFR Part 200.431)

**Guidelines**
If an employee is paid from more than one funding source, the service provider may only charge the appropriate portion of the leave pay to the service provider agreement.

Service providers shall submit a copy of the indirect costs allocation plan to the Bureau’s Fiscal Officer.

II. **Per Diem and Travel Expense Limitations**

Travel costs are expenses for transportation, lodging, subsistence, and related items incurred by employees and others who are on travel status on official business of the organization. Travel expenses must be reasonable and necessary, and for a bona fide business purpose related to the funding source. All supporting documentation must be kept on file. Examples of supporting documentation include agendas and receipts.

Service providers are required to develop and maintain policies regarding compensation for staff and participant travel costs. Meals, lodging, rental cars, airfare, mileage for employee-owned cars, and other travel expenses may be paid for staff and participants who travel as part of their job, training activity or grant purpose. Documentation of the purpose and cost of travel must be maintained. The documentation should include the time of travel in order to compute and verify allowed per diem amounts. No employee may be reimbursed for expenses incurred in going to and from work. Lunches and/or dinners in your home office city outside the scope of an agenda are prohibited.

The State-funding agency may reimburse members of boards and councils, consultants, volunteers, service providers, and others for travel expenses incurred for an allowable
purpose benefiting the workforce investment system. All travel expenses for State-sponsored purposes are subject to State per diem.

III. Food Purchases
Per ETA Financial Management Bulletin No. 01-10, meals, food and refreshments for employees are prohibited.

DEFINITIONS
1. External Customers would normally be considered as program participants and/or employers. Professional colleagues would normally be considered individuals outside of the organizations influence but sharing common interests and goals of the organization.
2. Internal Customers are employees, sub-grantees, and board members.
3. A trainer is neither an internal customer nor an external customer and cannot be used to determine if food is allowable.

ALLOWABLE COSTS
1. Meals that can be paid with ETA funds. Meals that can be a direct charge or charged through an indirect cost allocation plan.
2. Meals while employees are in travel status are allowable per agency travel policy.
3. Meal costs are allowable when the grantee incurs such costs in the process of conducting meetings or conferences with external customers and other professional colleagues outside of the entity’s organization.
4. The cost of a “working lunch” with external customers and other colleagues is only considered “reasonable and necessary” when there is adequate documentation on the necessity of having a meeting during a meal time instead of during normal business hours. Documentation should specify what ETA-related subjects were discussed and include a list of participants and dated itemized meal cost receipts.

DISALLOWED COSTS
1. Charging costs for meals and refreshments while engaging day-to-day business with employees is disallowed.
2. All meals and refreshments at meetings where the attendees are internal customers only are disallowed. This includes but not limited to coffee, bottled water, networking breakfast, lunch and dinner.
3. All above meal costs must be paid with non-ETA federal funds and cannot be paid through an indirect cost allocation plan.

IV. Procurement, Inventory and Disposal

Guidelines
Service providers may procure equipment, supplies and services under the provider agreement. Items expensed to the provider agreement must be reasonable and serve the primary objective of the agreement. Supportive services are allowable as outlined in Section 4.100 of the WIOA Manual.

The purchase or construction of facilities or buildings is unallowable under the Workforce Innovation and Opportunity Act, except for certain circumstances.

WIOA Regulations 20 CFR Part 683.235

Service providers are delegated authority to make purchases of equipment, supplies and services as described below. Service providers are responsible for ensuring the vendors selected are not debarred or suspended by checking the information on the following federal government website: http://epls.arnet.gov.

1. Micro Purchases – under $3,000. All service providers may purchase items with a value of less than $3,000 using any open and fair procurement method that best meets the agency’s needs. The method should assist the service provider in obtaining a high-quality product for a fair price. Documentation should be maintained of the need for the item and its benefit to the program.

2. Limited Solicitation for Services - Purchases between $3,001 to $25,000. Service providers must maintain a fair and open procurement process meeting the criteria for small purchases. This requires a documented solicitation from a minimum of three viable sources, if available, either orally or in writing. In addition, the service provider must obtain and document prior approval from the Bureau for the purchase, and maintain documentation of the following: bid and rating criteria; advertising and public notice of the bid opportunity; responses received; and reason for the decision.

3. Limited Solicitation for Supplies – Purchases between $3,001 to $50,000. Service providers must maintain a fair and open procurement process meeting the criteria for small purchases. This requires a documented solicitation from a minimum of three viable sources, if available, either orally or in writing. In addition, the service provider must obtain and document prior approval from the Bureau for the purchase, and maintain documentation of the following: bid and rating criteria; advertising and public notice of the bid opportunity; responses received; and reason for the decision.

4. Formal Competition - Large Purchases over $25,000 for services and $50,000 for supplies. Large purchases are typically included in the provider agreement as part of the major purpose of the provider agreement, although this is not a requirement. Large purchases are subject to all the requirements of medium purchases, and in addition must use a formal, closed-bid procurement process. Service providers must obtain and document prior approval from the Bureau.

