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Governance


Chapter: 1 Section:

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Purpose

WIOA streamlines the governing bodies that establish State, regional and local workforce priorities. Through WIOA the local governance requirements empower Chief Elected Officials, businesses, program partners and others to optimize, leverage, and allocate resources to respond to the needs of local employers, workers and job seekers through targeted sector strategies, increased employer engagement, and accelerated work-based learning and training programs that create career pathways .

Furthermore, WIOA sets a framework for how state and local workforce systems are to be governed and aligned in a way that provides service coordination and integration among the workforce, education, and economic development systems.

Broadly, the WIOA governance provisions:

- Prescribe the parameters for establishing Regions and Local Areas.
- Streamline membership requirements for State and Local workforce boards while maintaining a majority of business representation.
- Add Vocational Rehabilitation, Adult Education, and Registered Apprenticeship as required board members and increases the voice of labor on the board.
- Expand the functions for workforce boards and provides guidance on staffing.
- Establish the guidelines for negotiating a memorandum of understanding as well as the designation of local grant recipients, subrecipients, and fiscal agents, and the procurement of one-stop operators.
- Require certification and continuous improvement of one-stop centers by the Chief Elected Officials and the workforce boards.

Chapter 1 provides the state level guidance for these WIOA governance provisions and others found in Sections 106 – 108 of the Act and 20 CFR Sections 677 and 678 of the WIOA Final Joint Rule and 20CFR Section 679 of the WIOA Final Rule.

Designation and Redesignation of Local Workforce Innovation Areas and Planning Regions


Chapter: 1 **Section:** 1

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Tags: Eligibility, WIA/WIOA Designation

For current policy on Designation and Redesignation of LWIAs and Planning Regions, please see the WIOA Transition Letter in the Notices tab.

Chief Elected Official (CEO) Functions and Agreement Between Multiple Chief Elected Officials


Chapter: 1 **Section:** 2

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1. The Workforce Innovation and Opportunity Act (WIOA) vests local chief elected officials (CEOs) with significant authority to provide leadership in the development, operation and performance of local workforce development programs. Under WIOA, local chief elected officials:
 - a. Serve as grant recipient for WIOA funds or to designate an alternative entity as grant subrecipient or fiscal agent; (Refer to the Chief Elected Official Delegation of Authority and Acknowledgment of Financial Liability section of this policy manual.)
 - b. Assume financial liability for any grant funds determined to be misused or unallowable even when alternate grant subrecipients or fiscal agents are appointed; (Refer to the Chief Elected Official Delegation of Authority and Acknowledgment of Financial Liability section of this policy manual.)
 - c. Appoint members of local workforce innovation board; and
 - d. Approve all significant actions of local workforce innovation board, including the board's competitive selection of a one-stop center operator, the negotiated local memorandum of understanding, the board's desire to provide career services prior to requesting approval from the Governor and the local workforce innovation board budget.
 2. WIOA also positions chief elected officials to consult with the Governor regarding significant structural, planning, operational and performance matters pertaining to the delivery of workforce services, including consultation related to:
 - a. Designation of local areas;
 - b. Identification of planning regions;
 - c. Allocation of WIOA funds;
 - d. The development of a unified State Plan;
 - e. Development of a reorganization plan for local workforce board (LWIB), if an LWIB is decertified; and
 - f. The operation and certification of local one-stop centers, including consultation with the Governor regarding policies related to and funding of one-stop center infrastructure costs.

3. Under WIOA, chief elected officials are required to work in partnership with local workforce boards to assure the local workforce system responds to the local needs of employers in sectors critical to the local and regional economies, including by:
 - a. Developing a local plan that meets local workforce development needs and the requirements of WIOA;
 - b. Engaging in regional planning with other chief elected officials and local workforce innovation boards designated by the Governor as being in the same region;
 - c. In conjunction with the state, carrying out statewide rapid response activities using funds reserved by the Governor, including additional assistance to local areas that experience disasters, mass layoffs, or plant closings, or other events that precipitate substantial increases in the number of unemployed individuals;
 - d. Negotiating local performance accountability measures under WIOA;
 - e. Establishing and operating a fiscal and management accountability information system based on guidelines established by the Secretary of Labor and Secretary of Education; and
 - f. Conducting ongoing oversight of workforce development activities to assure appropriate management and use of funds and to maximize performance outcomes.
4. Chief elected officials must periodically review all local agreements pertaining to the delivery of workforce development services within the local workforce area. All local agreements, including the CEO Agreement (if required) must comport with responsibilities WIOA defines for CEOs.
5. Chief elected officials in local workforce areas comprised of more than one unit of general local government are required to periodically review their existing CEO Agreement to ensure that it conforms to this policy. If changes are necessary, a revised CEO Agreement should be forwarded to:

Chief Elected Officials Agreement
Illinois Department of Commerce and Economic Opportunity
Office of Employment and Training
500 East Monroe Street – 9th Floor
Springfield, Illinois 62701
6. A checklist that outlines the required elements of the CEO Agreement as well as a suggested template accompanies this policy.

