

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

EXECUTIVE COMMITTEE

SPECIAL MEETING **A G E N D A**

November 9, 2017
4:00 p.m.

Meeting will be held at:

Workforce Assistance Center
2037 W. Cleveland Avenue
Madera, CA 93637
(559) 662-4589

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY Pursuant to the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, any individual with a disability who requires reasonable accommodation to attend or participate in a meeting or function of the Workforce Development Board of Madera County, may request assistance by contacting the Executive Assistant at Madera County Workforce Investment Corporation office, 2037 W. Cleveland Avenue, Madera, CA 93637; Telephone 559/662-4589; Fax 559/673-1794.

If a quorum of the Workforce Development Board is not present at the time of the meeting BUT a quorum of the Workforce Development Board Executive Committee IS present, an Executive Committee board meeting will be conducted in place of the Workforce Development Board.

This agenda and supporting documents relating to the items on this agenda are available through the Workforce Development Board website at http://www.maderaworkforce.org/?page_id=724. These documents are also available at the Madera County Workforce Assistance Center – office of the Executive Director.

1.0 Call to Order

1.1 Pledge of Allegiance

2.0 Additions to the Agenda

Items identified after preparation of the Agenda for which there is a need to take immediate action. Two-thirds vote required for consideration (Government Code Section 54954.2(b)(2))

3.0 Public Comment

This time is made available for comment from the public on matters within the Board's jurisdiction. The comment period will be limited to 15 minutes. Each speaker will be limited to 3 minutes and only one speaker per subject matter.

4.0 Introductions and Recognitions

5.0 Adoption of Board Agenda

6.0 Consent Calendar

6.1 Consideration of the approval of the Executive Committee meeting minutes – September 26, 2017.

7.0 Action Items

7.1 Consideration of the approval of the revised Incumbent Worker Training policy to include a cap of \$2500.

7.2 Consideration of the approval of the revised Selective Service policy to conform with recently published State guidance in EDD Directive WSD16-18.

- 7.3 Consideration of the approval of the revised Limited English Proficiency (LEP) policy to conform with recently released State guidance in EDD Directive WDD17-03.
- 7.4 Consideration of the approval of the new Oversight and Monitoring of Nondiscrimination and EO Procedures policy to implement the new requirements issued by the State in EDD Directive WSD17-05.
- 7.5 Consideration of approval of the new WIOA Youth Program Requirements policy.
- 7.6 Consideration of approval to include the Construction sector as an identified sector-in-demand for Madera County.
- 7.7 Consideration of approval of the Memorandum of Understanding (MOU) Phase I with California Indian Manpower Consortium, Inc. (CIMC).
- 7.8 Consideration of approval of the America's Job Center of California (AJCC) Baseline Certification Matrix conducted by the WDB ad-hoc certification committee and authorization for WDB Chair signature and submission of the Matrix to the State by December 31, 2017.

8.0 Information Items

9.0 Written Communication

10.0 Open Discussion/Reports/Information

10.1 Committee Members

10.2 Staff

11.0 Next Meeting

December 28, 2017

12.0 Adjournment



Executive Committee

SPECIAL MEETING MINUTES

September 26, 2017

*Convened at Madera County Workforce Assistance Center - Conference Room
2037 W. Cleveland Avenue, Madera, CA 93637
(559) 662-4589*

PRESENT: Bob Carlson, Les Taylor, Pat Gordon

ABSENT: Brett Frazier, Robyn Smith

GUEST:

OTHERS: Elaine Craig, Gail Lopez, Jessica Roche, Maiknue Vang, Nicki Martin, Tracie Scott-Contreras

1.0 Call to Order

Meeting called to order at 4:15 p.m. by Vice Chair Pat Gordon.

1.1 Pledge of Allegiance

2.0 Additions to the Agenda

None.

3.0 Public Comment

None.

4.0 Introductions and Recognitions

None.

5.0 Adoption of Board Agenda

Bob Carlson moved to adopt the agenda, seconded by Pat Gordon.

Vote: Approved – unanimous

Yes: Bob Carlson, Les Taylor, Pat Gordon

6.0 Consent Calendar

6.1 Consideration of the approval of the August 17, 2017 Workforce Development Board (WDB) of Madera County meeting minutes.

Pat Gordon moved to approve, seconded by Bob Carlson.

Vote: Approved – unanimous

Yes: Bob Carlson, Les Taylor, Pat Gordon

7.0 Action Items

7.1 Consideration of the approval of the America's Job Center of California (AJCC) Certification Process Outline.

The State and the Workforce Innovation and Opportunity Act (WIOA) mandate that all workforce development areas certify their AJCCs. An outline of the certification process is due to the State by September 29, 2017. 3 WDB Directors volunteered to work as an AJCC Certification Committee and worked with Tracie Scott-Contreras, Deputy Director, on the process and outline. All workforce areas must complete and submit a Baseline Certification Matrix. Madera will have no problem meeting the Baseline matrix requirements. Madera has elected to obtain Hallmark certification as well. The Hallmark level certification is more rigorous but could lead to future High Performing board designation as well as possible funding that could be made available to areas with the Hallmark certification. Due to its more rigorous requirements, the AJCC Committee recommended that a Consultant be hired to help with the process. Staff are looking into hiring a consultant that is very familiar with the workforce development system to work with the Committee for the Hallmark certification and have found that the fee could be up to \$10,000. At this time, staff are confident that they will meet and obtain Hallmark certification. There are 2 areas out of 8 that Madera does not currently meet but a plan will be put into place to meet those 2 areas in order to meet all requirements.

Bob Carlson moved to approve the AJCC Certification Process Outline, seconded by Pat Gordon.

Vote: Approved – unanimous

Yes: Bob Carlson, Les Taylor, Pat Gordon

8.0 Information Items

None.

9.0 Written Communication

None.

10.0 Open Discussion/Reports/Information

10.1 Committee Members

None.

10.2 Staff

None.

11.0 Next Meeting

October 26, 2017

12.0 Adjournment

Pat Gordon moved to adjourn the meeting at 4:29 p.m., seconded by Bob Carlson.



INCUMBENT WORKER TRAINING POLICY

EDD Revision Date: N/A

WDB Review Date: 4/23/09; 12/17/15; 12/15/16; ~~11/9/17~~

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EXECUTIVE SUMMARY

PURPOSE:

This document establishes the Workforce Development Board of Madera County's policy on Incumbent Worker Training.

REFERENCES:

- WIOA Section 134(d)(4)
- 20 CFR 680.780-820

POLICY:

The Workforce Innovation and Opportunity Act (WIOA) and the proposed implementing regulations allow Local Workforce Development Areas to reserve up to 20% of their combined local Adult and Dislocated Worker funds to provide training to incumbent workers. Training to incumbent workers may be provided using up to the maximum currently allowed percentage of formula funds to meet the needs of Madera County employers with incumbent workers in need of training. To be eligible as an incumbent worker, the incumbent worker needs to be employed, meet the Fair Labor Standards Act requirements for an employer-employee relationship, and must have an established employment history with the employer for six months or more. The training must increase the competitiveness of the employee or the employer. An incumbent worker does not necessarily have to meet the income or priority group requirements for career and training services for adults and dislocated workers under the WIOA.

Incumbent worker training, for the purposes of WIOA Section 134(d)(4)(B), is training that:

- Is designed to meet the special requirements of an employer (including a group of employers) to retain a skilled workforce or avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment; and
- Is conducted with a commitment by the employer(s) to retain or avert the layoffs of the incumbent worker(s) trained.

All requests for incumbent worker training must be submitted by the employer requesting the training and must include justification for the training need and substantiation that the above criteria will be met through the provision of the training. Requests from employers will be

submitted to the Executive Director or designee using the established Incumbent Worker Training Request form. The maximum allowable amount for each Incumbent Worker Training Agreement in \$2500.

Employers participating in the incumbent worker training program will be required to pay for the non-Federal share of the cost of providing the training to incumbent workers. The non-Federal share will not be less than:

- 10 percent of the cost for employers with not more than 50 employees
- 25 percent of the cost for employers with 51 to 100 employees
- 50 percent of the cost for employers with 101 or more employees.

The non-Federal share provided by an employer participating in the incumbent worker training program may include the amount of the wages paid by the employer to a worker while the worker is attending the training program. The employer may provide their share of the training costs in cash or in-kind, fairly evaluated.

Employers who are awarded incumbent worker training funds by the Workforce Development Board of Madera County will submit a report to the Board following the completion of the training program that outlines the results of the training, including at minimum:

- Number of individuals successfully trained
- Number of lay-offs averted
- Number of trained employees retained in employment
- Percentage of wage increases for trained individuals
- Anticipated promotional opportunities for trained individuals.

The report shall be submitted to the Executive Director or designee no later than 30 days following the completion of the training program.

INQUIRIES:

If you have questions, please contact the Executive Director or designee at (559) 662-4500.



SELECTIVE SERVICE REGISTRATION POLICY

EDD Revision Date: 8/28/01; 8/28/12; 8/24/15; 11/3/15
WDB Review Date: 3/22/07; 9/17/15; 12/17/15,12/15/16; 11/9/17

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EXECUTIVE SUMMARY:

Purpose:

This document establishes the policy of the Workforce Development Board of Madera County regarding the Selective Service registration requirements for participants in Workforce Investment and Opportunity Act (WIOA) funded programs and services. In addition, this policy contains guidance to assist local WIOA program staff in determining whether a failure to register by a current or potential WIOA participant was knowing and willful. Finally, this document establishes that all local organizations funded by WIOA Title I must establish a policy and procedure for potential male participants 26 or older who failed to register with Selective Service, as required.

Scope:

This policy applies to all organizations receiving WIOA Title I funding through the Workforce Development Board of Madera County.

Effective Date:

This policy is effective immediately upon the date of approval by the Workforce Development Board and is retroactive to the date of publication of EDD Directive WSD16-18 on April 10, 2017

Deleted: issuance of final guidance by the Workforce Services Division of the Employment Development Department on November 3, 2015.

REFERENCES:

- EDD Directive WSD15-06
- WIOA (Public Law 113-128) Section 189(h)
- Title 50 United States Code (U.S.C.) Appendix 453
- Title 20 Code of Federal Regulations (CFR) Section 683.225
- Training and Employment Guidance Letter (TEGL) 11-11, Change 2.

STATE-IMPOSED REQUIREMENTS:

This policy contains no State-imposed requirements.

FILING INSTRUCTIONS:

Retain this policy until further notice.

BACKGROUND:

Males who are subject to the registration requirements of Military Selective Service Act (MSSA) must have complied with these requirements to be eligible for participation in WIOA-funded programs and services. Under WIOA Section 189(h), the U.S. Secretary of Labor is required to ensure that each individual who participates in a WIOA program, or received any assistance under WIOA Title I, has not violated Section 3 of the MSSA. This section requires that every male citizen and every other male residing in the United States must register with Selective Service between their 18th and 26th birthday.

This guidance is being update to clarify acceptable forms of documentation when determining whether an individual's failure to register with the Selective Service was knowing and willful.

POLICY AND PROCEDURES:

All programs and services established or receiving assistance under WIOA Title I must comply with the Selective Service registration requirements. These requirements apply to both formula and discretionary grants awarded by the Department of Labor (DOL). They do not apply to programs funded or solely authorized by the Wagner-Peyser Act.

Selective Service Registration Requirements

Males born on or after January 1, 1960, are required to register with the Selective Service within 30 days of their 18th birthday and up to, but not including their 26th birthday.

This includes males who are:

- U.S. Citizens
- Veterans discharged before their 26th birthday.
- Non-citizens, including undocumented immigrants, legal permanent residents, and refugees who take up residency in the U.S. prior to their 26th birthday.
- Dual nationals of the U.S. and another country, regardless of whether they live in the U.S.

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For U.S. citizens, Selective Service registration is not required if the male falls within one of the following categories:

- Males who are serving in the military on full-time active duty;
- Males attending the service academies;
- Disabled males who were continually limited to a residence, hospital, or institution;
- Males who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday; and/or

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- Male veterans discharged after their 26th birthday.

For non-U.S. citizens, Selective Service registration is not required if the male falls within one of the following categories:

- Non-U.S. males who entered the U.S. for the first time after their 26th birthday. Acceptable forms of documentation include:
 1. Date of entry stamp in his passport;
 2. I-94 with date of entry stamp on it; or
 3. Letter from the U.S. Citizenship and Immigration Services indicating the date the male entered the U.S. presented in conjunction with documentation establishing the male's age.
- Non-U.S. males who entered the U.S. illegally after their 26th birthday. They must provide proof that he was not living in the U.S. from age 18 through 25.
- Non-U.S. males on a valid non-immigrant visa.

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NOTE: The requirement for transsexual, transgendered, and intersex individuals to register with the Selective Service depends upon the gender recorded on their birth certificate. According to the Selective Service website, "Individuals who are born female and have a gender change are not required to register. U.S. citizens or immigrants who are born male and have a gender change are still required to register."

Deleted: If an individual is recorded as a male, that individual would need to register for the Selective Service regardless of their present sexual identity (e.g. sex change from male to female). However, if that individual's birth certificate is later changed to reflect a female identity, that individual would not be required to register.

This list of Selective Service registration requirements is not exhaustive. Additional information regarding these requirements can be found on the Selective Service website at www.sss.gov. This website also provides a quick reference chart listing who must register.

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Acceptable Documentation

In order to be eligible to receive WIOA-funded services, all males born on or after January 1, 1960, must present documentation showing compliance with the Selective Service registration requirements.

Acceptable documentation to determine a person's eligibility for WIOA Title I programs include the following:

- Selective Service Acknowledgement letter.
- Report of Separation form (DD-214). This should only be used if the veteran was discharged after his 26th birthday.
- Screen printout from the Selective Service Verification website. For males who already registered, this website can be used to confirm their Selective Service number as well as the date of registration, by entering a last name, social security number, and date of birth.
- Selective Service registration card.
- Selective Service verification form (Form 3A).
- Stamped post office receipt of registration.

Registration Requirements for Males Under 26

Before being enrolled in WIOA-funded services, all males who are not registered with the Selective Service and have not reached their 26th birthday must register through the Selective Service website. If a male turns 18 while participating in WIOA-funded services, registration with Selective Service must be completed no later than 30 days after he becomes 18 in order to continue to receive WIOA-funded services. If a male under the age of 26 refuses to register with Selective Service, WIOA-funded services must be suspended until he registers.

Non-Registration by Males 26 and Older

Subrecipients or contractors who receive WIOA Title I funding, must establish a policy for those potential participants who are 26 or older that failed to register with the Selective Service. This policy may either request a Status Information Letter from a potential participant before making a determination of knowing and willful failure to register or initiate the process to determine if the potential participant's failure was knowing and willful without first requesting a Status Information Letter.

