

WIOA Guidance Notice No. 7-16

TO: Workforce Development Boards

FROM: Angela Fry
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Workforce Programs

SUBJECT: Case Management/Follow-Up

EFFECTIVE DATE: December 1, 2016

- I. REFERENCE(S):**
Workforce Innovation and Opportunity Act (WIOA), Section 3, 129, and 134; WIOA Code of Federal Regulations (WIOA CFR), 20 CFR §680.110, 680.150, 680.180, 680.210, 680.220, 680.900, 680.910, 681.240, 681.310, 681.450, and 681.570; Workforce Innovation and Opportunity Act Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions.
- II. PURPOSE:**
To provide guidance to local Workforce Development Boards on case management and follow-up services.
- III. BACKGROUND:**
The term "career planner," used in the Workforce Innovation and Opportunity Act (WIOA), replaces the term "case manager," used in the Workforce Investment Act of 1998. Career planners assist in determining if the adult or dislocated worker has "the skills and qualifications to successfully participate in the selected program of training services." (WIOA 134(c)) In 20 CFR § 680.340(c) of the WIOA NPRM, career planners are identified as having a consultation role in assisting the participant in selecting an eligible training provider. It is presumed that career planning is a service conducted from the time an individual is enrolled through the four quarters of follow-up after program exit. Career planning is a component of individualized career services, and is not a stand-alone activity. Career planning is a continual service provided to adult, dislocated workers and youth to ensure their success in WIOA.
- IV. ACTION:**
Local areas need to establish guidance on career planning addressing the provisions identified in this guidance notice as well as ensure their local WIOA Plan addresses the requirements set forth in this guidance notice.

One-Stop operators must create or update an operations manual that outlines career planning best practices.

WIOA Section 3(8) defines **career planning** as the provision of a client-centered approach in the delivery of services, designed:

- To prepare and coordinate comprehensive employment plans, such as service strategies, for participants to ensure access to necessary workforce investment activities and supportive services, using, where feasible, computer-based technologies; and
- To provide job, education, and career counseling during program participation and after job placement.

Initial Assessment for Eligibility

The initial assessment provides preliminary information about the individual's skill levels (including literacy, numeracy, and English language proficiency), aptitudes, abilities (including skills gaps), and supportive service needs. (WIOA 134(c))

As a basic career service for adults and dislocated workers, the initial assessment is intended to be a brief, preliminary information gathering process that, among other things, provides sufficient information about an individual's basic literacy and occupational skill levels to enable the One-Stop operator to make appropriate referrals to services available through the One-Stop operator and partner programs.

WIOA section 3(5) defines **basic skills deficient** as an individual who:

- Is a youth, who has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or
- Is a youth or adult, who is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family or in society.

When choosing who shall participate in the Title I programs, refer to *WorkForce West Virginia Guidance Notice 6-16*. In addition, special care must be exercised to not discriminate on the basis of race, color, national origin, sex, age, disability, religion, political affiliation or belief, participant status, and against certain noncitizens.

Information and Referral

Local areas shall ensure that each participant or applicant who meets the minimum income criteria for consideration as an eligible youth be provided:

- Information on the full array of applicable or appropriate services that are available through the local board or other eligible providers or One-Stop partners, including those receiving funds under WIOA Title I, Subtitle B Workforce Investment Activities and Providers; and

- Referral to appropriate training and educational programs that have the capacity to serve the participant or applicant either on a sequential or concurrent basis. (WIOA 129(c))

To meet the basic skills and training needs of a youth applicant, each eligible provider of a program of youth activities shall ensure that an eligible applicant who does not meet the enrollment requirements of the particular program or who cannot be served shall be referred for further assessment, as necessary, and referred to appropriate programs to meet the basic skills and training needs of the applicant. (WIOA 129(c))

Registration and Participation

Registration is the process for collecting information to support a determination of eligibility. This information may be collected through methods that include electronic data transfer, personal interview, or an individual's application. Participation occurs after the registration process of collecting information to support an eligibility determination and begins when the individual receives a staff-assisted WIOA service, which does not include self-service or informational activities. (20 CFR 668.110)

- Adults and dislocated workers who receive services funded under Title I other than self-service or informational activities must be registered and must be a participant. (20 CFR 668.110)

Enrollment

Enrollment in the WIOA youth program requires the collection of information to support an eligibility determination and participation in any of the fourteen WIOA youth program elements. (20 CFR 681.310)

- All youth who participate in the youth program must be enrolled in the WIOA program in order to receive any youth services. (20 CFR 681.310)
- A youth's dropout status is determined at the time of WIOA youth program enrollment. An individual who is out-of-school at the time of registration and subsequently placed in an alternative school, may be considered an out-of-school youth for the purposes of the 75 percent expenditure requirement for out-of-school youth. (20 CFR 681.240)
- Employment Opportunity data must be collected on every individual who is interested in being considered for WIOA Title I financially assisted aid, benefits, services, or training by a recipient, and who has signified that interest by submitting personal information in response to a request from a grant recipient or designated service provider. (20 CFR 680.110)

Eligibility for Training Services

Under Section 134(c)(3)(A) of WIOA training services may be made available to employed and unemployed adults and dislocated workers who:

