

Texas Workforce Commission

**Workforce Investment Act
American Recovery and Reinvestment Act
of 2009**

Implementation Guide

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ARRA

Part A – Introduction

On February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act (ARRA) of 2009. ARRA allows Local Workforce Development Boards (Boards) to assist in preserving and creating jobs, promoting the state's economic recovery, and helping those most affected by the economic downturn.

The intent of the ARRA funds is to increase employment and training services to assist workers in gaining or retooling skills and reestablishing themselves in viable career paths in high-growth industries. Particular attention must be paid to serving recipients of public assistance and other low-income individuals, displaced and underskilled adults, and disconnected youth.

The U.S. Department of Labor Employment and Training Administration (DOLETA) notes its expectation that states and Boards fully use ARRA funds to substantially increase:

- the number of customers served; and
- the number and proportion of those customers who receive training.

The WIA ARRA Implementation Guide (WIA ARRA guide) provides Boards with relevant information to assist them in implementing the provisions of ARRA.

ARRA

Part B – General Provisions

The following general provisions are relevant to all WIA programs using ARRA funds.

Targeted Populations

ARRA funds are targeted toward recipients of public assistance and other low-income individuals, displaced and underskilled adults, and disconnected youth. Boards must develop strategies to engage these individuals in activities to assist them in obtaining jobs that provide self-sufficiency wages and career paths that benefit the individual, local employers, and the local economy.

Priority of Service

When implementing priority of service requirements for eligible veterans and eligible foster youth, Boards must adhere to the procedures in WD Letter 04-09.

Note: Existing customers must not be displaced to provide services to individuals meeting the priority of service criteria.

ARRA Funds

Availability of ARRA Funds: Boards must ensure that ARRA funds are expended on ARRA activities occurring on or after February 17, 2009.

Expenditure of ARRA Funds: ARRA funds are available until June 30, 2011; however, it is the intent of DOL and the state that the majority of funds will be expended within the first year of availability, as prescribed by the following expenditure thresholds:

WIA Youth:

- 70 percent—expended by September 30, 2009
- 80 percent—expended within the first program year of availability (January 31, 2010)
- 100 percent—expended by the contract end date (June 30, 2010)

WIA Adult and Dislocated Worker:

- 80 percent—expended within the first program year of availability (June 30, 2010).

- 100 percent—expended by the contract end date (December 31, 2010)

Concurrent Spending of WIA Formula Funds and ARRA Funds: Boards must ensure that ARRA funds are spent concurrently with other WIA and Wagner-Peyser Employment Service (ES) funds, and must not be used to replace state or local funds currently dedicated to workforce development and summer jobs.

Nondisplacement

Boards must ensure that WIA participants, whether funded by WIA formula funds or ARRA funds, do not displace other employees. Under 20 C.F.R. §667.270, a participant or activity must not:

- displace (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) any currently employed employee as of the date of the participation; or
- impair existing contracts for services or collective bargaining agreements. When the program or activity would be inconsistent with a collective bargaining agreement, the appropriate labor organization and employer must provide written concurrence before the program or activity begins.

In addition, a participant must not be employed in or assigned to a job if:

- any employee in the same or any substantially equivalent job has been laid off;
- the employer has terminated any regular, unsubsidized employee or caused an involuntary reduction in its workforce with the intention of filling the vacancy with a WIA participant; or
- the job is created in a promotional line that infringes in any way on the promotional opportunities of currently employed workers.

Prohibition on Applying WIA Funds to Encourage Business Relocation

Boards must ensure that WIA formula funds, as well as ARRA funds, are not used to:

- encourage or induce a business or part of a business to relocate from anywhere in the United States if the relocation will result in any employee losing his or her job at the original location.
- provide customized training, skill training, or on-the-job training (OJT) or company-specific assessments of job applications or employees of a business, or part of a business, that relocated to the local workforce development area (workforce area)—until the company has been in operation in the workforce area for 120 days if employees from the original location lost their jobs.

Pre-award review: Boards must complete pre-award review documentation, in conjunction with the business, prior to the provision of WIA assistance to ensure the business location/relocation did not result in employee job loss at the original location.

Reviews must include the following:

- Names the company uses, or has used, to do business
- Name, title, and address of the company official certifying the information
- Whether WIA assistance is sought in connection with past or impending job losses at other facilities, including a review of any Worker Adjustment Retraining Notification Act (WARN) notices related to the employer

The review may include consultations with labor organizations and others affected in the workforce area(s).

Green Jobs and Health Care

Green Jobs: Opportunities for skilled workers in the fields of solar, geothermal, wind power design, and other green jobs as well as the use of environmentally friendly building materials means increased job opportunities for individuals who have related skills or have had exposure to work experiences that equip them with the appropriate green knowledge.

DOLETA notes in Training and Employment Guidance Letter (TEGL) 14-08 (<http://wdr.doleta.gov/directives/attach/TEGL/TEGL14-08.pdf>) that “the energy efficiency and renewable energy industries offer workers new opportunities that may require additional training and certification. Through [ARRA], a number of other federal programs will receive large investments in programs and projects that could create ‘green jobs.’ These include investments in renewable energy infrastructure, energy-efficiency home retrofitting, biofuel development, and advanced drive train/vehicle development and manufacturing.” Boards “are encouraged to recognize opportunities to prepare workers for ‘green jobs’ related to other sources of federal funding.” Boards “are also encouraged to expand existing training programs, such as registered apprenticeship programs that have the potential to prepare workers for careers in the renewable energy sectors and for other ‘green jobs.’”

DOLETA also encourages the development of youth summer employment opportunities in fields that support and sustain green jobs, such as the development of work opportunities in fields such as the retrofitting of public buildings, the construction of energy-efficient affordable public housing, solar panel installation, reclaiming of public park areas, or the recycling of computers. Mapping green educational and career pathways—both short term and long term—is an excellent way to provide youth with opportunities to align their skills with those required by the green industries and prepare them for entry into registered apprenticeship or technical training.

DOLETA has developed Green Jobs: A Workforce System Framework for Action at http://www.doleta.gov/pdf/No_Workers_Frame_0306.pdf.