Before enrolling in WIOA-funded services, all males 26 and older must provide one of the following:

- Documentation showing they were not required to register.
- If they were required to register, documentation establishing that their failure to register was not knowing or willful.

Status Information Letter

An individual may obtain a Status Information Letter from the Selective Service if one of the following applies:

- The individual believes he was not required to register.
- The individual did register but cannot provide the appropriate documentation.

The Status Information Letter Request form and instructions can be accessed through the Selective Service website. If an individual decides to request a Status Information Letter, they will need to describe, in detail, the circumstances that prevented him from registering (e.g., hospitalization, incarceration, or military service) and provide documentation of those circumstances. The documentation should be specific as to the dates of the circumstances.

If the Status Information Letter indicates that an individual was not required to register for the Selective Service, then he is eligible for enroll in a WIOA-funded service. If the Status Information Letter indicates that the individual was required to register and did not register, he is presumed to be disqualified from participation in WIOA-funded activities and services until it can be determined that his failure to register was not knowing and willful. All costs associated with grant-funded services provided to non-eligible individuals may be disallowed.

How to Determine "Knowing and Willful" Failure to Register

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Deleted: Individuals who did not register for the Selective Service or who cannot provide any of the documentation listed in the "Acceptable Documentation" section of this policy must obtain a Status Information Letter from the Selective Service indicating whether they are required to register. The Status Information Letter Request form and instructions can be accessed through the Selective Service website. The individual will need to describe, in detail, the circumstances that prevented him from registering (e.g. hospitalization, incarceration, or military service) and provide documentation of those circumstances. The documentation must be specific as to the dates of the circumstances.¶

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<#>The individual believes that he was not required to register.¶
<#>The individual did register but cannot provide the appropriate documentation.¶

If the individual was required but failed to register with the Selective Service, as determined by the Status Information Letter or by his own acknowledgement, the individual may only receive services if he establishes that the failure to register was not knowing and willful. The subrecipient or contractor that enrolls individuals in WIOA-funded activities, and is thereby authorized to approve the use of WIOA grant funds, is the entity responsible for evaluating the evidence presented by the individual and determining whether the failure to register was knowing and willful.

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Documentation

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Evidence presented may include the individual's written explanation and supporting documentation of his circumstances at the time of the required registration and the reason(s) for failure to register. The individual should be encouraged to offer as much evidence and in as much detail as possible to support his case. The following are examples of documentation that may be of assistance in making a determination in these cases:

- Service in Armed Forces – Evidence that a male has served honorably in the U.S. Armed Forces, such as a Form DD-214 or his Honorable Discharge certificate. These documents serve as evidence that his failure to register was not knowing and willful.
- Third Party Affidavits – Affidavits concerning reasons for not registering from parents, teachers, employers, doctors and others may help subrecipients or contractors in making a determination regarding knowing and willful failure to register.
- **Self-Attestation – Signed statement that explains why the individual's failure to register was not knowing and willful.**

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***Please note, self-attestation may serve as sufficient evidence when other options of documentation or third-party corroboration are not available. For a self-attestation statement template please see Attachment 1.**

Model Questions

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In order to establish consistency regarding the implementation of the requirement, subrecipients or contractors should use the following questions as a model for determining whether a failure to register is knowing and willful.

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To determine whether the failure was "knowing," authorized organizations should ask the following:

- Was the individual aware of the requirement to register?
- If the individual knew about the requirement to register, was he misinformed about the applicability of the requirement to him (e.g., veterans who were discharged before their 26th birthday were occasionally told that they did not need to register)?
- On which date did the individual first learn that he was required to register?
- Where did the individual live when he was between the ages of 18 and 26?
- Does the status information letter indicate that Selective Service sent letters to the individual at that address and did not receive a response?

To determine whether the failure was “willful,” authorized organizations should ask the following:

- Was the failure to register done deliberately or intentionally?
- Did the individual have the mental capacity to choose whether or not to register and decided not to register?
- What actions, if any, did the individual take when he learned of the requirement to register?

Results of Findings

If an authorized organization determines that an individual’s failure to register with the Selective Service was not knowing and willful and the individual is otherwise eligible, services may be provided. However, if the authorized organization determines that evidence shows that the individual’s failure to register was knowing and willful, WIOA services must be denied. Individuals who are denied services must be advised of available grievance procedures. Authorized organizations must keep documentation related to evidence presented in determinations on Selective Service.

ACTION:

Bring this policy to the attention of all affected Madera County Local Workforce Development Area staff and all WIOA-funded Service Providers.

INQUIRIES:

If you have questions, please contact the Executive Director or designee at (559) 662-4500.

Deleted: Finally, a participant’s claim of ignorance (e.g., “I did not know...”) regarding Selective Service registration requirements should not suffice as enough evidence to make a determination if his failure was knowing and willful. Ask for more evidence to support this claim.¶



Selective Service Failure to Register Self-Attestation Statement

I, _____, have been informed that the law required me to register for the United States Selective Service. I have been told that my statement must be made freely and voluntarily. I am willing to make such a statement.

I was born on _____ and I am now _____ years old.

I first became aware of my duty to register with the United States Selective Service System on the following date:

Month/Day/Year

I first became aware of my duty to register with the United States Selective Service System under the following circumstances:

While I was between the ages of 18 and 26, I lived in the following country:

I make the following statement:

____ Yes ____ No I did not register for the Selective Service because I did not know I was supposed to register with the Selective Service System at any time while I was between the ages of 18 years old and 26 years old.

____ Yes ____ No Had I known I was supposed to register with the Selective Service System while I was between the ages of 18 years old and 26 years old, I would have registered.

____ Yes ____ No I have been served with a notice from the Selective Service System that they intend to prosecute me for my failure to register.

Signature

Date



LIMITED ENGLISH PROFICIENCY

EDD Revision Date: 10/2/01; 3/29/05; 5/12/05; 8/11/17
WDB Review Date: 3/22/07; 12/17/15; 12/15/16; 11/9/17

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EXECUTIVE SUMMARY:

Purpose:

This policy provides the guidance and establishes the procedures regarding the prohibition against national origin discrimination as it affects persons with Limited English Proficiency (LEP).

Deleted: This document establishes the Workforce Development Board of Madera County's policy on providing local guidance and procedures, consistent with Federal requirements, regarding the prohibition against national origin discrimination as it affects persons with Limited English Proficiency (LEP).¶

Scope:

The guidance in this policy applies to the Madera County Local Workforce Development Area (LWDA) and all other Workforce Innovation and Opportunity Act (WIOA) Title I grant recipients or subrecipients.

Effective Date:

This policy is effective on the date of issuance of Employment Development Department Directive WSD17-03, issued on August 11, 2017.

Deleted: approval by the Workforce Development Board of Madera County.

REFERENCES:

- WIOA(Public Law 113-125) Section 188
- Title 29 Code of Federal Regulations (CFR) Part 38
- Department of Labor (DOL) Training and Employment Notice (TEN) 28-16, Subject: *Best Practices, Partnership Models, and Resources Available for Serving English Language Learners, Immigrants, Refugees, and New Americans (January 9, 2017)*

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STATE-IMPOSED REQUIREMENTS:

This policy contains no State-imposed requirements.

Deleted: <#>Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (August 11, 2000)¶
<#>Federal Register, Volume 68, Number 103, Civil Rights Center; Enforcement of Title VI of the Civil Rights Act of 1964; Policy Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons; Notice (May 29, 2003)¶
<#>Dymally-Alatorre Bilingual Services Act, Government Code Section 7290-7299.8¶
<#>Department of Labor (DOL) Training and Employment Guidance Letter (TEGL) 26-02, Publication of Revised Guidance Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (May 29, 2003)¶

BACKGROUND:

The nondiscrimination and equal opportunity provisions found in Section 188 of WIOA and 29 CFR Part 38 prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including LEP), age, disability, or political affiliation or belief, or, for

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¶
This policy implements the guidance published in TEGL 26-02 for programs funded under Title I of the WIOA. Retain this policy until further notice.¶

beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title I-financially assisted program or activity.

POLICY AND PROCEDURES

National origin discrimination now includes LEP under 29 CFR Section 38.9 and specifically states that in providing any aid, benefit, service, or training under a WIOA Title I-financially assisted program or activity, a recipient must not, directly or through contractual, licensing, or other arrangements, discriminate on the basis of national origin, including LEP. Additionally, 29 CFR Section 38.41 added "LEP and preferred language" to the list of categories of information that each recipient must record about each applicant, registrant, eligible applicant/registrant, participant, and terminee.

Definitions

For the purposes of this policy, the following definitions apply:

Babel Notice – a short notice included in a document or electronic medium (e.g. web site, "app", email) in multiple languages informing the reader that the communication contains vital information, and explaining how to access language services to have the contents of the communication provided in other languages (29 CFR Section 38.4(i)).

Employment-related training – training that allows or enables an individuals to obtain skills, abilities, and/or knowledge that are designed to lead to employment (29 CFR Section 38.4(t)).

LEP Individual – an individual whose primary language for communication is not English and who has a limited ability to read, speak, write, and/or understand English. A LEP individual may be competent in English for certain types of communication (e.g. speaking or understanding), but still be LEP for other purposes (e.g. reading or writing) (29 CFR Section 38.9 Appendix).

LEP Plan – A written language access plan which assists in ensuring that LEP individuals have meaningful access to WIOA Title I-financially assisted programs and activities (29 CFR Section 38.9 Appendix).

Meaningful Access – Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individuals. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed, or inferior as compare to programs or activities provided to English proficient individuals.

Primary Language – An individuals' primary language is the language in which an individual most effectively communicates, as identified by the individual.

Reasonable Steps to Ensure Meaningful Access for LEP Individuals

Deleted: The Civil Rights Act of 1964 and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance. Section 188 of the WIOA contains the nondiscrimination and equal opportunity provisions. These provisions prohibit discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, or participation in WIOA Title I-financially assisted programs and activities, including participation by citizens and noncitizens eligible to participate in Title I programs. The Employment Development Department Workforce Services Directive WSD15-24 provides federal and State requirements regarding nondiscrimination and equal opportunity procedures.¶

¶
As required by Executive Order 13166, entitled "Improving Access to Services for Persons with Limited English Proficiency," issued by the President on August 11, 2000, the DOL Civil Rights Center (CRC) published policy guidance in the Federal Register (January 17, 2001) regarding the prohibition against national origin discrimination as it affects persons with limited English proficiency. The policy guidance was issued pursuant to the requirements of Title VI of the Civil Rights Act and Section 188 of the Workforce Investment Act.¶

¶
Based on public comments received in response to the January 17, 2001, guidance and further instructions from the Department of Justice, the DOL published revised policy guidance in the Federal Register on May 29, 2003.¶

¶
The CRC published revised policy guidance in the Federal Register on May 29, 2003. The revised guidance does not create new obligations or requirements but rather clarifies standards consistent with case law and well-established legal principles developed under Title VI. The purpose of this policy is to assist the LWDA and local subrecipients in fulfilling their responsibilities to provide meaningful access to LEP persons under existing law. This guidance clarifies existing legal requirements for LEP persons by providing a description of factors that should be considered in fulfilling the responsibilities to LEP persons. This policy reiterates DOL's longstanding position that in order to avoid discrimination against LEP persons on the grounds of national origin, local areas and subrecipients must take reasonable steps to ensure that such persons receive, free of charge, the language assistance necessary to afford them access to the programs, services, and information being provided.¶

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¶
Local recipients and subrecipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. The DOL's LEP guidance includes an individualized assessment that balances four factors that should be applied when assessing language needs and deciding reasonable steps. The objective of the four factor analysis is to suggest a reasonable balance that ensures meaningful access by LEP customers to critical services while not imposing undue burdens. The four factor analysis includes:¶

¶
<#>The number or proportion of LEP persons served or encountered in the eligible services population;¶
<#>The frequency with which LEP individuals come into contact with the program;¶
<#>The nature and importance of the program, activity, or service provided; and¶
<#>The resources available to the WIOA-funded entity and costs.¶

The Local area is required to take reasonable steps to ensure that LEP individuals have meaningful access to their programs and activities. Reasonable steps may include, but are not limited to, the following:

- Conducting an assessment of a LEP individuals to determine their language assistance needs.
- Providing oral interpretation or written translation of both hard-copy and electronic materials, in the appropriate non-English languages, to LEP individuals.
- Conducting outreach to LEP communities to improve services delivery in needed languages.

(29 CFR Section 38.9[b][1])

Reasonable steps for providing meaningful access to training programs may include, but are not limited to, the following:

- Written training materials in appropriate non-English languages by written translation, or by oral interpretation, or summarization.
- Oral training content in appropriate non-English languages through in-person or telephone translation.

(29 CFR Section 38.9[b][2][i][ii])

Furthermore, the Local Area will ensure that every program delivery method, whether it be in person, electronic, or by phone, conveys in the appropriate language how a LEP individual may effectively learn about, participate in, and/or access any aid, benefit, service, or training available to them. It should also be noted that as new methods for the delivery of information or assistance are developed, Local Area staff will be required to take reasonable steps to ensure that LEP individuals remain able to learn about, participate in, and/or access any aid, benefit, service, or training available to them (29 CFR Section 38.9[c]).

Language Assistance Services

Language assistance generally comes in two forms: oral interpretation or written translation. The Local Area will ensure that above all, these services are free of charge and provided in a timely manner. A LEP individual must be given adequate notice about the existence of interpretation and translation services and that they are available free of charge. Language assistance will be considered timely when it is provided at a place and time that ensures equal access and avoids the delay or denial of any aid, benefit, service or training (29 CFR Section 38.9[d] and [e]).

Interpreter Services

The Local Area will not require a LEP individual to provide their own interpreter. Furthermore, the Local Area will not rely on a LEP individual's minor child or adult family or friend to interpret or facilitate communication, except for the following circumstances:

- In emergency situations while awaiting a qualified interpreter.

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¶ When oral interpretation is needed and is reasonable, recipients should consider the following options: ensuring the competence of the interpreters, hiring bilingual staff, hiring staff interpreters, contracting for interpreters, using telephone interpreter lines, using community volunteers, or using family members or friends.¶

¶ When using written translation services, the recipient should make a determination regarding the kinds of documents to be translated, the language subject to interpretation, and the expertise of the translator(s).¶

¶ The Dymally-Alatorre Bilingual Services Act (DABSA) requires that, when state and local agencies serve a "substantial number of non-English speaking people," they must employ a "sufficient number of qualified bilingual staff in public contact positions" and must translate documents explaining available services into their clients' languages. The DABSA establishes specific legal mandates for state agencies, but allows local agencies discretion in establishing the level and extent of bilingual services they provide. It is suggested that local recipients and subrecipients review the DABSA in conjunction with the CRC guidance in reviewing and revising their policies and procedures regarding services to LEP individuals.¶

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- When the information conveyed is of minimal importance to the services to be provided.
- When a LEP individual specifically requests that an accompanying adult provide language assistance and they agree to provide assistance to the individual. If a Local Area permits an accompanying adult to serve as an interpreter for a LEP individual, it must make and retain a record of the LEP individual's decision to use their own interpreter.