- A One-Stop operator or One-Stop partner determines, after an interview, evaluation, assessment, and career planning are:
 - Unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services;
 - In need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
 - Have the skills and qualifications to participate successfully in training service; (20 CFR 668.210)
- Have selected a program of training services that is directly linked to the employment opportunities in the local area or the planning region, or in another area to which the individuals are willing to commute or relocate; (20 CFR 680.210)
- Are unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as State-funded training funds, Trade Adjustment Assistance, and Pell Grants, or require WIOA assistance in addition to other sources of grant assistance, including Pell Grants (provisions relating to fund coordination are found at 20 CFR § 680.230 and Section 134(c)(3)(B) of WIOA); and
- If training services are provided through the adult funding stream, are determined eligible in accordance with the state and local priority system, if any, in effect for adults under Section 134(c)(3)(E) of WIOA and 20 CFR § 680.600. (20 CFR 680.210)

Objective Assessment

Local youth programs must provide an objective assessment of the academic levels, skill levels, and service needs of each participant. The assessment shall include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs of such participant, for the purpose of identifying appropriate services and career pathways for participants. (WIOA 129(c))

A new assessment of a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program. (WIOA 129(c))

Individual Service Strategy Plan

The individual employment plan (IEP) is an individual career service, under Section 134(c)(2)(A)(xii)(II), that is jointly developed by the participant and career planner

when determined appropriate by the One-Stop operator or One-Stop partner. The plan is an ongoing strategy to identify employment goals, achievement objectives, and the appropriate combination of services for the participant to achieve the employment goals. (20 CFR 680.180)

- If determined appropriate based on the need of the individual participant, the “combination of services” includes supportive services.
- The development of an IEP is only one of the career services that may be provided to adults and dislocated workers determined to be in need of such service; it is not a condition to receive that service.
- Local youth programs must develop Individual Service Strategies (ISS) for each participant that are directly linked to one or more of the indicators of performance described in Section 116(b)(2)(A)(ii) of WIOA, and that shall identify career pathways that include education and employment goals (including, in appropriate circumstances, nontraditional employment), appropriate achievement objectives, and appropriate services for the participant taking into account the objective assessment. (WIOA 129(c))
- A new service strategy for a youth participant is not required if the provider carrying out such a program determines it is appropriate to use a recent service strategy developed for the participant. (WIOA 129(c))

Supportive Services

The term “supportive services” means services such as transportation, child care, dependent care, housing, and needs-related payments that are necessary to enable an individual to participate in activities authorized under WIOA Title I. *Please refer to WorkForce West Virginia Guidance Notice 10-16 Support Services/Needs Related Payments.*

Training Decisions for Adults and Dislocated Workers

After an interview, evaluation, or assessment, and career planning before deciding on training, the career planner must ask these questions:

1. Has the participant met the qualifications to be eligible for training services (i.e., received either an interview, planning or any other method through which the One-Stop operator or partner can obtain information and make an eligibility determination to be determined eligible for training service)? (WIOA 134(c) and 20 CFR 668.220)
 - There is no federally-required minimum time period for participation in career services before receiving training services. (20 CFR 680.220)
2. Does the participant have the skills and qualifications to successfully complete the selected training program?
3. Is the program of training services directly linked to the employment opportunities either in the local area or in another area to which the participant is willing to relocate?
4. Is there another funding source willing to pay the costs of the training, including such sources as state-funded training funds, Trade Adjustment Assistance and Federal Pell Grants?
5. If funding is limited in the local area, does the adult participant meet the priority requirements given to recipients of public assistance and other low-income individuals?

Exits

For purposes of performance calculations, exit is the last date of service after which an individual received services through the adult, dislocated worker, or youth program under WIOA Title I, the Adult Education and Literacy program under WIOA Title II, or the employment services authorized by Wagner Peyser as amended by WIOA Title III, and no future services other than follow-up services are planned. (20 CFR 677.150) Ninety days of no service does not include self-service or information-only activities or follow-up services. (20 CFR 677.150)

Follow-Up/Post Placement Contact

Adult and dislocated workers follow up services, as described in Section 134(c)(2)(A)(xiii) of WIOA and 20 CFR § 678.430(c), must be made available, as appropriate, for a minimum of 12 months following the first day of employment, to registered participants who are placed in unsubsidized employment. (20 CFR 680.150) Follow-up services must be provided, as appropriate, including: counseling regarding the workplace, for participants in adult or dislocated worker workforce investment activities who are placed in unsubsidized employment, for up to 12 months after the first day of employment. (20 CFR 678.430)

Local programs must make follow-up services available to all youth participants for not less than 12 months after the completion of participation. (20 CFR 681.460) Follow-up services are critical services provided following a youth's exit from the program to help ensure the youth is successful in employment and/or post-secondary education and training. (20 CFR 681.580) A list of potential follow-up services for youth can be found at 20 CFR § 681.580(b). Follow-up services may be provided beyond 12 months at the state or local board's discretion. (20 CFR 681.580) However, follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome. (WIOA 129(c))

V. INQUIRIES:

Please direct any questions regarding this Guidance Notice to WorkForce West Virginia/Workforce Programs Division.