

General and Definition Policy

Effective Date: 10/01/2018

Duration: Indefinite



This policy statement outlines the broad criteria to be used in implementing the Workforce Innovation and Opportunity Act of 2014 (WIOA) and may be modified by the local Northeast Tennessee Workforce Development Board (NETLWDB) to reflect changing labor market conditions and availability of funds. The policies outlined herein are intended to establish a general framework to provide services to participants. These policies are subject to revision as additional guidance is issued from the U.S. Department of Labor and/or Tennessee Department of Labor and Workforce Development (TDLWD).

The Workforce Innovation and Opportunity Act (WIOA) offers an integrated and comprehensive range of services consisting of workforce development activities benefiting employers, job seekers and our local communities. The purposes of WIOA are to:

- increase, particularly for individuals with barriers to employment, access to and opportunities for the employment, education, training, and support services needed to succeed in the labor market;
- support the alignment of workforce investment, education, and economic development systems for a comprehensive, accessible, and high-quality workforce development system;
- improve the quality and labor market relevance of workforce investment, education, and economic development efforts to provide individuals with the skills and credentials necessary to secure and advance in employment with family-sustaining wages, and to provide employers with the skilled workers needed to succeed in a global economy;
- promote improvement in the structure and delivery of services through the workforce development system to better address the educational and training needs of workers, job seekers, and employers;
- increase the prosperity of workers and employers; the economic growth of communities, regions, and states; and the global competitiveness of the United States; and
- provide workforce investment activities, through state and local workforce development systems, that increase participants' employment, retention, earnings, and attainment of recognized postsecondary credentials, and as a result, improve the quality of the workforce, reduce dependency on public assistance, increase economic self-sufficiency, meet the skills requirements of employers, and enhance the productivity and competitiveness of the nation.

PRIORITY OF SERVICE FOR VETERANS AND ELIGIBLE SPOUSES - The priority of service for veterans and eligible spouses always applies across all qualified employment and training programs through the Jobs for Veterans Act, Public Law 107-288. Final Rule 680.650 builds on the USDOL's efforts to ensure veterans are entitled to priority of service in all-department funded training programs under 38 U.S.C. 4215. The WIOA regulation states that veterans must receive priority of service in programs for which they are eligible. Refer to Veterans and Eligible Spouses Policy.

SELECTIVE SERVICE POLICY

The Presidential Proclamation 4771 of July 2, 1980 requires that male persons born after December 31, 1959, who have attained their 18th birthday, register with the Selective Service System. Registration must be completed within 30 days of a male's 18th birthday. Failure to register in a timely manner does not relieve the duty to register.

WIOA Section 189(h) requires all participants receiving assistance or benefit under WIOA to comply with the Selective Service System registration requirements under the Military Selective Service Act. Section 3(a) of the Military Selective Service Act requires male citizens of the United States who are between 18 and 21 years of age, to present themselves for Selective Service System registration at times and places determined by the President of the United States. Section 12, Subsection (g), of the Military Selective Service Act (as amended by provision contained in the National Defense Authorization Act for fiscal year 1987, P.L. 99-661) requires the registration status of all males born after December 31, 1959 be examined and confirmed.

A person may not be denied a right, privilege, or benefit under the federal law due to failure to present himself for, and submit to registration under Section 3(a) of the Military Selective Service Act if the requirement for the person to register has terminated or becomes inapplicable to the person; and the person shows by a preponderance of evidence that the failure of the person to register was not a knowing and willful failure to register. A male who has failed to register within the 30-day period after his 18th birthday, and who has not yet attained 26 years of age can mitigate his failure to register by presenting himself at a U.S. Post Office or before an official Selective Service System registrar and submitting the information necessary for Selective Service System registration. A male 26 years of age or older who has failed to register is presumptively disqualified from participation in WIOA funded activities and services. A male who has failed to register may not be denied any benefit if he can show by a preponderance of evidence that his failure to register was not knowing and willful. The burden falls on the applicant to provide evidence explaining why he failed to register with the Selective Service System.