DLI Purchasing Procedures Manual Section VIII: Procurement Tools

Inventory
Service providers must maintain an inventory record of assets purchased that have a unit acquisition cost of $5,000 or more. A physical inventory must be taken at least once every two years to verify the presence of items on the inventory list, and an annual reconciliation of books and inventory records must be completed. Closeout of a provider agreement will include reconciliation and a report on office equipment or any other items purchased under the agreement.

Service providers must maintain physical control of the asset to ensure adequate safeguards are in place to prevent loss, damage or theft of property. Adequate maintenance procedures must be in place to keep the property in good condition.

Service providers must retain property records for the time period required in the provider agreement.

Disposition
Service providers may dispose of equipment and supplies according to agency policy when the fair market value of the equipment unit, or the aggregate fair market value of the supplies, is less than $5,000.

Service providers must notify the Bureau and obtain permission to dispose of items listed above that are valued above $5,000. The State has the following options:

1. Request the equipment or supplies be returned.
2. Approve a buy-out of the equipment or supplies by the service provider or another agency.
3. Approve a sale of the equipment or supplies by the service provider.
4. Approve State of Montana surplus property requirements if the service provider is a state agency.
PROGRAM INCOME

Program income is the gross income received by the service provider directly generated by a grant-supported activity, or earned only as a result of the grant agreement during the grant period.

I. Program Income Inclusions

Fee for Services: Income from fees charged for services.

User or Rental Fees: Income from the use or rental of personal property acquired with grant funds.

Sale of Products: Income from the sale of goods constructed under a grant agreement.

Revenue in Excess of Expenditures: If an organization earns or receives revenue in excess of its costs under a WIOA Title I program (Adult, Youth, Dislocated Workers, Job Corps, Native American, Farmworker and Veterans’ programs) that revenue is to be treated as program income.

II. Program Income Exclusions

Applicable Credits
Reductions to grant costs as a result of refunds, rebates, credits, discounts, or the interest earned on them.

Sale of Property
Proceeds from the sale of personal property.

Royalties, Copyrighted Material, patents, Inventions
This income is considered program income only if specifically identified as such in the grant agreement or Federal agency regulations. However, the payment of royalties by WIOA and other federally funded grants is an unallowable cost. USDOL policy is that Federal funds may not be used to pay royalties for federally developed projects or works.

Income Earned after the Grant Period Has Ended
The grantee is not accountable for income earned after the end of the award period. However, the grantee must report program income expended after the grant period if the income was earned during the grant period.

Donations
Donations and contributions are voluntary and are not generated by the use of grant funds.

Profits of Commercial Organizations
Profits earned by commercial for-profit organizations are not considered program income. Caution – care should be taken to minimize the amount of profit generated by grants.

Matching Funds
Funds provided to satisfy the matching requirements of the grants are not considered program income. Conversely, program income generated through grants may not be used to satisfy any match requirements.

III. Accounting for the Expenditure of Program Income

Net Income Method
With the net income method, the costs incidental to the generation of program income are netted against or deducted from gross program income to determine the amount of net program income. The expenditures and revenues associated with performing the activity that generates program income are tracked separately in the accounting records.

Gross Income Method
With the gross income method, all gross revenues derived from program income activities are accounted for as program income. In turn, the service provider’s share of the allocable costs associated with generating that revenue are charged to the appropriate program activities and/or cost categories.

IV. Accounting for the Expenditure of Program Income

Separate Accounting
When using separate accounting, program income is treated as additional funds committed to the grant agreement, for which separately identifiable services are performed, and the expenditure of program income is accounted for separately from the original agreement. For accounting purposes, the program income is treated as if it were a separate (sub)grant or cost objective.

Transfer of Expenditures
When using transfer of expenditures accounting, expenditures are initially recorded in the accounts of the original agreement and are subsequently transferred to the program income account to offset the amount of program income earned. The result is that the program income is accounted for as fully expended, while expenditures charged under
the agreement are reduced by the amount of expenditures that have now been applied to program income.

Regulations require that the net program income be added to the total funds available for the program. Thus, the transfer of expenditures is only applicable should the entity fully expend both the grant and the program income.

V. **Uses of Program Income**
The requirements for using program income are the same as those applied to the grant funds with the exception of the administrative cost limitation. These requirements include:

- Allowable cost guidelines
- Cost classification guidelines
- Inclusion of program income earnings and expenditures in the audit
- Rules on procurement and selection of service providers
- Participant records and other record-keeping requirements
- Sanctions for misuse

29 CFR Part 95.24(a) and WIOA regulations specify that program income is to be added to the total grant award and used to provide the same services as the original grant agreement. It is the policy of the Employment & Training Administration (ETA) and the Bureau that program income be wholly expended with the period of availability for WIOA grants. Any program income funds remaining would be used to reduce the reported grant expenditures at closeout.

