

POLICY FOR POLICY DEVELOPMENT | November 30, 2022

TO: WorkForce West Virginia (WFWV) staff and partners; West Virginia Workforce Development Board (WVWFDB) directors, Local Workforce Development Board (LWDB) directors

FROM: WorkForce West Virginia

SUBJECT: Process for Policy Development

PURPOSE: To provide direction and instruction on the process for developing and issuing WFWV policies

ACTION: WFWV administrators, WVWFB directors, and LWDB directors will ensure all employees and partners are aware of and receive copies of this policy.

EXPIRATION: N/A

QUESTIONS: Acting Commissioner, Scott Adkins, WorkForce West Virginia

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CANCELLATIONS

The following policy documents are hereby cancelled, replaced, and archived by this policy issuance:
N/A

All policies can be found at: <https://workforcewv.org/public-information/guidance-notices-and-policies>

GENERAL INFORMATION

WorkForce West Virginia (WFWV) is the state agency responsible for the administration and oversight of all programs under Title I and III of the Workforce Innovation and Opportunity Act (WIOA). WFWV's partners and programs include the Adult Training Program (Adult), Dislocated Worker Training Program (DW), Jobs for Veterans State Grants Program (JVSG), Trade Adjustment Assistance for Workers Programs (TAA), Unemployment Insurance Programs (UI), Wagner-Peyser Act Employment Service Program (WP), and Youth Training Program (Youth). WFWV provides workforce development services statewide at American Job Centers distributed through seven geographic regions and establishes policy guidance for the workforce development system (WDS).

In compliance with the Workforce Innovation and Opportunity Act (WIOA), the Governor has established the West Virginia Workforce Development Board (WVWFDB) to assist in enhancing the capacity and performance of the WDS, align and improve the workforce programs and investments, and promote economic growth. The WVWFDB advises the Governor on workforce priorities and initiatives while also overseeing workforce activities managed regionally by Local Workforce Development Boards (LWDBs).

WFWV issues policy guidance, in the form of Policy Issuances, which provide State guidance to WVWFDB and LWDB staff.

This Policy Issuance details the basic process for policy development in an effort of transparency and clarity. The Acting Commissioner of WFWV must ensure that all WFWV policies issued on or after December 1, 2022 are developed within the framework of this policy process. The Acting Commissioner of WFWV must also ensure that all WFWV policies are available on WFWV's website at: <https://workforcewv.org/public-information/guidance-notices-and-policies>

AUTHORITY

The Executive Branch of West Virginia's State Government is headed by the State's elected Governor, who directly oversees several State Departments, Bureaus, Commissions, and other Boards and Councils. The implementation of WIOA in the State of West Virginia is carried out by two departments: The Department of Commerce and The Department of Education. The Department of Commerce consists of nine agencies, including WFWV. WFWV has been designated to act on behalf of the Governor to establish policy guidance for the workforce system.

COMPLIANCE

WFWV policy guidance must comply with Federal law, regulations, and guidance from the U.S. Department of Labor (USDOL), the U.S. Department of Education (USDE) and other relevant Federal agencies, as well as State law, regulations, and guidance. In the event of a conflict between State and Federal law, regulation or guidance regarding federal funds, federal law and regulation control.

The USDOL provides guidance to states via:

- Training and Employment Guidance Letters (TEGLs) - Used by USDOL-Employment and Training Administration (ETA) to transmit policy and operational guidance to the state and local workforce systems. Issued by Program Year (July 1 - June 30).
- Training and Employment Notices (TENs) - Used by USDOL-ETA to communicate announcements of meetings, publications, or general information. Issued by Program Year (July 1 - June 30).
- Unemployment Insurance Program Letters (UIPLs) - Used by USDOL-ETA for policy and guidance specific to the Unemployment Insurance (UI) program and workforce initiatives that involve the UI program. Issued by Federal Fiscal Year (October 1 - September 30).
- Veteran Program Letters (VPLs) - Used by USDOL-Veterans' Employment and Training Service (VETS) for policy and guidance related to employment services for veterans.