Finally, where precise, complete, and accurate interpretations or translation of information and/or testimony are critical for adjudicatory or legal reasons, the Local Area may still provide their own, independent interpreter, even if a LEP individual wants to use their own interpreter as well. This also applies in cases where the competency of the interpreter requested by the LEP individual is not established. (29 CFR Section 38.9[f])

Concerning Vital Information

For languages spoken by a significant portion of the population eligible to be served or likely to be encountered, the Local Area will translate vital information in written materials into these languages. These translations must in turn be readily available upon request in hard copy or electronically. Written training materials offered or used within employment-related training programs (see definitions section) are excluded from these translation requirements. However, in all cases, the Local Area will take reasonable steps to ensure meaningful access for LEP individuals.

For languages not spoken by a significant portion of the population eligible to be served or likely to be encountered, the Local Area will take reasonable steps to meet the particularized language needs of LEP individuals who seek to learn about, participate in, and/or access the aid, benefit, service or training that is available to them. Vital information may be conveyed orally if not translated.

The Local Area must also be sure to include a Babel Notice, indicating that language assistance is available in all communications of vital information. This includes letters or decisions in hard-copy or electronic formats. (29 CFR 38.9[g])

Finally, to the extent otherwise required by 29 CFR Part 38, once made aware of the non-English preferred language of a LEP beneficiary, participant, or application for aid, benefit, service, or training, all vital information must be conveyed in the individuals preferred language. (29 CFR Section 38.9[h])

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Developing a Written LEP Plan

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In order to ensure that reasonable steps are taken to allow meaningful access for LEP individuals, the state highly recommends that Local Areas develop a written LEP Plan. Local Areas that develop, implement, and periodically revise a LEP plan are more likely to fulfill their obligation of taking reasonable steps to ensure meaningful access to programs and activities by LEP individuals. Furthermore, developing and implementing a LEP plan has many benefits,

including providing Local Area staff with a roadmap for establishing and documenting compliance with nondiscrimination obligations and ensuring that LEP individuals receive the necessary assistance to participate in the programs and activities in the Local Area.

When developing a LEP plan, Local Area staff will address the following elements as they provide a clear framework that will ensure meaningful access to LEP individuals.

- The process the Local Area will use to determine the language needs of individuals who may or may seek to participate in programs and activities (self-assessment or needs assessment) that receive financial assistance under WIOA Title I.
- The results of the assessment (e.g. identifying the LEP populations to be served by the Local Area).
- Timelines for implementing the LEP plan.
- All language services to be provided to LEP individuals.
- The manner in which LEP individuals will be advised of available services.
- Steps LEP individuals should take to request language assistance.
- The manner in which Local Area staff will provide language assistance services.
- What steps must be taken to implement the LEP Plan (e.g. creating or modifying policy documents, employee manuals, employee training material, posters, web sites, outreach materials, contracts, electronic and information technologies, applications, or adaptations).
- The manner in which Local Area staff will be trained.
- Steps the Local Area will take to ensure quality control, including monitoring implementation, establishing a complaint process, timely addressing complaints, and obtaining feedback from stakeholders and employees.
- The manner in which the Local Area will document the provision of language services.
- The schedule for revising the LEP plan.
- The individual(s) assigned to oversee implementation of the LEP plan (e.g. LEP Coordinator or Program Manager).
- Allocations of resources to implement the LEP plan.

It should be noted that the elements of a successful LEP plan are not fixed and must be tailored to the Local Area's specific programs and activities. Over time, LEP plans will need to be revised to reflect the following:

- New recommendations and government guidance.
- Changes in the Local Area's operations as well as the experiences and lessons learned.
- Changing demographics.
- Stakeholder and beneficiary feedback.

(29 CFR Section 38.9 Appendix)

For additional information on best practices and resources for serving individuals with substantial cultural and language barriers to employment, refer to Department of Labor Training and Employment Notice TEN 28-16.

ACTION:

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Deleted: After completing the four factor analysis and deciding what language assistance services are appropriate, a recipient should develop an implementation plan. Although having a written plan is not a requirement, it is recommended by the State. One-Stop Career Centers should consider the following five elements in developing a LEP service plan:¶
¶
<#>Identification of LEP individuals who need language assistance¶
<#>Use of language assistance measures¶
<#>Staff training¶
<#>Information dissemination to LEP persons¶
<#>Monitoring and oversight, including updating the LEP plan¶
¶
In addition to these five elements, effective plans set clear goals, management accountability, and opportunities for community input and planning throughout the process. Detailed explanations of the above five elements, as well as the four factor analysis, and the complete guidance issued by CRC are provided in the Federal Register.¶
¶
The Federal Interagency Working Group on LEP web site, www.lep.gov, provides tools and resources to assist in the development and assessment of plans for LEP services. ¶

This policy will be disseminated in the Local Workforce Development Area to the One-Stop Career Centers, satellite locations, and WIOA Title I-funded subrecipients.

INQUIRIES:

If you have any questions, please contact the Executive Director or the local Equal Opportunity Officer at (559) 662-4500.



OVERSIGHT AND MONITORING OF NONDISCRIMINATION AND EO PROCEDURES

EDD Issuance Date: 8/29/17
WDB Review Date: 11/9/17

EXECUTIVE SUMMARY:

This policy provide the guidance and establishes the procedures regarding the oversight and monitoring of the nondiscrimination and equal opportunity (EO) procedures for the Madera County Local Workforce Development Area.

Effective Date:

This policy is effective on the date of issuance of EDD Directive WSD17-05 on August 29, 2017.

REFERENCES:

- EDD Directive WSD17-05
- Workforce Innovation and Opportunity Act (WIOA) (Public Law 113-128) Sections 121(b), 188, and 183(c)
- Americans with Disabilities Act of 1990 (Public Law 101-336)
- Age Discrimination Act of 1975 (Public Law 94-135)
- Rehabilitation Act of 1973 (Public Law 93-112) Title V, Section 504
- Education Amendments of 1972 (public Law 92-318) Title IX
- Civil Rights Act of 1964 (Public Law 88-352) Titles VI and VII
- Title 20 Code of Federal Regulations (CFR) Section 658.400
- Title 28 CFR Part 35, Subpart A
- Title 29 CFR Parts 38, 31, 32, 34, and 1690-1691
- Title 41 CFR Part 101-19, Subpart 101-19.6
- Title 45 CFR Part 90, Subpart D, Section 90.43(c)(3)
- Dymally-Alatorre Bilingual Services Act, Government Code Section 7290-7299.8
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency
- Fair Employment and Housing Act, California Government Code Section 12900-12996
- California Government Code Section 11135
- Workforce Services Directive WSD17-01, Subject: *Nondiscrimination and Equal Opportunity Procedures* (August 1, 2017)

STATE-IMPOSED REQUIREMENTS:

This policy contains some State-imposed requirements. These requirements are indicated by ***bold, italic*** type.

BACKGROUND:

The non-discrimination and equal opportunity provisions outlined in Section 188 of WIOA and 29 CFR Part 38 prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including LEP), age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only on the basis of citizenship status or participation in a WIOA Title I financially assisted program or activity.

Section 188 of WIOA and 29 CFR Part 38 require that states conduct annual monitoring reviews to determine whether each recipient is operating its WIOA Title I financially assisted program or activity in a nondiscriminatory way.

In California, the Employment Development Department (EDD) is responsible for the oversight and monitoring of all WIOA Title I financially assisted state programs, which is one of the components of the Nondiscrimination Plan as outlined in WSD17-01. Consequently, the EDD's Equal Employment Opportunity (EEO) Office will conduct annual onsite compliance monitoring reviews of all Local Areas to ensure compliance with the nondiscrimination and equal opportunity provisions of Section 188 of WIOA and 29 CFR Part 38.

POLICY AND PROCEDURES

Definitions:

For purposes of this policy and procedures, the following definitions apply:

Compliance Monitoring Guide – A tool or instrument that the EDD EEO Office staff use to conduct compliance monitoring reviews of Local Areas. It contains all the different elements of the onsite compliance monitoring review and documents findings of noncompliance.

Corrective Action Plan – A list of specific steps that recipients must take within a stated period of time in order to achieve compliance.

Recipient – Any entity to which financial assistance under WIOA Title I is extended, either directly from Department of Labor or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient), but excluding the ultimate beneficiaries of the WIOA title I funded program or activity. In addition, One-Stop partners as defined in Section 121(b) of WIOA, are treated as “recipients” and are subject to the nondiscrimination and equal opportunity requirements of 29 CFR Part 38, to the extent that they participate in the One-Stop delivery system (29 CFR Section 38.4[zz]).

Small Recipient – A recipient who serves a total of fewer than 15 beneficiaries during the entire grant year and employs fewer than 15 employees on any given day during the grant year (29 CFR Section 38.4[hhh]).

State EO Officer – The EDD’s EO Officer.

Local EO Officer – The Local Area’s EO Officer.

Compliance Monitoring Review Process

The compliance monitoring review process includes the following steps:

1. Notification – Approximately two to four weeks prior to conducting an onsite compliance monitoring review, the EDD’s EEO Office will notify each Local Area Director/Administrator and the Local EO Officer about the upcoming review.
2. Request for Preliminary Information – The notification of the onsite compliance monitoring review will include a request for preliminary information such as applicants/clients demographic data, random sample application, Local Area compliance monitoring reports, discrimination complaint logs, etc. The request for preliminary information will also include a copy of the Compliance Monitoring Guide that the EDD EEO Office staff will use to conduct the compliance monitoring review. Having a copy of the Compliance Monitoring Guide will assist Local Areas to prepare for the compliance monitoring review. ***Preliminary information must be submitted to the EDD EEO Office within 10 days of the request.***
3. Desk Review – Upon receipt of the preliminary information and prior to the onsite compliance monitoring review, the EDD EEO Office staff will conduct a desk review that will include an analysis of applicant/clients demographic data, random sample applications, Local Area monitoring reports, discrimination complaint logs, etc. The desk review will help identify potential items to be address during the onsite compliance monitoring review.
4. Onsite Compliance Monitoring Review – The focus of the onsite compliance monitoring review is to determine compliance with the WIOA nondiscrimination and equal opportunity requirements and to review significant differences or disparities identified during the desk review.
5. Entrance Conference – The EDD EEO Office staff will meet with the appropriate Local Area Director/Administrator and/or Local Area EO Officer to discuss the scope of the review, make arrangements for client and staff interviews or file reviews, and to discuss preliminary findings of the data analysis.

6. Exit Conference – Immediately following the completion of the onsite compliance monitoring review, the EDD EEO Office staff will conduct an exit conference with the appropriate Local Area Director/Administrator and/or Local Area EO Officer to discuss the findings and clarify areas in question. A preliminary compliance status may be given at this time and corrective action(s) suggested.

Corrective Action Process

The corrective action process includes the following steps:

1. The EDD EEO Office will issue an initial written report within 30 days of completion of the onsite compliance monitoring review. The initial written report will be issued to the Local Area Director/Administrator and to the Local EO Officer. The initial written report will address areas of non-compliance and outline those areas that are found to be in compliance.
2. When areas of non-compliance are found, the EDD EEO Office will make recommendation(s) for corrective action(s) in the initial written report.
3. If the Local Area Director/Administrator or the Local EO Officer agree with the recommendation(s) of the EDD EEO Office, **a *Corrective Action Plan (CAP) must be forwarded to the EDD EEO Office within 30 days of the date the Local Area received the recommendation(s).***
4. If the Local Area Director/Administrator or Local EO Officer disagree with the EDD EEO Office recommendation(s), the Local Area Director/Administrator or Local EO Officer may contact the EDD EEO Office to attempt an informal resolution of the issue(s).
5. When an informal resolution is reached, **a *CAP must be forwarded to the EDD EEO Office within 30 days of the date the Local Area accepts the recommendation(s).***
6. If an informal resolution is not reached, the State EO Officer will meet with the Local EO Officer and the appropriate management official for the Local Area to develop recommendations to bring the Local Area into full compliance.
7. Six months after the recommendations are implemented, a follow-up review may be scheduled to assess the progress made by the Local Area resolving the identified areas of non-compliance.

It is important to note that monetary corrective actions may not be paid from Federal funds.

Local Area Monitoring Responsibilities

The Local Area EO Officer is required to annually monitor the compliance of all local grant recipients and sub-recipients of WIOA or Wagner-Peyser funds, including America's Job Center of California locations. Additionally, the Local Area will annually monitor all service providers, including eligible training providers, for compliance with Section 188 of the WIOA and 29 CFR Part 38. The Workforce Development Board of Madera County will utilize the established State process outlined above for monitoring all local grant recipients, sub-recipients, service providers, and eligible training providers annually.

Copies of local compliance monitoring efforts and reports will be kept on file by the Local EO Officer. These compliance monitoring reports will be used as reference documents when developing CAPs and for scheduled onsite monitoring reviews that may be required by authorized Federal and state reviewers.

Inquiries

If you have any questions regarding this policy, contact the Executive Director or the Local EO Officer at (559) 662-4500.



WIOA YOUTH PROGRAM REQUIREMENTS

EDD Revision Date: N/A
WDB Review Date: 11/9/17

EXECUTIVE SUMMARY

This policy provides the guidance and establishes the procedures regarding the *Workforce Innovation and Opportunity Act (WIOA)* youth program, including the 75 percent out-of-school (OS) youth and 20 percent work experience minimum expenditure requirements. This policy is effective upon issuance of final guidance from the State Employment Development Department

This policy contains some state-imposed requirements. All state-imposed requirements are indicated by ***bold, italic*** type.