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EXPENDITURE REPORTING

All federal grant expenditure reports shall be submitted to the Bureau on a quarterly basis. All quarterly reports are due to the Bureau by 5:00 p.m. on the twenty-fifth (25) calendar day of the first month after the quarter end date. Quarter end dates are March 31, June 30, September 30, and December 31.

U.S. DOL ETA Financial Report, ETA-9130 form will be used and may be modified to encompass all reporting requirements depending upon the federal grant being submitted. Various examples of the ETA-9130 are located in Forms section. Recipients of grants are required to report expenditures separately for each source of funds cumulatively from the inception of each grant. In order to properly report costs, all grant recipients must establish a reporting system that allow them to incorporate costs at all levels of the system into the Financial Reports (FRs) submitted to the Bureau.

I. Late Reporting
Service providers shall receive one written warning notice concerning late reporting. At the Bureau’s discretion, each subsequent late report will result in the withholding of one (1) percent of the service provider's administrative total accrued expenditures to date. If the service provider does not receive administrative funding, one (1) percent of total accrued expenditures to date will be withheld. Consistent late reporting may result in the termination of the grant.

II. Expenditure Limitations
When expenditure limits are set on administrative or other cost categories, those limits will apply to actual expenditures and cannot be exceeded without prior written approval from the Bureau.

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GRANT AGREEMENT CLOSEOUT

Each service provider is responsible for developing and maintaining a system to comply with the closeout requirements specified at 2 CFR Part 200.343 and 2 CFR Part 2900.15. To ensure that the Bureau closes out grants in a timely manner to ETA, the following guidelines are established for service providers:

Closeout reports are due to the Bureau by 5:00 pm on the fifteenth (15th) calendar day of the third month following the end date of the grant. For example, if the grant closes on June 30, the reports are due by 5:00 pm September 15. If the due date falls on a weekend, the reports are due the following Monday.

I. Closeout Process

The service provider must close and settle its contracts and reconcile all financial activity related to the grant prior to closing the grant with the Bureau.

All refunds due to the awarding agency must be made before the closeout OR submitted with the closeout documents.

Pending claims or late arriving invoices must be best estimated and identified in the closeout reports. Once the items are received, reconciliation must be done and sent to the Bureau to be attached to the reports. If a refund is due the awarding agency, it must be included with the reconciliation.

Any refunds, rebates, or credits received after the closeout must be sent to the Bureau. If stand-in costs were reported, they may be offset by such refunds, rebates, or credits; however, the stand-in costs must have been reported prior to the receipt of the refund.

The Bureau reserves the right for further grant adjustments based on audit findings after the closeout reports are submitted.

II. Closeout Package

The closeout package consists of the following forms:

Service Provider’s Submittal of Closeout Documents.
Include a cover sheet that lists all the documents included in the closeout package.

Financial Status Report – Examples of this report are located in the forms section.

If necessary, a copy of the approved indirect cost rate.
If indirect costs have been charged to the grant, a copy of the provisional or final rate may need to be included. If the grant is closed based on a provisional rate and the final
rate is lower, the grantee is required to recalculate indirect costs and return all excess indirect costs within 45 days of the final rate approval letter.

Grantee’s Release
The grantee certifies the release of the grantor agency from further monetary obligations under the grant. Certain specifically identified claims such as unclaimed wages, Worker’s Compensation claims, or other outstanding claims must be identified and the list attached to the grantee’s release.

Grantee’s Assignment of Refunds, Rebates, and Credits
The grantee waives claim to any refunds, rebates, or credits received after the grant has terminated and assures prompt remittance to the grantor agency.

Government Property Closeout Inventory Certification
This form provides for an inventory of all real or personal property purchases acquired with grant funds or received from the Federal government where the DOL reserves the right to take title, or a certification that no such property was acquired with grant funds.

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AUDITS AND RECORD RETENTION

I. Audit Requirements

The Service Provider is responsible for independent annual audits of its Provider Agreement and costs associated therewith. If a Service Provider qualifies under the Single Audit Act amendments of 1996, the Service Provider shall have an audit conducted in accordance with Office of Management and Budget (OMB) Uniform Guidance 2 CFR Part 200 Subpart F and the applicable audit standards set forth in the Standards for Audit of Governmental Organizations, Programs, Activities, and Functions issued by the Comptroller General of the United States.

Any audit findings in connection with this Provider Agreement shall be resolved with the Grantor within 180 days of the publication of the final audit report. The Grantor may, in its sole discretion, also require additional audits. The Service Provider will pay these additional costs.

Responsibility for audit costs and for maintaining complete financial records remains with the service provider.

Service providers having a single audit conducted are to inform the auditing firm that audits are to be made in accordance with the:

- Generally Accepted Governmental Auditing Standards (GAGAS)
- OMB Uniform Guidance 2 CFR Part 200 Subpart F
- AICPA Generally Accepted Auditing Standards

The audits will include, at a minimum, an examination of:

- The systems of internal control;
- Designation of major programs;
- Designation of risk;
- Compliance with laws, regulations, contracts/grants;
- Financial statements and federal awards schedule; and

Prior year audit findings
The examinations are to determine whether:

There is effective control over and proper accounting for revenues, expenditures, assets and liabilities;

Financial statements are fairly presented in accordance with generally accepted accounting principles; and

Funds are being expended in accordance with the terms of provider agreements and those provisions of Federal law or regulations that could have a material effect on the financial statements or the awards tested.