Health Care: Through ARRA, investments will be made in health care–related projects, such as the development and implementation of a national infrastructure for electronic medical records to modernize health information technology and increase this industry’s need for qualified workers. A critical factor in developing and maintaining the health workforce and filling the gaps for many occupations is providing appropriate and timely information about health care careers to

individuals who may be interested in choosing health care employment. Through WIA programs, Boards may provide youth with early exposure to employment opportunities in the health care profession and information and training to adults looking to enter the health care field.

Contracts with Institutions of Higher Education and Other Training Providers

To assist Boards in providing high-quality training and to increase education and training enrollment and capacity, Boards may award direct contracts to institutions of higher education, such as community colleges, if the Boards determine it facilitates the training of multiple individuals. Boards may also consider training providers listed within the Eligible Training Provider (ETP) list. TEGL 14-08 provides the following:

- Boards may pay for the full cost of the training at the beginning of a course;
- Contracts may be for any training service allowable under WIA, including occupational skills training, adult education, literacy services, and customized training;
- Contracts may be for multiple participant slots;
- Contracts may include a provision for development of curriculum by the institution if the curriculum was developed in the context of providing training to WIA participants;
- Contracts must be for training in high-demand occupations, and must include an emphasis on green jobs;
- Contracts must not limit customer choice;
- Contracts must not duplicate existing training courses and curricula; and
- Curriculum development must focus on adapting existing or creating new curriculum that results in a short-term increase in training capacity, rather than long-term curriculum development activities.

Boards must adhere to all requirements set forth in the Texas Workforce Commission's (Commission) Financial Manual for Grants and Contracts (FMGC) when using any funds for capacity-building activities (http://www.twc.state.tx.us/business/fmgc/fmgc_toc.html). For example, FMGC Chapter 8 includes, but is not limited to, requirements related to reasonableness criteria. Regarding reasonableness criteria, consideration must be given to the extent to which a purchase is necessary to ensure quality training to workforce customers within limited time frames. In addition, FMGC Chapter 13 includes requirements such as conditions pertaining to the acquisition, management, and disposal of equipment.

Data Validation

All WIA data validation requirements apply to ARRA funds.

Open Meeting Requirement

As required by Commission rule §801.51(f) and as detailed in WD Letter 10-07, Board members must ensure that all directives that impact the rights, benefits, and privileges of employers, individuals, other customers, or organizations are voted on and adopted as Board policy in open meetings. This includes developing and adopting directives as local guidelines that implement, interpret, or prescribe laws, regulations, state policies, and applicable waivers.

Waivers

Applicable Waivers

The following waivers apply to ARRA funds:

- Sliding Scale Employer Match for Customized Training Waiver—allows Boards to replace the required 50 percent employer match for customized training with a match based on a 10 to 50 percent sliding scale.
- Older and Out-of-School Youth Use of Eligible Training Provider List Waiver—allows Boards the option of using the Eligible Training Provider System to secure training providers for older and out-of-school youth through the use of an Individual Training Account (ITA).
- WIA Formula Funds Used as Local Activity Funds Waiver—allows Boards to designate up to 25 percent of WIA formula funds as local activity funds.
- Sliding Scale Employer Match for On-the-Job Training Waiver—permits the Commission to reimburse the employer of OJT on a graduated scale based on the size of the business.

Note: For detailed information on these waivers, please see Guidelines for Implementing Workforce Investment Act Waivers located at <http://www.twc.state.tx.us/boards/wia/txwia.html>.

Nonapplicable Waivers

The following waivers do not apply to ARRA funds:

- Waiver of funds' transfers above 30 percent between adult and dislocated worker programs
- Waiver of limitation on the use of funds for capitalization of businesses at WIA §181(e).

ARRA Fund Codes

Boards must ensure that the following fund codes are used when recording ARRA-funded activities into The Workforce Information System of Texas (TWIST):

Fund Code	Fund Title
<i>173</i>	<i>WIA Adult - Stimulus</i>
<i>174</i>	<i>WIA Dislocated Worker - Stimulus</i>
<i>175</i>	<i>WIA Youth - Stimulus</i>
<i>176</i>	<i>WIA Adult Statewide - Stimulus</i>
<i>177</i>	<i>WIA Dislocated Worker Statewide - Stimulus</i>
<i>178</i>	<i>WIA Youth Statewide - Stimulus</i>

ARRA

Part C – WIA Adult

Eligibility

Participants receiving WIA adult services provided with ARRA funds must meet the same eligibility criteria applicable to WIA adult formula funds. Following is an abbreviated description of eligibility requirements. For more complete information, please refer to the Workforce Investment Act Eligibility Guidelines located at <http://www.twc.state.tx.us/boards/wia/txwia.html>.

Basic Eligibility

All participants must be:

- 18 years of age or older;
- authorized to work in the United States; and
- registered for Selective Service (only males 18 years of age and older).

WIA Adult Eligibility

Unlike WIA adult formula funds, priority for serving recipients of public assistance and other low-income individuals applies whether or not funds are limited in the workforce area.

Once basic eligibility criteria has been met, job seekers requiring intensive and training services through adult employment and training activities must meet a low-income requirement.

A job seeker who meets any *one* of the following criteria satisfies the low-income requirement for WIA adult services:

- Receives or is a member of a family who receives cash payments under a federal, state, or workforce area income-based public assistance program;
- Receives Supplemental Nutrition Assistance Program (SNAP) benefits or is a member of a household that receives SNAP benefits, or was determined eligible to receive SNAP benefits within the last six months. (A SNAP household is composed of individuals who live together and purchase and prepare their meals together for home consumption. It is possible for an individual to live in a household without being a part of a SNAP household. This determination is made by the state agency responsible for administering SNAP.);
- Receives an income or is a member of a family receiving an income that, in relation to family size, is not in excess of the current combined 70 percent of DOL's Lower Living Standard Income Level and the U.S. Department of Health and Human Services' (HHS) Poverty Income Guidelines contained in the *WIA Eligibility Guidelines* Income Guidelines Desk

Reference at <http://www.twc.state.tx.us/boards/wia/txwia.html#tpcs> (the Glossary Desk Reference defines “family” and items excluded when calculating income);

- Is a homeless individual as defined in the Stewart B. McKinney Homeless Assistance Act, §103(A) and (C) [42 U.S.C. §113.02];
- Is a foster youth for whom a court order exists and on behalf of whom the state or local government makes payments (A foster youth is an individual who is under 22 years of age for whom the state or local government has been appointed managing conservator prior to his or her eighteenth birthday as defined in Texas Family Code §264.101(a-1) and §264.101(d).); or
- Is an individual with a disability whose own income meets the requirements, even if the individual’s family income does not meet the requirements [WIA §111(25)(F)].

