

BGWIB

BLUEGRASS WORKFORCE INNOVATION BOARD
"Connecting employers with employees"

Policy Manual - 2018



Introduction

This Policy Manual is for the Bluegrass Local Workforce Development Area supersedes all previous editions. All employees and subcontractors are subject to the terms and conditions of the Policy Manual. Employees and subcontractors are also subject to additional the terms and conditions set by their Employer of Record.

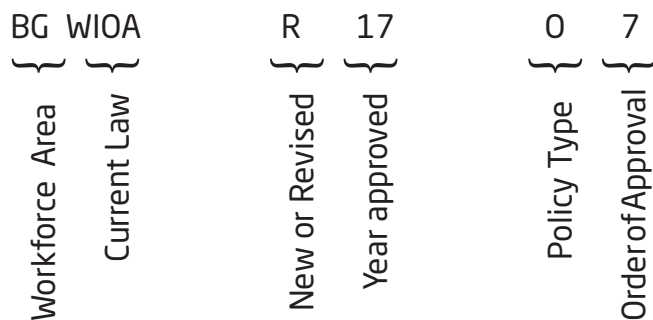
This manual provides policies to establish a standard that guides how employees and subcontractors conduct services and tasks pertaining to workforce within the Bluegrass area. The policies contained in this manual are in keeping with the requirements of Workforce Innovation and Opportunity Act of 2014.

The Bluegrass Workforce Innovation Board is committed to meaningful and quality workforce services in accordance with the established laws and regulations; thus the Policy Manual is designed to be the primary reference document for communicating and interpreting the WIOA, as well as, additional guidance provided by the Department of Labor and/or the Commonwealth of Kentucky. Separate documents/pamphlets with respect to the operation or administration of these programs are located electronically or through your Operations Manager.

Workforce documents must be consistent with any identified in this manual unless approval is granted by the Director for Workforce Services. This manual supersedes all inconsistent communications as well as prior policies and procedures.

It is the practice of the BGWIB to process applicable changes in these policies through our governance process. However, the BGWIB reserves the right to interpret, alter, reduce, or eliminate any practice or policy, in whole or in part, where changes in law or other circumstances render changes in the policy necessary to the welfare of the programs. As changes are made in policies, the appropriate pages in the manual will be brought up to date. A detailed log of these changes is maintained with the Fiscal Agent and Grant Subrecipient for the Bluegrass Local Workforce Area. The original Policy Manual is maintained by the Communications and Marketing Specialist.

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I. SUPPORTIVE SERVICES

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Policy Name: Out-of-Area Job Search
Policy Number: BGWIOA-N17-S1
Effective Date: June 28, 2017
Applies To: Adult, Dislocated Workers, Older Youth

- 1. Purpose:** The purpose of this policy is to provide guidance to the workforce staff including subcontracted staff, in documenting and justifying any decision made or action taken to assist Adult, Dislocated Workers, Older Youth participants with out-of-area job searches.
- 2. Background:** WIOA participants are eligible for out-of-area job search assistance as long as they meet the eligibility conditions outlined in WIOA.
- 3. Definitions:**
 - ADULT means an individual who is age 18 or older.
 - DISLOCATED WORKER means an individual who—
 - (A) (i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment, including separation notice from active military service (under other than dishonorable conditions)
 - (ii) is eligible for or has exhausted entitlement to unemployment compensation; or has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 121(e), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and
 - (iii) is unlikely to return to a previous industry or occupation;
 - (B) (i) 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, military installation or enterprise;
 - (ii) is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or
 - (iii) for purposes of eligibility to receive services other than training services described in section 134(c)(3), career services described in section 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility or military installation will close;
 - (C) was self-employed (including employment as a farmer, a 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;
 - (D) is a displaced homemaker; or
 - (E) (i) is the 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
 - (ii) is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in paragraph (16)(B).

4. Policy:

- A. An out-of-area job search allowance will be granted to assist workers in securing a job within the United States, if he/she meets the eligibility requirements. "Out-of-Area" is defined as that area beyond normal commuting distance (50 miles or more one way) from the participant's residence.
- B. Participants who have been notified of layoff or closure, but who have not as yet been separated from employment, are eligible for out- of area job search allowances to assist them in finding new employment.
- C. Participants enrolled in classroom training may also be eligible for out-of-area job search allowances as long as the job interview is in the field for which they are being trained and they are within ninety (90) days of their expected exit or graduation date.
- D. MILEAGE ALLOWANCE FEES: The amount of an out-of-area job search allowance will be based on a flat fee for total miles traveled (100 miles or more round trip) as contained in the chart below:

| |
|---------------------|
| Under 100 miles \$0 |
| 100-199 miles \$50 |
| 200 - 299 \$75 |
| 300 - 399 \$150 |
| 400 - 499 \$200 |
| 500 or more \$250 |

- E. The amount for each job search may not exceed \$250 unless the WIOA staff deems it necessary with documentation. The total job search allowance paid to one individual participant may not exceed \$750 regardless of the number of job searches undertaken.

5. Inquiries: Questions should be addressed to the Workforce Services Manager, Youth Services Manager and/or the Director of Workforce Services.

Policy Name: Relocation Assistance
Policy Number: BGWIOA-N17-S3
Effective Date: June 28, 2017
Applies To: Adult, Dislocated Workers, Older Youth

- 1. Purpose:** The purpose of this policy is to provide guidance to the workforce staff including subcontracted staff, in documenting and justifying any decision made or action taken to assist Adult, Dislocated Workers, Older Youth participants with relocation assistance.
- 2. Background:** WIOA participants are eligible for relocation assistance as long as they meet the eligibility conditions outlined in WIOA.
- 3. Definitions:**
 - ADULT means an individual who is age 18 or older.
 - DISLOCATED WORKER means an individual who—
 - (A) (i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment, including separation notice from active military service (under other than dishonorable conditions)
 - (ii) is eligible for or has exhausted entitlement to unemployment compensation; or has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 121(e), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and
 - (iii) is unlikely to return to a previous industry or occupation;
 - (B) (i) 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, military installation or enterprise;
 - (ii) is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or
 - (iii) for purposes of eligibility to receive services other than training services described in section 134(c)(3), career services described in section 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility or military installation will close;
 - (C) was self-employed (including employment as a farmer, a 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;
 - (D) is a displaced homemaker; or
 - (E) (i) is the 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
 - (ii) is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in paragraph (16)(B).

4. Policy:

- A. Relocation assistance provides financial assistance to participants who have accepted employment outside their commuting area that necessitates a move of fifty (50) miles or more from the family residence.
- B. Participants who have been notified of layoff or closure, but who have not as yet been separated from employment, are eligible for relocation assistance as long as they meet the approval conditions.
- C. Participants enrolled in classroom training may be eligible for relocation assistance as long as the job they have accepted is in their training field and they are within ninety (90) days of their expected exit date.
- D. Relocation assistance funds for the participant can be used for expenses, such as:
 - a. Packing and moving expense by commercial carrier,
 - b. Truck or trailer rental, including gasoline expense,
 - c. Gasoline expense for participant owned vehicle,
 - d. Daily lodging and meal expense while in travel status,
- E. **JOB TRANSFER WITHIN THE SAME COMPANY:** Individuals who transfer before total separation from one plant to another within the same company are not eligible for relocation assistance.
- F. **RETRAINING ACTIVITIES:** Relocation assistance will not be provided for individuals who are relocating to participate in classroom training or on-the-job training.
- G. **RELOCATION ASSISTANCE PAYMENTS:** Relocation assistance payments shall be made as one flat fee based on the distance from the previous residence to the new job site and according to the following scale:

| |
|-------------------------|
| 50 to 150 miles \$400 |
| 151 to 250 miles \$500 |
| 251 to 350 miles \$600 |
| 351 to 450 miles \$700 |
| 451 miles or more \$800 |

- H. Relocation assistance shall not exceed \$800 per relocation.

5. Inquiries: Questions should be addressed to the Workforce Services Manager, Youth Services Manager and/or the Director of Workforce Services.

Policy Name: Relocation Assistance
Policy Number: BGWIOA-N17-S3
Effective Date: June 28, 2017
Applies To: TRADE

- 1. Purpose:** The purpose of this policy is to provide guidance to the workforce staff including subcontracted staff, in documenting and justifying any decision made or action taken to assist TRADE participants with relocation assistance.
- 2. Background:** TRADE participants are eligible for relocation assistance as long as they meet the eligibility conditions outlined in the Trade Act of 1974 under § 617.42.4.
- 3. Definitions:** TRADE: Trade Adjustment Assistance or (TAA) is a federal program of the United States government to act as a way to reduce the damaging impact of imports felt by certain sectors of the U.S. economy. The program for workers is the largest, and administered by the U.S. Department of Labor.
- 4. Policy:**
 - A. Eligibility for a relocation allowance requires:
 - i. A timely filed application
 - ii. Total separation from adversely affected employment at the time relocation commences
 - iii. No prior receipt of a relocation allowance under the same certification
 - iv. Relocation within the United States and outside the individual's present commuting area
 - v. Registration with the State agency which shall furnish the individual such reemployment services as are appropriate under Subpart C of this Part 617
 - vi. A determination by the State agency that the individual has no reasonable expectation of securing suitable employment in the commuting area, and has obtained suitable employment affording a reasonable expectation of employment of long-term duration, or a bona fide offer of such suitable employment, outside the commuting area and in the area of intended relocation. For the purposes of this section, the term "suitable employment" means suitable work as defined in § 617.3(kk) (1) and (2), whichever is applicable to the individual and
 - B. (7) Relocation beginning within a reasonable period, as determined under § 617.43(b), and completion of such relocation within a reasonable period of time as determined in accordance with Federal travel regulations and § 617.43(a).
- 5. Inquiries:** Questions should be addressed to the Workforce Services Manager, Youth Services Manager and/or the Director of Workforce Services.

Policy Name: Childcare
Policy Number: BGWIOA-N17-S5
Effective Date: June 28, 2017
Applies To: Adults, Dislocated Workers, Older Youth, Trade

- 1. Purpose:** This purpose of this policy is to provide guidance to workforce staff, including subcontracted staff, on eligibility of participants in need of childcare assistance while in training.
- 2. Background:** This policy was established based on previous program methods.
 - Reference: BGWIOA-R17-T5 - ITA Policy
 - Reference: BGWIOA-R17-S6 - Need Related Payment
- 3. Definitions:**
 - A. An infant/toddler is defined as birth to two years and 11 months in age.
 - B. A preschooler is defined as three years to five years and 11 months in age.
 - C. A school age child is defined as six to 12 years and 11 months in age.
 - D. Full day is defined as five or more hours a day that a child attends a child-care provider.
 - E. Part day is defined as less than five hours a day that a child attends a childcare provider.
 - F. A Licensed Childcare Provider is defined as:
 - i. Type I - If childcare is provided in a dwelling for 13 or more children or in a non-dwelling for four or more children and the childcare provider has applied and been approved for a childcare license in the state of Kentucky.
 - ii. Type II - If childcare is provided in a dwelling for 7 to 13 children and the childcare provider has applied and been approved for a childcare li-cense in the state of Kentucky.
 - G. A Certified Childcare Provider is defined as childcare provider in a dwell-ing with a maximum of six unrelated children and the provider has applied and been certified by the state of Kentucky.
- 4. Policy:** For the participant's child to qualify for childcare the following guidelines must be met:
 - i. If the participant's child is in full day childcare the participant must be enrolled in school full-time and attending training at least three days per week.
 - ii. If the participant's child is in part day childcare the participant must be enrolled in training at least part time and attending training at least two days per week.
 - iii. Participants with children age 13 and above are not eligible for childcare unless the child has special needs or has a disability.
 - iv. School age children are only eligible for part day childcare while the child's school is in session.
 - v. Before any participant can be approved for childcare assistance, the participant must apply for assistance through the Child Care Council and documentation of such is in the participant's file.
 - vi. Rates for childcare will be based on the current childcare rates that have been established by Child Care Council.
 - vii. The childcare provider must be a Licensed or Certified Childcare Provider by the state of Kentucky.
 - viii. Total payment cannot exceed allowable totals for tuition, fees and, supportive services.
- 5. Inquiries:** Questions should be addressed to the Workforce Services Manager, Youth Services Manager and/or the Director of Workforce Services.

Policy Name: Needs Related Payment
Policy Number: BGWIOA-N17-S6
Effective Date: June 28, 2017
Applies To: Adult, Dislocated Worker

1. **Purpose:** Needs-related payments provide financial assistance to eligible participants for the purpose of enabling them to participate in training and are one of the supportive services authorized by WIOA. Unlike other supportive services, in order to qualify for needs-related payments a participant must be enrolled in training. The provision of needs-related payments is a discretionary local area activity.
2. **Background:** Relates to: 20 CFR §§ 680.930 through 680.970
3. **Definitions:**
 - Adult: Age 18 or over
 - Dislocated Worker: Age 18 or over and who lost his or her job through no fault of their own
4. **Policy:**
 - A. **Eligibility:**

Adults must meet all of the following conditions:

 - be unemployed;
 - not qualify for, or have ceased qualifying for, unemployment compensation; and
 - be enrolled in a program of training services under Sec. 134(c)(3) of WIOA.

Dislocated Workers must:

 - Be unemployed, and:
 - Have ceased to qualify for unemployment compensation or trade readjustment allowance under Trade Adjustment Assistance (TAA); and
 - Be enrolled in a program of training services under Sec. 134(c)(3) of WIOA by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility as a dislocated worker, or, if later by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months;

or

 - Be unemployed and did not qualify for unemployment compensation or trade readjustment assistance under TAA and be enrolled in a program of training services under Sec. 134(c)(3) of WIOA.
 - B. **Payments:**

Adults: The payment level will not exceed a lifetime total of \$2,000.00.