REFERENCES

- WIOA (Public Law 113-128)
- Title 2 *Code of Federal Regulations* (CFR) Part 200: “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards” (Uniform Guidance)
- Title 2 CFR Part 2900: “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards” (Department of Labor [DOL] Exceptions)
- Title 20 CFR Part 681: “Youth Activities under Title I of the WIOA”
- Title 20 *United States Code* (U.S.C.) Section 1401: “Definitions”
- Training and Employment Guidance Letter (TEGL) [21-16](#), *Third WIOA Title I Youth Formula Program Guidance* (March 2, 2017)
- TEGL [8-15](#), Subject: *Second Title I WIOA Youth Program Transition Guidance* (November 17, 2015)
- TEGL [23-14](#), Subject: *WIOA Youth Program Transition* (March 26, 2015)
- TEGL [19-14](#), Subject: *Vision for the Workforce System and Initial Implementation of the WIOA* (February 19, 2015)
- TEGL [12-14](#), Subject: *Allowable Uses and Funding Limits of Workforce Investment Act (WIA) Program Year (PY) 2014 funds for WIOA Transitional Activities* (October 28, 2014)
- TEGL [13-09](#), Subject: *Contracting Strategies That Facilitate Serving the Youth Most In Need* (February 16, 2010)
- California *Education Code* (EC) Sections 47612.1, 58500, and 66010
- Workforce Services Directive [WSD16-1](#), Subject: *WIOA Youth Program Requirements* (September 16, 2016)

BACKGROUND

The WIOA Section 129 introduces key investments in OS youth and work experience. Specifically, it increases the minimum OS youth expenditure rate from 30 percent under WIA to 75 percent under WIOA, and introduces a 20 percent work experience expenditure requirement. Additionally, it adds new program elements, increasing the number of required youth program elements from 10 under WIA to 14 under WIOA.

Operational implementation of the WIOA youth program began July 1, 2015, with all provisions taking effect July 1, 2016. Local Areas were expected to use their PY 2015-16 WIOA youth formula funds to properly align their youth programs and services in preparation for full WIOA youth program implementation effective July 1, 2016.

On August 19, 2016, the DOL issued the WIOA Final Rules. Among other things, the WIOA Final Rules establish a poverty rate of 25 percent for a high poverty area, allow Local Boards to directly provide youth services, allow for youth work experiences, education, and work components to be provided sequentially, and clarify youth program eligibility. The DOL has also published three additional TEGLs since 2015 providing further guidance and clarification for the WIOA Title I youth program. Therefore, the state is issuing its third iteration of the *WIOA Youth Program Requirements* directive to ensure state guidance is in full alignment with the WIOA Statute, the WIOA Final Rules, TEGL 23-14, TEGL 8-15, and TEGL 21-16.

Although some of the deadlines for implementation of the WIOA requirements have passed, the Employment Development Department (EDD) chose to retain past deadlines in this directive for compliance monitoring purposes.

POLICY AND PROCEDURES

Definitions

For the purposes of this policy, the following definitions apply:

Adult Education – academic instruction and education services below the postsecondary level that increases an individual’s ability to: read, write, and speak in English, and perform mathematics or other activities necessary for the attainment of a secondary school diploma or its recognized equivalent; transition to postsecondary education and training; and obtain employment (WIOA Section 203).

Attending School – an individual is considered to be attending school if the individual is enrolled in secondary or postsecondary school. If a youth is between high school graduation and postsecondary education, the youth is considered an IS youth if they are registered for postsecondary education, even if they have not yet begun postsecondary classes. However, if the youth registers for postsecondary education, but does not follow through with attending classes, the youth is considered OS youth if the eligibility determination is made after youth decided not to attend postsecondary education. Youth on summer break are considered IS youth if they are enrolled to continue school in the fall (TEGL 21-16).

Not Attending School – an individual who is not attending a secondary or postsecondary school. In addition, individuals enrolled in the following programs would be considered an OS youth for eligibility purposes:

- WIOA Title II Adult Education, YouthBuild, Job Corps, high school equivalency program, or dropout re-engagement programs.
 - o Youth attending high school equivalency programs funded by the public K-12 school system who are classified by the school system as still enrolled in school are the exception; they are considered IS youth (Title 20 CFR Section 681.230).
- Non-credit bearing postsecondary classes only (TEGL 21-16).
- ***A charter school program that provides instruction exclusively in partnership with WIOA, federally-funded YouthBuild programs, federal Job Corps training or instruction, California Conservation Corps, or a state certified local conservation corps (in alignment with EC Section 47612.1).***

Offender - An adult or juvenile subject to any stage of the criminal justice process or an adult or juvenile who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or convictions or for whom services under WIOA may be beneficial (WIOA Section 3[38]).

Postsecondary School – California community colleges, and accredited public and private universities (EC Section 66010).

School – any secondary or postsecondary school (Title 20 CFR Section 681.230). ***These include, but are not limited to: traditional K-12 public and private (e.g., continuation, magnet, charter, and home) schools.***

School Dropout – an individual who is no longer attending any school and has not received a secondary school diploma or its recognized equivalent (WIOA Section 3[54]). Per TEGL 8-15, this term does not include individuals who dropped out of postsecondary school.

Secondary School – a nonprofit institutional day or resident school, including a public secondary charter school, that provides secondary education, as determined under state law, except that the term does not include any education beyond grade 12 (Title 20 U.S.C. Section 1401[27]).

Youth Eligibility Criteria

The WIOA Section 129(a)(1) provides new eligibility criteria for the WIOA youth program. To be eligible to participate in the WIOA youth program, an individual must be an OS youth or an in-school (IS) youth.

Youth enrolled after July 1, 2015, must meet the WIOA eligibility criteria. After July 1, 2015, all WIA youth participants who are enrolled in the WIA youth program must be grandfathered into the WIOA youth program, even if the participant would not otherwise be eligible for the WIOA.

Local youth programs are not required to complete an eligibility re-determination if the participant has been determined eligible and enrolled under the WIA. Furthermore, these participants must be allowed to complete the WIA services specified in their individual service strategy.

OS Youth Eligibility

In order to receive services as an OS youth, an individual must meet the following eligibility criteria:

1. Not attending any secondary or postsecondary school (not including Title II Adult Education, YouthBuild, Job Corps, high school equivalency programs [exceptions in definitions], non-credit bearing postsecondary classes, dropout reengagement programs **or charter schools with federal and state workforce partnerships**).
2. Age 16-24 years old.
3. One or more of the following barriers:
 - a. A school dropout.
 - b. A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year quarter.
 - i. Note – If the school does not use school year quarters, Local Areas must use calendar quarters.
 - c. A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is either basic skills deficient or an English language learner.
 - d. An offender.
 - e. A homeless individual or a runaway.
 - f. An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under Section 477 of the *Social Security Act*, or in an out-of-home placement.
 - g. An individual who is pregnant or parenting (custodial and non-custodial parent including non-custodial fathers).
 - h. An individual with a disability.
 - i. A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

(Title 20 CFR Section 681.210)

A youth participant's eligibility is determined at intake; therefore, the youth remains eligible for youth services until exited. For example, an individual who is an OS youth at time of enrollment and is subsequently placed in school is still considered an OS youth. Additionally, an individual who is an OS youth and between the ages of 16-24 at the time of enrollment, and is now beyond the age of 24, is still considered an OS youth until exited.

IS Youth Eligibility

In order to receive services as an IS youth, an individual must meet the following eligibility criteria:

1. Attending school, including secondary and postsecondary school.
2. Age 14-21 years old (A youth with disabilities who is in an individualized education program at the age of 22 may be enrolled as an IS youth [TEGL 21-16 and EC 56026]).
3. Low income individual.
4. Meets one or more of the following barriers:
 - a. Basic skills deficient.
 - b. An English language learner.
 - c. An offender.
 - d. A homeless individual or runaway.
 - e. An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under Section 477 of the Social Security Act, or in an out-of-home placement.
 - f. Pregnant or parenting (custodial and non-custodial parent including non-custodial fathers).
 - g. An individual with a disability.
 - h. An individual who requires additional assistance to complete an educational program or secure and hold employment.

(Title 20 CFR Section 681.220)

A youth participant's eligibility is determined at intake; therefore, the youth remains eligible for youth services until exited. For example, an individual who is an IS youth and between the ages of 14-21 at the time of enrollment, and is now beyond the age of 21, is still considered an IS youth until exited.

Low-Income

Under WIOA, a youth who receives or is eligible to receive a free or reduced lunch under the Richard B. Russell National School Lunch Act, is considered to be low-income. While the free/reduced lunch low-income category primarily applies to IS Youth, OS youth may also qualify as low income if the youth is a parent living in the same household as a child who receives or is eligible to receive free or reduced price lunch based on their income level. However, not all youth who receive a free or reduced priced lunch automatically qualify as low-income for the WIOA youth program eligibility. In areas where a school district subsidizes all student meals under the Hunger-Free Kids Act of 2010, the Local Area must base low-income status on an individual student's eligibility to receive free or reduced price lunch or on the youth's ability to meet one of the other low-income categories under WIOA.

A youth living in a high-poverty area is automatically considered to be a low-income individual. A high-poverty area is a Census tract or county that has a poverty rate of at least 25 percent as set every 5 years using American Community Survey (ACS) 5-Year data. Local Areas may access ACS 5-Year data on the [U.S. Census Fact Finder](#) website to determine the poverty rate. TEGL 21- 16, [Attachment 2 - Determining Whether Youth are Living in a High Poverty Area](#), provides step- by-step instruction on how to calculate the poverty rate.

Calculating Income

For income calculation purposes, if an individual is not living in a single residence with other family members that individual is not considered a member of a family. When determining a youth's eligibility based on low-income status, the Local Area will do the following:

- Include Unemployment Insurance as income.
- Include child support payments as income.
- For IS youth with a disability, consider only the youth's own income rather than their family's income.

(TEGL 21-16)

Low-Income Exception

The WIOA maintains a five percent low-income eligibility exception where five percent of Local Area youth participants who ordinarily would need to be low-income do not need to meet the low-income provision. However, because not all OS youth are required to be low-income, the five percent low-income exception under WIOA is calculated based on the five percent of youth enrolled in a given program year who would ordinarily be required to meet the low-income criteria. The five percent low-income exception may include OS youth under eligibility categories 3c and 3i, IS youth, or a combination of both, not to exceed five percent of all WIOA youth participants served in a given program year.

Requires Additional Assistance

Under WIOA, no more than five percent of IS youth enrolled in a given program year may be found eligible based solely on meeting the criterion, "requires additional assistance." This limitation applies to IS youth enrolled on or after July 1, 2015. Therefore, participants that were enrolled under WIA and carried into WIOA would not be factored in.

Local Boards are responsible for establishing local definitions and eligibility documentation requirements for "requires additional assistance" as it relates to both OS and IS youth. The local policy should be reasonable, quantifiable, and based on evidence that the specific characteristic of the youth identified in the policy objectively requires additional assistance. To determine "requires additional assistance" for the Madera Local Workforce Development Area, the Workforce Development Board of Madera County has established that the following criteria will be used:

- Have repeated at least one secondary grade level or are one year over age for grade.
- Have a core grade point average of less than 1.5.
- For each year of secondary education, are at least two semester credits behind the rate required to graduate from high school.
- Are emancipated youth.
- Have aged out of foster care.
- Are previous dropouts or have been suspended five or more times or have been expelled.

- Have received court/agency referrals mandating school attendance.
- Are deemed at risk of dropping out of school by a school official.
- Have been referred to or are being treated by an agency for a substance abuse related problem.
- Have experienced recent traumatic events, are victims of abuse, or reside in an abusive environment as documented by a school official or other qualified professional.
- Have serious emotional, medical or psychological problems as documented by a qualified professional.
- Have never held a job (**applies to OS youth**).
- Have been fired from a job within the 12 months prior to application (**applies to OS youth**).
- Have never held a full-time job for more than 13 consecutive weeks (**applies to OS youth**).

OS Youth

The WIOA shifts the primary focus of youth formula funds to support the educational and career success of OS youth. As a result of this shift, the cost per participant under WIOA may increase as many OS youth require more intensive and costly services. Consequently, fewer participants might be served under the WIOA youth program due to the more intensive and costly services for the increased emphasis on the OS youth population.

OS Youth Expenditure Requirement

Local Areas must spend at least 75 percent of their WIOA youth formula allocation on youth workforce investment activities for OS youth (WIOA Section 129[a][4]). The OS youth expenditure rate is calculated after subtracting funds spent on administrative costs.

Some Local Areas may not have been immediately prepared to spend at least 75 percent of their PY 2015-16 youth funds on OS youth. These Local Areas were required to demonstrate progress towards meeting the requirement through increased expenditures on OS youth (compared to their PY 2014-15 youth expenditures). Specifically, by June 30, 2016, Local Areas were required to increase their PY 2015-16 OS youth expenditures by at least 10 percentage points over their PY 2014-15 OS youth expenditures, and have a minimum OS youth expenditure rate of 50 percent.

Beginning with the PY 2016-17 youth funds, Local Areas are required to meet the full 75 percent OS youth expenditure requirement.

The EDD calculated PY 2015-16 OS youth expenditures at the end of the first program year of the two year availability of the funds (i.e., June 30, 2016), and provided the figure to each Local Area. Local Areas that did not meet the 75 percent expenditure rate with their PY 2015-16 youth funds were required to submit a corrective action plan to their assigned Regional Advisor by December 31, 2016. The corrective action plan was required to include the following information:

- How the Local Area planned to meet the 75 percent OS youth expenditure rate with their PY 2016-17 youth formula funds.
- Strategies the Local Area had taken to secure contractors, establish partnerships, and transition their youth program focus from IS youth to OS youth.

Beginning PY 2016-17, Local Areas must submit a corrective action plan for any program year in which they do not meet the 75 percent expenditure OS youth expenditure rate. A corrective action plan is included as Attachment 2 to this Policy.

The Local Area will submit any required corrective action plan as follows:

Mail ATTN: Veronica Champayne
 Central Office Workforce Service Division, MIC 50
 Employment Development Department
 P.O. Box 826880 Sacramento, CA 94280-0001

Courier ATTN: Veronica Champayne
 Central Office Workforce Services Division, MIC 50
 Employment Development Department
 722 Capitol Mall, Room 5099
 Sacramento, CA 95814

FAX 916-657-0055, Attn: Veronica Champayne

Recruiting OS Youth

Under WIA, some Local Areas may have been serving low numbers of OS youth. These Local Areas should have used the first year of WIOA implementation (i.e., July 1, 2015, through June 30, 2016) to align their youth program design to start increasing recruitment and outreach to move towards meeting the 75 percent OS youth expenditure requirement.

Youth outreach and recruitment are among the limited instances in which WIOA youth funds may be expended on costs related to individuals who are not yet participants. However, youth program services may not be provided until a formal eligibility determination being made.

For tips and best practices regarding outreach and recruiting OS youth see Attachment 3 of this directive, *Outreach and Recruitment of OS Youth*.

WIA 30 Percent Expenditure Requirement

The WIA 30 percent OS youth expenditure requirement continued to apply to Local Areas serving OS youth with WIA funds after July 1, 2015. The OS youth expenditure rates are tracked and reported on a specific program year’s allocation. For the PY 2014-15 WIA youth formula allocation, the 30 percent OS youth expenditure minimum applied.

