

New Jersey Workforce Innovation Notice 13-16(A)

TO: Workforce Development System

FROM:

John Bicica, Chief,
Office of WIOA Technical Assistance and Capacity Building

SUBJECT: Required One-Stop Partners

DATE: December 15, 2016

Purpose

To provide local workforce development areas and partners with information related to the Workforce Innovation and Opportunity Act (WIOA) provisions regarding the required one-stop partners, including their roles and responsibilities within the one-stop system. This guidance includes the list of career services that the one-stop system partners are required to provide. The list is taken from the Final Rules and differs slightly from what sent in earlier guidance based on the Interim Rules. This information is provided to assist local areas in identifying opportunities to coordinate and leverage funding as required by WIOA.

Background

WIOA Sec. 121 (b) and 20 CFR 361.400 provide guidance regarding the required one-stop partners and optional partners. Local workforce development boards must enter into agreements with each required partner that has a presence in their area. These agreements, documented through memoranda of understanding, detail what services each partner will provide, how referrals are made between partners and how costs are shared, and other details related to the one-stop system. (see New Jersey Workforce Innovation Notice (NJWIN) 2-15 for additional information).

Required One-Stop Partners

There are 13 required one-stop partners. All of the programs authorized under Title I of WIOA are grouped as a single partner. When a program does not have a presence in a local area, they are not required. The required partner programs, as provided in 20 CFR 361.400, are:

(1) Programs authorized under title I of WIOA, including: (i) Adults; (ii) Dislocated workers; (iii) Youth; (iv) Job Corps; (v) YouthBuild; (vi) Native American programs;* and (vii) Migrant and Seasonal Farmworker programs;
(2) Employment services authorized under the Wagner-Peyser Act
(3) Adult education and literacy activities authorized under title II of WIOA;
(4) The Vocational Rehabilitation program authorized under title I of the Rehabilitation Act;
(5) The Senior Community Service Employment
(6) Career and technical education programs at the post-secondary level authorized under the Carl D. Perkins Career and Technical Education Act;
(7) Trade Adjustment Assistance activities
(8) Jobs for Veterans State Grants programs
(9) Employment and training activities carried out under the Community Services Block Grant
(10) Employment and training activities under the Department of Housing and Urban Development
(11) Programs authorized under State unemployment compensation laws (in accordance with applicable Federal law);
(12) Programs authorized under sec. 212 of the Second Chance Act (Reintegration of ex-offenders); and
(13) Temporary Assistance for Needy Families (TANF)

*Not present in New Jersey

Other Entities as One-Stop Partners

WIOA allows local areas to identify entities other than the required partners to function as additional partners. Local areas are encouraged to identify such entities to address gaps in service in their particular local area.

WIOA Sec. 361.410 provides that the following may also be one-stop system partners:

- Other entities that carry out a workforce development program, including Federal, State, or local programs and programs in the private sector, may serve as additional partners in the one-stop system if the Local Board and chief elected official(s) approve the entity's participation.
- Additional partners may include:
 - 1) Employment and training programs administered by the Social Security Administration, including the Ticket to Work and Self-Sufficiency Program
 - 2) Employment and training programs carried out by the Small Business Administration;
 - 3) Supplemental Nutrition Assistance Program (SNAP) employment and training programs,
 - 4) Client Assistance Program authorized under sec. 112 of the Rehabilitation Act of 1973
 - 5) Programs authorized under the National and Community Service Act of 1990; and
 - 6) Other appropriate Federal, State or local programs, including employment, education, and training programs provided by public libraries or in the private sector.

Entities that Serve as the One-Stop Partner for a Particular Program in a Local Area

20 CFR 361.415 describes what entities serve as the one-stop partner for a particular program in a local area:

(a) The entity that carries out the program and activities listed in 20 CFR 361.400 (those listed in the chart above) or 20 CFR 361.410, (other entities that may serve as one-stop partners) and therefore serves as the one-stop partner, is the grant recipient, administrative entity, or organization responsible for administering the funds of the specified program in the local area. **The term “entity” does not include the service providers that contract with, or are subrecipients of, the local administrative entity.** For programs that do not include local administrative entities, the responsible State agency should be the partner. Specific entities for particular programs are identified in paragraph (b) of this section. If a program or activity listed in 20 CFR 361.400 is not carried out in a local area, the requirements relating to a required one-stop partner are not applicable to such program or activity in that local one-stop system.

(b) For title II of WIOA, the entity that carries out the program for the purposes of paragraph (a) of this section is the sole entity or agency in the State or outlying area responsible for administering or supervising policy for adult education and literacy activities in the State or outlying area. The State eligible entity may delegate its responsibilities under paragraph (a) of this section to one or more eligible providers or consortium of eligible providers.