Dislocated Workers: The payment level for dislocated workers must not exceed the greater of either of the following:

 - The applicable weekly level of the unemployment compensation benefit for participants who were eligible for unemployment compensation as a result of the qualifying dislocation; or
 - The poverty level for an equivalent period, for participants who did not qualify for unemployment compensation as a result of the qualifying layoff. The weekly payment level must be adjusted to reflect changes in total family income as determined by Local Board policies.
 - C. **Training Delay:** Needs-related payments may be paid while a participant is waiting to start training classes, provided the participant has been accepted in a training program that will begin within thirty (30) calendar days. Extensions will not be granted to exceed more than thirty (30) calendar days.
5. **Inquiries:** Questions should be addressed to the Workforce Services Program Manager and/or the Director of Workforce Services.

Policy Name: Lodging
Policy Number: BGWIOA-N17-S7
Effective Date: June 28, 2017
Applies To: Adults, Dislocated Workers, Older Youth

- 1. Purpose:** This purpose of this policy is to provide guidance to workforce staff and sub-contractors on eligibility of participants in need of lodging for out-of-area training. WIOA participants are eligible for lodging funds if the training is located outside the Bluegrass Area and comparable training is not located inside the Bluegrass Area.
- 2. Background:** This policy was established based on previous program methods.
 - Reference: BGWIOA-R17-T5 - ITA Policy
 - Reference: BGWIOA-N17-S6 - Need Related Payment
- 3. Definitions:** Refer to WIOA guidelines for definition of Adult, Dislocated Worker and Older Youth.
- 4. Policy:**
 - A. Eligible participants must receive prior approval to receive lodging benefit.
 - B. A participant is only eligible for lodging assistance when deemed necessary to obtain training.
 - C. An eligible participant is allowed up to \$75.00 per day for lodging if funds are not being utilized through relocation assistance or out-of-area job search.
 - D. Total payments for tuition, books, and any supportive services cannot exceed total cost of training.
- 5. Inquiries:** Questions should be addressed to the Workforce Services Manager and/ or the Director of Workforce Services.

Policy Name: Tutoring
Policy Number: BGWIOA-N17-S8
Effective Date: June 28, 2017
Applies To: Adults, Dislocated Workers, Older Youth

- 1. Purpose:** This purpose of this policy is to provide guidance to workforce staff and sub-contractors on eligibility of participants in need of tutoring.
- 2. Background:** This policy was established based on previous program methods.
 - Reference: BGWIOA-R17-T5 - ITA Policy
 - Reference: BGWIOA-R17-S6 - Needs Related Payment
- 3. Definitions:** Tutor is defined as a person employed to instruct another in some branch or branches of learning, especially a private instructor. 2. a teacher of academic rank lower than instructor in some American universities and colleges.
Refer to WIOA guidelines for definition of Adult, Dislocated Worker and Older Youth.
- 4. Policy:**
 - A. Student/Participant must first attend tutoring sessions located at the training site such as adult education.
 - B. Tutoring as a supportive service will be permitted if the need for tutoring is recommended by an instructor for a participant.
 - C. No more than a total of \$250 per semester will be allowed for tutoring.
 - D. Total payments for tuition, books, and any supportive services cannot exceed total cost of training.
- 5. Inquiries:** Questions should be addressed to the Workforce Services Manager and/or the Director of Workforce Services.

Policy Name: Youth Work Experience
Policy Number: BGWIOA-R17-S10
Effective Date: May 23, 2017
Applies to: Youth (Older)

- 1. Purpose:** This purpose of this policy is to provide guidance to Youth Coordinators and Subcontractors on the background, reason, and implementation of paid or unpaid internships and/or work experience for the Youth Program.
- 2. Background:** This policy was established based on previous program methods. At least 20 percent of local Youth formula funds must be used for work experience, such as summer and year-round employment, pre-apprenticeship, on-the-job training, or internships and job shadowing.

For additional information regarding Guidance used to create this policy reference:

- WIOA section 129(c)(4)
- WIOA section 181
- (TEGL 21-16) Youth Formula Program Guidance20
- (TEGL_23-14-12) Expanded Work Experience Focus.
- (TEGL 08-15) Training and Employment Guidance Letter
- CFR § 680.700 Requirements for OJT
- CFR § 680.840 Work Experience and Labor Disputes
- CFR § 681.570 Supportive Services
- CFR § 681.570 Work Experience Priority
- CFR § 681.600 What is Work Experience
- CFR § 683.200 Fiscal and Administrative Rules for WIOA
- CFR § 683.275 Wage and Labor Standards for WIOA

3. Definitions:

- In-School Youth - Youth ages 16 to 21 and meet one or more of the following conditions:
Basic skills deficient; English language learner; an offender; homeless, runaway, in foster care or aged out of the foster care system; pregnant or parenting; an individual with a disability; person who requires additional assistance to enter or complete an educational program or to secure and hold employment.
- Out-of-School Youth - Youth ages 18 to 24 and meet one or more of the following conditions:
School dropout; within age of compulsory attendance but has not attended for at least the most recent complete school year calendar quarter; holds a secondary school diploma or recognized equivalent and is low-income and is basic skills deficient or an English language learner; subject to the juvenile or adult justice system; homeless, runaway, in foster care or aged out of the foster care system, eligible for assistance under Section 477, Social Security Act, or in out-of-home placement; pregnant or parenting; an individual with a disability; low income person who requires additional assistance to enter or complete an educational program or to secure and hold employment.
- Fourteen Youth Program Elements - (1) Tutoring/Drop-out Prevention; (2) Drop-out Recovery/Secondary School Services; (3) Paid and Unpaid Work Experience; (4) Post-Secondary Education; (5) On-the-Job Training, Occupation Specific Training; (6) Leadership Development; (7) Supportive Services; (8) Adult Mentoring; (9) Follow-up Services; (10) Drug and Alcohol Abuse Counseling; (11) Financial Literacy Education; (12) Entrepreneurial Skills Training; (13) Labor Market and Employer Information; (14) Preparation for Post-Secondary Education.

- Work Experience - Work experience is classified as: paid or unpaid - summer and/or year-round employment, pre-apprenticeship, on-the-job training, internships and job shadowing. The Work Experience program has three primary focuses: 1) to allow for first experience in a job, where the youth is screened and tutored in soft skills. 2) To allow a youth to find gain experience for a resume for the purpose of gaining full time, permanent, and self-sufficient employment, 3) In lieu or supportive services, when a youth is in training, similar to a “work study” program.

If the youth is a dropout, they use the career exploration process to illustrate how important a diploma/HSE is, along with additional training-either worksite or classroom-based in order to get a job that has career potential and the opportunity to advance and make more than minimum wage. A promise of incentive payments and a paid work experience assignment are often used to get the youth to participate in career exploration activities and complete their high school education. Work experience assignments are then developed, primarily in the private sector, in a career field in which the youth is interested. A relationship with local employers has been developed through a strong business services program, and is critical to placing these youth in employment upon program completion.

- Youth Incentive- A payment used to produce greater output or investment in the outcome of goals for youth enrolled in the program. Youth Incentives are identified through the Bluegrass LWDA Request for Proposal (RFP) process. Incentives are approved based on the award of a contract with the youth provider.
- Paid and Unpaid Work Experience - Paid and unpaid work experiences that have academic and occupational education as a component of the work experience, which may include the following types of work experiences:
 - i. summer employment opportunities and other employment opportunities available throughout the school year;
 - ii. pre-apprenticeship programs;
 - iii. internships and job shadowing; and
 - iv. on-the-job training opportunities;

4. Eligibility:

- Participant Eligibility

All youth participants enrolled in WIOA services are eligible for participation in work experience activities, provided the activities are deemed in line with the individual’s career plan and service strategy.

- General Work Experience Employer Eligibility

Potentially eligible companies able to participate in youth work experience contracting include: private for profit businesses, private non-profit organizations, and public sector employers. WIOA youth providers are responsible for ensuring that the on-site supervisors of all youth participants placed in paid or unpaid work experience have all applicable child abuse and criminal background check clearances.

- Paid Work Experience Employer Eligibility

The provider organization with which the youth is enrolled serves as the employer of record and is responsible for ensuring that wages are paid on time and in full. Non-profit, for-profit, and public entities are eligible to serve as paid work experience sites. A company will not be eligible to host a youth participant for work experience if:

- The company has any other individual on layoff from the same or substantially equivalent positions.
- The youth paid work experience would infringe upon the promotion or displacement of any currently employed worker or cause a reduction in their hours.
- The same or a substantially equivalent position is open due to a hiring freeze.
- The employer is a private for-profit employment agency, i.e. temporary employment agency, employee leasing firm, or staffing agency.

5. Requirements:

- A. Request for Proposals (RFP)'s will establish youth work experience range and limits.
- B. The establishment of youth work experience must be outlined in process and amount in the awarded contract with the youth provider.
- C. Per WIOA regulations (20 CFR 683.200(g)), "no individual may be placed in an employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual." For the purpose of this policy, the term "immediate family" includes a spouse, child, son-in-law, daughter in-law, parent, mother-in-law, father-in-law, sibling, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, and grandchild.
- D. Provider costs of administering paid and unpaid work experience programs are allowable costs under this policy.

- **Employer Requirements:**

With assistance from youth contractor staff, participating employers must guarantee that:

- i. The training to be provided will be in accordance with the Workforce Innovation and Opportunity Act (WIOA) 181(a)(1)(A), and 683.275 or wage and labor standards. Worker protection requirements are set forth in WIOA Sections 181(a) (1) (A) and (B), (b) (2), (3), (4) and (5) and 188.
- ii. All applicable child labor laws are followed.
- iii. The employer agrees to cooperate with monitoring efforts as required by WIOA legislation and adhere to all other applicable local, state and federal rules and regulations.
- iv. Ensure funds are not used to directly or indirectly assist, promote or deter union organizing.
- v. Employers must agree to respond to workforce development system staff requests for wage and retention information of participants.
- vi. Employers are expected to provide a job description before the start of the work experience and complete periodic evaluations and exit on-site evaluation of youth.

6. Policy:

- A. If outlined in youth contractor's agreement, provider can provide paid work experience.
- B. Work Experience will be for no more than 320 hours at the prevailing wage, but not less than minimum wage.

- Exceptions to the 320 hour limit may be made under special circumstances as approved by the Youth Subcommittee, Full Board, or Executive Committee if funds are available.
- C. Employers must sign a Work Experience agreement.
- 7. Inquiries:** Questions should be addressed to the Youth Program Manager, Workforce Services Manager and/or the Director of Workforce Services.

Policy Name: Proctoring of Computerized Assessments
Policy Number: BGWIOA-N17-S11
Effective Date: June 28, 2017
Applies To: All Staff and Sub-Contractors

- 1. Purpose:** All staff, including subcontracted staff, are to uphold the integrity of all assessments by following established guidelines for proctoring computerized testing.
- 2. Background:** The Kentucky Career Center and subcontractor staff use various testing methods based on employer and job seeker need. Based on the individual contract with that testing company some tests may be permitted to be utilized outside of the career center or career center equipment and others may not. This policy should also provide guidance on sharing of test results.
- 3. Definitions:**
 - Proctor: a person who monitors students during an examination.
 - Staff: Individuals paid by WIOA funds, either directly or through a subcontractor.
- 4. Policy:** Tests and examinations through the Kentucky Career Center - Bluegrass can be accomplished by various means depending on the requirements of the employer and the contract agreement with the test issuer (company owning the tests).

Non-Proctored Testing:

Not all assessments require proctors. Take-home exams, low-stakes quizzes, or training materials can be issued without proctoring. If a staff person is unsure if the test calls for proctoring, then the highest level of concern should be taken and no information on the test should be permitted outside of the proctoring area.

Non-proctored tests or examinations are administered without a proctor and allow for individuals to take exams at a location of their convenience and within a time frame specified by the employer, trainer, or the issuing company. Take-home exams are included in this category. Non-proctored examinations are permitted at the discretion of the hiring company, issuing company, or trainer. The time frame of the non-proctored exam should be explained to the individual prior to issuing.

Individuals must adhere to procedures and time frames indicated by the hiring company, issuing company, or trainer.

Proctored Testing:

Proctored tests or examinations must be managed by a person or service that administers and monitors assessments. A proctor has the responsibility of verifying the identity of the test taker, ensuring appropriate test conditions are met, and monitoring the actual tests or exams.

Verifying identity may be done through any photo identification, unless additional confirmation is required through the employer requesting the assessment.

On-Site Proctored Testing:

Generally, a staff person will administer and monitor tests and examinations. At the Kentucky Career Center - Bluegrass, staff are usually responsible for administering and supervising on-site tests and examinations. All staff and any volunteer proctors must adhere to their confidentiality policy and procedures regarding the use of proctors.

Costs and Notifications:

The Workforce Services or Business Services Manager must be notified prior to the time of registration or enrollment of any projected costs associated with verification of identity (e.g., costs associated with off-site or online proctoring) and proctoring. In addition, these costs must be approved by the Workforce Services or Business Services Manager or other authorized party prior to incurring the cost.

Individuals with Special Needs:

In accordance with the Americans with Disabilities Act, individuals with bona fide disabilities will be afforded reasonable accommodation. The Office for Vocational Rehabilitation and/or Veteran's Services will certify a disability and advise staff members of reasonable accommodations. Individuals with a specific disability that requires accommodation during testing (e.g., additional time) should notify the instructor and provide documentation of specialized need. If accommodations are necessary during proctored testing, it is the staff's responsibility to make sure that accommodations are made. If the facility is not equipped with the specialized equipment needed to proctor the assessment, the staff should contact the Office for Vocational Rehabilitation and/or Veteran's Services for assistance.

Process for Proctoring Assessments:

At the time of assessment, the staff member is required to verify the ID of the individual testing, inform the individual of what is both allowable and not allowable based on the unique test requested by the employer.