Service providers must ensure that the audit work papers and reports are maintained for a minimum of five (5) years, and that the work papers are available to the Bureau.

Service providers will follow the purchasing procedures contained in Section 6.30 for acquiring the necessary audit services.

II. Audit Resolution Procedure

180 Day Resolution Period

Any audit findings in connection with this Provider Agreement shall be resolved with the Grantor within 180 days of the publication of the final audit report. The Grantor may, in its sole discretion, also require additional audits. The Service Provider will pay these additional costs.

1. The service provider will have thirty (30) days from the publication of the final audit report to respond and provide any supporting documentation for costs questioned or recommended for disallowance. The Bureau will accept only written responses. All findings and recommendations are to be addressed by the service provider in their response.

2. The Bureau will issue a written initial determination within thirty (30) days of receipt of the service provider's first response.

3. The service provider will then be given the opportunity for informal resolution by having thirty (30) days from receipt of the initial determination in which to respond with any further supporting documentation or information.

4. The Bureau will issue a final determination within thirty (30) days of receipt of the service provider's response to the initial determination or no later than 180 days after the audit report has become final. The final determination includes:
   i. Those matters which were not informally resolved;
   ii. Corrective actions which will be necessary; and
   iii. Notice to the service provider of the opportunity to request a hearing. Within thirty (30) days of the receipt of the final
determination, the service provider may submit in writing a request for hearing to the Division.

Grievance Procedure
The next step is to go into the regular grievance procedure, where a service provider may choose to request a hearing.

Funds Returned
The Bureau will require the return of all funds that were not expended in accordance with laws and regulations.

III. Debt Collection Policy
Debts receivable must be paid within thirty (30) days of establishment of the debt. Repayment of debts established will be in the form of a cash payment unless negotiation between the Bureau and the debtor produce some other method. Cash from a non-federal source is the required method of repayment where there is misuse of funds due to willful disregard of requirements of the Act, gross negligence, or failure to observe accepted standards of administration. Settlements of debts on a non-cash basis will be by exception.

IV. Methods of Repayment by Cash are as Follows:

Lump Sum
Payment in full may be made by certified check, money order, cashier's check, or bank draft.

Installment Payments
Cash installment repayment agreements are usually of short-term duration, from three (3) to 12 months, and are limited to 36 months by the Federal Claims Collection Standards. Duration is negotiated based on the size of the debt and the debtor entity's ability to pay.

Adjustment in Payments
When cash repayment in lump sum or in installments is impossible, an agreement may be entered into with the debtor whereby the contract is reduced by the amount of the debt repayment while the program is maintained at an undiminished cost level through nonfederal contributions.

Withholding
This repayment method will involve withholding amounts owed the debtor for past services or for other considerations already provided in satisfaction of the debt owed.
V. **Examples of Non-Cash Repayment Methods**
These methods must be negotiated with the Bureau prior to being considered as a method for debt recovery.

**Stand-in Costs**
This method is not actually a debt repayment, but is a way of "erasing" the debt. The debtor must identify allowable non-federal costs associated with the contract but not charged to the contract, and substitute those costs for the disallowed costs, thus erasing the debt. These expenditures must have been reported to the Bureau with the quarterly financial status report or closeout package for the year the costs were incurred in order to be considered for disallowed costs incurred during that same time period. This method would require negotiation and agreement with the debtor that such costs are subject to audit. Documentation that will establish a clear audit trail must be maintained when such agreements are made.

**Service in Lieu of Cash**
This method involves a repayment agreement with the debtor whereby additional services above those originally agreed to with the recipient, paid through nonfederal funds, are received in lieu of cash. When it becomes clear that a debtor cannot repay through any other repayment method, an agreement of this nature may be negotiated. This method requires a written agreement signed by both parties with conditions regarding the type of funds to be used, documentation subjected to audit, and a description of the services rendered.

**Offset**
This method involves reducing the contract up to the amount of the debt. The Bureau, on behalf of the Governor, may use this option with the approval of the Secretary of Labor.

If an established debt is not paid within thirty (30) days of the final determination or if established installment payments are more than thirty (30) days late, a letter will be sent stating that payment is due immediately. At forty-five (45) days, another letter will be sent stating the account will be sent to the Attorney General's Office if not paid within fifteen (15) days. At sixty (60) days, the account is turned over to the Attorney General and the Bureau will consider whether to continue to do business with the debtor.

VI. **Record Retention**
This policy provides guidance for proper maintenance of financial and programmatic records. These records must be accessible to authorized Federal and Bureau oversight staff and verifiable for monitoring, reporting, audit, and evaluation.