Work Experience

The WIOA places a priority on providing youth with occupational learning opportunities through work experience.

Work Experience Criteria

Work experience provides IS and OS youth an invaluable opportunity to develop work place skills. Paid and unpaid work experiences must include academic and occupational education (provided either concurrently or sequentially) and may include the following:

- Summer employment opportunities and other employment opportunities available throughout the school year. Local Areas may, but do not have to, provide summer employment opportunities. Under WIA, summer employment was its own program element. Under WIOA, it is incorporated into work experience. Local Areas have the flexibility to decide which work experiences are provided as long as the Local Area spends at least 20 percent of their WIOA youth formula allocation on work experience (Title 20 CFR Section 681.620).
- Pre-apprenticeship programs. Pre-apprenticeship is a program designed to prepare individuals to enter and succeed in an apprenticeship program. Pre-apprenticeship programs include the following elements:
 - Training and curriculum that aligns with the skill needs of employers in the economy of the state or region involved.
 - Access to educational and career counseling and other supportive services, directly or indirectly.
 - Hands-on, meaningful learning activities that are connected to education and training activities.
 - Opportunities to attain at least one industry-recognized credential.
 - A partnership with one or more registered apprenticeship programs that assists in placing individuals who complete the pre-apprenticeship program in a registered apprenticeship program (Title 20 CFR Section 681.480).
- Internships and job shadowing. Job shadowing is a temporary, unpaid exposure to the workplace in an occupational area of interest to the participant and may last anywhere from a few hours to a week or more (TEGL 21-16).
- On-the-job training (OJT) opportunities. OJT means training by an employer that is provided to a paid participant while engaged in in a job that meets the following criteria:
 - Provides knowledge or skills essential to the full and adequate performance of the job.
 - Is made available through a program that provides reimbursement to the employer of up to 50 percent of the wage rate of the participant or up to 75 percent in circumstance of extraordinary costs of providing the training and additional supervision related to the training.
 - Is limited in duration to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant as appropriate (WIOA Section 3[44]).

The academic and occupational education component refers to contextual learning that accompanies a work experience. It includes the information necessary to understand and work in specific industries or occupations. For example, if a youth is in a work experience in a hospital, the occupational education could be learning about the duties of different types of hospital occupations such as a phlebotomist, radiology tech, or physical therapist. For example, the academic education could be providing some of the information individuals in those occupations need to know such as why blood type matters, the name of a specific bone in the body, or the function of a specific ligament. Local programs have the flexibility to determine the appropriate type of academic and occupational education necessary for a specific work experience. Further, Local Areas may decide who provides the academic and occupational education component. The academic component may take place inside or outside the work site, and the work experience employer may provide the academic and occupational education component or such components may be provided separately in the classroom or through other means (TEGL 21-16).

Youth formula funds may be used to pay a participant's wages and related benefits for work experience in the public, private, for-profit or non-profit sectors when the participant's objective assessment and individual service strategy indicate that a work experience is appropriate.

Additionally, youth formula funds may be used to pay wages and staffing costs for the development and management of work experience. Allowable expenditures beyond wages may include the following:

- Staff time spent identifying potential work experience opportunities.
- Staff time working with employers to develop the work experience.
- Staff time spent working with employers to ensure a successful work experience.
- Staff time spent evaluating the work experience.
- Classroom training or the required academic education component directly related to the work experience.
- Orientation sessions for participants and employers.
- Incentive payment to youth for an achievement directly tied to the work experience.
- Employability skills/job readiness training to prepare youth for a work experience.

Local Policy

The Local Board has established local policy regarding work experience. The policy addressed the following minimum requirements:

- The duration of the work experience assignment.
- Limitations on the number of hours.
- Appropriate incentives and stipends, including limitations on the types and dollar amount.

The WIOA youth provisions went into effect July 1, 2015. The Local Board began implementing the work experience requirements by July 1, 2015, **and established local policy and procedures for work experience by the State deadline of January 1, 2016.**

Work Experience Expenditure Requirement

Local Areas must spend at least 20 percent of their WIOA youth formula allocation on work experience (WIOA Section 129[c][4]). Leveraged resources cannot be used to fulfill any part of the 20 percent minimum work experience expenditure requirement (TEGL 21-16). The work experience expenditure rate is calculated after subtracting funds spent on administrative costs. Additionally, the expenditure rate is not applied separately for IS youth and OS youth.

State Technical Assistance

The EDD calculates work experience expenditures at the end of the first program year of the two year availability of the funds, and provides the results of these interim calculations to each Local Area and their Regional Advisor by September 30th. The Regional Advisor will assist Local Areas that appeared to be in jeopardy of not meeting the 20 percent work experience expenditure requirement by the end of the funding period.

Calculating OS Youth and Work Experience Expenditures

The Local Area's OS youth and work experience expenditure rates are tracked for a specific program year youth allocation. The EDD will determine whether Local Areas met their expenditure requirements upon completion of expenditures of all funds in the specific program year's youth allocation as follows:

Each Local Area's total youth allocation is issued as a subgrant under grant code 301. This amount is located on Line I item 5 of the *Summary of WIOA Expenditures Report* for Grant Code 301. At the end of the two-year life of the youth formula funds, the total allocation is adjusted by subtracting the actual administration costs (Line III item 3) reported on the June 30 expenditure report for Grant Code 301. The remaining dollar amount for a Local Area that fully spent its allocation (which is equal to the program dollars spent shown on Line V item 3) is the amount upon which the 75 percent OS youth and 20 percent work experience expenditure requirement will be based. The amount reported for OS youth (Line V, item 2) must be at least 75 percent of the total program expenditures (Line V, item 3). The amount reported for work experience (Line V item 3b) must be at least 20 percent of the total program expenditures (Line V, item 3).

IS Youth

Under WIOA, fewer resources are available to serve IS youth. As a result, Local Areas should identify resources and/or establish partnerships with youth providers that can provide services to IS youth. Local Boards, in collaboration with youth standing committees, may consider leveraging resources and establishing partnerships to continue serving IS youth that are cost effective, and reach more students.

Transitioning WIA IS Youth Participants

Local Areas may have been serving large numbers of IS youth as they transitioned into WIOA on July 1, 2015. Although there was a shift in emphasis under WIOA to OS youth, Local Areas should not have prematurely exited WIA IS youth from the program.

Local Areas could have used a portion of their remaining PY 2014-15 funds for services to IS youth in order to assist them in successfully completing the program, while focusing PY 2015- 16 funds on OS youth, consistent with the minimum 75 percent OS youth expenditure requirement on OS youth.

Permissible Use of Youth Funds

Individual Training Accounts

In order to enhance individual participant choice in their education and training plans and provide flexibility to Local Areas, Local Areas may use youth funds for Individual Training Accounts (ITA) for OS youth between the ages of 16 to 24. When using youth funds for ITAs, only training providers on the Eligible Training Provider List can be used.

Braiding Funds

Braiding funds is the process of using different funding streams to support different needs for the same participant while maintaining documentation to support the charging and allocations of cost to the separate funds. Local Areas may use braided funds to provide more comprehensive services to participants and maximize partner resources available to assist youth. Braiding funds must meet the following criteria:

- The cost to each funding stream is tracked, documented, and allocated based on the proportional benefit.
- The cost benefits two or more programs in proportions that can be determined without undue effort or cost.
- The youths meet the eligibility requirements for each program from which they are receiving funds.

An example is when the WIOA Title I youth program and the WIOA Title II adult education program are used to serve eligible youth. The WIOA Title I resources can provide career guidance, work experiences, and leadership development, while the WIOA Title II resources can provide adult education and literacy activities.

(TEGL 21-16)

Incentives

Local Areas may provide incentive payments to youth participants for recognition and achievement directly tied to training activities and work experiences. When offering incentive payments, Local Areas must do the following:

- Tie the incentive to the goals of the specific program.
- Outline in writing the incentive before the commencement of the program providing the payment.
- Align the incentive with the local program's organizational policy.
- Meet the requirements in 20 CFR part 200. (Title 20 CFR Section 681.640)

Youth Standing Committees

Youth councils are not required under WIOA. However, Local Boards may continue to operate a youth council as a standing committee. The Youth Standing Committee may provide information and assist with planning, operations, oversight, and other issues related to the provision of services to youth. Youth Standing Committees should recommend youth policy direction, ensure quality services, and leverage financial and programmatic resources. If so delegated by the Local Board after consultation with the chief elected official, the Youth Standing Committee may oversee eligible youth providers.

An existing youth council may be designated as the Youth Standing Committee or a Local Board may design a Youth Standing Committee to meet the needs of the Local Area's youth program. If a Local Board does not establish a Youth Standing Committee, the Local Board is still responsible for conducting the oversight of youth activities under WIOA Section 129(c).

Local Boards that choose to design a new Youth Standing Committee are reminded that the membership must include: (1) a member of the Local Board, who must chair the committee, (2) members of community based organizations with a demonstrated record of success in serving eligible youth, and (3) other individuals with appropriate expertise and experience who are not members of the Local Board. The committee may also include parents, participants, and youth. (Title 20 CFR Sections 681.100 - 681.120)

Procurement of WIOA Youth Service Providers

Local Boards may directly provide some or all of the youth workforce service activities. If a Local Board serves as the youth service provider and performs other roles such as fiscal agent or AJCC Operator, the Local Board must have appropriate firewalls in place between the staff providing services, the staff responsible for oversight and monitoring of services, and the Local Board. The firewalls must conform to Title 20 CFR Section 679.430 for demonstrating internal controls and preventing conflicts of interest.

If a Local Board chooses to award grants or contracts to youth service providers for some or all activities, the Local Board must award such grants or contracts through a competitive process that does the following:

- Takes into consideration the ability of the youth service provider to meet performance accountability measures.
- Meets the procurement standards specified in Uniform Guidance and the DOL Exceptions.

- Follows state and local procurement laws.

Local Boards must also identify youth service providers based on criteria in the State Plan (Title 20 CFR Section 681.400). The State Plan establishes that Local Boards should select service providers that do the following:

- Employ proven recruitment strategies of effective outreach, engagement, enrollment, and retention of OS youth.
- Demonstrate meaningful partnerships with eligible training providers, institutions of higher education, and employers from in-demand industries.
- Offer a continuum of services that allow participants to obtain a GED/High School diploma, enroll into postsecondary education, and obtain employment within their chosen career path.
- Utilize career pathways and sector strategy models with a structured sequence of activities, as well as multiple entry and exit points that provide adequate supportive services.
- Use structured work-based learning, such as paid and unpaid work experiences and career exploration that leads to gainful employment.
- Provide intensive case management and support services to help youth overcome complex barriers, successfully complete the program, and retain employment.

Local Boards may do the following:

- Award youth service provider contracts on a sole source basis where the Local Board determines there is an insufficient number of eligible youth providers in the Local Area.
- Assign the function of selecting service provider contracts to the standing youth committee (if the Local Board has established a standing youth committee).

When the Local Board awards a grant or contract to a youth service provider who also fulfills another role in the Local Area, a written agreement with Local Board and the Chief Elected Official must provide clarity on the expectation for those roles and clear methods of tracking execution and accountability for the distinct roles.

Transitioning Contracts

As Local Boards transitioned from WIA to WIOA, they were required to ensure their Request for Proposals (RFPs) and youth service provider contracts incorporated the new WIOA youth provisions, (e.g., new eligibility requirements for IS and OS youth, increased expenditure requirements for OS youth and work experience, and the five new program elements). Local Areas were allowed to either undergo a contract modification with their existing providers, if permissible, or procure new service providers. Since youth enrolled beginning July 1, 2015, had to meet the new WIOA eligibility criteria, Local Boards were required to have modified their existing contracts and/or procured new youth service providers by July 1, 2015. If a Local Area procured new youth service providers, the state encouraged the use of one-year contracts with additional option years, rather than multi-year contracts, to allow maximum flexibility during WIOA implementation.

Local Boards may have opted to retain current WIA youth service contracts temporarily for various reasons (e.g., the contract did not include a clause that allowed for modifications to conform to new legislation, regulations, or requirements, etc.). The State Board and EDD wanted to provide Local Boards adequate time to transition to the new WIOA requirements, and, therefore, allowed Local Boards to retain their WIA youth service contracts through PY 2016-17. However, ***all RFPs and youth service provider contracts must have incorporated the new WIOA provisions by July 1, 2017.***

Program Elements

The WIOA Section 129(c)(2) includes 14 program elements, which include the original 10 program elements under WIA (which have been consolidated to nine, as the summer employment opportunities program element is now a sub-element under paid and unpaid work experiences), and five new program elements: (1) financial literacy, (2) entrepreneurial skills training, (3) services that provide labor market and employment information about in-demand industry sectors or occupations available in the Local Areas, (4) activities that help youth prepare for and transition to postsecondary education and training, and (5) education offered concurrently with and in the same context as workforce preparation activities and training for specific occupation or occupational clusters.

Local Areas are not required to provide all 14 required elements to each participant. Local Areas have the flexibility to determine which specific services a youth will receive based upon the youth’s assessment and service strategy. Local Boards, however, must ensure that all 14 program elements are available in their Local Area.

The table below provides a list of the 14 youth program elements, identifies which program elements relate to one another, lists the DOL Participant Individual Record Layout (PIRL) data element, and provides federal citations where the program element requirements are described. In addition, the program elements are hyperlinked to the WorkforceGPS Youth Connections corresponding webpage. The Youth Connection webpage provides additional materials and resource to help service providers deliver youth services.

WIOA Youth Program Element	Relates to or Overlaps with Other Program Element(s)	Applicable DOL-only PIRL Data Element Number(s)	Program Description Citation
1. Tutoring, study skills training, instruction, and dropout prevention	Program elements 2 and 4	1402	TEGL 21-16
2. Alternative secondary school services or dropout recovery services	Program element 1	1403	TEGL 21-16

3. Paid and unpaid work experiences		1205,1405	Title 20 CFR Sections 681.600, 681.590, 681.480 and TEGL 21-16
4. Occupational skills training	Program element 1	1300,1302,1303, 1306, 1307, 1308	Title 20 CFR Sections 681.540, 681.550 and TEGL 21-16
5. Education offered concurrently with workforce preparation and training for a specific occupation	Program elements 2, 3, and 4	1407	Title 20 CFR Section 681.630 and TEGL 21-16
6. Leadership development opportunities		1408	Title 20 CFR Sections 681.520, 681530 and TEGL 21-16
7. Supportive services		1409	Title 20 CFR Section 681.570 and TEGL 21-16
8. Adult mentoring		1410	Title 20 CFR Sections 681.490 and TEGL
9. Follow-up services	Program elements 7, 8, 11, 13, and 14	1412	Title 20 CFR Section 681.580 and TEGL 21-16
10. Comprehensive guidance and counseling		1411	Title 20 CFR Section 681.510 and TEGL 21-16
11. Financial literacy education		1206	Title 20 CFR Section 681.500 and TEGL 21-16
12. Entrepreneurial skills training		1413	Title 20 CFR Section 681.560 and TEGL 21-16
13. Services that provide labor market information		1414	Title 20 CFR Section 651.10 and TEGL 21-16

14. Postsecondary preparation and transition activities		1415	TEGL 21-16
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Program Element 1 – Tutoring, Study Skills Training, Instruction, and Dropout Prevention Services

Tutoring, study skills training and instruction that lead to a high school diploma or its equivalent, including a recognized certificate of attendance or similar document for individuals with disabilities, are reported under program element 1. These services focus on providing academic support, helping a youth identify areas of academic concern, assisting with overcoming learning obstacles, and providing tools and resources to develop learning strategies. Local Areas may provide tutoring, study skills training, and instruction in a one-on-one or group setting, through resources and workshops.