(c) For the Vocational Rehabilitation program, authorized under title I of the Rehabilitation Act, the entity that carries out the program for the purposes of paragraph (a) of this section is the designated State agencies or designated State units specified under sec. 101(a)(2) of the Rehabilitation Act that is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities. In New Jersey, there are two designated units: the Division of Vocational Rehabilitation Services, and the Commission of the Blind and Visually Impaired.

(d) Under WIOA, the national programs, including Job Corps, the Native American program, YouthBuild, and Migrant and Seasonal Farmworker programs are required one-stop partners. The entity for the Native American program and Migrant and Seasonal Farmworker programs is the grantee of those respective programs. The entity for Job Corps is the Job Corps center.

Note: There are no federal Native American programs in New Jersey

(e) For the Carl D. Perkins Career and Technical Education Act of 2006, the entity that carries out the program for the purposes of paragraph (a) of this section is the eligible recipient or recipients at the postsecondary level, or a consortium of eligible recipients at the postsecondary level in the local area. The eligible recipient at the postsecondary level may also request assistance from the State eligible agency in completing its responsibilities under paragraph (a) of this section.

Roles and Responsibilities of the Required One-Stop Partners

Each required partner must:

- 1) Provide access to its programs or activities through the one-stop delivery system, in addition to any other appropriate locations;
- 2) Use a portion of funds made available to the partner’s program, to the extent consistent with the Federal law authorizing the partner’s program and with Federal cost principles in 2 CFR parts 200 and 3474 (requiring, among other things, that costs are allowable, reasonable, necessary, and allocable), to:

- (a) Provide applicable **career services**; and

(b) Work collaboratively with the State and Local Boards to establish and maintain the one-stop delivery system. This includes jointly funding the one-stop infrastructure through partner contributions that are based upon:

- (i) A reasonable cost allocation methodology by which infrastructure costs are charged to each partner in proportion to the relative benefits;
- (ii) Federal cost principles; and
- (iii) Any local administrative cost requirements in the Federal law authorizing the partner's program. (This is further described in 20 CFR 361.700).

3) Enter into an MOU with the Local Board relating to the operation of the one-stop system that meets the requirements of 20 CFR 361.500(b);

4) Participate in the operation of the one-stop system consistent with the terms of the MOU, requirements of authorizing laws, the Federal cost principles, and all other applicable legal requirements; and

5) Provide representation on the State and Local Workforce Development Boards as required and participate in Board committees as needed. **(20 CFR 361.420)**

Career Services

The applicable career services to be delivered by the required partners are those listed in 20 CFR 681.430 (see below) that are authorized to be provided under each partner's program.

The Final Rules at 20 CFR 678.430 identify three categories of career services:

- **Basic Career Services**
- **Individualized Career Services**
- **Follow-up Career Services**

Basic Career Services-These are services that must be made available to all job seekers. They include informational and labor exchange services:

1) Determinations of whether the individuals are eligible to receive assistance from the adult, dislocated worker or youth programs;

2) Outreach, intake (which may include worker profiling), and orientation to the information and other services available through the one-stop delivery system;

3) Initial assessment of skill levels (including literacy, numeracy, and English language proficiency), aptitudes, abilities (including skills gaps), and supportive service needs;

4) Labor Exchange services, including—

- (i) Job search and placement assistance and, in appropriate cases, career counseling, including—

- (A) Provision of information on in-demand industry sectors and occupations; and

- (B) Provision of information on nontraditional employment; and

- (ii) Appropriate recruitment and other business services on behalf of employers, including small employers, in the local area, which services may include services described in this subsection, such as providing information and referral to specialized business services not traditionally offered through the one-stop delivery system;

5) Provision of referrals to and coordination of activities with other programs and services, including programs and services within the one-stop delivery system and, in appropriate cases, other workforce development programs;

6) Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—

(i) job vacancy listings in labor market areas;

(ii) information on job skills necessary to obtain vacant jobs listed; and

(iii) information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for those jobs;

7) Provision of performance information and program cost information on eligible providers of education, training and workforce services by program and type of providers;

(8) Provision of information, in usable and understandable formats and languages, about how the local area is performing on local performance accountability measures, as well as any additional performance information relating to the area's one-stop delivery system;

(9) Provision of information, in usable and understandable formats and languages, relating to the availability of supportive services or assistance, and appropriate referrals to those services and assistance, including Child care, child support, medical or child health assistance available through the State's Medicaid program and Children's Health Insurance Program; benefits under SNAP; assistance through the earned income tax credit and assistance under a State program for TANF and other supportive services and transportation provided through that program;

8) Provision of information and assistance regarding filing claims for unemployment compensation;

9) Assistance in establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under this Act;

10) Meaningful assistance to individuals seeking assistance in filing a claim for unemployment compensation.

“Meaningful assistance” means:

(A) Providing assistance on-site using staff who are well-trained in unemployment compensation claims filing and the rights and responsibilities of claimants; or

(B) Providing assistance by phone or via other technology, as long as the assistance is provided by trained and available staff and within a reasonable time.