**Length of Record Retention**
For both grantees and service providers, records must be retained for five (5) years following the date on which the expenditure report containing the final expenditures charged to a program year’s allotment or a grant is submitted to the Bureau.

The record retention period does not start over if final expenditure reports are revised, if these revisions are for the following reasons:

Revisions resulting from closeout
Such revisions are considered expenditure adjustments and do not alter the initial time period for record retention. The records must be retained for five (5) years from the original submission date of the final expenditure report.

Revisions resulting from litigation, audit, audit resolution, or claims
Records must be maintained for five (5) years following the submission of the final expenditure report or until all issues resulting from litigation, audit/audit resolution, or claims have been resolved and final action taken, whichever is longer.

VII. Other Retention Regulations

Real property and equipment records must be retained for five (5) years after final disposition of the property.

WIOA Title IB Complaint Records
Actions related to resolving complaints shall be maintained for not less than five (5) years from the date of resolving the complaint. In addition, WIOA Title IB grantees and service providers must follow the requirements of 29 CFR Part 37, as these regulations apply to the entire organization receiving WIOA funds. These records should be maintained as a whole record system.

Litigation/Audit Records
These records must be retained beyond the prescribed period if any litigation or audit has begun, or if a claim is instituted involving the grant or agreement covered by the records. The records must be retained until resolution of the litigation, audit, or claim and final action is taken; or until the end of the regular five-year record retention period, whichever is later.

Failure to Obtain an Audit
A failure to obtain and audit extends the record retention requirement indefinitely. A delay in obtaining an audit or in resolving audit findings extends the record retention period until all audit requirements have been satisfied and all findings have been resolved to the satisfaction of the awarding agency.
Indirect Cost Records
Computations or proposals, cost allocation plans, and supporting documentation and records must be retained for five (5) years from the date the indirect cost rate package is submitted for negotiation. If not submitted for negotiation, the records must be maintained for five (5) years from the end of the Program Year that contains the final grant costs.

VIII. Termination of Relationship
When the relation with a service provider is terminated, the service provider’s responsibility for maintenance and retention of records does not end. However, the Bureau may want to take physical custody of the records to assure that they are available if needed in instances where the sub-grantee is unable to physically retain them.

IX. Record Storage
Records shall be retained and stored in a manner that will preserve their integrity and admissibility as evidence in any audit/litigation or other proceeding. Microfilmed or photocopied records can be substituted for original records because they are generally accepted as admissible for evidentiary purposes. The burden of production and authentication of the records shall be on the custodian of the records. Failure to authenticate the records will deny the custodian the right to use it.

X. Applicable Regulations

OMB Uniform Guidance 2 CFR Part 200.333

This includes financial and program records, supporting documents, statistical records, and other records that are either required to be held by regulation or grant agreement or could reasonably be considered as pertinent to regulation or the grant agreement.
LOST OR STOLEN/FORGED CHECKS

If a check has been lost or destroyed, the payee must fill out a statement stating the circumstances of the loss or destruction of the check and requesting that payment of the check be stopped. If the check has been mutilated or defaced, it should be forwarded to the issuing agency with the request for re-issuance.

If the payee recovers an original check after he/she has furnished a statement of non-receipt, he/she should notify the issuing agency immediately. In the event the replacement check has been received prior to the recovery of the original check, the original check should be returned immediately to the agency. Under no circumstances should the payee attempt to cash both the original and replacement check.

In the event of a stolen and/or forged check, the payee must file a police report with the local law enforcement and forward a copy of the report along with a statement stating the circumstances of the situation and whether it was endorsed, and also requesting that payment of the check be stopped.

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MANAGEMENT INFORMATION SYSTEM REQUIREMENTS

The WIOA portion of MWorks collects and disseminates information on participants and program results. The system was designed using the Workforce Investment Act Standard Record Data (WIASRD), used to provide guidance in completing registration and outcome information.

Information about an individual and their WIOA Title 1B experiences is used to:

- share program results with consumers, taxpayers, Congress, and other program overseers;
- compare results among WIOA service providers, other states, and with other federally funded programs
- and evaluate and continuously improve services.

This information is required by legislation. It is confidential and protected by all applicable privacy rules.

The Bureau analyzes the data and prepares reports for the Employment and Training Administration and the State Workforce Innovation Board. The Bureau also monitors the effectiveness of the service provider in their MWorks WIOA procedures, accuracy and timeliness of their data collection process.