Examples: Scratch paper or calculator may be allowable during testing. Receiving assistance on an assessment or assessment question; leaving the designated area for any reason with or without the session ID; or discussing any part of the assessment is never allowable during testing.

Employer specific tests issued through the Kentucky Career Center - Bluegrass should be proctored as instructed by the employer. If the employer has no specific set of guidelines, then staff should utilize their best judgment while following the basic guidelines outlined in this policy.

Confidentiality of Individuals Assessment Results:

Staff should follow confidentiality protocol put in place by the Bluegrass Workforce Innovation Board. If the employer requests the test results be sent to a member of staff for review prior to delivery to the employer, it is the responsibility of that staff to keep the test results private. The staff, the employer, and the assessment taker (upon request) should be the only people who are permitted access to the results. A copy of the results should be placed in file for documentation.

- 5. Inquiries:** Questions should be addressed to the Communications and Marketing Specialist and/or the Director of Workforce Services.

Policy Name: Transportation Payments
Policy Number: BGWIOA-N16-S12
Effective Date: October 12, 2016
Applies To: Adults, Dislocated Workers, Older Youth, Trade

- 1. Purpose:** This purpose of this policy is to provide guidance to WIOA staff on the background, reason, and implementation of incentives for the Transportation Payment Policy as defined by CFR 617.28.
- 2. Background:** This policy was updated and approved on October 12, 2016 in order to clarify the commuting area for TAA eligible individuals.
- 3. Definitions:**
 - TAA - Trade Adjusted Allowance.
 - CFR - Code Federal Regulations
 - Commuting area for TAA eligible is defined by the state as 30 miles one way from the trainee's home to the training facility as determined by mapquest.com.
- 4. Policy:**
 - Requirements: A trainee under this Subpart C shall be afforded supplemental assistance necessary to pay transportation expenses if the training is outside the commuting area, but may not receive such assistance if transportation is arranged for the trainee as part of a group and paid for by the State agency or to the extent the trainee receives a payment of transportation expenses under another Federal law, or to the extent the individual is entitled to be paid or reimbursed for such expenses from any other source.
 - Guidelines: A transportation allowance shall not exceed the lesser of: the actual cost for travel by the least expensive means of transportation reasonably available between the trainee's home and the training facility; or the cost per mile at the prevailing mileage rate authorized under the Federal travel regulations. See 41 CFR Part 101-7, not to exceed allowable reimbursement based on locale.
- 5. Inquiries:** Questions should be addressed to the Workforce Services Manager and/or the Director of Workforce Services.

Policy Name: Youth Incentive
Policy Number: BGWIOA-R17-S14
Effective Date: November 14, 2017
Applies to: Youth

- 1. Purpose:** This purpose of this policy is to provide guidance to Youth Coordinators and Subcontractors on the background, reason, and implementation of incentives for the Youth Program.
- 2. Background:** This policy was established based on previous program methods.
- 3. Definitions:**
 - In-School Youth - Youth ages 16 to 21 and meet one or more of the following conditions:
 - Basic skills deficient; English language learner; an offender; homeless, runaway, in foster care or aged out of the foster care system; pregnant or parenting; an individual with a disability; person who requires additional assistance to enter or complete an educational program or to secure and hold employment
 - Out-of-School Youth - Youth ages 18 to 24 and meet one or more of the following conditions:
 - School dropout; within age of compulsory attendance but has not attended for at least the most recent complete school year calendar quarter; holds a secondary school diploma or recognized equivalent and is low-income and is basic skills deficient or an English language learner; subject to the juvenile or adult justice system; homeless, runaway, in foster care or aged out of the foster care system, eligible for assistance under Section 477, Social Security Act, or in out-of-home placement; pregnant or parenting; an individual with a disability; low income person who requires additional assistance to enter or complete an educational program or to secure and hold employment.
 - Fourteen Youth Program Elements - (1) Tutoring/Drop-out Prevention; (2) Drop-out Recovery/Secondary School Services; (3) Paid and Unpaid Work Experience; (4) Post-Secondary Education; (5) On-the-Job Training, Occupation Specific Training; (6) Leadership Development; (7) Supportive Services; (8) Adult Mentoring; (9) Follow-up Services; (10) Drug and Alcohol Abuse Counseling; (11) Financial Literacy Education; (12) Entrepreneurial Skills Training; (13) Labor Market and Employer Information; (14) Preparation for Post-Secondary Education.
 - Work Experience - If the youth is a dropout, they use the career exploration process to illustrate how important a diploma/HSE is, along with additional training-either worksite or classroom-based-in order to get a job that has career potential and the opportunity to advance and make more than minimum wage. A promise of incentive payments and a paid work experience assignment are often used to get the youth to participate in career exploration activities and complete their high school education. Work experience assignments are then developed, primarily in the private sector, in a career field in which the youth is interested. A relationship with local employers has been developed through a strong business services program, and is critical to placing these youth in employment upon program completion.-
 - Youth Incentive - A payment used to produce greater output or investment in the outcome of goals for youth enrolled in the program. Youth Incentives are identified through the Bluegrass LWDA Request for Proposal (RFP) process. Incentives are approved based on the award of a contract with the youth provider.

4. Requirements:

- Request for Proposals (RFP)'s will establish youth incentives range and limits.
- The establishment of youth incentives must be outlined in process and amount in the awarded contract with the youth provider.

5. Policy:

- A. A literacy and numeracy goal must be set if a youth tests below a grade level of 8.9. Contractors may provide incentives for each literacy and numeracy goal that is set and attained. Definition of attainment is increasing one or more educational functioning levels on allowable test.
- B. Contractor may provide incentives for the following activities or accomplishments.
 - 1) High school diploma or GED obtained by a youth.
 - a. Incentive will be provided to participant once diploma or GED is submitted to youth contractor.
 - 2) Completion of a Work Readiness Series.
 - a. Contractor to establish an agreed upon set of workshop/activities required for occupational training and/or employment.
 - 3) Successful completion of work experience, internship, or OJT.
 - a. Positive completion of this activity includes no more than 5% unexcused absences, positive monitoring report, and/or measure(s) acceptable to outcome.
 - 4) Unsubsidized employment and employment retention.
 - 5) Successful placement in a Registered apprenticeship or a Learn and Earn program
 - 6) Successful completion of a Learn and Earn credential program.
 - 7) Successful attainment of a post-secondary credential.

- 6. Inquiries:** Questions should be addressed to the Youth Program Manager and/or the Director of Workforce Services.

II. TRAINING SERVICES

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Policy Name: On-the-Job Training (OJT)
Policy Number: BGWIOA-R18-T3
Effective Date: March 10, 2018
Applies to: Adults, Dislocated Workers, Older Youth

1. Purpose: The purpose of the OJT program is to enable a WIOA participant to learn a job skill or qualify for a specific occupation through demonstration and practice. The training program is developed through the On-The-Job Training Agreement with either private, private nonprofit, or public employers. The employer agrees to hire and train the OJT participant, with the intention of retaining them as a regular employee after the completion of training.

OJT agreements must ensure that WIOA participants are provided a structured training opportunity in which to gain the knowledge and competencies necessary to be successful in the occupation in which they receive training. OJT Training Agreements and required attachments must identify the occupation, the skills to be learned, and the length of time the training will be provided.

2. Background: (Replaces: BGWIOA-N16-T3) The Bluegrass Area Development District workforce services staff on behalf of the Bluegrass Workforce Innovation Board (BGWIB), will develop and negotiate OJT agreements based on the information provided in this policy. Priority will be given for development of OJT agreements with private employers with an emphasis on target industry sectors.

- OJT agreements shall be offered only to positions that offer:
 - a.) "In-demand" or "high demand" sectors as determined by the Bluegrass Workforce Innovation Board.
 - b.) Wages and benefits that lead to family self-sufficiency;
 - c.) Ensure long-term self-sufficiency for their employees;
 - d.) Exhibit a strong pattern of union-management cooperation.

3. Definitions:

- High Demand or In-Demand - Those occupations which meet the following three criteria as set by the BGWIB: projected growth rate, projected number of new jobs added, and median annual earnings.
- On-the-Job Training - A training option designed to be conducted in the high skill, demand-driven occupations appropriate for the WIOA participant. It is not subsidized employment for low-skill occupations that need very little training time.

4. Policy:

A. Requirements:

- a. Potential employees may be recruited by the employer or referred by Kentucky Career Center - Bluegrass staff. Eligibility for WIOA services must be determined. No eligible employee can be hired using an OJT until contract effective date has been determined and contract signed.
- b. OJT is only appropriate for the length of time necessary for the WIOA participant to be trained in the specific occupation, but not to exceed 24 weeks.
- c. OJT agreements may be written for eligible employed workers when:
 - i.) the employee is not earning a self-sufficient wage as determined by the Bluegrass Workforce Innovation Board (BGWIB),

- ii.) the required rules, regulations, and policies of the WIOA, Public Law 110.28 are met, 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 identified by the BGWIB.
- d. Agreement negotiations must be conducted with the employer/owner or a person who has the authority to act on behalf of, and make decisions for, the company. The negotiation process must include a review of all OJT rules and regulations in order to lessen audit exceptions and problems of non-compliance with the laws and the agreement rules.

B. Employer Eligibility:

The following list provides means for determining an employer's eligibility for an OJT agreement:

- a. In all cases the final selection (hiring) of the employees will be left to the Employer. However, the employer will give special consideration to the hiring of qualified disabled veterans, Vietnam Era veterans, and recently separated veterans.
- b. The employer must be located in one of the seventeen counties of the Bluegrass Workforce Area. An employer located in a Kentucky county outside of the area may be eligible if the OJT employee is a resident of the Bluegrass Workforce Area. The employer has been in operation for at least six (6) months at the location where the trainees will be working.
- c. Working Conditions and Labor Laws: OJT trainees must be subject to the same personnel rules, working conditions and benefits as regular employees at the same level and to the same extent as other employees working a similar length of time and doing the same type of work. If the trainee will not be covered by the required benefits, an agreement cannot be written.
- d. The employer has a bona fide job vacancy and/or is able to give a specific date for expansion of the workforce.
- e. The employer agrees to retain the employee after completion of the training period provided the trainee satisfactorily completes the training. This does not preclude the employer from terminating a trainee that is determined to be unable to master the training or dismissing him/her for what the employer deems good cause.
- f. No employer may hire a WIOA participant to train under the OJT Program if a member of that person's immediate family is engaged in an administrative capacity for that employer.
- g. The employer must certify that neither the employing company nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or excluded from participation in the OJT Program by any Federal Department or Agency.
- h. It is intended that OJT assistance be available only to those employers who provide year-round employment. No intermittent, seasonal, or temporary work will be allowed through an OJT agreement.
- i. The employer must not be in violation of Local, State, or Federal labor laws.
- j. The employer is experiencing no current abnormal labor conditions (i.e., strike or lockout in the occupations considered for the OJT).

No WIOA participant shall be employed or job opening filled when:

- i. any other individual is on layoff from the same or any substantially equivalent job or to reduce the hours of those employed workers below their normal work schedule, or*
 - ii. for a position which will deny a current worker promotional opportunities, or*
 - iii. when the employer has terminated the employment of any regular employee or otherwise reduced its workforce with the intention of filling the vacancy so created by hiring a participant whose wages are being subsidized.*
- k. The employer has not previously abused or misused federally funded OJT programs as a means of subsidizing his/her payroll and/or by his/her failure to operate such programs in compliance with applicable agreement rules and regulations.
 - l. If the employer has entered into an agreement with a temporary staffing agency with the intent of transitioning those employees to permanent status with that employer, an OJT agreement is possible if the new employee needs additional training or is hired into an entirely new occupation.
 - m. Highly mobile, highly competitive industries where minimal training is required will be considered on an individual basis.
 - n. Industries with a substantial number of experienced and able workers presently unemployed and available to fill job openings, with no extraordinary amount of training, will not be eligible.

B. Occupational Eligibility:

OJT agreements shall be offered in those occupations that provide opportunities not otherwise available to participants. The jobs shall lead to self-sufficiency and provide upward mobility.

Occupations that are eligible for OJT agreements include:

- a. Occupations where there is a demonstrated need for qualified workers in the occupation and offer a reasonable expectation of employment after the training period.
- b. Occupations that are for full-time positions. For definition purposes, full-time employment is a 32-hour week, except where fewer hours are "normal" to the occupation, but no less than thirty (30) hours per week. Persons with disabilities, older workers, or other persons that specifically need to work fewer hours, may be exempt from the general rule if documented in the IEP (Individual Employability Plan). Reimbursement for each participant will be limited to a maximum of 40 hours per week. Any time worked above 40 hours cannot be submitted but does limit the participant from working more than 40 if required. Participants in OJT shall be paid the same wages as other workers in the same or similar jobs, but in no event shall it be less than \$10.00 per hour.
- c. Occupations that meet prevailing standards with respect to wages, hours, and conditions of employment.
- d. All employees under the On-The-Job Training Program will be subject to the same company rules and regulations as any other employee. They shall be covered by worker's compensation in compliance with Kentucky Revised Statutes. All fringe benefits and working conditions that are extended to other employees, in similar or equal positions, shall be extended to all

trainees. The employer will be required to furnish all necessary materials, equipment, and supplies as needed to complete training, as they would for any other trainee.