Program element 1 also includes secondary school dropout prevention strategies that keep a youth in school and engaged in formal learning or training. These activities include, but are not limited to, tutoring, literacy development, active learning experiences, after-school opportunities, and individualized instruction (TEGL 21-16).

Program Element 2 – Alternative Secondary School Services or Dropout Recovery Services

Alternative secondary school services that assist youth who have struggled in traditional secondary school education, are reported under program element 2. These services include, but are not limited to, basic education skills training, individualized academic instruction, and English as a Second Language training.

Program element 2 also includes dropout recovery services aimed at getting youth who have dropped out of secondary education back into a secondary school or alternative secondary school/high school equivalency program (TEGL 21-16). Examples of these services include credit recovery, counseling, and educational plan development. While there is some overlap with dropout prevention strategies (program element 1), the activities within both program elements are provided with the goal of helping youth re-engage and persist in education that leads to the completion of a recognized high school equivalent.

Program Element 3 – Paid and Unpaid Work Experience

Work experience is covered in detail on pages 12 through 15 of the directive.

Program Element 4 – Occupational Skills Training

Occupational skills training is an organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupation fields at entry, intermediate, or advanced levels. Local Areas must give priority consideration to training programs that lead to recognized postsecondary credentials

that align with in-demand industry sectors or occupations in the Local Area.

Occupational skills training must meet the following criteria:

- Be outcome-oriented and focused on an occupational goal specified in the individual service strategy.
- Be of sufficient duration to impart the skills needed to meet the occupational goal.
- Lead to the attainment of a recognized postsecondary credential.
- Meet the quality standards in WIOA Section 123. (Title 20 CFR Section 681.540)

For a postsecondary credential received through occupational skills training to count toward performance, the credential must meet each of the following conditions:

- Awarded by a recognized public or private entity.
- Based on standards developed or endorsed by employers or industry associations.
- Awarded for a specific skill rather than a general skill, such as hygiene or safety training, even if such general skills certificates are broadly required to qualify for entry-level employment or advancement in employment.
- Necessary to obtain employment or career advancement.

Neither certificates awarded by Local Boards nor work readiness certificates are included in this definition because neither type of certificate documents the measurable technical or industry/occupational skills necessary to gain employment or advance within an occupation. Likewise, such certificates must recognize technology or industry/occupational skills for the specific industry/occupation rather than general skills related to safety, hygiene, etc., even if such general skills certificates are broadly required to qualify for entry-level employment or advancement in employment

A variety of different public and private entities issue recognized postsecondary credentials. Below is a list of the types of organizations that award recognized postsecondary credentials, however, not all credentials offered by these entities meet the definition of a recognized postsecondary credential:

- A state educational agency or a state agency responsible for administering vocational and technical education within a state.
- An institution of higher education described in Section 102 of the Higher Education Act (20 USC 1002) that is qualified to participate in the student financial assistance programs authorized by Title IV of that Act. This includes community colleges, proprietary schools, and all other institutions of higher education that are eligible to participate in federal student financial aid programs.
- A professional, industry, or employer organization (e.g., National Institute for Automotive Service Excellence certification, National Institute for Metalworking Skills, Inc., Machining Level I credential) or a product manufacturer or developer (e.g., Microsoft Certified Database Administrator, Certified Novell Engineer, Sun Certified Java Programmer) using a valid and reliable assessment of an individual's knowledge, skills, and abilities.
- A registered apprenticeship program.

- A public regulatory agency, which awards a credential upon an individual's fulfillment of educational, work experience, or skill requirements that are legally necessary for an individual to use an occupational or professional title or to practice an occupation or profession (e.g., FAA aviation mechanic certification, state certified asbestos inspector).
- A program that has been approved by the Department of Veterans Affairs to offer education benefits to veterans and other eligible persons.
- Job Corps centers that issue certificates.
- An institution of higher education which is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or tribes.

(TEGL 10-16)

WIOA Section 123 requires the Governor to establish quality criteria for a training program that leads to a recognized postsecondary credential. Local Areas must ensure youth providers develop and implement effective youth programs by aligning career pathways, employment, training, education and supportive services. Aligning strategic partnerships, communication, coordination, and collaboration among employers, educational partners, economic development entities and service providers is the foundation of ensuring access to all program elements (California Unified State Plan).

For a credential received through occupational skills training to meet quality criteria, the training provider must be listed on the Eligible Training Provider List or the Local Area must have competitively procured the training. Because not all courses offered by an eligible training provider may count toward the credential attainment indicator, Local Areas must collaborate with industries to understand what credentials an industry requires for employment or career advancement (TEGL 10-16).

Examples that **DO** meet the postsecondary credential definition include the following:

- An automotive service excellence (ASE) certification.
- A crane operator certification.
- A certified nursing assistant (CNA) license.

Examples that **DO NOT** meet the postsecondary credential definition include the following:

- Occupational Safety and Health Administration 10 hour course that provides awareness of job-related common safety and health hazards.
- Cardiopulmonary resuscitation (CPR) training.
- Basic food preparation and hygiene certificate.
- An assistive technology training program such as screen reading software.
- Orientation and mobility training.
- Work or Career Readiness Certificate

Program Element 5 – Education Offered Concurrently with Workforce Preparation and Training for a Specific Occupation

This program element reflects an integrated education and training model. While basic

academic skills that occur as part of alternative secondary school services or dropout recovery services (program element 2), workforce preparation activities that occur as part of a work experience (program element 3) and occupational skills training (program element 4) are counted as other program elements when provided separately and at different times, this program element refers to the concurrent delivery of workforce preparation activities, basic academic skills, and hands-on occupational skills training in a specific occupation, occupational cluster, or career pathway (TEGL 21-16).

Program Element 6 – Leadership Development Opportunities

This program element encourages responsibility, confidence, employability, self-determination, and other positive social behaviors. Positive social behaviors include the following:

- Exposure to postsecondary educational possibilities.
- Community and service learning projects.
- Peer-centered activities, including peer mentoring and tutoring.
- Organizational and team work training
- Training in decision-making such as determining priorities and problem solving.
- Citizenship training, including life skills training such as parenting and work behavior training.
- Civic engagement activities which promote quality of life in a community
- Other leadership activities that place youth in a leadership role such as serving on the Standing Youth Committee.

(Title 20 CFR Section 681.520)

Program Element 7 – Supportive Services

Supportive services are services that enable an individual to participate in WIOA activities. Supportive services include, but are not limited to, the following:

- Linkages to community services.
- Assistance with transportation.
- Assistance with child care and dependent care.
- Assistance with housing.
- Needs-related payments.
- Assistance with educational testing.
- Reasonable accommodations for youth with disabilities.
- Legal aid services.
- Referrals to health care.
- Assistance with work attire and work related tools including eyeglasses and protective eye gear.
- Assistance with books, fees, school supplies, and other necessary items for student enrolled in postsecondary education classes.
- Payments and fees for employment and training-related application, tests, and certifications. (Title 20 CFR Section 681.570)

Program Element 8 – Adult Mentoring

Adult mentoring must last at least 12 months and may take place both during the program and following the youth's exit from the program. Local Areas may use group mentoring and electronic mentoring, but at a minimum, the youth program must match the youth with an individual mentor with whom the youth interacts on a face-to-face basis. Case managers may serve as adult mentors in areas where adult mentors are sparse, however, Local Areas are strongly encouraged to find adult mentors who are not case managers (TEGL 21-16).

Program Element 9 – Follow-up Services

Follow-up services for youth may include supportive services, adult mentoring, financial literacy education, services that provide labor market and employment information about in-demand industry sectors, and activities that help youth prepare for and transition to postsecondary education and training. When Local Areas provide these program elements as follow-up services, they must occur after the exit date in order to count as follow-up services. Additionally, Local Areas should document in the case file that the program elements were provided as follow-up services post exit (TEGL 21-16).

Program Element 10 – Comprehensive Guidance and Counseling

This program element provides individualized counseling to participants and may include drug and alcohol abuse counseling, mental health counseling, and referral to partner programs.

Local Areas and youth service providers may directly provide counseling. When a Local Area or youth service provider refers a youth for counseling services that they are unable to provide, the Local Area or service provider must coordinate with the referred counseling organization to ensure continuity of service (TEGL 21-16).

Program Element 11 – Financial Literacy Education

Financial literacy education includes information and activities such as creating budgets, setting up checking and saving accounts, managing spending, understanding credit reports, and protecting against identity theft. Local Areas may find the Financial Literacy Education Commission's guide, "[Incorporating Financial Capability with Youth Employment Programs](#)", a useful resource on how to partner with financial institutions (TEGL 21-16).

Program Element 12 – Entrepreneurial Skills Training

This program element helps youth develop the skills associated with starting and operating a small business. Such skills may include the ability to take initiative, creatively seek out and identify business opportunities, develop budgets and forecast resource needs, understand various options for acquiring capital and the trade-offs associated with each option, and communicate effectively and market oneself and one's ideas. Approaches to teaching youth entrepreneurial skills may include the following:

- Entrepreneurship education that provides an introduction to the values and basics of

starting and running a business, such as developing a business plan and simulations of business start-up and operation.

- Enterprise development which provides supports and services that incubate and help youth develop their own businesses, such as helping youth access small loans or grants and providing more individualized attention to the development of viable business ideas.
- Experiential programs that provide youth with experience in the day-to-day operation of a business.

(Title 20 CFR Section 681.560)

Program Element 13 – Services that Provide Labor Market and Employment Information

These services provide labor market and employment information about in-demand industry sectors or occupations available in the Local Area. Services may include career awareness, career counseling, and career exploration. Career counseling provides advice and support in making decisions about what career path to take and may include providing information about resume preparation, interview skills, potential opportunities for job shadowing, and the long-term benefits of postsecondary education and training. In addition to connecting youth to self-service labor market information (LMI) tools, youth providers should share and discuss state and local LMI with youth participants (TEGL 21-16).

Program Element 14 – Postsecondary Preparation and Transition Activities

This program element prepares IS youth and OS youth for postsecondary education after attaining a high school diploma or its recognized equivalent. Activities include exploring postsecondary education options such as registered apprenticeships, technical training schools, community colleges and 4-year colleges and universities. Additional services may include, but are not limited to, the following:

- Preparing youth for the SAT/ACT
- Assisting with college admission applications
- Searching and applying for scholarships and grants
- Filling out financial aid applications
- Connecting youth to postsecondary programs (Title 20 CFR Section 681.460)

Program Design

The WIOA enhances the youth program design through an increased emphasis on individual participant needs by adding new components and incorporating career pathways to the objective assessment and individual service strategy. Additionally, the WIOA requires that the individual service strategy be directly linked to one or more of the performance indicators. A program design framework is an essential step to help Local Areas develop comprehensive service strategies based upon individual needs. Local Boards, in collaboration with a youth standing committee, can provide direction and leadership to assist local youth programs on improving the quality and effectiveness of youth services. A program design framework consists of an objective assessment, an individual service strategy, case management, and follow-up services that lead toward successful outcomes for youth participants (WIOA

Section 129[c][1]).

Assessment Requirements

The WIOA youth program design requires an objective assessment of academic levels, skill levels, and services needs of each participant, which includes a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes, supportive service needs, and developmental needs. Assessments must also consider a youth's strengths rather than just focusing on areas that need improvement. Local Areas must use assessments that are valid and appropriate for the target population, and must provide reasonable accommodation in the assessment process. Any formalized testing must also be cost effective, well-matched to the test administrator's qualifications, and easy to administer and interpret results. For basic skills assessment, Local Areas are not required to use assessments approved by the Department of Education's National Reporting System (NRS), nor are Local Areas required to determine an individual's grade equivalent or educational functioning level, although use of both tools is permitted. Local Areas may also use previous basic skills assessment results if such previous assessments have been conducting with the past six months.

In contrast to the initial assessment requirements described above, If Local Areas measure Educational Functioning Level (EFL) gains after program enrollment under the measurable skills gain indicator, the Local Area must use an NRS-approved assessment for both the EFL pre and post-test to determine a youth's educational functioning level.

In addition to the initial assessment, a career assessment can help youth understand how a variety of their personal attributes affect their potential success and satisfaction with different career options and work environments. Local Areas may provide career assessments through the WIOA youth program staff and/or through referrals to national and community-based partners and resources.

(TEGL 21-16)

ACTION

Bring this directive to the attention of staff and other relevant parties.

INQUIRIES

If you have any questions, contact the Executive Director or designated Youth Program Supervisor at (559) 662-4500

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE WORKFORCE DEVELOPMENT BOARD OF MADERA COUNTY
AND
CALIFORNIA INDIAN MANPOWER CONSORTIUM, INC.**

Title I of the Workforce Innovation and Opportunity Act (WIOA) requires each local workforce development board, with the agreement of the Chief Local Elected Official, to develop and enter into a Memorandum of Understanding (MOU) between the local Workforce Development Board and the required America's Job Center of California (AJCC) partners relating to the operation of the AJCC delivery system in the local area.

The WIOA specifies that the required AJCC partners include employment and training services and programs authorized by:

- Adult, Dislocated Worker and Youth, WIOA Title I
- Wagner-Peyser Act, WIOA Title III
- Adult Education and Literacy, WIOA Title II
- Vocational Rehabilitation, WIOA Title IV
- Indian and Native American Programs, WIOA Section 166
- Migrant and Seasonal Farmworker Programs, WIOA Section 167
- Temporary Assistance for Needy Families/CalWORKS, 42 USC Section 601
- Older Americans Act of 1965, Title V
- Postsecondary Career and Technical Education, Perkins Act of 2006
- Trade Act of 1974, Title II
- Veterans' Employment and Training Service, 38 USC Chapter 41
- Community Services Block Grant Act
- Department of Housing and Urban Development
- State Unemployment Insurance Laws
- Job Corps

California's one-stop delivery system, the AJCC, is a locally-driven system which develops partnerships and provides programs and services to achieve the policy objectives established by the California Workforce Development Board's State Strategic Plan by:

- Fostering demand-driven skill attainment;
- Enabling upward mobility, especially for those with barriers to employment; and
- Aligning, coordinating and integrating programs and services.