I. Montana Works Data Requirements

Required Documentation

Service providers using MWorks are required to maintain documentation of participant data. Service providers will enter the following information into MWorks:

1. Registration information which includes all eligibility information
2. Individual Employment Plan (IEP) for Adult and Dislocated Worker participants or Individual Service Strategy (ISS) for Youth participants
3. An accounting of all services provided to all participants and documented in an IEP or ISS
4. Supportive services provided to participants
5. Case notes to document contact and participant progress
6. Timely outcome data showing the date of exit, reason for exit, and additional information such as employment or attending additional training

Deadlines for Entering Participant Data into MWorks

The Bureau requires notification if data entry in MWorks cannot be accomplished within seven (7) working days. Data entry is any activity that is to be entered in MWorks and includes participant application data, change in services, funding authorizations and payments for services, and completion of services, employment plans, and enrollments. Any change in goal should be documented on the MWorks Employment Plan, printed, signed by the participant and placed in the participant’s file.
Bureau program managers will track data entry on a periodic basis. If concerns arise related to late data entry, the program managers can initiate immediate actions to correct the problem, assure that concerns are addressed, and require the service provider to report on corrective action in the next quarterly report.

Report Generation
The MWWorks Case Management Search provides reports including summaries of exiters and demographics for the service provider. The Case Management Search has tools on the Additional tab that can help identify problems with participant records. The Bureau suggests strongly that case managers use these tools to prevent some problems commonly found during monitoring.

Forms
The WIOA Application form and eligibility verification worksheet must be used to collect participant data.

Quarterly and Year-end Reports
Based on the due dates imposed on the Montana Department of Labor and Industry, service providers must ensure that they keep MWWorks WIOA forms and data up-to-date and error free throughout the year.

Due dates:
1st Quarter: Due approximately November 15
2nd Quarter: Due approximately February 15
3rd Quarter: Due approximately May 15
4th Quarter: Due approximately August 15
Annual Report: Due October 1

Back-up Procedure
Montana Department of Labor and Industry performs daily back-up procedures.

II. MWWorks Overview
An applicant is an individual who applies to participate in a WIOA program, but eligibility determination has not been completed. An individual must be informed that it is necessary to provide all eligibility documentation when applying. The application process may not be completed until eligibility documentation is received. All information on the application screen must be completed unless otherwise noted in the following instructions.

WIOA Application
The WIOA Application has been designed to collect all data necessary to meet Federal, State and Board reporting requirements and to determine applicant eligibility. All fields
on the application need to be completed. A signed copy of this information becomes part of the participant record and is subject to document retention requirements. The application should be maintained for at least five (5) years following the participant’s exit date, or three years following the application date for the applicant who is ineligible for the program or, for other reasons, was not enrolled in the program.

The applicant is required to sign and date the application form certifying the accuracy of information and the understanding that falsification may result in termination from the program and/or prosecution. The application form will be handwritten using appropriate intake forms, and signed by the intake person and the applicant. The form must be clearly printed in ink. Forms filled out in pencil or corrected with "white out" are not acceptable. To correct the document, cross out the wrong information and enter correct information. Corrections must be initialed. The signed application form must be maintained in the applicant’s file, whether or not the applicant was enrolled into the program.

Verification of eligibility is used to ensure the reliability of MWorks and to guarantee services are provided to persons most in need. Once an applicant is determined to be eligible, verification of eligibility must be completed using the Eligibility Verification/Priority for Service Worksheet (see Section 3.00). No services may be provided until the participant has furnished proof of eligibility to the enrolling agency.

The primary responsibility for providing documentary evidence rests with the applicant/potential participant. Copies of all documentary evidence must be maintained in the participant’s file.

The following are examples of documentary evidence that may be used for adult, youth, and dislocated worker programs.

1. **Citizenship**: Hospital record of birth, Birth Certificate, US Passport, Public Assistance Record, etc. (Required for all eligible youth and for all WIOA participants receiving intensive services);
3. **Selective Service**: Acknowledgement Letter, DD-214, S.S. Verification Form, Selective Service Registration Card, etc. The Selective Service Registration Card is required for all male applicants born on or after January 1, 1960;
4. **Dislocated Worker Status**: Employer notice of termination or layoff, Employer’s public statement of pending layoff or closure, UI benefit record, UI notice of exhaustion of benefits, etc.;
5. **Social Security Number (SSN)**: Social Security card, DD-214, Household Summary from public assistance showing the participant’s SSN.

WIOA Registration
The term participant means an individual who is determined eligible to participate in the program and receives a service funded by the program in a physical location.
Operational Parameters:

1. The criteria that are used to determine whether an individual is eligible to participate will be based on the guidelines for the program.
2. The term “service” does not include a determination of eligibility to participate in the program, self-directed job search that does not result in a referral to a job, services and activities specifically provided as follow-up services or regular contact with the participant or employer to only obtain information regarding his/her employment status, educational progress, need for additional services, or income support payments (except for trade readjustment allowances and other needs-related payments funded through the TAA program or National Emergency Grants (NEGs)).
3. Individuals who visit a physical location for reasons other than its intended purpose (e.g., use of restrooms or asking staff for directions) are not participants.

Program participation occurs following a determination of eligibility and commences when the individual begins receiving a service funded by the program. This phrase has the same meaning as the “date of participation”.

1. Valid Enrollment Timeline
   If the enrollment date is more than 45 days after the application date, a new application must be completed.

2. Ineligible Non-citizens
   If an applicant indicates that he/she is not an eligible non-citizen, that applicant is ineligible for services through these programs.