WIA provides specific eligibility consideration for job seekers with disabilities. If a job seeker with a disability proves to be ineligible because of family income, his or her income may be separated from the family’s income. For the purposes of income eligibility determination, the job seeker with a disability may be considered an unrelated individual who is a family unit of one, consistent with the definition of low-income individual at WIA §101(25)(F).

Note: If a job seeker with a disability is under the limit specified in the Income Guidelines Desk Reference, the job seeker still may need to meet any additional WIA adult low-income eligibility requirements established by the Board.

Sequence of Services

Services provided to a participant must be appropriate for the individual’s abilities and needs based on his or her job skills and the local labor market. Prior to placing an adult in training services, Boards must first determine whether the individual is able to obtain employment through core or intensive services. These determinations are made through assessments and the development of an Individual Employment Plan (IEP). The completion of assessments and IEPs and the placement of a participant in training services may be concurrent.

For example: An unemployed individual requests assistance with job search at a Texas Workforce Center. An assessment is completed and it is determined that the individual will not benefit from core or intensive services alone, but the individual will benefit from training services. This information must be documented in TWIST and an IEP completed, outlining the services the individual needs to successfully obtain a job that provides self-sufficiency wages. The individual may then be placed in a training service.

DOLETA indicates that a substantial portion of ARRA adult funds must be expended on training services, which include:

- occupational skills training;
- customized training and OJT; and

- programs that combine workplace training and related instruction, including registered apprenticeship.

The Commission has mandated that 67 percent of adult funds be expended on training, support services, and needs-related payments (NRPs).

Allowable Activities

Assessment

Boards have some flexibility in determining the type of assessment to be used. Boards must provide assessment tools that assist Texas Workforce Center staff in determining the types of services the participant requires in order to achieve his or her employment goals and to obtain a self-sufficient wage and viable career path.

At a minimum, assessments must:

- determine the participant's skills, abilities, and career goals; and
- help the participant map his or her skills against current and anticipated jobs.

Boards must ensure that Texas Workforce Center staff uses the information gleaned from the assessment to develop an IEP for each participant.

Individual Employment Plan

Boards must:

- develop an IEP for each adult enrolled in WIA who receives an intensive service;
- enter the IEP service into TWIST on the *Service Tracking* screen; and
- ensure that all services provided align with the needs, goals, and strategies identified in the participant's IEP.

IEPs must contain services necessary to the participant's successful completion of program activities such as:

- service strategy goals;
- a timeline of the service strategy; and
- the participant's progress within the goals.

Boards may:

- develop the IEP in TWIST; or
- use a locally developed IEP.

Boards must ensure that a hard copy of a locally developed IEP is retained in the participant's file.

The complete IEP may be entered into TWIST, as shown in the following screenshot: select *Assessment* from the *Menu Selections* list, then select the *Service Plan* tab.

Support Services

Support services address a participant's ancillary needs, thus enabling the participant to complete training. The need for these services must be documented in the participant's IEP.

Support services available using ARRA funds include, but are not limited to:

- appropriate work attire/uniforms;
- tools/safety equipment;
- housing or rental assistance;
- transportation;
- child care;
- counseling, including drug and alcohol abuse counseling; and
- NRPs.

Needs-Related Payments

ARRA allows and encourages the use of NRPs to assist individuals in pursuing training that is of sufficient duration to acquire skills and credentials of value in the current and future labor market. NRPs allow a participant to have the means to pay living expenses while receiving training.

Before providing NRPs, Boards must establish a policy regarding NRPs. Board policy may include a provision allowing Texas Workforce Centers to grant exceptions to any Board-established limits on NRPs. In developing an NRP policy, it is recommended that Boards consider the maximum limits established under WIA for dislocated workers to ensure consistency among participants.

At a minimum, adults receiving NRPs must:

- be unemployed;

- not qualify for, or have ceased to qualify for, unemployment insurance (UI) benefits; and
- be enrolled in WIA training services.

Note: Boards must ensure that appropriate staff verifies UI claimants have ceased to qualify for UI benefits before providing NRPs.

Boards may determine the frequency of NRPs. Boards may provide payments that align with frequency of contact with the participant. For example, if a participant is scheduled for weekly meetings at the Texas Workforce Center, the Board may choose to issue weekly payments.

Boards may provide NRPs up to 30 days prior to the start of training, as long as the participant is enrolled in the training.

Common Measures

All ARRA-funded participants in WIA adult programs will be included in common measures.

ARRA

Part D – WIA Dislocated Worker

Eligibility

Individuals receiving WIA dislocated worker services provided with ARRA funds must meet the same eligibility criteria applicable to WIA dislocated worker formula funds.

Basic Eligibility

All participants must be:

- authorized to work in the United States; and
- registered for Selective Service (only males 18 years of age and older).

*See additional information provided below for individuals subject to participation in Rapid Reemployment Services (RRES).

Individuals Receiving UI or Rapid Reemployment Services

As part of UI claim processing, the Commission's UI Division transmits information (name, date of birth, and SSN) to the Social Security Administration on a nightly basis to confirm a UI claimant's right to work in the United States. For RRES claimants, Boards do not need to retain documentation for authorization to work in the United States. Maintaining a copy of any of the three items listed below satisfies this requirement.

To simplify the dislocated worker basic eligibility documentation process, the Commission has revised the documentation requirements for determining dislocated worker eligibility for RRES participants. Boards may establish eligibility under Category 1 of the dislocated worker program for an RRES participant by one the following:

- A screen print of the AD17 – RRES outreach list showing the participant's name;
- A copy of the RRES outreach letter sent to the participant; or
- Verification through WorkInTexas.com. The RRES indicator—a dollar sign with a red background—appears in the WorkInTexas.com automated file for each RRES participant.