Vision and Mission of the Workforce Development Board of Madera County

The Workforce Development Board of Madera County (WDB) is committed to the economic health of Madera County by providing leadership and guidance resulting in a quality employment and training system. The WDB is focused on establishing innovative collaborations that inspire success, while insuring that the workforce system provides skill development opportunities for lifelong learning and personal growth resulting in a quality workforce. The WDB contributes to the economic health of the County and the region through supporting an environment conducive to economic development and assisting to build a vibrant economy through increased employment opportunities.

Purpose of Memorandum of Understanding (MOU)

- I. To define and reinforce (or establish) relationship between the Workforce Development Board of Madera County (WDB) and the designated Partner Agency;
- II. To define the roles and responsibilities of these entities, in the performance of their combined goal of establishing a workforce development system through an AJCC method of service delivery that is:
 - Integrated (offering as many employment, training, and education services as possible for employers and individuals seeking jobs or wishing to enhance their skills) and affording universal access to the system overall;
 - Comprehensive (offering a large array of useful information with wide and easy access to needed services);
 - Customer Centered (providing the means for customers to judge the quality of services and make informed choices based on their individual needs); and
 - Performance Based (based on clear outcomes to be achieved; mutually negotiated outcomes and methods for measurements; and the means toward measuring and attaining customer satisfaction).

Parties to the MOU

As a required AJCC partner in accordance with the Workforce Innovation and Opportunity Act, the California Indian Manpower Consortium, Inc. (CIMC), enters into a Memorandum of Understanding (MOU) with the Workforce Development Board of Madera County (WDB) regarding the manner in which the CIMC will participate in and provide access to its services through the AJCC system of service delivery. Any questions about this MOU should be directed to the Executive Director.

Responsibilities of AJCC Partners

The AJCC Partner agrees to participate in joint planning, plan development, and other system activities to accomplish the following:

1. Continuous partnership building between all parties to this agreement;
2. Continuous planning responsive to State and Federal requirements;
3. Responsiveness to specific local and economic conditions including employer needs;
4. Adherence to common data collection and reporting requirements, including needs for modification or change;
5. Diligence in developing coordinated local leadership in workforce development through;
 - a) Responsiveness to customer needs;
 - b) Maintenance to system infrastructure
 - a) Shared technology and information;
 - a) Performance management to measure the success of the AJCC system overall and to enhance performance in a spirit of quality management and continuous improvement;
6. Making the applicable service(s) relevant to the partner program available to customers through the AJCC;
7. Participation in the operation of the AJCC, consistent with the terms of the MOU and the requirements of applicable laws; and
8. Participation in capacity building and staff development activities to insure that all partners and staff are adequately cross-trained.

Effective Dates

This MOU shall become effective on November 1, 2017 and shall continue through June 30, 2019, unless terminated sooner by one of the parties. The MOU will be reviewed not less than once every three years to identify and incorporate any substantial changes that may have occurred.

This MOU is of no force or effect until signed by authorized representatives of the participating agencies, and until approved by the Chief Local Elected Official. The MOU, once signed, becomes a part of the local WIOA Plan.

Revisions and Modifications

This MOU constitutes the entire agreement between and parties and no oral understanding not incorporated herein shall be binding on any of the parties hereto. This MOU may be modified, altered, or revised, as necessary, by mutual consent of the parties, by the issuance of a written amendment, signed and dated by the parties.

Each party reserves the right to modify the scope, structure, and content of this MOU based on legislative changes, local WDB policies, availability of funding, or other circumstances as warranted and agreed upon by the WDB and the partner agency.

Extensions

This MOU may be extended by written agreement between the parties, provided such agreement is signed by both parties prior to the termination date of this agreement, and contains the following:

1. A statement of intent to continue all provisions of the MOU;
2. Revised effective and end dates; and
3. Dated signatures of both parties.

Terminations

Either party to this MOU may elect to terminate its participation in this MOU without cause by delivering a thirty (30) day written notice of intent to terminate to the other party.

Non-Discrimination and Equal Opportunity

Parties to this MOU shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant, or applicant for employment due to gender or gender identity, race, color, ancestry, religion, national origin, veteran status, physical disability, mental disability, medical conditions, age (over 40), sexual orientation, or marital status. Nor shall any partner or the WDB, including the AJCC Operator, deny family and medical care leave or pregnancy disability leave to employees entitled to such leave. Partners and the WDB, including the AJCC Operator, shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Partners shall comply with the provisions of WIOA Section 188 and implementing regulations at 29 CFR Part 38, Fair Employment and Housing Act (California Government Code Section 12900, et seq.) and related, applicable regulations promulgated thereunder (Title 2, California Code of Regulations Section 7285 et seq.). Code of Regulations Section 8103 et seq. are incorporated into this MOU by reference and made a part hereof as if set forth in full. Partners shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining agreement or other such agreement. Parties to this MOU shall include non-discrimination and compliance provisions of this clause in all related subcontracts or financial agreements.

The WDB, including the AJCC Operator and other partners to the AJCC system, will ensure that policies and procedures established by the WDB, including the AJCC Operator, and programs and services provided by and through the AJCC are in compliance with the Americans with Disabilities Act of 1990 (ADA) and its amendments, which prohibits discrimination on the basis of disability, as well as applicable regulations and guidelines issued pursuant to the ADA.

All parties agree to universal access as an AJCC provision. Policies adopted locally for ensuring access for all customers include those with special needs; those with literacy deficits, physical or learning disabilities; limited English speakers, in accordance with Dymally-Alatorre Bilingual

Services Act; Unemployment Insurance claimants; Veterans, Migrant and Seasonal Farmworkers; and others with economic or geographical barriers to service or employment.

Grievances and Complaints Procedure

The AJCC Partner agrees to establish and maintain a procedure for grievances and complaints as outlined in WIOA. The process for handling grievances and complaints is applicable to customers and partners. These procedures will allow the customer or entity filing the complaint to exhaust every administrative level in receiving a fair and complete hearing and resolution of their grievance. The partner further agrees to communicate openly and directly to resolve any problems or disputes related to the provision of services in a cooperative manner and at the lowest level of intervention possible.

Americans with Disabilities Act and Amendments Compliance

The AJCC Partner agrees to ensure that the policies and procedures as well as the programs and services provided at the AJCC are in compliance with the Americans with Disabilities Act and its amendments. Additionally, partners agree to fully comply with the provisions of WIOA, Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, 29 Code of Federal Regulations Part 38 and all other regulations implementing the aforementioned laws.

AJCC System Services

In consideration of mutual aims and shared desires of the AJCC System and in recognition of the public benefit to be derived from effective collaboration of the programs involved, the partner agrees to support, as authorized by applicable law, the following services through the AJCC Centers:

1. Basic Career Services as specified under the Workforce Innovation and Opportunity Act, Title I-Subtitle B, including eligibility determination for multiple programs; outreach, intake and orientation; initial assessment of skill levels, job search, placement assistance and career counseling; business services including recruitment; activity referral and coordination with other programs; provision of workforce and labor market statistical information relating to local, regional and national labor markets.
2. Individualized Career Services as specified under the Workforce Innovation and Opportunity Act (WIOA Section 134(c)(2)(A)(i)-(xi) and Notice of Proposed Rule-Making section 680.150), including comprehensive and specialized assessment, development of an individual employment plan, group and individual counseling, case management for participants seeking training services, and short-term and pre-vocational services.
3. Follow-up Services will be made available to participants for twelve months after exit. A participant will receive follow-up services necessary to enable them to progress further in

their occupation or retain their employment. Follow-up services can include additional career planning, counseling, mentoring, assisting individuals to secure a better paying job, career development and further education. Agency staff is required to contact the participant and determine a participant's employment and educational status after exiting all WIOA programs at least once per calendar quarter for one year.

4. Access to training services (WIOA Section 134 (c)(3)(D) and Notice of Proposed Rule-Making section 680.200) which may include, but are not limited to, occupational skills training, on-the job-training, private sector training programs, skill upgrading and retraining, job readiness training, adult basic education and literacy programs, and customized training.
5. Access to Wagner-Peyser services including job search, placement, placement, recruitment, and CalJOBS.
6. Access to AJCC Programs and activities.
7. Services for employers including, but not limited to, job listings, meeting facilities, referral of job seekers, pre-screening of applicants, labor market information, tax credit information, job and hiring fairs, and small business development assistance.

The California Indian Manpower Consortium, Inc., will provide the following specific AJCC services:

- Participate in Partner meetings, cross-training, and AJCC events, as appropriate.
- Provide referrals to, and accept referrals from, AJCC partner agencies, for individuals who may be eligible for agency and/or AJCC Partner services.
- Provide services for eligible individuals at the AJCC on a scheduled, as needed basis.

Location of AJCC Sites

The WDB will establish a minimum of one physical location within the local workforce area in which all AJCC Partners will provide access to the services provided under the WIOA. The parties agree that such AJCC shall be located at 2037 West Cleveland Avenue, Madera, CA 93637. The partner agrees that it will provide access to the services described in this MOU at such location and any other satellite location deemed appropriate by the partner organization. This location may be changed by the WDB during the term of this MOU, upon reasonable advance notice of at least thirty (30) days of such change to the partner organization.

Methods of Referral

Parties to this MOU agree jointly develop and mutually implement referral processes acceptable to all AJCC partners. Parties agree to cross-train staff on the services of each partner agency to facilitate effective and informed referrals between and among the partner

organizations. Partners will adopt a common referral form and will agree to the format and modality to be used for referrals to their respective agencies. Partners agree to refer individuals to other AJCC partner agencies, when such individuals may benefit from the partner agency's services.

The referral process will:

- Ensure that intake and referrals processes are customer-centered and provided by staff trained in customer service;
- Ensure that general information regarding AJCC programs, services, activities, and resources will be made available to all customers, as appropriate;
- Describe how customer referrals are made electronically, through traditional correspondence, verbally, or through other means determined in cooperation with partners; and
- Describe how each AJCC partner will provide a direct link or access to other AJCC partner staff that can provide meaningful information or service, through the use of co-location, cross training of AJCC staff, or real-time two-way communication and interaction that results in the services needed by the customer.

The Madera County Workforce Assistance Center standard Referral Form and Referral Process are included as Attachment A.

Access for Individuals with Barriers to Employment

The term "individual with a barrier to employment" means an individual who is a member of one or more of the following populations:

- A. Displaced homemakers
- B. Low-income individuals
- C. Native Americans, including Alaska Natives and Native Hawaiians
- D. Individuals with a disability
- E. Older individuals
- F. Homeless individuals
- G. Youth who are in or who have aged out of the foster care system
- H. Individuals who are English language learners, who have low levels of literacy, and/or who are facing substantial cultural barriers
- I. Eligible migrant and seasonal farmworkers
- J. Individuals within two years of exhausting lifetime eligibility for TANF
- K. Single parents, including pregnant women
- L. Long-term unemployed individuals
- M. Such other groups as the Governor may determine to have barriers to employment.

Each party to the MOU assures that its policies, programs, procedures, and services are in compliance with the ADA of 1990 and its amendments, which prohibits discrimination on the basis of disability, in order to provide equal access to all customers with disabilities.

Each party is committed to offering priority for services to recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient when providing individualized career services and training services with WIOA Adult funds.

A system map identifying the location of the comprehensive and affiliate AJCC sites within the local area is included as Attachment B.

Shared Technology and System Security

The WIOA emphasizes technology as a critical tool for making all aspects of information exchange possible, including client tracking, common case management, reporting, and data collection. To support the use of these tools, each AJCC partner agrees to:

- Comply with the applicable provisions of the WIOA, Welfare and Institutions Code, California Education Code, Rehabilitation Act, and any other appropriate statutes or requirements;
- The principles of common reporting and shared information through electronic mechanisms, including shared technology;
- Commit to share information to the greatest extent allowable under their governing legislation and confidentiality requirements;
- Maintain all records of AJCC customers or partners (e.g. applications, eligibility, and referral records, or any other individual records related to services provided under this MOU) in the strictest of confidence, and use them solely for purposes directly related to such services;
- Develop technological enhancements that allow interfaces of common information needs, as appropriate; and
- Understand that system security provisions shall be agreed upon by all partners.

Funding of Services and Operating Costs

All relevant parties to this MOU agree to share in the operating costs of the AJCC system, either in cash or through in-kind services.

It is expressly understood that this MOU does not constitute a financial commitment, but rather intend to commit specific resources in the future as the partner's allocations and budgets are known and the AJCC system evolves.

The cost of services, operating costs, and infrastructure costs of the system will be funded by all AJCC partners through a separately negotiated cost sharing agreement based on an agreed upon formula or plan. These cost sharing agreements will be formalized no later than December 31, 2017.

Confidentiality

The AJCC Partner agrees to comply with the provisions of WIOA as well as the applicable sections of the Welfare and Institutions Code, the California Education Code, the Rehabilitation Act, and any other appropriate statute or requirement to assure the following:

- All applications and individual records related to services provided under this MOU, including eligibility for services and enrollment and referral, shall be confidential and shall not be open to examination for any purpose not directly connected with the delivery of such services.
- No person will publish, disclose use, or permit, cause to be published, disclosed or used, any confidential information pertaining to AJCC applicants, participants, or customers overall unless a specific release is voluntarily signed by the participant or customer.
- The AJCC partner agrees to abide by the current confidentiality provisions of the respective statutes to which AJCC operators and other AJCC partners must adhere, and shall share information necessary for the administration of the program as allowed under law and regulation. The AJCC partner, therefore, agrees to share client information necessary for the provision of services such as assessment, universal intake, program or training referral, job development or placement activities, and other services as needed for employment or program support purposes.
- Client information shall be shared solely for the purpose of enrollment, referral or provision of services. In carrying out their respective responsibilities, each party shall respect and abide by the confidentiality policies of the other parties.

Administrative and Operational Management

License for Use:

During the term of this MOU, all partners to this MOU shall have a license to use space in the AJCC for the sole purpose of conducting acceptable AJCC services as outlined herein, or according to the terms of any separately negotiated cost sharing agreements.