3. Social Security Number
   In accordance with the Privacy Act of 1974 an applicant may not be denied any right, benefit, or privilege provided by law because of the individual’s refusal to disclose his/her Social Security Number. However, disclosure of an individual’s Social Security Number pursuant to the Internal Revenue Code where it is used as the identifying number for the purposes of a return, statement or any other document under the Code (i.e., for payment of wages for OJT, Work Experience, etc.) may be properly required.

Providers should advise applicants at intake of the use(s) of disclosing the Social Security Number. Applicants should also be advised that the Social Security Number is used for the payment of wages and allowances, even though at intake it may not be possible to determine the form of payment, if any, the applicant will receive.

Providers should assist the applicant in obtaining a Social Security Number from the Social Security Administration. Once the number is obtained, notify the MWorks administrator so the file can be updated.
If the applicant does not have a Social Security Number, a pseudo-number should be assigned using the button in MWorks. If no Social Security Number is obtained, the participant will not be included in performance.

4. MWorks
The MWorks database is used to enter or view WIOA applicant and WIOA participant data into the system. For adults and dislocated workers, individuals who receive career services (other than informational and self-service activities), must be registered. All youth who receive youth activities must be registered.

5. Contact Information
The applicant is required to complete both the first and second contact information sections of the application, listing the most reliable contact as the first contact. Do not use a parent, spouse or other family member in the same household as an alternate contact because of possible relocation of the entire family. Use the name, address, and telephone number of a relative or friend that can be contacted if the participant cannot be located. An in-state telephone number is preferable, but an out-of-state number may be used if necessary. Use the case manager name only if other contact information is not available.

Updating Participant Contact Information
If your office is aware of a change of address, telephone number, contact persons, etc. update the necessary information and contact the other providers that may be serving that participant. This will enhance the coordination of services to the participants.

Adding Services and Support
Only one employment plan should be open for each WIOA participant. The original employment plan should be used for participants who are placed in follow-up. Participants co-enrolled in multiple programs and participants being served by multiple service providers should only have one employment plan open.

Services should not be opened on the Employment Plan until the time they will be provided. Services should remain open only during the time they are being provided.

All active employment plans must include the following services: case management, eligibility and IEP (individual employment plan) or ISS (individual service strategy) for youth. Once a participant is in follow up, employment plans must include the following services: case management and follow up services. Other services may be opened in follow-up as appropriate.

Please refer to the Objectives and Services Definitions for more specific guidance on opening services.
Ending Services and Enrollments
Services must be closed upon completion of the provision of services.

Participation in WIOA programs will be ended automatically in MWorks after 90 days if no services that extend participation are provided. Service providers can self-monitor by running a “no services for 80 days” report in the Case Management Search section in MWorks. Any funding provided on a participant’s behalf after the participation period has ended may be considered disallowed costs.

Each service provider serving the participant is responsible for closing appropriate services as the services are completed. The last service provider serving the participant is responsible for closing remaining services and ending applicable enrollments in MWorks.

For participants in follow up, leave employment plans open until all quarters of follow up have been completed.

Please refer to the Objectives and Services Definitions (Form WIOA 49) for more specific guidance on closing services.

Follow-up Activities
Follow-up activities are conducted to ensure positive outcomes and to give credit for outcomes. Obtaining supplemental data to determine if the individual is employed in the four calendar quarters following exit to unsubsidized employment is a follow-up activity. Follow-up activity should be recorded in MWorks on the Progress-Follow-Up tab. A comment is required for each quarter’s follow-up activity. To be considered valid, a comment should be entered in the Comments section on the Follow-Up tab for each follow-up contact. The comment should state the employer name, address, phone number, and job title if the participant is employed. If the participant is in some type of training after being exited, a brief description should be entered in the Comments section.

Exiting
The term program exit means a participant has not received a service funded by the program or funded by a partner program for ninety (90) consecutive calendar days, has no Temporary Gap in Services open on the Employment Plan, and is not scheduled for future services.

Operational Parameters
1. Service: The term “service” does not include a determination of eligibility to participate in the program, self-directed job search that does not result in a referral to a job, services, and activities specifically provided as follow-up contact or regular contact with the participant or employer to only obtain information regarding his/her employment status, educational progress, need for additional services, or income support payments (except for trade
readjustment allowances and other needs-related payments funded through the TAA program or NEGs).

2. **Not Scheduled for Future Service**: The phrase “and is not scheduled for future services” does not apply to participants who voluntarily withdraw or dropout from the program. In these circumstances, once a participant has not received any services funded by the program or a partner program for 90 consecutive calendar days and has no Temporary Gap in Services open on the Employment Plan, the date of exit is applied retroactively to the last day on which the individual received a service funded by the program or a partner program.

3. **Temporary Gap in Services**: Participants should not be considered as exited if there is a gap in service of greater than 90 days in one of the following circumstances:
   - i. Delay before the beginning of training;
   - ii. Health/medical condition or providing care for a family member with a health/medical condition; or
   - iii. Temporary move from area that prevents the individual from participating in services.