Dislocated Worker Eligibility

Category A – General Dislocated Workers

To qualify, an individual must meet all of the following three criteria:

1. Has been terminated or laid off, or has received a notice of termination or layoff, from employment;
2. Is either:
 - a) eligible for or has exhausted entitlement to unemployment compensation; or

- b) has been employed for a duration sufficient to demonstrate to the appropriate entity at a One-Stop Career Center referred to in WIA §134(c), 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
3. Is unlikely to return to a previous industry or occupation.

Category B – Plant Closure

To qualify, an individual must meet one of the following three criteria:

1. Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise;
2. Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or
3. For purposes of eligibility to receive services other than training services described in WIA §134(d)(4), intensive services described in WIA §134(d)(3), or support services, is employed at a facility at which the employer has made a general announcement that such facility will close.

Category C – Self-Employed or Unemployed

To qualify, an individual must meet the following criterion:

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

Category D – Displaced Homemaker

To qualify, an individual must meet the following three criteria:

1. Has been providing unpaid services to family members in the home;
2. Has been dependent on the income of another family member but is no longer supported by that income; and
3. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Sequence of Services

Services provided to a participant must be appropriate for the individual's abilities and needs based on his or her job skills and the local labor market. Prior to placing a dislocated worker in training services, Boards must first determine whether the individual is able to obtain employment through core or intensive services. These determinations are made through assessments and the development of an IEP. The completion of assessments and IEPs and the placement of participants in training services may be concurrent.

For example: An unemployed individual requests assistance with job search at a Texas Workforce Center. An assessment is completed and it is determined that the individual is not likely to benefit from core or intensive services alone, but the individual will benefit from

training services. This information must be documented in TWIST and an IEP completed, outlining the services the individual needs to successfully obtain a job that provides self-sufficiency wages. The individual may then be placed in a training service.

DOLETA indicates that a substantial portion of ARRA adult funds must be expended on training services, which include:

- occupational skills training;
- customized training and OJT; and
- programs that combine workplace training and related instruction, including registered apprenticeship.

The Commission has mandated that 67 percent of dislocated worker funds be expended on training, support services, and NRPs.

Allowable Activities

Assessment

Boards have some flexibility in determining the type of assessment to be used. Boards must provide assessment tools that assist Texas Workforce Center staff in determining the types of services the participant requires in order to achieve his or her employment goals and to obtain a self-sufficient wage and viable career path.

At a minimum, assessments must:

- determine the participant's skills, abilities, and career goals; and
- help the participant map his or her skills against current and anticipated jobs.

Boards must ensure that Texas Workforce Center staff uses the information gleaned from the assessment to develop an IEP for each participant.

Individual Employment Plan

Boards must:

- develop an IEP for each dislocated worker enrolled in WIA who receives an intensive service;
- enter the IEP service into TWIST on the *Service Tracking* screen; and
- ensure that all services provided align with the needs, goals, and strategies identified in the participant's IEP.

IEPs must contain services necessary to the participant's successful completion of program activities such as:

- service strategy goals;
- a timeline of the service strategy; and
- the participant's progress within the goals.

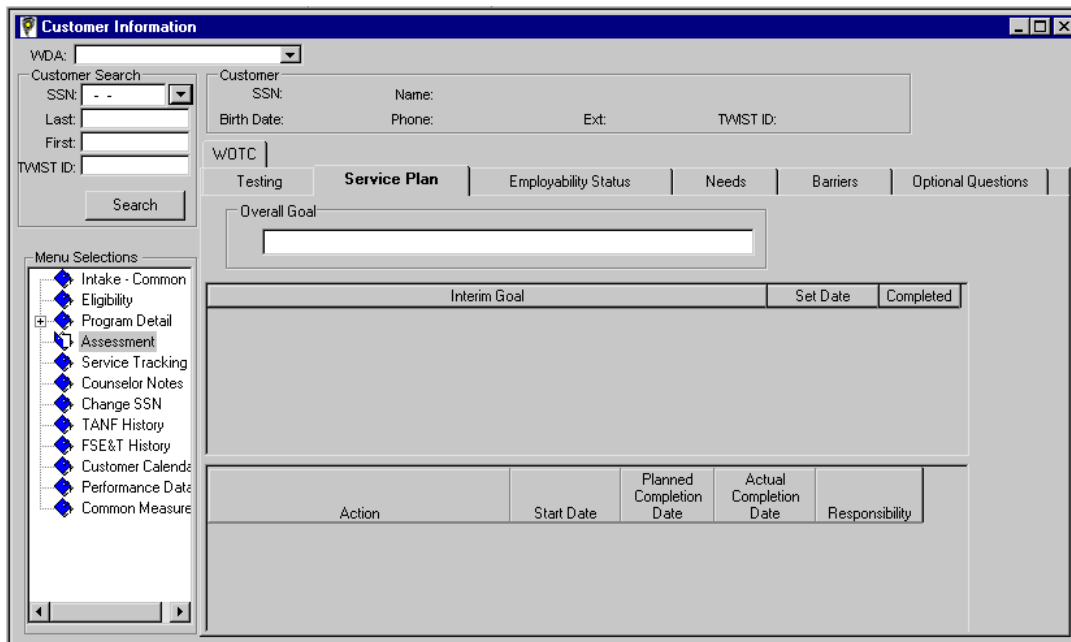
Boards may:

- develop the IEP in TWIST; or

- use a locally developed IEP.

Boards must ensure that a hard copy of a locally developed IEP is retained in the participant's file.

The complete IEP may be entered into TWIST, as shown in the following screenshot: from the *Menu Selections* list select *Assessment*, then select the *Service Plan* tab.



Support Services

Support services address a participant's ancillary needs, thus enabling the participant to complete training. The need for these services must be documented in the participant's IEP. Because dislocated worker program eligibility is not income based, it is recommended that Boards require means testing for dislocated workers prior to the provision of support services or NRPs.

Support services available using ARRA funds include, but are not limited to:

- appropriate work attire/uniforms;
- tools/safety equipment;
- housing or rental assistance;
- transportation;
- child care;
- counseling, including drug and alcohol abuse counseling; and
- NRPs.

Needs-Related Payments

ARRA allows and encourages the use of NRPs to assist individuals in pursuing training that is of sufficient duration to acquire skills and credentials of value in the current and future labor market. NRPs allow a participant to have the means to pay living expenses while receiving training.

Before providing NRPs, Boards must establish a policy regarding NRPs. Boards may include a policy provision allowing Texas Workforce Centers to grant exceptions to any Board-established limits on NRPs.