ASSESSMENTS

WIOA allows the use of previous assessments for determining appropriate career and training services for participants. WDBs should ensure the previous assessment contains current information and is no more than six months old. In assessing basic skills, local areas must use assessment instruments that are valid and appropriate for the target population and must provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities. The local area is not required to conduct a new assessment of a participant if it determines that it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program. Assessments may include, but are not limited to, Career Scope, CASAS, and Test for Adult Basic Education (TABE), and National Career Readiness Certificate (NCRC). In addition, reference TDLWD WSG TN-WIOA (17-05).

DISABILITY

Americans with Disabilities Act (ADA) defines a person with a disability as an individual who has a physical or mental impairment that substantially limits at least one major life activity, has a record of such impairment, or is regarded as having such impairment. Under ADA, disability is not a medical term but instead a legal categorization. Americans with Disabilities Act of 1990 (as amended) Section 12102(1). Please reference Workforce Services Policy - Auxiliary and Americans with Disabilities Act Guidance TN-WIOA (17-8)

AUXILIARY AIDS AND SERVICES (Americans with Disabilities Act of 1990 (as amended) Section 12103(1); 28 CFR 36.303): includes

- Qualified interpreters, note takers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening

systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments

- Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments
- Acquisition or modification of equipment or devices
- Other similar services and actions

Please reference Workforce Services Policy - Auxiliary and Americans with Disabilities Act Guidance TN-WIOA (17-8).

BASIC SKILLS DEFICIENT - defined in WIOA section 3(5) as an individual:

- Who is a youth (18-24), that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or
- Who is a youth or adult that the individual 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.

RETENTION AND FOLLOW-UP SERVICES - Follow-up services must be made available, as appropriate, including counseling regarding the workplace, for all participants for a minimum of 12 months after the first day of employment. Retention and follow-up services are critical services provided after a closure/exit from the program to help ensure the participant is successful in employment and for youth this may include the successful transition and retention in postsecondary education and training. All participants must receive some form of retention and follow-up services for a minimum duration of 12 months. The types of services provided and the duration of services must be determined based on the needs of the individual, and therefore, the type and intensity of follow-up services may differ for each participant.

VERIFYING IDENTITY AND EMPLOYMENT ELIGIBILITY - WIOA details the instructions and required use of the I-9 Immigration and Naturalization Form when determining identify and Authorization to Work. WIOA service providers also use this form as the basis to determine eligibility for Title I programs. Refer to NETLWDB Verifying Identity and Employment Eligibility.

EQUAL OPPORTUNITY (EO) AND COMPLAINT PROCEDURE – EO and complaint procedures are available upon request from AJC staff, NETLWDB staff and are also available at www.netlwdb.org and www.netcc.org.

WAIVER PROVISION – NETLWDB policies may be waived, contingent upon extenuating circumstances, as recommended by the American Job Center system staff members to NETLWDB Board staff. Upon favorable review, Board staff will issue written approval. However, those policies which are based upon provisions mandated by the act or regulations thereto may not be waived.

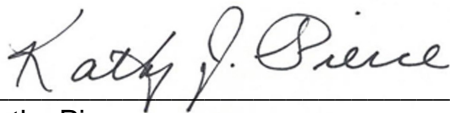
SPECIAL NOTE: As a result of the re-alignment of LWDAs across the state, NETLWDA is now serving individuals who were enrolled under of the policies of the former LWDA 2. In order to support the continued program success of these participants, to eliminate barriers to successful completion of program activities and to demonstrate good faith efforts in meeting program obligations at the time of

enrollment, elements of the NETLWDB policy may be waived upon carefully consideration of commitments made and individual circumstances based upon determination of participant need.

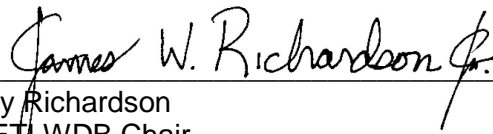
CONTACT: Questions concerning the above may be addressed to Kathy Pierce, Executive Director of the NETLWDB at kpierce@ab-t.org.

This policy will remain in effect until amended, modified, or set aside by the Northeast Tennessee Local Workforce Development Board.

APPROVED:



Kathy Pierce
NETLWDB Executive Director



Jay Richardson
NETLWDB Chair