

New Jersey

Workforce Innovation Notice 9-15

TO: Workforce Development Board Directors
One-Stop Operators
Employment Service Managers

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

SUBJECT: Training and Employment Guidance Letter 8-15

DATE: December 11, 2015

Purpose

To announce the issuance of Training and Employment Guidance Letter (TEGL) 8-15, which was issued by the United States Department of Labor Employment and Training Administration (ETA) on November 17, 2015.

Background

TEGL 8-15 was the second Title I Workforce Innovation and Opportunity Act (WIOA) Youth Program Transition guidance issued by ETA. The first guidance was issued on March 26, 2015, through TEGL 23-14.

Key Provisions-The following are important provisions from the TEGL. Some provisions (such as the changes in eligibility and low-income definitions) have been addressed in the previously issued WIOA Youth Eligibility Guidelines. The full TEGL can be accessed through the link in the “References and Links” section of this document.

Additional Assistance Barrier

One of WIOA’s eligibility criteria for in-school youth (ISY) is “an individual who requires additional assistance to complete an educational program or to secure or hold employment.” For out-of-school youth (OSY), this criterion is similar, but the provision has slightly changed from WIA, as WIOA has added the phrase “to enter”: “an individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.” The state and/or local area must establish definitions and eligibility documentation requirements for these criteria. In cases where the State Board establishes State policy on these criteria, the State Board must include the definition in the State Plan. In cases where the State Board does not establish a policy, the Local Board must establish a policy in their local plan, if using these criteria. Policies established at the state or local level should be reasonable, quantifiable, and based on evidence

that the specific characteristic of the youth identified in the policy objectively requires additional assistance. For example, “reading below grade level” is an example of an evidence-based, quantifiable characteristic; whereas, “low GPA” is an example of a policy needing more specificity. The policy would be improved if the characteristic were more specific and quantifiable, such as a youth with a GPA below a specific threshold.

In addition, there is a new limitation in WIOA related to the “additional assistance” criterion that applies only to ISY. WIOA Section 129(a)(3)(B) states that in each local area, not more than 5 percent of the ISY assisted may be eligible based on paragraph (1)(C)(iv)(VII), which refers to the barrier for an ISY who requires additional assistance to complete an educational program or to secure or hold employment. The Department recognizes many local areas relied on the “additional assistance” criterion under WIA and the 5 percent limitation for ISY is a significant change. This may result in additional services to ISY populations with more significant barriers to employment. States and local areas must ensure that in a given program year, no more than 5 percent of ISY enrolled in the program year are eligible only based on the “additional assistance” criterion. For PY 2015, the 5 percent limitation is only based on participants who enroll on or after July 1, 2015. For example, if a local area enrolls 100 ISY during PY 2015, only 5 of those 100 youth can be determined eligible using the “additional assistance” criterion. However, participants that were enrolled under WIA and carried into WIOA are not factored into the 5 percent “additional assistance” limitation.

Low-Income Exception. The “Additional Assistance” criterion referred to above is different from the 5 percent Low-Income eligibility exception. WIOA, like WIA, maintains a 5 percent low-income eligibility exception where 5 percent of local area participants who ordinarily would need to be low-income do not need to meet the low-income provision. Under WIA, the 5 percent low-income exception was calculated based on 5 percent of all youth participants enrolled in a given program year. However, because not all OSY are required to be low-income, the 5 percent low-income exception under WIOA is calculated based on the 5 percent of youth enrolled in a given program year who would ordinarily be required to meet the low-income criteria. For example, a local area enrolled 200 youth and 100 of those youth were OSY who were not required to meet the low-income criteria, 50 were OSY who were required to meet the low-income criteria, and 50 were ISY. In this example, the 50 OSY required to be low income and the 50 ISY are the only youth factored into the 5 percent low-income exception calculation. Therefore, in this example 5 of the 100 youth who ordinarily would be required to be low-income do not have to meet the low-income criteria based on the low-income exception.

Work Experience Expenditure Requirement. Title I of WIOA includes a new requirement that a minimum of 20 percent of local area funds must be spent on work experience. As stated in TEGL No. 23-14, program expenditures on the work experience program element can be more than just wages paid to youth in work experience. Allowable expenditures beyond wages can include staff time spent identifying potential work experience opportunities, staff time working with employers to develop the work experience, staff time spent working with employers to ensure a successful work experience, staff time spent evaluating the work experience, participant work experience orientation sessions, classroom training or the required academic education component directly related to the work experience, and orientations for employers

Partnership and Collaboration Opportunities with Title II – Adult Education and Family Literacy Act (AEFLA).