At a minimum, dislocated workers receiving NRPs must:

- be unemployed; and
 - not qualify for, or have ceased to qualify for, UI benefits or trade readjustment allowances under Trade Adjustment Assistance (TAA); and
 - be enrolled in a program of WIA training services; and
 - be enrolled in WIA training services by the end of the 13th week after the layoff that resulted in a determination of the worker's eligibility for the Dislocated Worker program;
- or*
- if later than the 13th week after layoff, by the end of the 8th week after the worker was informed that a short-term layoff will exceed six months.

Note: Boards must ensure that appropriate staff verifies UI claimants have ceased to qualify for UI benefits before providing NRPs.

Maximum Amounts: Boards must be aware of the following:

- For a participant who was eligible for UI as a result of the qualifying dislocation, the payment must not exceed the applicable weekly level of the UI benefit.
- For a participant who did not qualify for UI benefits as a result of a qualifying layoff, the NRPs must not exceed the HHS poverty income guidelines for the participant's family size.

Note: Boards may determine the frequency of NRPs. Boards may provide payments that align with frequency of contact with the participant. For example, if a participant is scheduled for weekly meetings at the Texas Workforce Center, the Board may choose to issue weekly payments.

Boards may provide NRPs up to 30 days prior to the start of training, as long as the participant is enrolled in the training.

Common Measures

All ARRA-funded WIA dislocated worker participants will be included in common measures.

ARRA

Part E – WIA Youth

Eligibility

All youth participants receiving WIA youth services provided with ARRA funds must meet the same eligibility criteria applicable to WIA youth formula funds, with one exception: ARRA extends the maximum age from 21 through 24.

Basic Eligibility

All participants must be:

- Ages 14 through 24
- authorized to work in the United States; and
- registered for Selective Service (only males 18 years of age and older).

Boards must be aware the following:

- Male youth who turn 18 while enrolled in WIA must complete their military Selective Service registration 30 days prior to or 30 days after their 18th birthday to continue receiving WIA services. Boards are responsible for monitoring youth compliance with this criterion.
- With the maximum age extended to 24, there may be an increased number of veterans eligible for the youth program. Priority of service also applies to these individuals.
- The requirement for workforce areas to expend a minimum of 60 percent of WIA youth funds on out-of-school youth does not apply to ARRA funds. Boards must meet only the federally established minimum of 30 percent of WIA youth funds expended on out-of-school youth.

WIA Youth Eligibility

To be eligible, youth must meet A, B, C, and D.

A. Basic eligibility

B. Be between ages 14 and 24

C. Low-income eligibility as defined in the *WIA Eligibility Guidelines* Glossary Desk Reference

D. Be in one or more of the following categories:

- Deficient in Basic Literacy Skills;
- School Dropout (youth who are homeschooled are not dropouts)
- Homeless, Runaway, or Foster Youth;
- Pregnant or Parenting;
- Offender; or
- In need of additional assistance to complete an educational program, or to secure and hold employment (as defined by Board policy).

Note: Boards may need to review their current youth policies to determine if the Board-defined additional assistance criterion will be applicable to youth ages 22 through 24.

Youth Special Rule – 5 Percent Exemption

The WIA 5 percent exemption applies to ARRA funds.

Youth qualifying under the 5 percent eligibility exemption must meet A, B, and D above and fall within one or more of the following categories:

- School Dropout
- Basic Skills Deficient
- Behind Grade Level
- Pregnant or Parenting
- Disabled (includes learning disabilities)
- Homeless or Runaway
- Offender
- Faces serious barriers to employment as identified by Board policy

Note: Boards are limited to enrolling up to 5 percent of youth participants under WIA formula funds and 5 percent under ARRA funds.

Boards must be aware that as ARRA funding is exhausted, youth participating in ARRA-funded summer employment activities who the Board determines will continue to be served must be funded by WIA youth formula funds. If a Board determines that youth enrolled in ARRA-funded employment activities under the 5 percent exemption need to continue receiving services with WIA formula funds, the Board must be aware that these youth will count toward the 5 percent limit for both WIA formula funds and for ARRA funds.

TEGL 14-08 indicates that while DOLETA does not limit the use of ARRA funds to summer employment, the congressional explanatory statement for ARRA states that “the conferees are particularly interested in these funds being used to create summer employment opportunities for youth.”

10 Youth Program Elements

Boards may spend a portion of their ARRA funds to provide year-round youth programs, which include the following 10 youth program elements:

1. Tutoring, study skills training, and instruction leading to completion of secondary school, including dropout prevention strategies;
2. Alternative secondary school services, as appropriate;
3. Summer employment opportunities that are linked directly to academic and occupational learning;
4. Paid and unpaid work experiences, as appropriate, including internships and job shadowing;

5. Occupational skills training, as appropriate;
6. Leadership development opportunities, which may include community service and peer-centered activities encouraging responsibility and other positive social behaviors during nonschool hours, as appropriate;
7. Support services;
8. Adult mentoring for the period of participation and a subsequent period, for a total of not less than 12 months;
9. Follow-up services for not less than 12 months after the completion of participation, as appropriate; and
10. Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate.

Allowable Activities

Assessment

Boards may determine the type of assessment to be used for youth served only during the summer months and may provide the type of assessment deemed appropriate for each individual.

When determining the type of assessment, Boards must ensure that the assessment is age appropriate and that it provides information that will assist Texas Workforce Center staff in identifying the types of services the youth will require to successfully participate in the summer employment program.

While Boards may determine whether to link academic learning directly to summer employment, Boards must ensure that each youth receives an Individual Service Strategy (ISS) that includes a comprehensive objective assessment, including a review of the youth's academic and occupational skills levels, as well as his or her individual service needs.

For youth served beyond the summer months, Boards must ensure that a comprehensive objective assessment is conducted, including a review of the academic and occupational skills levels as well as the service needs of each youth.

Individual Service Strategy

Boards must use the information gleaned from the assessment to develop an ISS for each participant.

Boards may determine the type of ISS used for youth served only during the summer months.

Boards must:

- use the information gleaned from the assessment to develop an ISS for each participant;
- enter the ISS service into TWIST under the *Service Tracking* screen; and
- ensure that all services provided align with the needs, goals, and strategies identified in the participant's ISS.