- e. Occupations that are not eligible include, but are not limited to:
 - i. Occupations dependent on commission as the primary source of income (this does not include those jobs which have a guaranteed base wage of at least the federal minimum wage in addition to commission pay and such guaranteed wage will continue after the training period. In any event the total base wage plus commission should be at least the minimum OJT starting wage rate established by the BGWIB).
 - ii. Intermittent, seasonal, or temporary occupations.
 - iii. Occupations that involve political or religious activity.
 - iv. Occupations experiencing or having a large turnover in employees and highly mobile, highly competitive industries where minimal training is needed. Such occupations are customarily in low skilled or unskilled jobs, which require only short demonstration in order to perform the job tasks. Examples include but are not limited to fast food and some retail sales jobs.
 - v. Industries/occupations in the local labor market with a substantial number of experienced and able workers presently unemployed and available to fill job openings with no extraordinary amount of training.
 - vi. Occupations to be included under a leasing contract, whereby staff of the leasing contractor fills job openings for a particular occupation at a business facility.
 - vii. Establishments relocating from one area to another within the previous six (6) months unless it is determined that such relocation will not result in an increase in unemployment in the area of the original location or any other area.
 - viii. Occupations where adequate supervision and/or monitoring is not available.
- f. Apprenticeship Occupations: When training is proposed for apprenticeship occupations, the BGWIB will notify the Bureau of Apprenticeship and Training representatives regarding the linking of the OJT with apprenticeship training. For a complete listing of apprenticeship occupations, consult the listing of Occupations Recognized as Apprenticeable by the Bureau of Apprenticeship and Training.

C. WIOA Participant Eligibility:

- a. No person should be trained who has the basic skills and knowledge required for satisfactory performance in said occupation(s). This determination will be accomplished thru testing by WIOA Staff or appropriate required WIOA agency.
- b. No WIOA participant who is to be hired into a training position under an OJT agreement may be employed by the OJT employer prior to the effective date of the agreement or prior to the date of WIOA-eligibility determination. If funds are limited, WIOA-eligible participants must meet required priority status for service.

- c. NO OJT participant may be a member of the subcontractor's immediate family. For the purposes of this policy "immediate family" shall mean as spouse, children, parents, siblings, grandparents, grandchildren and immediate in-laws (same relation to spouse as identified for employee).

D. Negotiation of Contracts:

- a. After the employer and occupational guidelines are met, Kentucky Career Center - Bluegrass Business Services Specialist may negotiate the terms of an OJT agreement and complete the OJT Employer Checklist. This checklist will provide the information for completing the agreement. The original OJT Employer Checklist shall become a part of the agreement file. It is imperative to cover the terms in the OJT agreement with the employer prior to submitting the contract to BGWIB for consideration.
- b. The employer must provide Worker's Compensation Insurance. If the employer does not have the coverage, an agreement will not be negotiated.

E. Guidelines:

- a. Maximum number of OJT training positions allowed per employers:
 - i. Companies with 1 to 4 employees - WIOA OJT contracted positions will not exceed one (1) at any time;
 - ii. Companies with 5 or more employees - WIOA OJT contracted positions will not exceed a ratio of 25 percent of the employer's total number of employees at any given time;
- b. Training Outline: The job description must accurately reflect the duties of that job -- not just what is listed in O'NET or the Dictionary of Occupational Titles.

The Training Outline should identify skills to be acquired for the actual job and they should be converted into action terms. Example: a job description that originally says "typing, filing, data processing on the computer" should be revised to read "Learn to type business letters and business reports on a computer. Learn to maintain an established filing system. Learn the basics of Microsoft Office programs".

Training outline and job description with number of hours to achieve job entry level skill will be provided by employer. The Business Services Manager will assure that these are in compliance with Board policy.

- c. Length of Training: An OJT agreement is limited to the period of time required for a participant to become proficient in the occupation for which the training is being provided. In determining the appropriate length of the training, consideration should be given to the skill requirements of the occupation, the transferrable skill level of the participant, prior work experience, and the participant's Individual Employment Plan. No training period can be more than 24 weeks.

Training Outlines are used to summarize the specific skill requirements for an employer-based training program. They are also used as an assessment tool to document which skills the trainee lacks at the start of training and help measure skill attainment during the course of training.

- d. Employee/Trainee Wages: WIOA Participant in an OJT slot shall be paid the same wage as other workers being hired for the same or similar job but in no event shall it be less than \$10.00 per hour.

If the proposed training is for a salaried position, determine an hourly rate for OJT agreement purposes by dividing the salary for one-pay period by the

expected number of hours to be worked in that pay period. Be sure that the hourly rate in this calculation at least meets the \$10.00 per hour rate for the BGWIB OJT Agreement.

To determine the OJT reimbursement rate, divide the actual hourly wage by 2. Always round down to be sure the reimbursement rate does not exceed 50 percent of the employee/trainee's hourly rate of pay. Example: Hourly rate of pay is \$10.55 divided by 2 equals \$5.275. The OJT reimbursement rate would be \$5.27 after rounding down.

Agreements should not be modified to accommodate wage increases after the agreement beginning date. Usual and customary wage increases are between the employee and the employer and should occur outside of this agreement. Reimbursement to employers shall be made only for actual OJT training time and shall not include reimbursement for wages paid to WIA participants for holidays, sick leave, vacation time, etc.

Note: The Bluegrass Workforce Area establishes a minimum wage level that an agreement may be written for. This will be increased periodically based on wage levels and labor market intelligence in the regional labor market.

F. Writing an OJT Agreement:

- a. OJT Master Agreements are to be completed by using the On-the Job Training Agreement. The OJT Requirements are a part of the agreement. The Master Agreement shall be written for no more than twelve (12) months, but expiring June 30 of each year, and will allow additional OJT trainees to be added by completing only the OJT Training Outline on each trainee. This will alleviate the duplication of having to complete an Agreement and Employer Checklist each time an OJT trainee is hired during the year.
 - i. The business/company name should be listed as the Employer. The employment date of an OJT employee cannot be prior to the effective date of the agreement.
 - ii. General information, such as name, address, phone, etc. should be listed for the Fiscal Agent of the BGWIB and the employer. Employer information such as the Federal ID#, State UI#, and Workers Compensation # and insurance provider will be listed in the Employer Checklist.
- b. If the business is unionized, an authorized representative of the union must submit a letter or statement of concurrence to be attached to the OJT Agreement. OJT agreements may not be written with employers who are currently involved in a labor dispute.
 - i. No WIOA funds under this contract will be used to assist, promote, or deter union organizing.
 - ii. No OJT shall be written that would impair an existing contract for services or collective bargaining agreement, or be inconsistent with the terms of a collective bargaining agreement without the written concurrence of the labor organization and employer concerned.
- c. No WIA funds under this contract will be used in relocation of the WIOA employers business, or parts thereof, from one area to another unless such relocation will not result in an increase in unemployment in the area of original location or in any other area as determined by the Secretary of the U.S. Department of Labor.
 - i. No currently employed worker shall be displaced by any participant (including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits).

- ii. No participant shall be employed or job opening filled (A) when any other individual is on layoff from the same or any substantially equivalent job, or (B) when the employer has terminated the employment of any regular employee or otherwise reduced its workforce with the intention of filling the vacancy so created by hiring a participant whose wages are subsidized under this Act.
- d. No jobs shall be created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.
- e. Skills to be learned, starting and ending capability and other general information will be entered on the OJT Training Outline. The job skills to be learned must accurately reflect the duties of the job.
- f. Signatures - An authorized representative from the business must sign two (2) copies of the OJT Agreement. The copies will then be submitted to the Director of Workforce Services for final approval.

G. Agreement Approval:

- a. Two (2) copies of the OJT Agreement and any attachments must be submitted to the BGADD workforce staff for review to ensure OJT policy compliance before the agreement is submitted to the BGADD Workforce Services Director for funding approval and signature. Any employer invoice that include more than one OJT individual and totals more than \$20,000 will require approval and signature of both the BGADD Workforce Services Director and the BGADD Executive Director.
- b. OJT contracts should not be entered into with employers who received payments under WIOA or the Workforce Investment Act and have exhibited a pattern of failing to provide on-the-job training participants with continued long-term employment as a regular employees with wages and employment benefits and working conditions on the same level and to the same extent as other employees working with a similar length of time and doing the same type of work.

H. Agreement Modifications:

- a. Agreements may be modified by completing the On-the-Job Training Agreement Modification Form. Agreement modifications may be necessary for the following reasons:
 - i. The ending date of the agreement may be extended for a participant or participants to complete their training program.
 - ii. Amendments may be needed to correct errors in the original agreement. Such revision should only be technical in nature and not change the scope of the agreement.
 - iii. The OJT employee may be given responsibilities beyond the original scope of work thus allowing for additional training time.
 - iv. Agreement modifications to de-obligate encumbered OJT agreement funds may be unilateral and do not require the signature of the OJT employer.
- b. Modifications to OJT agreements will not be allowed for the following reasons:
 - i. To change the level of reimbursement as a result of a wage increase;
 - ii. To change the beginning date of the agreement.

I. Reimbursement Procedures:

- a. The employer is responsible for the actual payment of wages and any costs associated with fringe benefits. The BGWIB's financial staff will then reimburse the employer for the WIOA participant based on actual payroll records.
 - i. On-the-Job Training (OJT) agreements are designed to compensate the employer for the extraordinary costs associated with training an employee.
 - ii. WIOA allows the BGWIB to set policy that allows reimbursement of up to 50 percent of the OJT employee wage rate to employers for the cost of training.
 - iii. The BGWIB may increase the reimbursement rate for OJT contracts to 75 percent when taking into account the following factors:
 - The characteristics of the participants taking into consideration whether they are "individuals with barriers to employment,";
 - The size of the employer, with an emphasis on small business;
 - The quality of the employer-provided training and advancement opportunities, for example if the OJT contract is for an in-demand occupation and will lead to an industry recognized credential; and;
 - Other factors the BGWIB may determine to be appropriate, which may include the number of employees participating, wage and benefit levels of the employees (both at present and after completion), and relation of the training to the competitiveness of the participant.
- The BGWIB must document the exact factors, numbers, percentages, etc., used when deciding to increase the wage reimbursement levels above 50 percent up to 75 percent before it can be implemented.
- iv. Regardless of the reimbursement rate the maximum amount of reimbursement to the employer will be \$8500 per trainee.
- v. The formula to be used in determining allowable reimbursement shall be based on the agreed upon reimbursement rate of the participant's wages (excluding fringe benefits) during the training period. The OJT hourly unit cost multiplied by the allowable number of training hours provides the total allowable reimbursement for each OJT trainee.
- b. Payroll records are required as back-up documentation for the OJT invoice. The hours reported for reimbursement will only include those hours in which training actually occurred. Non-training hours for which the participant was paid (holidays, sick leave, vacation, non-job training related hours, etc.) will not be reimbursed by the BGWIB's fiscal agent.
- c. When the employer submits the OJT invoice and back-up documentation to the BGADD staff, invoices will be paid in the next regular check cycle. Note: Any employer invoice that includes more than one OJT and totals more than \$20,000 will require approval and signature of both the BGADD Workforce Services Manager and the BGADD Executive Director. When the employer submits the OJT invoice and back-up documentation to the BGWIB's fiscal agent's office, invoices will be paid in the next regular check cycle.
- d. Payment will be made when training is completed and the trainee is still employed. Invoice provided by Kentucky Career Center - Bluegrass Business Services staff, is to be completed with appropriate time sheets attached.

Time sheets shall be signed by the employee and employer.

J. Performance Standards:

- a. The BGWIB expects 65 percent of all WIOA participants who enter OJT agreements to still be employed at the end of the training and 80 percent of those still employed at OJT completion to still be employed six months after the end of the training period. It is understood that some turnover will occur, but an average of 65 percent should still be employed at the end of the training period.
 - i. This does not preclude the employer from terminating a WIOA participant when it has been determined that he/she is unable to master the job or for good cause.
 - ii. Other reasons a participant may not complete successfully are beyond the employers control, such as the participant quits, takes a better job, moves, etc.
- b. BGWIB will not develop an agreement with an employer who has previously exhibited a pattern of failing to provide OJT participants with continued long-term employment with wages, benefits, and working conditions that are equal to those provided to regular employees who have worked a similar length of time and are doing the same type of work.
- c. Employers who do not meet or exceed the 80% retention rate during the life of the OJT contract must, in order to continue adopt a plan of action to reach this level. The plan must be submitted to BGWIB or contract will be voided.
- d. All WIOA Performance standards must be met or exceeded based on standards currently set from Department of Labor/Office of Employment and Training, as adopted by the Workforce Innovation Board.

K. OJT Monitoring:

- a. Monitoring of OJT agreements will be the responsibility of the Kentucky Career Center - Bluegrass Business Services staff.
 - i. When developing the OJT agreement, the employers should be told that Kentucky Career Center - Bluegrass Business Services staff will contact them to schedule a monitoring visit.
 - ii. Interviews will be held with the employer, the WIOA participant's supervisor, and the WIOA participant.
- b. Kentucky Career Center - Bluegrass staff shall make contact with the WIOA participant and employer a minimum of monthly and shall record the contact in the participant's IEP.
 - i. The record should track the progress of training and achievement of training objectives defined in the agreement.
 - ii. Concerns and corrective action necessary to accomplish the objective shall be recorded and appropriate action and follow-up shall be documented.