Title II creates a partnership among the Federal government, states, and localities to provide, on a voluntary basis, adult education and literacy activities in order to: assist adults to become literate and obtain the knowledge and skills necessary for employment and self-sufficiency; assist adults who are parents or family members to become full partners in the educational development of their children and lead to sustainable improvements in the economic opportunities for their family; assist adults in attaining a secondary school diploma and in the transition to postsecondary education and training, including through career pathways; and support English language learners in improving their English reading, writing, speaking, comprehension, and mathematics skills and acquiring an understanding of the American system of Government.

Individuals who are 16 years old or older and not enrolled in secondary school or required to be enrolled in secondary school under State law and meet the requirements of Section 203(4)(C) are eligible for Title II services. In this way, age eligibility for Title II services varies among states similar to youth eligibility criteria for OSY. Additionally, under WIOA, AEFLA expands what activities can be provided to eligible individuals. New activities include workforce preparation and integrated education and training, two activities that are prominent in the WIOA Youth program. This presents an important opportunity for Title I youth and Title II programs to coordinate to ensure successful education and employment outcomes for OSY. There are important changes in WIOA that should allow for increased alignment and coordination with WIOA Title I youth and Title II programs. Examples of where coordination can occur include:

Emphasis on low-skilled adults: Title II (AEFLA) includes requirements for states to consider a number of factors when awarding grants or contracts. Factors include whether providers are serving individuals who are most in need of adult education and literacy services, including those with low levels of literacy skills or who are English language learners and the past effectiveness of providers in improving literacy of eligible individuals, especially with respect to individuals who have low levels of literacy.

Integrated Education and Training, Workforce Preparation, and Career Pathways: WIOA promotes the integration of adult education with occupational education and training and workforce preparation, as well as the creation of career pathways for youth in Title I WIOA Youth Programs. The definition of “career pathway” is codified in WIOA Section 3(7). Title II authorizes the use of funds for integrated education and training and workforce preparation activities. Leveraging funding between WIOA Title II and the Title I Youth Program provides an opportunity to create a service strategy that concurrently enrolls OSY in education programs combined with workforce preparation and training. Partnering with Title II programs and leveraging resources effectively can assist local areas in meeting their requirement to develop and implement career pathways by aligning the employment, training, education, and supportive services youth need. (WIOA Section 107(d)(5))

Partnership and Collaboration Opportunities with Title IV –Rehabilitation Act. WIOA emphasizes and increases the requirements for the workforce system to meet the needs of individuals with disabilities, including students and youth with disabilities. WIOA places significant emphasis on serving students and youth with disabilities by increasing work opportunities to improve

workplace skills, including internships and apprenticeships. The Rehabilitation Act expands not only the population of students with disabilities who may receive certain services under the Vocational Rehabilitation (VR) program, but also the kinds of services the VR agencies may provide to students and youth with disabilities who are transitioning from secondary school to postsecondary education and employment. WIOA encourages pro-active engagement between the workforce development system and VR agencies around the strategic planning process, including the strategic vision and goals for preparing and educating all individuals served by the workforce system and for meeting the needs of employers. Examples of coordination opportunities include:

Pre-Employment Transition Services: WIOA amendments to the Rehabilitation Act require VR agencies to reserve at least 15 percent of Federal VR funds for the provision of pre-employment transition services to assist students with disabilities who need such services. Pre-employment Transition Services include: job exploration counseling; work-based learning experiences in an integrated environment in the community (including internships); counseling on enrollment in comprehensive transition or postsecondary educational programs; workplace readiness training to develop social skills and independent living; and instruction in self-advocacy, including peer mentoring; and other authorized activities (if funds are available and remaining after the required activities are provided). WIOA requires VR agencies and state and local educational agencies (LEAs) to coordinate and ensure the provision of pre-employment transition services for students with disabilities. Local workforce development boards should coordinate with VR agencies and educational agencies in serving in-school youth with disabilities and complement services provided by those agencies with WIOA services that VR agencies and LEAs are not able to provide.

Required Action: This guidance, and the related federal guidance, must be shared with all partner agencies who serve youth and all contracted providers of youth services, as well as all local area staff who serve youth.

References and Links: TEGL 8-15: http://wdr.doleta.gov/directives/attach/TEGL/TEGL_08-15.pdf TEGL 23-14: http://wdr.doleta.gov/directives/attach/TEGL/TEGL_23-14_Acc.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, Office of WIOA Technical Assistance and Capacity Building at john.bicica@dol.nj.gov