The ISS must contain services necessary to the participant’s successful completion of program activities such as:

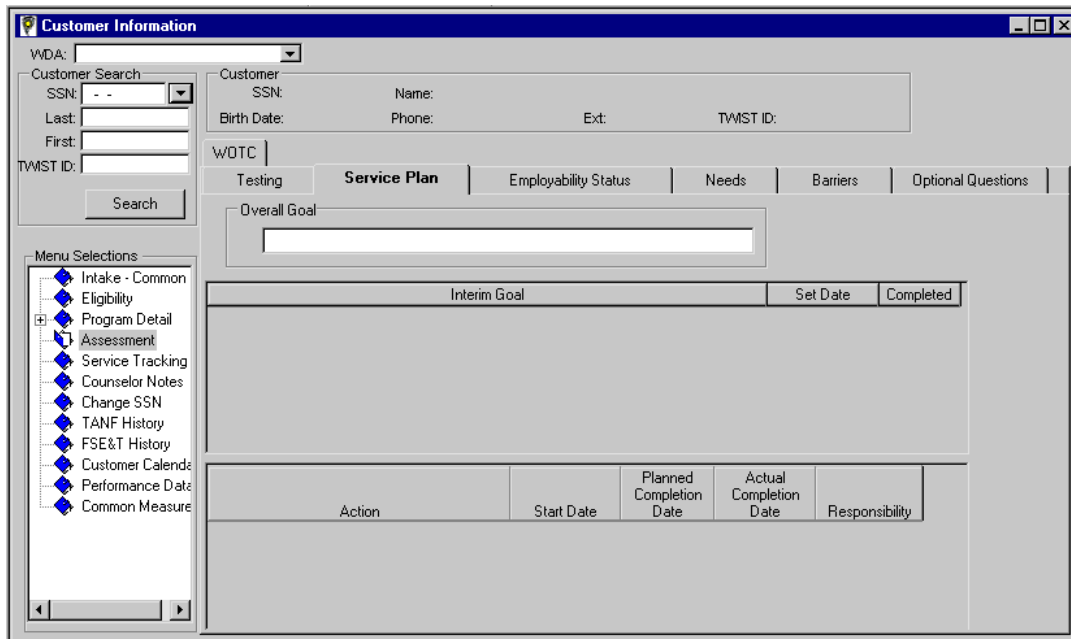
- service strategy goals;
- a timeline of the service strategy; and
- the participant’s progress within the goals.

Boards may:

- develop the ISS in TWIST; or
- use a locally developed ISS.

Boards must ensure that a hard copy of the locally developed ISS is retained in the participant’s file.

The complete ISS may be entered into TWIST, as shown in the following screenshot: from the *Menu Selections* list select *Assessment*, then select the *Service Plan* tab.



Summer Employment

All ARRA-funded youth summer employment programs run from May 1, 2009, through September 30, 2009. All ARRA-funded youth extended summer employment programs run from October 1, 2009, through March 31, 2010.

The TWIST fund code, service code, and service date entered into TWIST will show which youth are enrolled solely in summer employment and extended summer employment programs and, therefore, subject only to the work readiness performance measure and completion rate reporting.

Boards must be aware of the following ARRA provisions regarding youth who are enrolled solely in ARRA-funded summer employment and extended summer employment programs:

- Boards must use:
 - TWIST fund code *175–WIA Youth – Stimulus*; and
 - TWIST service code *74–Summer Youth/Work Experience*.
- When providing the required assessment, Boards may use the following TWIST service codes:
 - *8–Comprehensive Objective Assessment*; or
 - *68–Employability Development Plan*.
- Boards must enter an ISS under TWIST service code *68–Employability Development Plan*.
- Boards may provide support services, including NRPs, to youth participating in summer employment and extended summer employment programs.
- Boards may determine whether to link academic learning directly to youth summer employment and extended summer employment opportunities.
- Boards may determine whether the 12-month follow-up will be required.
- Work readiness is the only indicator of performance for youth who are enrolled solely in ARRA-funded summer employment or extended summer employment programs. A sample work readiness evaluation form is included at the end of this Part.
- Boards must ensure a pre- and post-work readiness evaluation is conducted to determine whether a measurable gain has occurred.
- Boards must ensure a completion reason is entered into TWIST in order for the completion rate to be determined.

The Commission is particularly interested in summer employment opportunities that link work experience with training—specifically, training that results in a credential. However, the Commission is mindful of DOLETA’s strong encouragement to quickly establish summer employment opportunities in summer 2009. DOLETA notes that work experience is the core component of a summer employment program, and the program must be designed to encourage participants to take responsibility for their learning, to understand and manage their career options, and to develop social skills and a maturity level that will help them interact positively with others. To succeed in the workplace, today’s job seekers and current employees must be able to build relationships with peers, managers, and customers. Consequently, work experience provided to youth summer employment participants must be structured to impart measureable communication, interpersonal, decision-making, and learning skills.

The Commission also notes DOLETA’s guidance that Boards may determine whether to link academic learning directly to summer employment for each youth served with ARRA funds only during the summer months. DOLETA observes that in some situations, Boards may want to complement work experience with classroom-based learning so youth are provided with

assistance in developing and refining attitudes, values, and work habits that will contribute to their success in the workplace. DOLETA further states that classroom training coupled with work experience is critical, particularly for younger youth or older youth with educational deficiencies. For these youth, a combination of work-based and classroom-based learning activities may be warranted to provide basic skills instruction, career exploration, and life-skills training. The Commission encourages Boards to establish summer employment opportunities that are linked, to the extent possible, with education and training, and credential attainment.

DOLETA notes in TEGL 14-08 that states and Boards must ensure that participating worksites introduce and reinforce the rigors, demands, rewards, and sanctions associated with holding a job. States and Boards must make an effort to match worksites with participants' interests and goals. Some states and Boards have created work experience activities where work readiness skills are learned on the job. This may be an acceptable model for older youth who already possess the necessary academic skills. Also, as discussed below, pre-apprenticeship programs are an effective way of training youth for registered apprenticeship programs and can be a valuable component of summer employment opportunities for youth.