5. Inquiries: Questions should be addressed to the Business Services Manager or Manager of Workforce Services.

Policy Name: Customized Training
Policy Number: BGWIOA-R17-T4
Effective Date: June 13, 2017
Applies To: Adult, Dislocated Workers, Older Youth, Trade, NEG

- 1. Purpose:** This policy provides guidance regarding Customized Training for eligible Adult and Dislocated Workers. Customized training services can be critical to the employment success of many Adults and Dislocated Workers while also serving the unique needs of an employer. The WIOA Adult and Dislocated Worker formula programs are one pivotal piece of the delivery system, which is the foundation of the workforce system. WIOA provides for a workforce system that is universally accessible, customer centered, and training that is job-driven. Customized training opportunities provide structured training for participants to gain the knowledge and skills to be competent in the job for which they are hired and lead to stable employment.
- 2. Background:**
 - Replaces: BGWIA-R12-T4
 - Reference: 20 CFR 680.760
 - Reference: 20 CFR 680.770
 - Reference: 20 CFR 680.210
 - Reference: 20 CFR 680.320
- 3. Definitions:** Workplace Literacy: refers to the literacy, English language and numeracy skills needed by employees in order to effectively carry out their roles in the workplace. Literacy encompasses not only reading and writing, but also listening, speaking, problem solving, and critical thinking skills.
- 4. Policy:**
 - A. Employees must be making less than the identified self-sufficiency rate, as determined by the Bluegrass Workforce Innovation Board (BGWIB)
 - B. Training must result in a wage increase or the employee receiving training will be moved into a new position, thereby creating an entry-level vacancy.
 - C. Training must relate to:
 - i. The introduction of new technologies.
 - ii. The introduction of new production or service procedures.
 - iii. Upgrading of new jobs that require additional skills
 - iv. Workplace Literacy
 - D. The BGWIB will pay up to 50 percent of all customized training costs. Customized Training reimbursement requests must be submitted within thirty (30) calendar days after the end of the customized training period
 - E. Customized Training agreements may be modified at any time by the Business Services Specialist and the employer by signing a modified written agreement.
 - F. Agreements may be terminated early by giving written notice.
 - G. Assignments shall not be valid if the written permission of both parties is absent.
 - H. If any payment is made to the Employer which is later found to have violated the terms of a Customized Training agreement, the Employer shall repay to the Bluegrass Workforce Innovation Board's fiscal agent the total amount related to the violation.
- 5. Inquiries:** Questions should be addressed to the Business Services Manager and/or the Director of Workforce Services.

Policy Name: Individual Training Account (ITA) Training
Policy Number: BGWIOA-R17-T5a
Effective Date: June 28, 2017
Applies To: Adult, Dislocated Workers, Older Youth

1. Purpose: To provide guidance to staff, including subcontracted staff, on how to administer ITA to clients.

2. Background:

- (Replaces BGWIOA-N16-T5)
- Title I of the Workforce Innovation and Opportunity Act (WIOA) of 2014, Sections 108 and 134(c)(3).
- WIOA Department of Labor Final Rule (81 FR 56072, Aug. 19, 2016).
- Veterans' Program Letter (VPL) 07 - 09,
- Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in Whole or in Part by the U.S. Department of Labor.
- Policy Guidance Letter (PGL) WIOA 2015
- 06, Eligible Training Providers for WIOA Title I Adult and Dislocated Worker Programs.

3. Definitions:

- **Credential:** Credential is defined as a document or certificate proving an individual's qualifications, such as: diploma, degree, license, or certification.
- **Eligible Training Provider List (ETPL):** A list established by the Workforce Innovation and Opportunity Act (WIOA) of 2014 to provide customer-focused employment training resources for adults and dislocated workers. Training providers who are eligible to receive Individual Training Accounts (ITAs) through WIOA Title I-B funds are listed on the ETPL.
- **School Fees:** For the purpose of this policy school fees are defined as: cost for books, special equipment required for class work, certification tests, etc.

4. Policy:

A. Training Guidelines:

1. The cost of training cannot be more than that charged to the general public.
2. ITA's will be issued only for training programs on the Eligible Training Provider List (ETPL) which lead to credentials utilized in Bluegrass Workforce Innovation Board identified target industry sectors.
 - a. Credentials in other sectors will be considered on a case-by-case basis.
3. The limit for maximum financial assistance through an ITA is \$8,500.
 - a. ITA's may be spent on tuition and school fees.
 - b. Workforce staff will review the training needs of the individual to make the determination of how the maximum financial assistance available is best applied to meet the overall needs of the individual.
 - c. The workforce staff supervisor/manager will review the financial assistance requested amount.
4. Individuals attending a program consisting of a single enrollment period (i.e. nurse aide training) will qualify for a maximum ITA of \$8,500 to include tuition and school fees.
 - a. Workforce staff will review training needs of the individual to make determination of how maximum financial assistance available is best

applied to meet overall needs of the individual.

- b. The workforce staff supervisor/manager will review the financial assistance requested amount.
5. Training is limited to programs of up to two years in length and must lead to a credential.
 - a. A two-year program must show a completion date within 104 consecutive calendar weeks.
 - b. In extenuating circumstances training, may be extended beyond two years, if appropriate documentation is provided as to why the individual needs a training extension.
 - c. The maximum of \$8,500 for tuition and fees would still apply.
6. Individuals may receive up to \$600 per year additionally for up to two years.
 - a. Supportive services may include items such as test fees, books, tools, and uniforms.
7. Participants will be responsible for providing full and accurate information to the workforce staff regarding their financial obligations.
 - a. It is the responsibility of the workforce staff to verify that the information provided by the participants is true and correct.
- B. Satisfactory Progress:
 1. A continuation of tuition payments will be based on the participant making satisfactory progress.
 2. The participant is required to provide his/her workforce staff with a copy of his/her grades within 30 days of the end of the grading period.
- C. Cessation of Training:
 1. Clients who have previously been enrolled in classroom occupational training, but did not complete training, cannot be enrolled in another training program unless the reason for incompleteness was through no fault of their own.
 2. Clients who are forced to stop training due to no fault of their own will be allowed one time per enrolled training to drop out of for up to 6 months at a time.
 3. Decision on allowable reason for dropping out will be on the workforce staff under consultation of the workforce staff supervisor/manager.
- D. Additional Dislocations:
 1. A client can be enrolled in training only one time per dislocation.
5. **Inquiries:** Questions should be addressed to the Workforce Services Manager and/or the Director of Workforce Services.

Policy Name: Individual Training Account (ITA) Training
Policy Number: BGWIOA-R17-T5b
Effective Date: June 28, 2017
Applies To: Trade

- 1. Purpose:** To provide guidance to staff, including subcontracted staff, on how to administer ITA to clients.
- 2. Background:**
 - TRADE participants are eligible for relocation assistance as long as they meet the eligibility conditions outlined in the Trade Act of 1974 under § 617.42.4.
- 3. Definitions:**
 - Credential: Credential is defined as a document or certificate proving an individual's qualifications, such as: diploma, degree, license, or certification.
 - Eligible Training Provider List (ETPL): A list established by the Workforce Innovation and Opportunity Act (WIOA) of 2014 to provide customer-focused employment training resources for adults and dislocated workers. Training providers who are eligible to receive Individual Training Accounts (ITAs) through WIOA Title I-B funds are listed on the ETPL.
 - School Fees: For the purpose of this policy school fees are defined as: cost for books, special equipment required for class work, certification tests, etc.
- 4. Policy:**
 - A. The cost of training for TRADE participants must be suitable and available at a reasonable cost. The cost must not be unreasonably high in comparison with average costs with other providers. The cost of training includes tuition, books, tools, uniforms, academic fees, travel and/or subsistence; and all other allowable miscellaneous training-related costs essential and documented in writing by the training institution to be mandatory and required of all students for participation in a particular course of study.
 - B. Trade participant's training is limited to the number of TAA eligible weeks he/she qualifies for based on the Trade regulations applying to the petition under which the participant's Trade impacted employer was certified.
 - C. A Trade eligible participant enrolled in training cannot have any out-of-pocket expenses.
- 5. Inquiries:** Questions should be addressed to the Workforce Services Manager and/or the Director of Workforce Services.

Policy Name: Satisfactory Progress Requirements
Policy Number: BGWIOA-N17-T11
Effective Date: June 28, 2017
Applies To: Adults, Dislocated Workers, NEG, Older Youth,
Trade

- 1. Purpose:** The purpose of this policy is to provide criteria for satisfactory progress for a WIOA Participant enrolled in training.
- 2. Background:**
 - Replaces BGWIA-R06-T11
- 3. Definitions:**
 - Satisfactory Progress: Satisfactory progress is defined as a minimum satisfactory grade level of the training facilities grading system.
 - NEG: National Emergency Grant
- 4. Policy:** A continuation of tuition payments will be based on the participant making satisfactory progress. The participant is required to provide his/her workforce staff with a copy of his/her grades within 30 days of the end of the grading period.
- 5. Inquiries:** Questions should be addressed to the Workforce Services Manager and/or the Director of Workforce Services.

Policy Name: Incumbent Worker Training
Policy No: BGWIOA-N17-T12
Effective Date: March 14, 2017
Applies to: Adults, Dislocated Workers

1. Purpose: The purpose of Incumbent Worker Training in order to improve the business and economy of the Bluegrass Region.

2. Background:

- Replaces BGWIA-N08-T12

Both the Workforce Innovation and Opportunity Act and the Federal Regulations recognize the “incumbent worker” as distinct from dislocated workers and from employed workers earning below self-sufficiency as defined elsewhere in these policies.

“An incumbent worker does not have to meet the eligibility requirements for career and training services for adults and dislocated workers under WIOA, unless they also are enrolled as a participant in the WIOA adult or dislocated worker program.”

Employed individuals who do not meet WIOA adult or dislocated worker eligibility guidelines may be classified as incumbent workers and may receive WIOA funded training services.

Federal regulations also indicate that Incumbent Worker Training is specifically designed to be an employer service, and as such is inherently different from job seeker services:

“WIOA also explicitly allows for incumbent worker training at the local level. WIOA introduces incumbent worker training as an allowable type of training for a local area to provide. Incumbent worker training is designed to either assist workers in obtaining the skills necessary to retain employment or to avert layoffs and must increase both a participant’s and a company’s competitiveness. Local areas may use up to 20 percent of their local adult and dislocated worker funds for incumbent worker training. The Department seeks to ensure that incumbent worker training is targeted to improving the skills and competitiveness of the participant and increasing the competitiveness of the employer.”

(Federal Register Vol. 81, No. 161 Pg. 56149)

3. Definitions:

- EKOS: Employee Kentucky Operating System.
- Incumbent workers: Workers currently employed workers who have been determined by their employer to require training in order to help keep the company competitive, avert lay-offs, upgrade workers’ skills and/ or increase wages earned by employees.

4. Policy:

- A. Priority Sectors: Employers within the Bluegrass areas targeted sectors will be given first consideration in regards to Incumbent Worker Training. Those sectors are:
- i. Advanced Manufacturing
 - ii. Construction
 - iii. Healthcare
 - vi. Information Technology
 - v. Transportation & Logistics

- B. Training Types: Incumbent Worker Training may be designed in any number of ways, including, but not limited to:
- On the Job Training
 - Customized Training
 - Contracts with training providers to provide services

- C. Employer Payment Requirement: Employers are required to pay the non-Federal share of the cost of providing incumbent worker training. WIOA sec. 134(d)(4)(D) requires Local WDBs to establish policies regarding the non-federal share of the cost of IWT. Employers are required to pay a portion of the training for those individuals in incumbent worker training.

Under section 134(d)(4)(D) of WIOA, in establishing the employer share of the cost, the Local WDB must consider the number of employees participating in the training, the wage and benefit levels of the employees (at the beginning and anticipated upon completion of the training), the relationship of the training to the competitiveness of the employer and employees, and the availability of other employer provided training and advancement opportunities. The minimum amount of employer share in the IWT depends on the size of the employer and may not be less than:

- 10 percent of the cost, for employers with 50 or fewer employees;
- 25 percent of the cost, for employers with between 51 to 100 employees; and
- 50 percent of the cost, for employers with more than 100 employees.

(USDOL Training and Employment Guidance Letter WIOA No. 19-16 Pg. 17-18)

- D. Reimbursable Training Costs: The following training costs are allowed and reimbursable if properly supported with the necessary documentation as requested by the WIOA Director and fiscal staff:

- Non company instructors / trainers' wages
- Required Textbooks / manuals
- Required materials / supplies

- E. Non Reimbursable Training Costs:

- Trainee Wages

- F. Employee Eligibility: Incumbent workers are currently employed workers who have been determined by their employer to require training in order to help keep the company competitive, avert lay-offs, upgrade workers' skills and/ or increase wages earned by employees.

Employees participating in Incumbent Worker Training must be employed full time with a company located in the Bluegrass Workforce Area and be identified by the employer to be in need of additional training or skill development.

- G. Client Tracking: Clients identified as incumbent workers will be enrolled into EKOS using information collected by WIOA staff from the employer. An Incumbent Worker Training Log will provide the necessary information to register and enroll the employee.

Again, clients identified as incumbent workers are not required to be determined eligible for WIOA services.

- H. Funding Available: As stated above, local areas may use up to 20% of their local adult and dislocated worker funds for incumbent worker training.

- 5. Inquiries**: Questions should be addressed to the Business Services Manager and/or the Director of Workforce Services.

Policy Name: Eligibility Training Provider Listing
Policy Number: BGWIOA-N17-T15
Effective Date: June 28, 2017
Applies To: Customized Training Contracts, Incumbent Worker Contracts, ITA's

- 1. Purpose:** The purpose of this policy is to provide new information, criteria and procedures for the Eligible Training Provider Listing (ETPL) usage and implementation. This policy addresses the activities of the local workforce development areas, Office of Employment and Training staff, as well as those providers wishing to offer services to individuals whose training is funded through the Workforce Innovation and Opportunity Act of 2014. This update also includes language and guidance on the inclusion of National Registered Apprenticeship programs into the ETPL functions.
- 2. Background:** Adapted from state Policy Number: 16-014 Eligibility Training Provider List. Any updates released by the state in reference to policy 16-014 will take precedence over this policy.
- 3. Definitions:** *Identified within the policy.*
- 4. Policy:**

A. Training Providers Subject to ETPL Requirements

The following types of training providers are subject to the ETPL re-quirements in order to receive WIOA Title I Adult and Dislocated Work-er funds to provide training services to eligible adult and dislocated workers through Individual Training Accounts (ITAs). Additionally, this process applies to Out-of-School Youth (ages 18-24) who are being served through the ITA process.

- i. Institutions of higher education that provide a program of training that leads to a recognized postsecondary credential;
- ii. Apprenticeship programs registered by the United States Department of Labor Office of Registered Apprenticeship; and
- iii. Public or Private training providers, including joint labor-management organizations, pre-apprenticeship programs, and oc-cupational/ technical training.