(ii) The costs associated in providing this assistance may be paid for by the State's unemployment insurance program, or the WIOA adult or dislocated worker programs, or some combination thereof.

11) Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA.

Individualized Career Services-These are services that must be made available if determined to be appropriate in order for an individual to obtain or retain employment, Priority for Individualized Career Services for customers funded under the Title I adult program must be provided to participants who are public assistance recipients, other low-income individuals and individuals who are basic skills deficient (See NJWIN 11-16 for more information on priority of service under WIOA). These services include the following, as consistent with WIOA requirements and federal cost principles:

1) Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include—

- Diagnostic testing and use of other assessment tools; and
 - In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
- 2) Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of eligible training providers;
 - 3) Group counseling
 - 4) Individual counseling
 - 5) Career planning
 - 6) Short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment or training
 - 7) Internships and work experiences that are linked to careers
 - 8) Workforce preparation activities
 - 9) Financial literacy services
 - 10) Out-of-area job search assistance and relocation assistance
 - 11) English language acquisition and integrated education and training programs

Follow-up Services-These services are provided, as appropriate, to participants in adult and dislocated worker activities who are placed in unsubsidized employment, for a minimum of 12 months after the first day of employment. These services include counseling regarding the workplace, for participants in workforce investment 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

Definition of Access

Customers must have access to these programs, services, and activities during regular business days at a comprehensive one-stop center. The Local Workforce Development Board (WDB) may establish other service hours at other times to accommodate the schedules of individuals who work on regular business days. The State WDB will evaluate the hours of access to service as part of the evaluation of effectiveness in the one-stop certification process described in 20 CFR 361.800(b).

“Access” to each partner program and its services means:

- 1) Having a program staff member physically present at the one-stop center;
- 2) Having a staff member from a different partner program physically present at the one-stop center appropriately trained to provide information to customers about the programs, services, and activities available through partner programs; or
- 3) Making available a direct linkage through technology to program staff who can provide meaningful information or services.
 - (i) A “direct linkage” means providing direct connection at the one-stop center, within a reasonable time, by phone or through a real-time Web-based communication to a program staff member who can provide program information or services to the customer.
 - (ii) A “direct linkage” cannot exclusively be providing a phone number or computer Web site or providing information, pamphlets, or materials.
- 4) All comprehensive one-stop centers must be physically and programmatically accessible to individuals with disabilities, as described in 29 CFR part 38, the implementing regulations of WIOA Sec. 188. **[20 CFR 678.305(d)]**

Note: Local Workforce Development Boards are required to ensure, on an annual basis, that all one-stop centers in their area are evaluated for physical and programmatic accessibility to individuals with disabilities.

Coordination of Training Funds

WIOA requires that local boards coordinate training funds. The Final Rules at 20 CFR 680.230 describes coordination as the operator considering the availability of other sources of grants to pay for training costs:

WIOA funding for training is limited to participants who:

- 1) Are unable to obtain grant assistance from other sources to pay the costs of their training; or
- 2) Require assistance beyond that available under grant assistance from other sources to pay for the costs of such training.

One-stop operators must coordinate training funds available and make funding arrangements with one-stop partners and other entities. One-stop operators must consider the availability of other sources of grants to pay for training costs such as TANF, State-funded training funds, and Federal Pell Grants, so that WIOA funds supplement other sources.

Coordination of Youth Programs

The Final Rules at 20 CFR 681.470 state that non-WIOA funds can be used to provide WIOA youth program elements under certain conditions:

The Department does not require local programs to use WIOA youth funds for each of the program elements. Local programs may leverage partner resources to provide some of the readily available program elements. However, the local area must ensure that if a program element is not funded with WIOA Title I youth funds, the local program has an agreement in place with a partner organization to ensure that the program element will be offered. The Local Board must ensure that the program element is closely connected and coordinated with the WIOA youth program.

Action Required

This guidance should be shared with all relevant local board members and staff.

Rescissions

None

References and Links:

WIOA Sec. 121(b); 20 CFR 361. 305 (d); 400 et al; 800 et al. 20 CFR 680.320; 20 CFR 687 et al. NJWIN 2-15 <http://lwd.state.nj.us/labor/wioa/documents/techassistance/NJWIN%202-15.pdf>
NJWIN 11-16 [http://lwd.state.nj.us/labor/wioa/documents/techassistance/NJWIN11-16%20_priorityofservice\).pdf](http://lwd.state.nj.us/labor/wioa/documents/techassistance/NJWIN11-16%20_priorityofservice).pdf)

Authority

New Jersey Department of Labor and Workforce Development	X
State Employment And Training Commission	

Questions

For questions regarding this guidance, contact John Bicica, Chief, WIOA Technical Assistance and Capacity Building at john.bicica@dol.nj.gov.