For some youth, a combination of work-based and classroom-based learning activities may be warranted to provide basic skills instruction, career exploration, and life-skills training. In these situations, classrooms may be transformed into interactive, work-related environments to complement the work experience activities. The Board may determine that it is appropriate to pay the participating youth the same hourly rate for both the work-based and classroom-based learning activities.

Serving Migrant and Seasonal Farmworker Youth with Summer Youth Employment Opportunities

Migrant and seasonal farmworker youth are often disconnected from both education and the workforce. These individuals can benefit significantly through participation in summer youth employment opportunities. It is recommended that Boards work with workforce system grantees serving farmworkers and their dependents to outreach and enroll migrant and seasonal farmworker youth in summer employment opportunities.

Work Experience

Work experience is the core component of a summer employment program; youth participating in summer employment programs only during summer months must be provided, at a minimum, with a work experience component. All other elements are available at the Board's discretion.

Work experience is a planned, structured learning experience that takes place in a workplace setting for a limited period and allows youth to gain exposure to the world of work and its requirements. Work experience may be paid or unpaid.

Work experience may include the following:

- Instruction in employability skills or generic workplace skills such as those identified by the Secretary of Labor's Commission on Achieving Necessary Skills (SCANS)
- Exposure to various aspects of industry
- Progressively more complex tasks

- Internships and job shadowing
- Integration of basic academic skills into work activities
- Support work, work adjustment, and other transition activities
- Entrepreneurship
- Service learning
- Paid and unpaid community service
- Other elements designed to achieve the goals of work experience
- OJT, as appropriate

Work experience may be conducted in the private for-profit, private nonprofit, and public sectors. In private for-profit organizations, the participating youth must be the primary beneficiary of the work experience placement. In most cases, OJT is not an appropriate work experience activity for youth participants under age 18.

Note: Boards may choose to use OJT for an older youth when it is appropriately based on the needs identified by an assessment of an individual youth participant.

Work experience may be combined with classroom instruction relating to a particular position, occupation, industry, or basic skills and abilities to successfully compete in the local labor market.

Work experience jobs are not entered into WorkInTexas.com.

Worksites

Boards must seek employers that are committed to helping youth receive the experience and training required to meet the work readiness goals set for summer employment participants.

When selecting worksites, it is recommended that Boards consider the following:

- Employers must be willing to work closely with Texas Workforce Center staff;
- Employers must provide proper worksite supervision; and
- Employers must be flexible in working with youth who may have barriers to employment.

Boards must ensure that:

- arrangements do not unfavorably impact current employees and do not impair existing contracts for services or collective bargaining agreements;
- arrangements do not impact the profit margin of a for-profit company (the participating youth should be the primary beneficiary of the work experience placement); and
- opportunities are *not* in any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pools.

Boards must ensure that each work experience complies with the following:

- Health and Safety regulations;
- Fair Labor Standards Act (FLSA); and
- All other applicable federal and state employment laws.

Note: For information and resources on safety and child labor laws, see <http://www.youthrules.dol.gov/about.htm> and <http://www.osha.gov/teens>. Information related to Texas requirements is at <http://www.twc.state.tx.us/ui/lablaw/lablaw.html>.

To receive training on child labor laws, Boards may contact the Commission's Labor Law Section at (800) 832-9243 or (512) 475-2670.

Support Services

Support services address a participant's ancillary needs, thus enabling the participant to complete training. The need for these services must be documented in the participant's IEP.

Support services available using ARRA funds include, but are not limited to:

- appropriate work attire/uniforms;
- tools/safety equipment;
- housing or rental assistance;
- transportation;
- child care;
- counseling, including drug and alcohol abuse counseling;
- NRPs; and
- stipends.

Needs-Related Payments

ARRA allows and encourages the use of NRPs to assist individuals in pursuing training that is of sufficient duration to acquire skills and credentials of value in the current and future labor market. NRPs allow a participant to have the means to pay living expenses while receiving training.

Before providing NRPs, Boards must establish a policy regarding NRPs. Boards may include a policy provision allowing Texas Workforce Centers to grant exceptions to any Board-established limits on NRPs. In developing an NRP policy, it is recommended that Boards consider the maximum limits established under WIA for dislocated workers to ensure consistency among participants.

While TEGL 14-08 provides that NRPs are allowable as a support service for youth under WIA, the Commission has determined that NRPs must be provided only to out-of-school youth who are enrolled in training. NRPs for youth are intended to allow them to advance and persist through progressive levels of job training as quickly as possible and gain education and workforce skills of demonstrated value at each level.

Boards may provide NRPs up to 30 days prior to the start of training, as long as the participant is enrolled in the training.

Stipends

Stipends are regular, fixed payments made to WIA youth participants to encourage their participation in work experience and classroom activities. Boards must ensure that all stipends are based on time spent in the activity.

For example: A Board may adopt a policy that states that a youth participating in work experience will receive an hourly stipend equal to the federal minimum wage for each hour the youth participates in both the class and in unpaid work experience. The youth attends 4 hours of classroom instruction and completes 20 hours of work time with a local business. Based on the Board's policy, the youth is eligible for payment equal to minimum wage for a total of 24 hours.

Incentives

Incentives, either monetary or nonmonetary are allowed to improve employment, training, and education outcomes. Boards must adhere to the guidelines outlined in WD Letter 27-08.

12-Month Follow-Up

Boards may determine if and when follow-up will be required for youth served only during the summer months with ARRA funds.

Performance and Common Measures

Work Readiness Indicator

Youth who participate in summer employment programs (i.e., only during the summer months) will not be included in common measures. Instead, they will be reported under the work readiness skill goal.

When setting work readiness goals, Boards must follow the definition for a work readiness skill goal specified in TEGl 17-05, Attachment B Definition of Key Terms at http://wdr.doleta.gov/directives/attach/TEGL17-05_AttachB.pdf. The key part of the definition is the need for Boards to determine whether a measureable increase in work readiness skills has occurred.

Boards must establish a methodology for determining work readiness skills upon beginning and completing the summer work experience in order to determine whether a measurable increase has occurred. Boards must ensure a pre- and post-work readiness evaluation is conducted to determine whether a measureable gain has occurred. Boards may choose the assessment instruments to determine pre- and post-work readiness skills. Possible tools include worksite supervisor evaluations, work readiness skill checklists, portfolio assessments, and any other relevant forms of assessing work readiness skills. A sample work readiness evaluation is provided at the end of this Part.