B. Application Process

The application process falls into the submission of three types of in-formation:

- i. Information regarding the Training Provider Agency
- ii. Information about Program Offering
- iii. Student Data Collection.

Currently, components one and two are collected on the ETPL website. At this time, component three is collected through a partner agency, the Kentucky Center for Education and Workforce Statistics.

The following is an overview of the steps involved in completing the ap-plication process:

- Step 1: Creation of Account on ETPL website (<https://etpl.ky.gov>).

During this phase, providers are asked to create an account to ac-cess the system. Providers must provide basic information such as Federal Employee Identification Number, email and designate their "Provider Type." Providers all fall under one of four categories:

- ⇒ HEA Title IV Funded School
- ⇒ Proprietary Schools

- ⇒ Registered Apprenticeship
- Other (includes non-profits and schools such as cosmetology, faith-based and mortuary science schools that do not fall under the purview of Proprietary Education.)

The provider type is very important moving forward as the requirements of the application vary slightly based on provider types. For example, if a school selects "proprietary," then they must include certification from the Kentucky Commission on Proprietary Education later in the application process to continue. Another example is for providers associated with the Registered Apprenticeship Program, as will be discussed later in this document.

Upon completion, the provider submits the account information for approval. Once the information is reviewed by the state ETPL coordinator, approval is sent to the provider and they may now access the system.

- Step 2: Complete the Provider Application. The Provider Application is located within the ETPL system, and captures pertinent information about the training provider. Providers must complete this step successfully before training programs will be considered for approval and inclusion. Information collected on the application includes:
 - ⇒ year institution established
 - ⇒ proprietary license number (if applicable)
 - ⇒ refund policy information
 - ⇒ narrative discussions regarding:
 - Ability to provide training to individuals who are employed
 - Ability to provide training with individuals with barriers to employment
 - How the provider is partnered with local business
 - How are training services aligned with local in demand industry sectors and in demand occupations
 - ⇒ Compliance with Americans with Disability Act (ADA)
 - ⇒ Is proposed training site accessible to those with limited mobility?
 - ⇒ How is student data collected for submission?

Additionally, within this section providers are also required to submit a copy of the Equal Opportunity Employment Plan or other agency policy addressing non-discriminatory practices, as well as a copy of the agency's Limited English Proficiency Plan (LEP) or other documentation of a strategic effort to provide services to those with limited English proficiency. This allows for EO monitoring to be completed via desk audit with every program on the list initially.

- Step 3: Complete Program Application. Providers will complete an application for each program they wish to be included on the ETPL. Information collected includes:
 - ⇒ program name
 - ⇒ CIP code
 - ⇒ training program description
 - ⇒ How long has program been in existence?
 - ⇒ plans to track student data for program for submission
 - ⇒ Is program HEA approved?
 - ⇒ degree /certificate to be awarded
 - ⇒ training program length
 - ⇒ online program availability

- ⇒ training program costs (tuition, fees, textbooks, supplies, mis-cellaneous)
- ⇒ Training program address information (Providers with programs at multiple locations/campuses do not have to submit multiple applications; instead, they can list multiple locations for each program)
- Step 4: Register and upload student level data with the Kentucky Center for Education and Workforce Statistics (KCEWS). KCEWS was created in 2012 to expand upon the work of the Kentucky P-20 Data Collaborative, including maintaining the Kentucky Longitudinal Data System (KLDS), a statewide longitudinal data system that fa-cilitates the integration of data from the Kentucky Department of education (KDE), the Council on Postsecondary Education (CPE), the Educational Professional Standards Board (EPSB), the Ken-tucky Higher Education Assistance Authority (KHEAA), and the Kentucky Education and Workforce Development Cabinet,. KCEWS has the authority to collect and link data in order to evaluated edu-cation and workforce efforts in the Commonwealth. This includes developing reports and providing statistical data about these efforts so policy makers, agencies, and the general public can make better informed decisions about the Commonwealth of Kentucky's educa-tion systems and training programs, KRS 151B.132. The Center must also ensure compliance with the federal Family Education Rights and Privacy Act, 20 U.S.C. sec 1232g, and all other relevant federal and state privacy laws, KRS 151B.133(12).

Because of their expertise in data collection and an established systemic infrastructure, KCEWS was the ideal partner for OET to collect student level data to be used for determining performance data to be included on the ETPL. Providers are given detailed in-structions on how to register, as well as templates for submitting student data.

It is important to note that in-state Colleges and Universities that submit their student level data to CPE are exempt from this step, as KCEWS already has access to that data.

Application Process for Registered Apprenticeship Programs

Because of the difference in the nature and oversight of the programs, the path for application is somewhat different for Registered Appren-ticeship Programs. By WIOA statute, all Registered Apprenticeship programs that express interest in being list on the ETPL must be in-cluded. (WIOA Section 122) Registered Apprenticeship Providers still must create an account and register for the ETPL site as other provid-ers. However, they do not have the Provider Application as their inclu-sion in the State RA listing serves as approval.

Once the program applies, and inclusion is re-verified with current standing on the State RA listing, the program is approved and placed on the website.

Approval Process

Once the Provider has completed all necessary steps within the ETPL website and successfully uploaded the required student data, the State ETPL Coordinator will review and approve programs. Programs that meet all requirements, and fall within one of the in-demand industry sectors utilized by the ten local workforce development areas, will be approved.

Programs that do not meet all requirements, or fail to send complete in-formation will be placed in pending status until the issues can be re-solved or requirements met.

Programs that fall under the "Proprietary" category can also be placed in pending status if there is an issue with their good standing with the Commission on Proprietary Education. Once resolved, they can be placed back in good standing immediately.

Programs may be removed from the ETPL in several manners:

1. Training Provider representatives may, in writing, request to have their school and/or program removed from the ETPL for any reason, at any time.
2. Training Providers that willfully and knowingly submit false information will be removed from the ETPL.
3. Training providers who fail to meet required Subsequent Eligibility Requirements
4. Training providers who fail to maintain required certifications and licenses

Subsequent Eligibility Determination

Programs will be evaluated on a biannual basis to determine subsequent eligibility, based on the student performance data that yearly.

In order to remain on the list, providers must maintain a completion rate of 20 percent and an entered employment rate of 50 percent.

Performance Data Exception:

First year programs will not be exempted from data submission, however, they must indicate how data will be tracked and submit what is currently available.

Program Performance Listing on ETPL (Program Report Card)

In allowing for greater informed consumer choice, the following performance data for each program will be displayed along with program listing:

1. Completion Rate (number completed)
2. Entered Employment Rate (employed second quarter after exit)
3. Employment Retention Rate (employed fourth quarter after exit)
4. Average Earnings (median earnings second quarter after exit)
5. Skills Credential

This information will be displayed so customers can compare and contrast differing programs to decide which is best for individual needs, along with program cost information.

Optional Local Board Performance Standards

Local boards, with the creation and implementation of local written policy, have the option of requiring higher levels of performance for programs, as well as requesting additional performance information.

Submission of Student Level Data

Training providers will be required to submit student level data on ALL participants in listed programs each year for inclusion on ETPL. This information will be submitted through the Kentucky Center for Education and Workforce Statistics website, <https://kcews.ky.gov>. Programs cannot be approved until data submission has been accepted and passed necessary validation of completion.

Information collected includes:

1. Fiscal year
2. Provider Federal Employer Identification Number
3. Provider Federal Interagency Committee on Education (FICE) number (if applicable)

4. Institution Name
5. Institution Start Date (enrollment start date)
6. Last Name
7. First Name
8. Middle Name
9. Social Security Number (mandatory)
10. Date of Birth
11. Gender
12. Ethnicity
13. Race
14. Course Classification of Instructional Program (CIP) Code
15. Program Level (level of credential student is attempting)
16. Program Name
17. Program (participant) start date
18. Program (participant) end date
19. Program (participant) end reason
20. Method of Instruction
21. Credit or Contact hours attempted for Fiscal Year
22. Credit or Contact hours completed for Fiscal Year
23. Exclusion from Performance (reason)

Exclusions from Performance Calculations

Individuals may be excluded from performance if they did not complete the course/program due to the following:

- ⇒ Institutionalized,
- ⇒ Health/medical or family care,
- ⇒ Deceased, or
- ⇒ Member of Military Forces called to Active Duty.

Utilizing Out of State Training Providers

Participants may utilize out of state training providers in one of two ways.

First, the out of state training provider can apply for inclusion just as in state providers by providing the same information and student level data. Second, out of state providers could be utilized through a Reciprocal Agreement between the provider's home state and the Commonwealth allowing for reciprocity between the ETPL lists of both states, allowing providers included in one state to automatically be eligible in the other without further process.

Proprietary Licensure

Any private, for-profit provider, providing training classes within Kentucky must have a proprietary license issued by the Kentucky Commission on Proprietary Education before they may be included on the ETPL.

Compliance and Monitoring

Training providers that receive federal financial assistance under WIOA Title I must comply with the Americans with Disabilities Act (ADA) of 1990 and the nondiscriminatory and Equal Employment provisions of federal law. Compliance for both is monitored through the application process through desk review of submitted documents and plans.

Performance monitoring of providers will take place through the yearly submission of student data and subsequent analysis.

- 5. Inquiries:** Questions should be addressed to the Workforce Services Manager and/or the Director of Workforce Services.

Policy Name: Credentials
Policy Number: BGWIOA-N17-T17
Effective Date: March 14, 2017
Applies to: Adults, Dislocated Workers, Older Youth, Trade

1. Purpose: To inform staff how to properly collect and document a credential/attainment of degree.

2. Background:

Section 116 of the WIOA Law states:

(IV) "The percentage of program participants who obtain a recognized postsecondary credential or a secondary school diploma or its recognized/equivalent (subject to clause (iii)), during participation in or within one year after exit from the program"

(V) "the percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains toward such a credential or employment"

(iii) "INDICATOR RELATING TO CREDENTIAL.—For purposes of clause (i)(IV), or clause (ii)(III) with respect to clause (i)(IV), program participants who obtain a secondary school diploma or its recognized equivalent shall be included in the percentage counted as meeting the criterion under such clause only if such participants, in addition to obtaining such diploma or its recognized equivalent, have obtained or retained employment or are in an education or training program leading to a recognized postsecondary credential within one year after exit from the program.

3. Definitions:

- EKOS: Employ Kentucky Operating System. The system used to track client (employer and job seeker) services and shared among authorized entities.
- NCRC: National Career Readiness Certificate. The National Career Readiness Certificate is based on an individual's performance on three WorkKeys skills assessments: Applied Mathematics, Locating Information, and Reading for Information. Scores on these assessments determine the certificate level—bronze, silver, gold, or platinum—an individual can earn.
- Outcomes Tab: An area located in EKOS, which tracks outcomes of services provided to clients.
- WorkKeys (See NCRC)

4. Policy:

Under WIOA, the credential is a required measure and the collection of this data is mandatory.

When documenting the credential for a participant, the collection of the credential/attainment or degree MUST include:

- A copy of the credential document placed in the participants folder, OR
- A case note documenting that the participant received a credential and the type of credential attained and date attained as verified by the school.

AND

- Documentation of the credential on the Outcomes Tab in EKOS.

The credential must be a nationally recognized credential. The OJT and NCRC/Work Keys certificates do not count as a credential.

5. Inquiries: Questions should be addressed to the Workforce Services Manager and/or the Director of Workforce Services.

Policy Name: Internships
Policy Number: BGWIOA-N17-T18
Effective Date: March 14, 2017
Applies To: Adults, Dislocated Workers

- 1. Purpose:** The purpose of this policy is to detail the requirements and eligibility for the WIOA Adult and Dislocated Worker Internship program. The goal of the internship program is to help eligible adults and dislocated workers gain practical work experience and sharpen their leadership skills while getting paid while working.
- 2. Background:** Does not replace any present policy.
- 3. Definitions:**
 - LWDA: Local Workforce Development Area
- 4. Policy:**
 - A. Participant Eligibility:** Internships/Apprenticeships/Paid Work Experiences are allowable career services for adults and dislocated workers. Participants must be enrolled into WIOA in accordance with the LWDA Eligibility and Data Validation Policy and be entered into EKOS.

Individuals interested in the internship program must be eligible for WIOA career services and be in one of the following categories:

Students in demand occupations in their last semester or shortly after graduation.

Individuals who have been out of the workforce for a period of time.

Individuals interested in career exploration in a new sector

Staff must make sure that they do an initial assessment and have documentation in the participant file to state why an internship is needed or what the participant is going to gain by being on an internship. Case notes are imperative for the internship program and must be in place for local, state, and federal monitoring.
 - B. Employer Eligibility:** The Bluegrass WIOA staff will target the following sectors:
 - Advanced Manufacturing
 - Construction
 - Healthcare
 - Information Technology
 - Transportation & Logistics
Employers must agree to the terms and conditions outlined in the Worksite Agreement
 - C. Parameters of Internship Program:**
 - i. Anticipated duration for Internship is no less than 160 hours and no more than 320 hours. Participant cannot exceed 40 hours per week and internship amount cannot exceed \$8500.
 - ii. Pay rate will be based on the job that a participant will be working in. Pay will not exceed the amount that employers pay for the position.
 - iii. If the employer hires a participant full-time after internship, the employer may also receive OJT for additional training of the participant, if further skill development is documented.
- 5. Inquiries:** Questions should be addressed to the Business Services Manager and/or the Director of Workforce Services.

III. ALL OTHER POLICIES

| | | |
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Policy Name: Priority of Service
Policy No: BGWIOA-N17-01
Effective Date: March 14, 2017
Applies to: Adults

1. Purpose:

This policy provides guidance and establishes the procedures regarding priority of service for recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient served with Workforce Innovation and Opportunity Act (WIOA) Adult funds.

