**To:** All Local Workforce Development Board Directors

 All Local Workforce Development Board Chairs

**From:** Dr.Yolanda Allen, Assistant Commissioner, Workforce Development

**Date:** October 15, 2023

**Subject:**  Release of new United States department of Labor (USDOL) Training and Employment Guidance Letter (TEGL) 9-22 on Youth Programs

**Reference:** WDPS-PY23-2

The United States Department of Labor (USDOL) released new policy guidance, TEGL 9-22, on March 2, 2023, entitled *Workforce Innovation and Opportunity Act Title I Youth Program Guidance.*

This The full TEGL can be found here: [TEGL 9-22](https://www.dol.gov/sites/dolgov/files/ETA/advisories/TEGL/2022/TEGL%2009-22/TEGL%2009-22.pdf)

**POLICY SUMMARY**

This policy provides a summary of key provisions of Training and Employment Guidance Letter (TEGL) 9-22, which was issued by the United States Department of Labor Employment and Training Agency (ETA). TEGL 9-22 provides guidance related to Workforce Innovation and Opportunity Act (WIOA) Youth programs. It highlights eligibility determinations, including self-attestation; mental health assessment and support; virtual work experience; previous assessments of youth participants; supportive services, including food; reporting for apprenticeship and pre-apprenticeship, and for counselling; and follow-up services reporting.

***Documenting WIOA Youth Eligibility***

ETA, through TEGL 9-22, reiterates that there are only three instances in which it is necessary for local boards to document low-income status for out-of-school youth (OSY). These are those youth determined eligible by using the following criteria:

1. Basic Skills Deficient
2. English Language Learner
3. Individual who requires additional assistance to enter or complete an educational program or to secure or hold employment

Local boards do **not** have to ask for income for OSY determined eligible under any other criteria.

**Self-Attestation**: Self-Attestation is an acceptable source document for the following program eligibility elements:

* School Status at Program Entry
* Date of Birth
* Individual with a Disability
* Pregnant or Parenting
* Youth Who Need Additional Assistance
* Foster Youth
* Homeless Youth
* Offender
* Low-Income
* English Language Learner

The only eligibity element for which self-attestation is not permitted is “**Basic Skills Deficient**.”

TEGL 23-19, Change 1, defines self-attestation as “a written, or electronic/digital declaration of information for a particular data ailment, signed and dated by the participant.” TEGL 9-22 clarifies that ETA broadly interprets what is an electronic digital signature. Electronic signatures or a submission from the participant such as an e-mail, text, or unique online survey response is considered an electronic signature or verification; it must be participant generated and traceable to the participant. Grantees must retain documentation of the self-attestation.

Local boards must establish documented policies and procedures related to source documentation for self-attestation, and ETA encourages grant recipients to consider the impacts of equity and accessibility in doing so.

**Best Practice**: TEGL 9-22 recommends that programs should assist enrolled participants in obtaining required documents through the provision of supportive services, as these documents are likely needed for employment and training related activities. The goal is to put as few obstacles to serving participants as possible.

***Mental Health Assessment, Referrals and Training for Staff***

**Comprehensive Guidance and Counseling**: TEGL 9-22 states that the program element Comprehensive Guidance and Counseling “provides individualized counseling to participants. This includes drug and alcohol abuse counseling, mental health counseling, and referral to partner programs, as appropriate.”

When referring participants to necessary counseling that cannot be provided by the local youth program or its service providers, the providers must coordinate with the organization to which it refers in order to ensure continuity of service in the WIOA Youth program.

ETA strongly encourages integrating mental health assessment into the objective assessment process to identify potential mental health needs that must be addressed through mental health services or through referrals to mental health professional for youth to be successful in the program.

**Professional Development**: Professional development is an allowable cost under WIOA, and ETA strongly encourages local workforce development boards to offer professional development to all staff who work with youth, including quality mental health training along with training related to trauma-informed care principles should be included. Under State policy, all local boards must utilize at least two percent of their Adult, Dislocated Worker and Youth funds for professional development.

Local boards should develop local polices and procedures related to the identification of mental health issues in participants and procedures related to referrals to appropriate services.

***Virtual Work Experiences***

TEGL 9-22 specifies that WIOA funds can be used to pay for devices and broadband internet service that will allow a participant to create or maintain a wireless connection for distance learning, search for jobs, and engage in other employment and training activities where such activities are already allowable. Local boards must have policies in place to determine whether costs are reasonable, necessary, allowable and allocable to the WIOA grant. TEGL 9-22 also states that participants should be informed about the Affordable Connectivity Program that helps families access affordable broadband.

***Previous Assessments***

All WIOA Youth must receive an objective assessment of academic levels, skill levels and service needs, which includes a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes, supportive service needs and developmental needs. Generally, under WIOA, local boards can use a previous assessment if it is no more than six months old. TEGL 9-22 provides local boards the flexibility to accept assessment older than six months if they deem appropriate and there is policy in place that allows them.

**NJDOL Policy** allows Local Workforce Development Boards to accept previous assessments as mentioned above, that were completed up to one year prior to intake at the One-Stop Career Center.

***Supportive Services***

TEGL 9-22 states that ETA has determined that supportive services that enable a WIOA participant to participate in training can count toward training expenditures; to be consistent they have determined, therefore, that supportive services that enable a WIOA youth to participate in work experience can count towards the work experience expenditure requirement.

**Food**: Food, at a reasonable cost, may be provided to youth as a supportive service. It may be provided to eligible youth. The use of grant funds for should be limited to reasonable and necessary purchases that are coordinated, when possible, with other community, State or Federal services that provide food for low-income individuals.

**Policies and Procedures:** If a local board will provide food for Youth participants, they must have documented policies in place for the purchase and distribution.

***Reporting Expenditures for Pre-Apprenticeship and Apprenticeship***

If a pre-apprenticeship program includes an occupational training component that is separate for the work experience, a local board may report the pre-apprenticeship under both the work experience program element and the occupational skills training element.

***Comprehensive Guidance and Counseling Reporting***

USDOL has found that many states are overreporting the WIOA Youth Program Element Comprehensive Guidance and Counseling. According to TEGL 9-22, this is a result of the following factors:

* Reporting case management as Comprehensive Counseling. TEGL 9-22 states that case management is not a program element, and is the act of connecting youth to appropriate services.
* Reporting the program element “services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services” as comprehensive guidance and counseling. Career counseling may include providing information about resume preparation, interview skills, potential opportunities for job shadowing, and the long-term benefits of postsecondary education and training, which all should be reported as” providing labor market information”, not “comprehensive guidance and counseling.”

***Follow-up Services and Mentoring Reporting***

ETA has found that 10 percent of WIOA Youth nationally are being reported as receiving the mentoring program element, and only 18 percent as receiving follow-up services. TEGL 9-22 states that while these program elements require provision for 12 months, it is not necessary to wait for the full 12 months before reporting them. As with any program element, local boards should report follow-up services as they are provided. Real time data entry of program elements is essential; a program element should be recorded every quarter for each active WIOA Youth participant.

**References and Links**

[Emergency Broadband Benefit Federal Communication Commission (fcc.gov)](https://www.fcc.gov/broadbandbenefit).

[**Workforce GPS Mentoring Technical Assistance Resources**](https://youth.workforcegps.org/resources/2017/03/22/09/55/~/~/link.aspx?_id=1D201FB7BEAA404EA16918E772D45F68&_z=z)

[**Workforce GPS Follow-up Technical Assistance Resources**](https://youth.workforcegps.org/resources/2017/03/22/09/55/~/~/link.aspx?_id=C8899A818F794561941389237DF746CC&_z=z)