Note: Boards may determine to link academic learning directly to summer employment for each youth served with ARRA funds only during summer months.

For DOLETA reporting purposes, the number of participants enrolled in summer employment and the completion rate (i.e., the number of youth who complete their summer employment work experience divided by the number of youth who participate in summer employment work experience multiplied by 100 percent) must be tracked. Boards must ensure a completion reason is entered into TWIST.

Boards must be aware of the following:

- If a youth's work experience during the extended summer employment program is a continuation of work experience begun in the summer months (May through September), the work experience counts only once in the Work Readiness Skill Goal performance measure.
- If a youth participated in one work experience during summer employment (May through September) and a different work experience during extended summer employment (October through March), each work experience counts individually in the Work Readiness Skill Goal performance measure.

Common Measures

Youth participating in summer employment programs beyond the summer months will be included in common measures.

WORK READINESS EVALUATION FORM

Work Maturity Competency _____ Interim _____ Final _____

Participant: _____ SSN: _____

Training Site: _____ Supervisor: _____

Position: _____ Report _____ Period: _____ to _____ Total Hours worked: _____

Rating Guide: Rating of “2” or above needed for competency.

4 – Excellent 3 – Above Average 2 – Satisfactory 1 – Not Acceptable

Work Maturity Skills

	Rating
1. Attendance	_____
2. Punctuality	_____
3. Appearance Participant dresses appropriately for the job. Hair groomed neatly and appropriately.	_____
4. Following Direction Exhibits a positive attitude toward supervisor. Listens to instructions. Asks questions if necessary. Carries out assignments as specified.	_____
5. Quality of Work – Completing Tasks Completes work neatly, accurately, and thoroughly. Corrects errors. Make effective use of suggestions for improvement.	_____
6. Quantity of Work – Behavior/Attitude Doesn't waste time. Completes assigned work on schedule. Does his/her share on group assignments.	_____
7. Dependability Carries out assigned work effectively and efficiently without constant supervision. Shows initiative and good judgment when minimal instructions are given.	_____
8. Working Relationships – Interpersonal Relations Shows proper respect for others. Gives help to coworkers, if requested. Is able to ask for needed assistance from coworkers. Shows a positive attitude when working with others.	_____
9. Personal Behavior Follows rules in regard to safety, use of equipment, care of property, and personal conduct. Accepts responsibility for his/her actions; willing to try new things.	_____

Complete this section for interim evaluation:

Is the participant making satisfactory progress? _____ No _____ Yes. For each rating below a “2,” list criteria and/or actions to be taken for improving performance.

Complete this section for final evaluation:

Did the participant demonstrate satisfactory attainment of all benchmarks (rating above “1”)?
_____ No _____ Yes

Comments: _____

Supervisor signature: _____

Participant signature: _____

Date: _____

Work Maturity Benchmarks

	Benchmark Ratings
Attendance	
• 100% attendance	4
• 1 or 2 excused absences	3
• Complies with program policy, notifies supervisor of absences	2
• Often absent without good reason	1
Punctuality	
• 100% on time to work and from breaks, ready to work	4
• Notifies supervisor, late to work or from break 1 or 2 times, but immediately ready to work	3
• Complies with program policy, notifies supervisor if going to be late	2
• Lacking in punctuality, late more than four times in two-week period	1
Rating of 4	Exceeds standard – meets the work maturity benchmark independently with no supervision.
Rating of 3	Above standard – meets the work maturity benchmark independently with limited supervision.
Rating of 2	Satisfactory – meets the work maturity benchmark under normal supervision.
Rating of 1	Poor – requires constant and close supervision in order to meet the work maturity benchmark.

ARRA

Part F – Glossary

Community Service

A paid or unpaid work experience performed for the benefit of the public or its institutions and that is targeted at specific unmet human, educational, environmental, or public safety needs. This includes work experience obtained through a for-profit organization, nonprofit organization, or governmental entity.

Disconnected Youth

Youth who are not in school and not working, or who lack family or other support networks.

(For ARRA purposes, youth is defined as those individuals between the ages of 14 and 24.)

Private Sector Organizations

Organizations in that part of the economy which are run both for private profit and are not government controlled.

Public Sector Organizations

Organizations in the section of the economy that are financed and controlled by central government, local authorities, and publicly funded corporations (corporations supported by public funds).

Public Service Employment

Employment within a government entity including federal, state, county, or city government agencies. Examples include: emergency management, government, military service, public safety, law enforcement; public interest law services (including prosecution or public defense or legal advocacy in low-income communities at a nonprofit organization), public child care, public service for individuals with disabilities and the elderly, public health, social work in a public child or family service agency, public education (including early childhood education), public library sciences, school-based library sciences and other school-based services.

Summer Employment Opportunities

Full or part-time employment for WIA youth participants engaged solely in work experience with a public or private sector employer.

Institutions of Higher Education

An educational institution in any state that:

1. admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;
2. is legally authorized within such state to provide a program of education beyond secondary education;
3. provides an educational program for which the institution awards a bachelor's degree or provides not less than a two-year program that is acceptable for full credit toward such a degree;
4. is a public or other nonprofit institution; and
5. is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted preaccreditation status.

Additional institutions include postsecondary vocational institutions as follows:

1. Any school that provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and that meets provision 1, 2, 4, and 5 above; and
2. A public or nonprofit private educational institution in any state that admits as regular students persons who are beyond the age of compulsory school attendance in lieu of a certificate of graduation.

Postsecondary Vocational Institution

Postsecondary vocational institution means a school that:

1. provides an eligible program of training to prepare students for gainful employment in a recognized occupation;
2. meets the requirements of paragraphs (1), (2), (4), and (5) of 20 U.S.C. §1001(a); and
3. has been in existence for at least two years.

Additional Institutions: The term postsecondary vocational institution also includes an educational institution in any state that, in lieu of the requirement in paragraph (1) of 20 U.S.C. §1001(a), admits as regular students persons who are beyond the age of compulsory school attendance in the state in which the institution is located.

ARRA

Part G – List of Revisions

Note: The guide contains minor, nonsubstantive editorial changes that are not included on the List of Revisions.

DATE	SECTION	COMMENTS
10/23/09	Part E	Revised in accordance with WD Letter 13-09, Change 1