2. Background: (Replaces: BGWIA-R10-01 "Priority System Policy & BGWIOA-N16-017 "Priority of Service Policy")

WIA required that if funds allocated to a local area for adult employment and training activities were limited, priority of service was to be provided to recipients of public assistance and other low-income individuals for intensive services and training services.

WIOA made several changes to the priority of service requirement by adding individuals who are basic skills deficient as a priority population, changing intensive services to individualized career services, and removing the provision stating priority of service is only applied if funding is limited.

Veterans and eligible spouses continue to receive priority of service for all Department of Labor (DOL) funded programs amongst all participants. These requirements were not affected by the passage of WIOA and must still be applied in accordance with guidance previously issued by DOL.

3. Definitions: For purposes of this policy, the following definitions apply.

- Low Income: An individual who meets one of the four criteria below:
 - i. Receives, or in the past six months has received, or is a member of a family that is receiving or in the past six months has received, assistance through the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF) Program, Supplemental Security Income (SSI) Program, or state or local income-based public assistance.
 - ii. Is a member of a family with a total family income that does not exceed the higher of the following:
 - The poverty line; or
 - 70 percent of the Lower Living Standard Income Level (LLSIL)
 - iii. Is homeless
 - iv. Is an individual with a disability, whose own income does not exceed the income requirement but is a member of a family whose total income does
- Public Assistance Recipient: An individual who receives federal, state, or local government cash payments for which eligibility is determined by a needs or income test.
- Self-Attestation: When a participant states his/her status for a particular data element, such as low income, and then signs and dates a form acknowledging this status. The key elements for self-attestation are:
 - i. The participant is identifying his/her status for permitted elements; and
 - ii. The participant is signing and dating a form attesting to this self-identification. The completed self-attestation form with signature remains part of the eligibility verification and must be filed in the participant's file.

Note that self-attestation is not to be used as the primary method of gathering documentation to verify data elements. *Self-attestation as a documentation source is only to be used when the preferred options of paper documentation or third party corroboration are not available.*

- iii. Career and Training Services: Under WIOA, WIA core and intensive services were merged into a new category entitled "career services." The career services category includes basic career services (WIOA Section 134(c)(2)(A)(i)-(xi)), and individualized career services (WIOA Section 134(c)(2)(A)(xii)).

Basic career services are not subject to the priority of service requirement. However, individualized career services and training services are subject to the requirement (Title 20 CFR NPRM Section 680.150).

- Basic Career Services: Basic career services are not subject to priority of service and consist of the following:
 - ⇒ Determination of eligibility to receive services
 - ⇒ Outreach, intake, and orientation to the services available through the one-stop delivery system
 - ⇒ Initial assessment of skill levels (including literacy, numeracy, and English language proficiency), aptitudes, abilities (including skills gaps), and supportive service needs.
 - ⇒ Labor exchange services, including:
 - Job search and placement assistance and career counseling, such as information on in-demand industry sectors and occupations, as well as nontraditional employment; and
 - Recruitment and other business services on behalf of employers in the local area, such as information and referral to specialized business services not traditionally offered through the one-stop delivery system
 - ⇒ Referrals to and coordination of activities with other programs and services, including programs and services within the one-stop delivery system and other workforce development programs.
 - ⇒ Workforce and labor market employment statistics information, including information relating to local, regional, and national labor market areas, including:
 - Job vacancy listings and the job skills necessary to obtain them; and
 - Information on local in-demand occupations and the earnings, skill requirements, and opportunities for advancement that accompany them
 - ⇒ Information on performance and program cost of eligible providers of training services, youth workforce investment activities, adult education, career and technical education activities at the postsecondary level, career and technical education activities available to school dropouts, and vocational rehabilitation services
 - ⇒ Information regarding how the local area is performing on the local performance accountability measures and any additional performance information with respect to the on-stop delivery system in the local area
 - ⇒ Information on, and referral to, supportive services or assistance
 - ⇒ Information and assistance regarding filing claims for Unemployment Insurance (to the extent allowed for non-merit staff)
 - ⇒ Assistance in establishing eligibility for financial aid programs for training and education that are not funded by WIOA

- Individualized Career Services: Individualized career services are subject to priority of service, and consist of:
 - ⇒ 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
 - ⇒ Development of an individual employment plan to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals, including providing information on eligible providers of training services and career pathways to attain career objectives
 - ⇒ Group counseling
 - ⇒ Individual counseling
 - ⇒ Career planning
 - ⇒ Short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training
 - ⇒ Internships and work experiences linked to careers
 - ⇒ Workforce preparation activities
 - ⇒ Financial literacy services
 - ⇒ Out of area job search assistance and relocation assistance
 - ⇒ English language acquisition and integrated education and training programs
- Training Services: Training services are subject to priority of service and consist of:
 - ⇒ Occupational skills training, including training for nontraditional employment
 - ⇒ On the job training
 - ⇒ Incumbent worker training
 - ⇒ Programs that combine workplace training with related instruction, which may include cooperative education programs
 - ⇒ Training programs operated by the private sector
 - ⇒ Skill upgrading and retraining
 - ⇒ Entrepreneurial training
 - ⇒ Transitional jobs
 - ⇒ Job readiness training provided in combination with another training services
 - ⇒ Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with another training service
 - ⇒ Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

- **Basic Skills Deficient:** An individual who is unable to compute or solve problems or read, write, or speak English at a level necessary to function on the job, in the individual's family, or in society.

| Criteria used to determine if an individual is basic skills deficient: | |
|---|---|
| Criteria Used | Documentation Required |
| Lacks a high school diploma or high school equivalency and is not enrolled in secondary education | Self-attestation |
| Enrolled in a Title II Adult Education / Literacy program | School records or verification from school official |
| English reading, writing, or computing skills at an 8.9 grade level or below | Results of academic assessment |
| Determined to be limited English-skills proficient through staff documented observations | Case note clearly demonstrating staff assessment of English skills |
| Lacking computer literacy defined as: non-technical knowledge of computers and how to use them; familiarity and experience with computers, software, and computer systems | Case note clearly demonstrating staff assessment of computer skills or self-attestation |

4. Policy:

- **Priority of Service Requirement:** As stated in WIOA Section 134(c)(3)(E), with respect to individualized career services and training services funded with WIOA Adult funds, priority of service must be given to recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.

Fifty percent or more of the adult participants will be enrolled as a priority participant and be the recipient of public assistance, basic skills deficient, or other low income individuals.

In order to meet this populations needs, BGWIB staff will partner with local agencies that serve the priority of service population to recruit individuals in these categories.

Priority of service status is established at the time of eligibility determination and does not change during the period of participation. Priority does not apply to the dislocated worker population. The WIOA Adult funding priority of service doesn't affect or negate the priority of service provided to veterans and eligible spouses. A veteran is a person who served at least one day in the military, naval, or air service, and who was discharged or released under conditions other than dishonorable. Veterans and eligible spouses continue to receive priority of service among all eligible individuals.

- **Documentation:** The following sources of documentation can be used to verify whether or not an Adult participant qualifies for WIOA Priority of Service. Case notes must demonstrate under which criteria a person is considered to meet Priority of Service as well as the specific documentation being utilized to verify eligibility.

| Priority of Service | |
|--|---|
| Priority of Service Criteria | Acceptable Documentation (Only the documentation sources listed below may be used.) |
| Recipient of Public Assistance | Cross-match with public assistance database Copy of authorization to receive cash public assistance Copy of public assistance check Medical card showing cash grant status Public assistance records Refugee assistance records |
| Low Income | Alimony agreement Award letter from Veterans Administration Bank statements Compensation award letter Court award letter Pension statement Employer statement/contact Family or business financial records Housing authority verification Pay stubs Public assistance records Quarterly estimated tax for self-employed persons Social Security benefits Unemployment Insurance documents Self-attestation* |
| Basic Skills Deficient (See Definitions section) | School records Results of academic assessment Case notes* Self-Attestation* |
| *Reference the Definitions section of this policy for additional guidance on case notes and self-attestation being used for documentation purposes | |

5. Inquiries: Questions should be addressed to the Workforce Services Manager and/or the Director of Workforce Services.

Policy Name: Personal Identifiable Information (PII)
Policy Number: BGWIOA-N16-09
Effective Date: October 12, 2016
Applies to: Adults, Dislocated Workers, Older Youth, Trade

- 1. Purpose:** To provide guidance to WIOA staff on compliance requirements of handling and protecting PII of their participants based on guidance established by the Commonwealth of Kentucky.
- 2. Background:** WIOA staff handle large amounts of PII relating to their clients on a daily basis. This information is generally found in participant files, participant data sets, lists, performance reports, program evaluations, etc.
- 3. Definitions:**
 - PII - PII is defined as information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual.
 - Sensitive Information - any information whose loss, misuse or unauthorized access to or modification of could adversely affect the interest or conduct or the privacy to which individuals are entitled under the Privacy Act.
 - Protected PII and non-sensitive PII - the Department of Labor (the Department) has defined two types of PII, protected PII and non-sensitive PII. The differences between protected PII and non-sensitive PII are primarily based on an analysis regarding the "risk of harm" that could result from the release of the PII.
 - Protected PII is information that if disclosed could result in harm to the individual whose name or identity is linked to that information. Examples of protected PII include, but are not limited to, social security numbers (SSNs), credit card numbers, bank account numbers, home telephone numbers, ages, birthdates, marital status, spouses names, educational history, biometric identifiers (fingerprints, voiceprints, etc), medical history, financial information and computer passwords.
 - Non-sensitive PII, on the other hand is information that if disclosed, by itself, could not reasonably be expected to result in personal harm. Essentially, it is standalone information that is not linked closely with any protected or unprotected PII. Examples of non-sensitive PII include information such as first and last names, email addresses, business addresses, business telephone numbers, general education credentials, gender, or race. However, depending on the circumstances, a combination of these items could potentially be categorized as protected or sensitive PII.
 - To illustrate the connection between non-sensitive PII and protected PII, the disclosure of name, business e-mail, address, or business address most likely will not result in a high degree of harm to an individual. However, a name linked to a social security number, a date of birth, and a mother's maiden name could result in identity theft. This demonstrates why protecting the information of our program participants is so important.
- 4. Policy:** PII and other sensitive information are required to be protected. As stewards of Federal funds, handling of PII and sensitive information and has to be in compliance with the Federal law and regulations, staff must secure transmission of PII and sensitive data developed, obtained, or otherwise associated with the WIOA program. In addition to the requirements above, all WIOA staff must also comply with all of the following:

- To ensure that such PII is not transmitted to unauthorized users, all PII and other sensitive data transmitted via email or stored on CDs, DVDs, thumb drives, etc., must be encrypted. WIOA staff shall not email unencrypted sensitive PII to any entity, internally or externally.
- WIOA staff must take steps necessary to ensure the privacy of all PII obtained from participants and/or other individuals and to protect such information from unauthorized disclosure. WIOA staff must maintain such PII in accordance with the standards described in this policy and any updates to such standards provided to the WIOA staff by future updates.
- WIOA staff shall ensure that any PII used during the performance of their duties has been obtained in conformity with this policy.
- WIOA staff further acknowledge that all PII data obtained through their duties shall be stored in an area that is physically safe from access by unauthorized persons at all times and the data will be processed using WIOA authorized equipment, managed WIOA approved information technology (IT) services, and designated locations approved by the WIOA program.
- WIOA staff who will have access to sensitive/confidential/proprietary/private data must be advised of the confidential nature of the information, the safeguards required to protect the information, and that there are civil and criminal sanctions for noncompliance with such safeguards that are contained in Federal and state laws.
- WIOA staff must receive training on this policy and the procedures for dealing with confidential information, before being granted access to PII acknowledge their understanding of the confidential nature of the data and the safeguards with which they must comply in their handling of such data as well as the fact that they may be liable to civil and criminal sanctions for improper disclosure.
- WIOA staff must not extract information from data supplied for any purpose not stated as part of their duties.
- Access to any PII created in the line of their duties must be restricted to only those employees who need it in their official capacity to perform duties in connection with the scope of Workforce and held under the same restrictions for PII through the Department of Labor.
- All PII data must be processed in a manner that will protect the confidentiality of the records/documents and is designed to prevent unauthorized persons from retrieving such records by computer, remote terminal, or any other means. Data may be downloaded to, or maintained on, mobile portable devices if the data is encrypted. In addition, wage data may only be accessed from secure locations.
- PII data obtained by WIOA staff through a request must not be disclosed to anyone but the individual requestor and those permitted under this policy.
- WIOA administrative staff will make onsite inspections during regular business hours for the purpose of conducting monitoring to ensure that staff are complying with confidentiality requirements described above. In accordance with this responsibility, WIOA staff must make records applicable to this policy available to authorized persons for the purpose of inspection, review, and/or monitoring.
- WIOA staff must retain data only for the period of time required to use it for assessment and other purposes, or to satisfy applicable Federal records retention requirements, if any. Thereafter, WIOA staff agrees that all data will be destroyed, including the any electronic data.
- Use the participant's KY# for participant tracking instead of SSN. While SSNs may initially be required for performance tracking purposes, a unique identifier

(such as KY#) could be linked to each individual record. Once the SSN is entered for performance tracking, the unique identifier should be used in place of the SSN for tracking purposes.

- Use appropriate methods for destroying sensitive PII in paper files (i.e., shredding or using a burn bag) and securely deleting sensitive electronic PII.
- Do not leave records containing PII open and unattended.
- Store documents containing PII in locked cabinets when not in use.
- Immediately report any breach or suspected breach of PII to the Director of Workforce Services or Assistant Director of Workforce Services.
- WIOA staff's failure to comply with the requirements identified in this policy or any improper use or disclosure of PII for an unauthorized purpose, may result in the termination or suspension of that individual.

5. Inquiries: Questions should be addressed to the Business Services Manager, Workforce Services Manager, Youth Services Manager and/or the Director of Workforce Services.