Supervision/Day to Day Operations:

The day-to-day supervision of staff assigned to the AJCCs will be the responsibility of the site supervisor(s). The original employer of staff assigned to the AJCCs will continue to set the priorities of its staff. Any change in work assignments or any problems at the worksite will be handled by the site supervisor(s) and the management of the original employer.

The office hours for the staff at the AJCCs will be established by the site supervisor(s) and the primary employer. All staff will comply with the holiday schedule of their primary employer and will provide a copy of their holiday schedule to the operator and host agency at the beginning of each fiscal year.

Disciplinary actions may result in removal of co-located staff from the AJCCs and each party will take appropriate action.

Each party shall be solely liable and responsible for providing to, or on behalf of, its employee(s) all legally-required employee benefits. In addition, each party shall be solely responsive and save all other parties harmless from all matters relating to payment of each party's employee(s), including compliance with social security withholding, workers' compensation, and all other regulations governing such matters.

Dispute Resolution:

The parties agree to try to resolve policy or practice disputes at the lowest level, starting with the site supervisor(s) and staff. If issues cannot be resolved at this level, they shall be referred to the management staff of the respective staff employer and the operator, for discussion and resolution.

Press Releases and Communications:

All parties shall be included when communicating with the press, television, radio or any other form of media regarding its duties or performance under this MOU. Participation of each party in press/media presentations will be determined by each party's public relations policies. Unless otherwise directed by the other parties, in all communications, each party shall make specific reference to all other parties.

The parties agree to utilize the AJCC logo developed by the State of California and the local Board on buildings identified for AJCC usage. This also includes letterhead, envelopes, business cards, any written correspondence, and fax transmittals.

Hold Harmless/Indemnification/Liability:

In accordance with provisions of Section 895.4 of the California Government Code, each party hereby agrees to indemnify, defend, and hold harmless all other parties identified in this MOU from and against any and all claims, demands, damages and costs arising out of or resulting from any acts or omissions which arise from the performance of the obligations by such indemnifying party pursuant to this MOU. In addition, except for Departments of the State of California which cannot provide for indemnification of court costs and attorney's fees under the indemnification policy of the State of California, all other parties to this MOU agree to indemnify, defend, and hold harmless each other from and against all court costs and attorney's fees arising out of or resulting from any acts or omissions which arise from the performance of the obligations by such indemnifying party pursuant to this MOU. It is understood and agreed that all indemnity provided herein shall survive the termination of this MOU.

Signatures

Dated: _____, 2017

BY: _____

Brett Frazier, Chair

Workforce Development Board of Madera County
Name of WDB

2037 W. Cleveland Avenue
Address

Madera, CA 93637
City, State, Zip Code

Dated: October 24, 2017

BY: 
Lorenda T. Sanchez, Executive Director

California Indian Manpower Consortium, Inc
Name of Partner Agency

738 Market Boulevard
Address

Sacramento, CA 95834
City, State, Zip Code

I, Max Rodriguez, Chair, Madera County Board of Supervisors, hereby agree to the forgoing Memorandum of Understanding between the Workforce Development Board of Madera County and the California Indian Manpower Consortium, Inc.

Dated: _____, 2017

By: _____

Max Rodriguez, Chairman
Madera County Board of Supervisors

Comprehensive AJCC Certification Matrix Baseline Criteria

The Baseline America’s Job Center of CaliforniaSM (AJCC) Certification is intended to ensure that every comprehensive AJCC is in compliance with key *Workforce Innovation and Opportunity Act* (WIOA) statutory and regulatory requirements. If an AJCC does not meet one or more of the criteria, they will be considered “not yet able to certify.” In this instance, the Local Workforce Development Board (Local Board) must develop a corrective action plan that outlines how they will bring the AJCC into compliance by April 1, 2018.

Local Boards must submit a completed matrix and, if needed, a corrective action plan to their Regional Advisor for each comprehensive AJCC by December 31, 2017.

Name of Local Board: ~~Workforce Development Board of Madera County~~ _____

Name of AJCC: ~~Workforce Assistance Center~~ _____

Baseline Criteria	Yes	No
Implements the signed Memorandums of Understanding (MOU)		
A Memorandum of Understanding (meeting the Phase I and Phase II requirements in Workforce Services Directive WSD15-12 and WSD16-09) has been signed by all the required AJCC partners.	X	
The signed MOU identifies the AJCC as a comprehensive center.	X	
The AJCC is implementing the MOU specifications applicable to comprehensive centers.	X	
Implements the Local Board defined roles and responsibilities of the AJCC Operator and Career Services Provider		
AJCC Operator selected in compliance with WSD16-14.	X	
Roles and responsibilities of AJCC Operator are clearly identified.	X	
Career Services Provider selected in compliance with WSD16-14.	X	
Roles and responsibilities of the Career Services Provider within the AJCC are clearly identified.	X	
Meets all regulatory requirements to be a comprehensive AJCC (WIOA Joint Final Rule Section 678.305)		
AJCC has least one Title I staff person physically present.	X	

AJCC provides access to all basic and individualized career services identified in WIOA Joint Final Rule Section 678.430.	X	
AJCC provides access to training services identified in WIOA Joint Final Rule Section 680.200.	X	
AJCC provides access to any employment and training activities carried out under WIOA Section 134(d).	X	
AJCC provides access to programs, services, and activities of all required AJCC partners by having partner staff physically co-located at the AJCC, having a staff person at the AJCC who has been cross-trained to provide information about partner programs, or having direct linkage through technology to staff who can provide meaningful information or services.	X	
AJCC provides workforce and labor market information.	X	
AJCC provides customers with access programs, services, and activities during regular business hours.	X	
Ensures Equal Opportunity for Individuals With Disabilities		
<p>The AJCC is physically and programmatically accessible to individuals with disabilities, as described in WIOA Section 188 and Title 29 Code of Federal Regulations Part 38.</p> <p>Americans with Disabilities Act Title V provides that state requirements may supersede the ADA when state requirements provide greater or equal protection for the rights of individuals with disabilities. Therefore, the AJCC must also be in compliance with following California guidance related to equal access for individuals with disabilities:</p> <ul style="list-style-type: none"> • Fair Employment and Housing Act (California Government Code Section 12900-12996) • Unruh Civil Rights Act (California Civil Code Section 51-52) • Disabled Persons Act (California Civil Code Section 54-55) • California Building Code Title 24 Chapter 11B • California Government Code 7405 • California Government Code 11135 <p>Such requirements include, but are limited to, the following:</p> <ul style="list-style-type: none"> • Providing reasonable accommodations for individuals with disabilities • Making reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination against persons with disabilities • Administering programs in the most integrated setting appropriate 	X	

<ul style="list-style-type: none"> • Communicating with persons with disabilities as effectively as with others • Providing appropriate auxiliary aids and services, including assistive technology devices and services, where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the program or activity • Providing for the physical accessibility of the AJCC to individuals with disabilities 		
The AJCC meets all Baseline Criteria for Baseline AJCC Certification	X	

The Local Board Chair must attest the Local Board’s certification decision by signing below.

Signature

Brett Frazier

Name

Chair, Workforce Development Board of Madera County

Title

Comprehensive AJCC Certification Matrix Baseline Criteria

The Baseline America's Job Center of CaliforniaSM (AJCC) Certification is intended to ensure that every comprehensive AJCC is in compliance with key *Workforce Innovation and Opportunity Act* (WIOA) statutory and regulatory requirements. If an AJCC does not meet one or more of the criteria, they will be considered "not yet able to certify." In this instance, the Local Workforce Development Board (Local Board) must develop a corrective action plan that outlines how they will bring the AJCC into compliance by April 1, 2018.

Local Boards must submit a completed matrix and, if needed, a corrective action plan to their Regional Advisor for each comprehensive AJCC by December 31, 2017.

Name of Local Board Workforce Development Board of Madera County

Name of AJCC Workforce Assistance Center

Baseline Criteria	Yes	No
Implements the signed Memorandums of Understanding (MOU)		
A Memorandum of Understanding (meeting the Phase I and Phase II requirements in Workforce Services Directive WSD15-12 and WSD16-09) has been signed by all the required AJCC partners.	X	
The signed MOU identifies the AJCC as a comprehensive center.	X	
The AJCC is implementing the MOU specifications applicable to comprehensive centers.	X	
Implements the Local Board defined roles and responsibilities of the AJCC Operator and Career Services Provider		
AJCC Operator selected in compliance with WSD16-14.	X	
Roles and responsibilities of AJCC Operator are clearly identified.	X	
Career Services Provider selected in compliance with WSD16-14.	X	
Roles and responsibilities of the Career Services Provider within the AJCC are clearly identified.	X	
Meets all regulatory requirements to be a comprehensive AJCC (WIOA Joint Final Rule Section 678.305)		
AJCC has least one Title I staff person physically present.	X	

AJCC provides access to all basic and individualized career services identified in WIOA Joint Final Rule Section 678.430.	X	
AJCC provides access to training services identified in WIOA Joint Final Rule Section 680.200.	X	
AJCC provides access to any employment and training activities carried out under WIOA Section 134(d).	X	
AJCC provides access to programs, services, and activities of all required AJCC partners by having partner staff physically co-located at the AJCC, having a staff person at the AJCC who has been cross-trained to provide information about partner programs, or having direct linkage through technology to staff who can provide meaningful information or services.	X	
AJCC provides workforce and labor market information.	X	
AJCC provides customers with access programs, services, and activities during regular business hours.	X	
Ensures Equal Opportunity for Individuals With Disabilities		
<p>The AJCC is physically and programmatically accessible to individuals with disabilities, as described in WIOA Section 188 and Title 29 Code of Federal Regulations Part 38.</p> <p>Americans with Disabilities Act Title V provides that state requirements may supersede the ADA when state requirements provide greater or equal protection for the rights of individuals with disabilities. Therefore, the AJCC must also be in compliance with following California guidance related to equal access for individuals with disabilities:</p> <ul style="list-style-type: none"> • Fair Employment and Housing Act (California Government Code Section 12900-12996) • Unruh Civil Rights Act (California Civil Code Section 51-52) • Disabled Persons Act (California Civil Code Section 54-55) • California Building Code Title 24 Chapter 11B • California Government Code 7405 • California Government Code 11135 <p>Such requirements include, but are limited to, the following:</p> <ul style="list-style-type: none"> • Providing reasonable accommodations for individuals with disabilities • Making reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination against persons with disabilities • Administering programs in the most integrated setting appropriate 	X	

<ul style="list-style-type: none"> • Communicating with persons with disabilities as effectively as with others • Providing appropriate auxiliary aids and services, including assistive technology devices and services, where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the program or activity • Providing for the physical accessibility of the AJCC to individuals with disabilities 	X	
<p>The AJCC meets all Baseline Criteria for Baseline AJCC Certification</p>	X	

The Local Board Chair must attest the Local Board's certification decision by signing below.

Michelle Brunetti 10/24/17

Signature

Michelle Brunetti

Name

Board Member

Title

Comprehensive AJCC Certification Matrix Baseline Criteria

The Baseline America's Job Center of CaliforniaSM (AJCC) Certification is intended to ensure that every comprehensive AJCC is in compliance with key *Workforce Innovation and Opportunity Act* (WIOA) statutory and regulatory requirements. If an AJCC does not meet one or more of the criteria, they will be considered "not yet able to certify." In this instance, the Local Workforce Development Board (Local Board) must develop a corrective action plan that outlines how they will bring the AJCC into compliance by April 1, 2018.


Local Boards must submit a completed matrix and, if needed, a corrective action plan to their Regional Advisor for each comprehensive AJCC by December 31, 2017.

Name of Local Board Workforce Development Board of Madera County

Name of AJCC Workforce Assistance Center

Baseline Criteria	Yes	No
Implements the signed Memorandums of Understanding (MOU)		
A Memorandum of Understanding (meeting the Phase I and Phase II requirements in Workforce Services Directive WSD15-12 and WSD16-09) has been signed by all the required AJCC partners.	✓	
The signed MOU identifies the AJCC as a comprehensive center.	✓	
The AJCC is implementing the MOU specifications applicable to comprehensive centers.	✓	
Implements the Local Board defined roles and responsibilities of the AJCC Operator and Career Services Provider		
AJCC Operator selected in compliance with WSD16-14.	✓	
Roles and responsibilities of AJCC Operator are clearly identified.	✓	
Career Services Provider selected in compliance with WSD16-14.	✓	
Roles and responsibilities of the Career Services Provider within the AJCC are clearly identified.	✓	
Meets all regulatory requirements to be a comprehensive AJCC (WIOA Joint Final Rule Section 678.305)		
AJCC has least one Title I staff person physically present.	✓	

AJCC provides access to all basic and individualized career services identified in WIOA Joint Final Rule Section 678.430.	✓	
AJCC provides access to training services identified in WIOA Joint Final Rule Section 680.200.	✓	
AJCC provides access to any employment and training activities carried out under WIOA Section 134(d).	✓	
AJCC provides access to programs, services, and activities of all required AJCC partners by having partner staff physically co-located at the AJCC, having a staff person at the AJCC who has been cross-trained to provide information about partner programs, or having direct linkage through technology to staff who can provide meaningful information or services.	✓	
AJCC provides workforce and labor market information.	✓	
AJCC provides customers with access programs, services, and activities during regular business hours.	✓	
Ensures Equal Opportunity for Individuals With Disabilities		
<p>The AJCC is physically and programmatically accessible to individuals with disabilities, as described in WIOA Section 188 and Title 29 Code of Federal Regulations Part 38.</p> <p>Americans with Disabilities Act Title V provides that state requirements may supersede the ADA when state requirements provide greater or equal protection for the rights of individuals with disabilities. Therefore, the AJCC must also be in compliance with following California guidance related to equal access for individuals with disabilities:</p> <ul style="list-style-type: none"> • Fair Employment and Housing Act (California Government Code Section 12900-12996) • Unruh Civil Rights Act (California Civil Code Section 51-52) • Disabled Persons Act (California Civil Code Section 54-55) • California Building Code Title 24 Chapter 11B • California Government Code 7405 • California Government Code 11135 <p>Such requirements include, but are limited to, the following:</p> <ul style="list-style-type: none"> • Providing reasonable accommodations for individuals with disabilities • Making reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination against persons with disabilities • Administering programs in the most integrated setting appropriate 	✓	

<ul style="list-style-type: none"> • Communicating with persons with disabilities as effectively as with others • Providing appropriate auxiliary aids and services, including assistive technology devices and services, where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the program or activity • Providing for the physical accessibility of the AJCC to individuals with disabilities 		
The AJCC meets all Baseline Criteria for Baseline AJCC Certification		

The Local Board Chair must attest the Local Board's certification decision by signing below.

Laura M Gutile

Signature

Laura M Gutile

Name

Board Member

Title