Temporary Gap in Services can be opened on the Employment plan in cases related to one of the three circumstances identified above. The gap in service can last no more than 180 consecutive calendar days from the date of the most recent service to allow time to address the barriers to continued participation. Case managers must document all gaps in service that occur and the reasons for the gaps in service, including the participant’s intent to return to complete program services. Case managers may initiate a consecutive gap in service of up to an additional 180 days for the participant that follows the initial 180-day period to resolve the issues that prevent the participant from completing program services that lead to employment.

4. Participants whose services have ended because they are a reservist called to active duty, a youth under mandatory relocation, institutionalized, deceased, or have a health/medical condition or family care situation that prevents the individual from participating in services will be excluded from performance measures.

5. Once a participant has not received any WIOA funded or partner services for 90 days, and there is no Temporary Gap in Services open on the Employment Plan or the gap in service is for reasons other than those specified above, that participant’s enrollment in WIOA has ended for the purposes of performance measurement.

**Vendors**

The Division has the responsibility to set up vendors (including employers and Eligible Training Providers) in MWorks. Payments for services provided by vendors, on-the-job training (OJT) contracts with employers, training provided by Eligible Training Providers,
and work experience (WEX) cannot be made until vendor information has been entered. A completed W-9 form with a request identifying which service(s) are being provided are necessary to set up a new vendor. The W-9 and request can be submitted via email using a .pdf attachment or fax.

If the vendor does not have an assigned FEIN number and instead uses their Social Security number for their identification number on their W-9, please ensure the Social Security number is not visible on the W-9 prior to emailing or faxing. Please ask the staff person entering the information to call you to obtain the Social Security number.

Purging Participant Records
Until notified otherwise, service providers should not purge any WIOA or TAA files due to the “common exit” policy. The common exit policy was implemented in 2010, as required by the Employment and Training Administration (ETA). The common exit is defined as follows:

An exiter from the workforce system is defined as a participant who has not received a countable service funded by the program, or funded by a partner program (such as WIOA or Wagner-Peyser) for 90 consecutive calendar days, and is not scheduled to receive future services.

This definition supports the integrated service philosophy of the workforce system, and acknowledges that a program exit is really an exit from the system. The exit date is applied retroactively, after a 90-day period without countable services, to the last day on which the individual received a qualifying service provided by any program, i.e. the date the last qualifying service was completed in the system. Individuals who are participating in more than one program will have a single common exit date.

The program completion date may or may not coincide with the system-derived actual exit date. This is particularly true if subsequent countable services from another program are provided prior to the end of the 90-day period. If a participant is doing job searches on the internet on a continuous basis, they are considered as still active and are not considered an exiter.

This “common exit” date has a direct bearing on when program files should be purged. Enrollments for participants can be ended, but participants are not actually exited until there is a break of 90 days in all countable services in all programs.

At this time, there is no easy way to tell without looking at each participant’s record individually, whether a file can be purged. Records are required to be kept at least five (5) years after exiting from a program, but the retention period may extend beyond the five-year period depending on the case. WSD staff will create a report on an annual basis to inform offices which records can be purged. The report will come out at the end of the program year (sometime late in June or July).
III. Confidentiality Agreement

All service provider staff (non-state) that will have access to MWorks is required to sign the Confidentiality Agreement. The signed Confidentiality Agreements will be maintained in the Workforce Services Division. A sample Confidentiality Agreement is in the Forms Section on DLI’s WIOA website.
STAFF CHANGES – MWORKS INACTIVATION

For security reasons, MWorks access needs to be inactivated as soon as possible for case managers no longer working with WIOA programs.

Before access to MWorks can be inactivated, all cases assigned to a case manager need to be reassigned to other staff. The following processes should be followed to reassign these cases.

I. Reassigning Participants to New Case Manager
   The first step in reassigning participants to a new case manager is running a Case Management Search report for the departing case manager. Click on the Case Manager icon on the top toolbar in MWorks.

Enter the case manager’s name in the Staff Agn: box, then click on . A list of participants assigned to that case manager will then appear on the screen.

To reassign case managers, double click on the participant’s name. This will bring up the Seeker Screen. Then choose Options-Account Info-Staff Information.
Click on the Assign/Reassign button. The following popup screen will display. Choose Primary.

If the participant has tasks associated with their record, the following screen will appear. Choose Assign to new counselor.

A list of case managers will appear. Reassign the participant to a new case manager.
This screen shows that the case manager has been reassigned for this record:

When the case manager has been reassigned to the correct staff person, hit the **Save** button. The participant has now been reassigned to a new case manager.

II. **Notification of Case Manager Changes and Inactivation**

Notification should be provided to the WIOA Help Desk immediately upon learning of staff changes. Participants should be reassigned to new case managers before the departing staff member leaves their WIOA employment. This allows MWorks access inactivation to be done in a timely manner.