The USDE provides guidance to states via:

- Adult Education and Literacy Website – Used by the USDE's Office of Career, Technical and Adult Education (OCTAE) to provide news and information on programs, initiatives, resources, newsletters and more. Website access is available:
<http://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/index.html>.
- Shop Talk – Bi-weekly conference calls used by OCTAE to discuss pertinent information.
- National Reporting System for Adult Education (NRS) – Developed by the USDE's Division of Adult Education and Literacy (DAEL) and used as an outcome-based reporting system for State-administered, federally funded adult education programs. The NRS offers implementation guidelines and related documents to assist State and local education staff in managing reporting systems.
- USDE Law & Guidance Overview Website – Used by the USDE to distribute legislation, regulations, guidance, and other policy documents. Website access is available:
<http://www2.ed.gov/policy/landing.jhtml?src=pn>.

Rehabilitation Services Administration (RSA) provides guidance to states via:

- RSA Website-RSA developed this guide to provide an orientation to information and technical assistance resources that will assist State VR agency leadership:
<https://rsa.ed.gov/about/programs/vocational-rehabilitation-state-grants/vr-program-reference-guide>

- Training and Service Programs Division (TSPD): administering several programs under the Rehabilitation Act of 1973, as amended by WIOA, as well as the Randolph-Sheppard Act. Grant Application package and contact information available on TSPD Website:
<https://rsa.ed.gov/about/rsa-offices/tspd>
- WIOA and its implementing Federal regulations are designed to strengthen and improve our nation's public workforce system and help Americans with significant barriers to employment, including individuals with disabilities, achieve high quality jobs and careers and help employers hire and retain skilled workers. Access to legislation and guidance:
<https://rsa.ed.gov/sites/default/files/downloads/rehabilitation-act-of-1973-amended-by-wioa.pdf>

POLICY COMPONENTS

WFWV Policy Issuances provide WFWV staff, service providers, and other readers with a comprehensive, consistent understanding of a given topic. A policy shall be composed of the following:

- Cover Sheet;
- Table of Contents;
- Cancellations;
- General Information;
- Topic Details;
- Performance Accountability;
- Reporting;
- Monitoring;
- References; and,
- Attachments.

Cover Sheet

The cover sheet outlines the policy's contents by providing basic information, which shall include:

- Subject;
- Date Issued;
- Expiration Date (when applicable);
- Purpose;
- Action that recipients should take; and,
- Contact Information for Inquiries.

All WFWV policies must be signed by the WFWV Acting Commissioner before dissemination to authenticate the policy. The Division Director should make a copy of the original, signed policy available upon request.

Table of Contents

The Table of Contents provides the reader with an overview of the policy. It allows for a more searchable document, as the reader can find a specific topic within a policy faster if he/she knows what it is that he/she is looking for within the document. The topics listed within the Table of Contents should coincide with page numbers.

Cancellations

The Cancellations section informs the reader when a policy is no longer valid. All readers must consider policies that are included in this section to be officially cancelled by WFWV.

General Information

The General Information section of the policy aims to provide the reader with a broader understanding of the policy's context. This section may provide an overview with basic information or historical context on the policy topic.

Topic Details

This section is the crux of the policy, for it provides requirements and expectations that the policy should convey on a given topic. This part of the policy shall be broken down into multiple sections. The content is dependent on WFWV's policy need. This component shall be as comprehensive and prescriptive as possible. If applicable, the WFWV Division Director must clearly define staff roles and expectations within this component.

Performance Accountability

If applicable, WFWV policies shall provide guidance on expectations for performance. A policy could, for example, cover the expectations of program staff in terms of timely reporting and data entry.

If there is a need for procedural guidance, then the detailed procedures shall generally not be included within the body of the policy. Instead, applicable procedures shall be provided as an attachment to the policy. Detailed instructions on how to complete data entry or how to properly register a participant in a system are important, but are not policy. A Policy Issuance shall reference procedure, and when applicable, should be provided as an attachment.

Reporting

If applicable, WFWV policies shall provide written expectations of fiscal and/or administrative reporting.

Monitoring

If applicable, WFWV policies shall explain that Federal, State or other monitoring may occur.