Policy Name: Case Notes
Policy Number: BGWIOA-N16-010
Effective Date: October 12, 2016
Applies to: Adults, Dislocated Workers, Older Youth, Trade

- 1. Purpose:** The purpose of this policy is to provide guidance to staff in maintaining an accurate record of services provided to participants, including documenting and justifying any decision made or action taken to provide case management services to eligible participants.
- 2. Background:** Basic to this approach is the on-going maintenance of detailed case notes on WIOA or other services provided to each program participant. Case notes give an accurate record of actions taken, the reasons behind those actions, the expected results, and the actual outcomes. Case notes create an electronic record should questions arise about how the case was handled and may be used in the event of legal action.
- 3. Definitions:**
 - EKOS - Employ Kentucky Operating System.
 - The following are examples of appropriate areas of reference for case notes:
 - ⇒ Participant Needs - Clearly explain in the case notes entered in the Comp Assess tab in EKOS. Information from intake, interviews and the objective assessment can be woven together to explain participant needs. This should establish a clear picture of the individual, their particular life, circumstances, and needs, as well as, the barriers they face to employment. It is not intended to repeat previous information but to explain, through documentation.
 - ⇒ Services Provided - Case notes entered in the Comp Assess tab in EKOS document how the mix of services offered addresses the needs of the participant. Case notes allow staff the opportunity to document the work they have done with each participant.
 - ⇒ Tracking the Individual Employment Plan (IEP) - The participant's movement through program services should be tracked by staff, including changes in life situations, changes in training needs, accomplishments, and setbacks. The most efficient way to track changes is to write case notes that coincide with and augment the initial IEP and any subsequent revisions. The IEP should be outlined through the Comp Assess section in EKOS. Each applicable tab within the section should be completed and updated as information is available.
 - ⇒ Meetings and Follow-up: Staff's interaction with the participant should be noted by the staff person involved in case notes in the Comp Assess tab in EKOS. In addition, the case notes can be utilized to highlight follow-up activity for each participant.
- 4. Policy:** All participant files must contain up-to-date case notes in the Comp Assess tab in EKOS that document and explain why specific services and activities are provided to a participant. Case notes must include an assessment of the need for services, a plan outlining the services to be provided, progress made against the plan, and the intended and actual outcomes of the services delivered.

Case notes must also document, for each service provided, the need for allowable supportive services, and the effort made to obtain other resources prior to providing WIOA funded services. Case notes should be specific, reflect observations and facts, and not contain derogatory comments, opinions, or judgments. Case notes are the primary source to justify WIOA or other services provided.

EKOS entries, including case notes, must be entered within 10 calendar days (five (5) days for Trade eligible customers).

Procedures:

Case notes must:

- Begin with "BGWIOA:" The system will automatically record the date of entry and the staff person's name.
 - Be written no less than monthly for individuals who are considered to be active or in training and no less than every 90 days for those participants considered to be in follow up.
- Document activities, including eligibility determination and the development of the participant's employment plan. Case notes should give a history of the participant's situation, barriers to employment, and services planned and received. Case notes should also describe how the participant will benefit from WIA services.
- Describe assessment(s) used and an analysis of the results of the assessment(s).
- Document active services by describing the services, the planned end date, and the expected results.
- Show the frequency of participant contact but be at least once a month for active participants and those who are in training and at least every 90 days for those participants in follow up. If the participant has not been contacted on a regular basis, staff must document why.
- Follow a sequence. If the case notes mention an issue, there must be follow up case notes to document resolution of the issue.
- Be concise and clearly highlight major areas of concern that appear to be keeping the participant from meeting their employment goal. Case notes should be fact based and identify concerns that are pertinent to the participant to receive services or continue in a training program.
- Document supportive services needs, other resources considered, and actions taken. When documenting supportive services, the case notes should include how the supportive services will benefit the participant. For example, bus tickets/pass will assist the participant with transportation to and from job search or training.
- Document training services needed, other resources explored, results expected, and how WIOA resources are expected to contribute to the success of the participant's plan. For training services, case notes must document attendance, progress, and credentials or certificates earned, including the date the credential was awarded.
- Document job search activities, such as job referrals, and other employability skills training provided, including job search workshops and assistance writing a resume.
- Document follow-up services provided to the participant, describing what was done and the planned next steps. Case notes should document post-exit credentials and employment information.
- Document the reasons for any change to the participant's employment plan. For example, case notes should document if a participant has moved, lost their job, or their work schedule has changed. The case notes should document decisions made for a new employment plan.

- When a participant's file is transferred to a new staff person, including a file transfer for the specific purpose of performing follow up, the case notes should reflect when the file was transferred. The notes should indicate that the new staff person has thoroughly reviewed the file and identified case notes or documentation that is missing from the file. If case notes or necessary documentation is missing, case notes should show the efforts the new staff will take to collect the missing documentation (if possible).
- 5. Inquiries:** Questions should be addressed to the Business Services Manager, Workforce Services Manager, Youth Services Manager and/or the Director of Workforce Services.

Policy Name: Focus | Assist Approval Queues
Policy Number: BGWIOA-N17-018
Effective Date: March 14, 2017
Applies to: All Staff

1. **Purpose:** To provide guidance on the approval queues in Focus Assist.
2. **Background:** There are three different approval queues in Focus Assist. These queues consist of the referral queue, employer queue, and job posting queue. This policy will clarify which staff should be accessing each queue and the procedures for working them.
3. **Definitions:**
 - BSTL: Business Services Team Lead.
 - EKOS: Employee Kentucky Operating System. The online system used to track state workforce, training, and employment services of job seekers and employers.
 - Focus | Assist: The online system developed used to Assist and manage job seekers who may have issues associated with their resumes, job search or use of the services available to them in FOCUS | Career. Staff may create job seeker accounts and resumes for full-service customers; send messages; manage lists; assign activities/services; post notes/reminders to records; set follow ups, resolve issues; inactivate/reactivate accounts and access job seeker profiles or remote into accounts to update resumes and make other record changes.
 - Focus | Career: The job seeker portal of Focus | Suite with exploration and labor market intelligence.
 - Focus | Talent: The business customer portal of Focus | Suite with bulk and individual job posting abilities and a search function for employer matches to viewable job seeker resumes.
 - KCC-BSC: KCC Business Services Coordinator.
 - KCC-COSS: Kentucky Career Center Central Office Support Staff.
 - FEIN: Federal Employer Identification Number.
4. **Policy:**
 - Job Referrals: The job referral queue can be worked by anyone that has completed Kentucky Career Center Basic Systems Training (EKOS/Focus | Career). This queue consists of job seekers that have self-referred to job openings but have not met the required criteria in order to be automatically referred by the system. Trained staff must review these referrals based on the specific job criteria provided on the job posting to determine if the job seeker is qualified for the job, and can be approved for referral.
 - ⇒ It is the discretion of each local office manager to determine which staff works the job referral queue, however, it is necessary that someone is in charge of keeping the queue up to date.
 - ⇒ Job referrals in the queue must be worked within 1-2 business days.
 - ⇒ Staff should first sort and work job seekers who are veterans in order to provide veterans priority of service.
 - Employer Approvals: Only KCC-COSS are authorized to approve/deny employers in the queue. This queue consists of new employer account registrations in Focus/Talent that have not auto-validated with the UI tax database based on the provided FEIN and need to be approved by KCC-COSS.

- ⇒ Employers in this queue (whether in-state or out-of-state) will be contacted by KCC-COSS within 1-2 business days in order to begin the approval process.
 - ⇒ All documentation from the process will be stored in the shared EKOS Employer Account folder in accordance with the procedures.
 - ⇒ Local office staff who have received advanced Focus | Talent and Focus | Assist training and are working DIRECTLY with an employer should enter employer accounts through Focus/Assist. If an employer account reaches the queue, local office staff should NOT approve that account in the employer queue. If Local Office Staff are working with, or have been contacted by, and employer who has gone to the queue, they should contact KCC-COSS for assistance in getting the employer approved.
 - ⇒ If an employer account remains inactive in the approval queue for five (5) business days without being approved/denied and multiple attempts at contact (phone/email) have been made by KCC-COSS requesting the required documentation; an email notice will be sent to the KCC-BSC, who will forward the information to the local BSTL for follow-up.
 - ⇒ After the BSTL has received the employer account validation documentation, they should follow up with the KCC-COSS to determine if the account should be approved/denied and KCC-COSS will take care of approving/denying the account.
 - ⇒ If the KCC-COSS has not received the required documentation from the KCC-BSC or the local BSTL after 25 calendar days the account will be denied in the queue by the KCC-COSS. The folder, contents and documentation of that action will also be moved by KCC-COSS to the Denied folder its contents will be referred to the Business Services folder for that employer.
 - Job Postings: Only staff who have completed advanced Focus | Assist and Focus | Talent training will approve/deny job postings. This queue consists of job postings that need approval from staff because they have been flagged for various reasons (i.e. violation of EEO, inappropriate language, etc.)
 - ⇒ All job postings should be approved or denied within 1-2 business days.
- 5. Inquiries:** Questions should be addressed to the Business Services Manager and/or the Director of Workforce Services.

Policy Name: Social Media
Policy Number: BGWIOA-N17-019
Effective Date: March 14, 2017
Applies To: All Staff and SubContractors

1. Purpose: This policy provides guidance and establishes the procedures for staff to represent themselves and the Bluegrass Workforce Innovation Board on a social media platform.

2. Background: Reference State Policy: Social Networking Policy

The BGWIB recognizes that effective communication is critical to fulfilling the center's mission and program goals. New and emerging platforms are fundamentally changing the way communication to clients work, offering new ways to collaborate with and engage customers and constituents.

Use of social networking tools offers many advantages and can:

- Increase transparency of government;
- enable more rapid and direct communication;
- encourage interaction and involvement;
- improve understanding; and
- gather feedback enabling the BGWIB to improve on services, programs and practices

The BGWIB is committed to effectively using a range of communications strategies and techniques as necessary to ensure that the public, our partners and program participants are fully engaged and informed. All BGWIB communications should use the appropriate platform(s) for the audience and business goal; be clear, concise and accessible; observe copyright and privacy rights; use correct grammar and spelling.

3. Definitions: Social media includes all means of communicating or posting information or content of any sort on the internet, including to the employee's own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or chat room, whether or not associated or affiliated with the BGWIB, as well as any other form of electronic communications.

4. Policy: The employee is solely responsible for what they post online. Keep in mind that any of the employee's conduct that adversely affects their job performance, the performance of fellow employees, or otherwise adversely affects members, customers, suppliers, people who work on behalf of the BGWIB or the BGWIB's legitimate business interests may result in disciplinary action, up to and including termination.

- Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject the employee to disciplinary action, up to and including termination.
- Always be fair and courteous to fellow employees, customers, members, suppliers, or people who work on behalf of the BGWIB. Employees should keep in mind that they are more likely to resolve work related complaints by speaking directly to their co-workers or by utilizing open communications rather than posting complaints to social media outlet. If an employee decides to post complaints or criticism, they should avoid using statements, photographs, video or audio that reasonable could be viewed as malicious, obscene, threatening, or intimidating, that disparage customers, members, employees, or supplies or that might constitute as harassment or bullying. Examples of such conduct might

include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, or any other status protected by law.

- Employees should ensure they are always honest and accurate when posting information or news, and if they make a mistake, correct it quickly. Be open about any previous posts they have altered. Never post any information or rumors that you know to be false about the BGWIB, fellow employees, members, customers, suppliers, people working on behalf of the BGWIB, or competitors.
- Maintain confidentiality of the BGWIB's trade secrets and private or confidential information. Trade secrets may include information regarding the development of systems, processes, products, know-how, and technology. Do not post internal reports, policies, procedures or other internal business-related confidential communications.
- Respect financial disclosure laws. It is illegal to communicate or give a "tip" on inside information to others so they may buy or sell stocks or securities. Such online conduct may also violate Insider Trading Law.
- Do not create a link from a blog, website, another social networking site to the BGWIB's website without identifying yourself as a BGWIB employee.
- Express only your personal opinions. Never represent yourself as a spokesperson for the BGWIB. If the BGWIB is a subject of the content you are creating, be clear and open about the fact that you are an employee that your views do not represent those of the BGWIB, fellow employees, members, customers, suppliers, or people working on behalf of the BGWIB, and you are not authorized to speak on behalf of the BGWIB.

Procedure: Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by the supervisor. Do not use work email addresses to register on social networks, blogs, or other online tools utilized for personal use.

- 5. Inquiries:** Questions should be addressed to the Communications and Marketing Specialist and/or the Director of Workforce Services.

Policy Name: Follow-Up
Policy Number: BGWIOA-N17-020
Effective Date: March 14, 2017
Applies to: Adults, Dislocated Workers, All Youth, Trade

- 1. Purpose:** The purpose of this policy is to provide guidance to Workforce, Youth, and Business Services Specialist on how to provide and document follow-up services for WIOA enrolled participants.
- 2. Background:** Establishes a consistent means of conducting follow-up, as acknowledged in monitoring.
- 3. Definitions:**
 - EKOS: Employ Kentucky Operating System.
 - Quarterly: For the purpose of this policy, quarterly represents July - September, October - December, January - March, and April - June.
- 4. Policy:**

Follow-up services must be provided to participants for up to 12 months after the first day of employment.

 - **Procedure:**
 - a. Staff must contact participant within 30 days of completion of training or support service to confirm employment status.
 - b. If participant is employed, staff must obtain the participant's new job title, wage, employer name, employer address, and employer phone number.
 - c. Staff will contact employer to confirm that participant is employed.
 - d. Staff will document in EKOS the confirmation of employment.
 - e. Upon confirmation of employment the participant and participant's employer must be contacted no less than quarterly from the first day of employment.
- 5. Inquiries:** Questions should be addressed to the Business Services Manager, Workforce Services Manager and/or the Director of Workforce Services.