References

Policies must include references to any source documents, when applicable. By listing references, the writer acknowledges the work of others and provides the reader with important source information.

Attachments

Attachments may provide examples of report templates, procedural information, and/or instructions for staff on data entry, fact sheets, or brochures. Any attachment to a policy shall be cited within the policy itself. Attachments are an extension of the policy, and therefore, any instructions provided to staff in the attachments must be followed.

POLICY PROCESS

WFV's process for policy development must follow the steps below when applicable. The subsequent sections provide guidance for each step.

- Step A. Determine Need for Policy & Determine Type of Policy;
- Step B. Policy Session with Subject Matter Experts (SMEs);
- Step C. Policy Drafting;
- Step D. Review and Comment Period;
- Step E. Updates to Draft;
- Step F. Final Approval;
- Step G. Policy Dissemination; and,
- Step H. Policy Modification.

Step A. Determine Need for Policy & Determine Type of Policy

It may be determined that there is a need for policy from either an internal source (example: program manager) or an external source (example: new USDOL guidance). Once a need for policy is determined, a decision must be made on whether the policy is internal to WFV or whether it is external and affects those outside of the agency, such as LWDBs or local providers of workforce development. A policy may be considered internal to WFV if it affects time sheets or human resources procedures.

Different types of WFV policies shall go through different processes for policy development, so long as it is determined to be suitable by the Acting Commissioner in consultation with the WFV Division Director and the WFV Subject Matter Expert.

Once determined whether a policy is external or internal to WFV, the Acting Commissioner must determine whether the policy is "fast track" or whether the policy must go through the complete process for policy development. If unclear, the Director for the division must make the final decision as to whether or not a policy is fast track.

“Fast Track” Policies

In general, “Fast Track” applies when the policy relates to a standard that is not subject to interpretation and could not be changed by public comment. If a policy is “Fast Track” it may omit the Review and Comment Period (Step D).

An example of a “Fast Track” policy would be West Virginia’s Performance Goals. Each year, after analyzing and proposing expected levels of upcoming performance to the USDOL, USDOL begins a negotiation process on these goals with states. Once a state and USDOL have successfully agreed upon performance levels, USDOL officially confirms the finalized performance levels and WFWV issues a policy that provides the performance goal information. Because the performance goals are not up for interpretation or public comment, WFWV does not require this type of policy to go through the complete process for policy development.

Note: most policies are not “Fast Track” policies and must go through the complete process for policy development that is prescribed within this policy.

Step B. Policy Session with Subject Matter Experts (SMEs)

Once determined that a policy must go through the complete process for policy development, the Division Director or appointee must convene a group of Subject Matter Experts (SMEs) for a Policy Session.

During a Policy Session, the Division Director or appointee must:

1. Explain the expectations of the process for policy development to the SME group;
2. Draft a policy outline to be used in the Policy Session, based on existing knowledge and research of the policy need;
3. Develop an action plan with the SMEs that:
 - a. Defines the responsibilities of each Policy Session member;
 - b. Determines the projected timeframe for the policy’s dissemination;
 - c. Reaches agreed upon deadlines for completing deliverables, for which Policy Session members are responsible.

During the Policy Session, the Division Director or appointee must review, discuss, and revise the policy outline with the SMEs. After the Policy Session, the Division Director or appointee must provide written verification to the SMEs of the agreed upon action plan. At this time, if deemed necessary, the Division Director or appointee may schedule follow-up meetings with the SME group to reconvene at key phases of the process for policy development.

Step C. Policy Drafting

The Division Director or appointee with the SMEs, must determine the precise drafting process for a specific policy during the initial Policy Session. The Division Director or appointee or a designated SME must draft portions of the policy according to the agreed upon outline and action plan. The Division Director or appointee must manage the process to make sure that deadlines are met. It may be acceptable to amend the timeline and/or outline as the process evolves. This must be determined by the Division Director or appointee, the SMEs, and the Acting Commissioner as appropriate.

Step D. Review and Comment Period

After the initial phase of policy drafting is complete, the Acting Commissioner or appointee must disseminate the draft policy to key stakeholders for a Review and Comment Period. **The Review and Comment Period must provide stakeholders with a minimum of two weeks for comment and review of the policy.**

Due to the wide variety of topics that may be covered by WFWV policy issuances, the stakeholders to be included shall vary by policy. The Division Director with SME and the Acting Commissioner consultation must determine which stakeholders to include in each policy's Review and Comment Period. When determining which stakeholders are appropriate to include, the Acting Commissioner or Division Director or appointee must consider the following:

- Will this policy affect operations outside of WFWV?
- Will this policy only affect processes internal to a unit, office, or division within WFWV?

If a policy may affect operations outside of WFWV, then the Acting Commissioner or appointee must disseminate to the appropriate stakeholders both within and outside of WFWV. Stakeholders may include LWDB Directors or service providers of workforce development.

Note: "Fast Track" policies may omit the Review and Comment Period.

Program Policies

The Acting Commissioner or appointee shall generally disseminate WFWV program policies for review and comment to the following stakeholders:

- Local Workforce Development Board (LWDB) Directors;
- West Virginia Workforce Development Board members; and
- Relevant USDOL administrators.

It is permissible for these stakeholders to solicit feedback from counterparts or designees as they see fit if all feedback is provided to the Acting Commissioner or appointee within the required timeframe.

Step E. Updates to Draft

It is the responsibility of the Division Director or appointee to manage the process for updating the draft policy, with the Policy Session SMEs, based on stakeholder feedback received during the Review and

Comment Period. The Division Director or appointee must seek USDOL or legal guidance, when appropriate, to ensure compliance and to provide maximum clarity. The Division Director or appointee shall provide the Policy Session group with an updated action plan and timeframe for updating the draft. The process of updating a draft policy typically involves additional Policy Sessions with the SME group.

Step F. Final Approval

The Acting Commissioner or appointee must disseminate the draft policy for final comment once the SME group is finished updating the draft. Policies must not be finalized for dissemination until approved, in writing, by the Acting Commissioner.

Final approval of a draft policy is at the discretion of the Acting Commissioner. The following WFWV staff may also be required to provide written, final approval when deemed appropriate by the Division Director or appointee.

The Acting Commissioner must sign the document's cover page to authenticate the document after receiving all written approvals of the final policy. The Division Director or appointee shall make a copy of the original, signed policy available upon request.

Step G. Policy Dissemination

The Division Director or appointee must coordinate with the West Virginia Department of Commerce's (WVDOC) Webmaster to ensure that all authenticated WFWV Policy Issuances are available on 's website: <https://commerce.wv.gov/agencies/workforce-wv/>. The Division Director or appointee shall make a copy of the original, signed policy available upon request.

The Division Director or appointee shall also disseminate all authenticated WFWV Policy Issuances to WFWV staff and appropriate stakeholders.

Step H. Policy Modification

When a policy needs to be updated, amended, or cancelled, the Acting Commissioner or appointee must determine, with the Division Director or appointee, whether the policy should go through the complete process for policy development or whether the policy may be updated via the "fast track."

All modified policies must be cancelled and archived after they have been replaced with new Policy Issuances. Archived policies can be found online at <https://workforcewv.org/public-information/guidance-notices-and-policies>

If a policy has an expiration date, then it is unnecessary to cancel that policy, but it must be archived in a timely manner when appropriate.

ACCESS TO POLICY ISSUANCES

Access to current and archived Policy Issuances is available online at: <https://workforcewv.org/public-information/guidance-notices-and-policies>

Current Policies

The Division Director or appointee must disseminate new Policy Issuances timely to WFWV staff and relevant stakeholders. The Division Director or appointee must also ensure that all current Policy Issuances are accessible online.

Directors, managers, and supervisors must disseminate and review all relevant Policy Issuances with relevant staff in a timely manner. Directors, managers, and supervisors must ensure that new staff receive all relevant Policy Issuance materials and are aware of how to access the policies on their own.

Archived Policies

Policy Issuances shall be archived when no longer in effect. This includes policies that have been cancelled or policies that have expired. Archived Policy Issuances shall be accessible online.