CEO Agreement for CEOs of Multiple Counties


Chapter: 1 **Section:** 2.1

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Tags: CEO Agreement

1. All LWIAs *comprised of more than one unit of general local government* must establish a written agreement, known as a CEO Agreement, among the CEOs in the LWIA. At a minimum, this written agreement shall:
 - a. Describe the process and method CEO(s) will use to appoint members of the Local Workforce Board (LWIB), including each individual CEO's role in the appointment process and how appointments will be distributed between or among CEOs in the local workforce innovation area;
 - b. Name the entity CEOs designate as grant recipient or grant subrecipient;
 - c. Name the entity CEOs designate as fiscal agent in the local workforce area;
 - d. Identify the method, formula or other basis on which each unit of general local government's liability for misspent funds or disallowed costs will be determined, including acknowledging that any required repayment of funds must be made from non-federal fund sources;
 - e. Define the process and method to be used to make all other significant decisions required pursuant to the responsibilities of CEOs under WIOA, including any formula or other method for weighted voting to which the CEOs agree;
 - f. Specify how the CEOs will fulfill their responsibilities to partner with the LWIB to develop and submit the local and regional plans; provide WIOA program oversight; select one-stop operators; approve the LWIB budget; approve "additional" one-stop partners; and agree on the memorandum of understanding; and
 - g. Describe how the CEOs will consult with the state to negotiate local performance measures; coordinate the development of a reorganization plan following any LWIB decertification; provide rapid response activities; establish fiscal and accountability management systems; and consult with the Governor or the Secretary of Labor concerning activities in the local area funded by the State or US Department of Labor.

Chief Elected Official Delegation of Authority and Acknowledgment of Financial Liability


Chapter: 1 **Section:** 3

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Tags: CEO Agreement

This policy describes chief elected official (“CEO”) authority as the local grant recipient, including the authority to designate local grant subrecipients and fiscal agents for grant funds provided under Title I of the Workforce Innovation and Opportunity Act (“WIOA”). It also defines each chief elected official’s liability for WIOA funds determined to be misspent or used for unallowable purposes.

Definition of Terms

Chapter: 1 **Section:** 3.1

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Tags: CEO Agreement

1. The definitions provided in the Definitions of Terms section of this policy apply to this policy and to the related CEO Acknowledgment and Designation Form.
2. For purposes of interpreting the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (2 CFR Part 200) ("Uniform Requirements"), the State of Illinois is considered the "recipient" of WIOA funds. Entities that receive WIOA funds from the State of Illinois, such as Local Workforce Innovation Areas, are considered "subrecipients" of WIOA funds under the Uniform Requirements.
3. Under WIOA, "grant recipient" refers to a local CEO receiving WIOA funds from the State, and "grant subrecipient" refers to an entity designated by a local CEO to receive WIOA funds from the State. This policy follows the WIOA definitions for "recipient" and "subrecipient."
4. "CEO" or "Chief Elected Official," when used in this policy, means the CEO's unit of general local government, not the CEO personally, except in reference to:
 - a. The individuals required to sign the CEO Acknowledgment and Designation Form and the grant-related documents in the Chief Elected Official's Financial Liability section of this policy, numbers 2, 5, and 6 herein; and
 - b. The individuals required to sign section five of the CEO Acknowledgment and Designation Form.

Designation of Local Grant Recipients, Subrecipients, and Fiscal Agents


Chapter: 1 **Section:** 3.2

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Tags: CEO Agreement

1. The local CEO within each single CEO Local Workforce Innovation Area (“LWIA”) shall serve as the grant recipient for funds under WIOA unless the local CEO designates a grant subrecipient. (WIOA Section 107(d)(12)(B)(i))
2. Local CEOs in LWIAs comprised of multiple units of general local government may designate a single CEO as the grant recipient or designate another entity to be the grant subrecipient.
3. The entity functioning in the capacity of grant recipient or grant subrecipient must enter into a grant relationship with the Department of Commerce and Economic Opportunity (the “Department”) for all WIOA Title I funds (*i.e.*, youth, adult, and dislocated workers). The grant recipient or grant subrecipient will be the receiver of record for all WIOA Title I funds allocated to the local area from the Department.
4. The grant recipient or subrecipient must disburse funds at the direction of the Local Workforce Innovation Board (“LWIB”), as long as that direction does not violate a provision of WIOA. As stated in the Chief Elected Official’s Financial Liability section of this policy, number 3, a separate entity may be designated to perform fiscal agent responsibilities.

Chief Elected Official's Financial Liability


Chapter: 1 **Section:** 3.3

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Tags: CEO Agreement

1. The CEO(s) within each LWIA is financially responsible for the use of WIOA funds within that LWIA, whether the CEO serves as the grant recipient or another entity is designated to serve in that capacity.
 - a. In the case of multiple CEOs, all CEOs in the LWIA are jointly and severally liable for any improper expenditures.
 - b. This means that the political jurisdiction of the CEO is liable for any misuse of WIOA grant funds allocated to the local area and must repay the State using non-federal funds for any improper or unallowable expenditures.
2. When an alternate entity is designated as the grant subrecipient by the CEO(s), a separate agreement between the CEO(s) and the grant subrecipient, as well as a CEO Acknowledgment and Designation Form, are required.
 - a. The CEO Acknowledgment and Designation Form will make explicit the local grant subrecipient arrangement and acknowledge the CEO's individual or collective (in the case of multiple CEOs) financial liability for WIOA funds.
 - b. The CEO, or all CEOs in multiple CEO areas, is required to sign this form and submit it to the Department.
 - c. Under this designation arrangement, funds flow to the entity selected by the CEO(s) to function as the grant subrecipient.
 - d. The designated entity receiving funds from the Department must have an authorized representative from that entity execute the grant agreements and related budget and disclosure forms.
3. When an alternate entity is designated as fiscal agent by the CEO(s), there must be a written agreement between the fiscal agent and CEO(s) to define the roles and responsibilities of the fiscal agent.
 - a. The CEO(s) must also include the designated fiscal agent's information on the CEO Acknowledgment and Designation Form.
 - b. The designated fiscal agent must meet the minimum qualifications defined by the "GATA Framework for a Grantee Fiscal Agent Function" (the "GATA Framework") (See website link on the References tab).
 - c. The CEO-Fiscal Agent Agreement must follow the GATA Framework and must include one or more of the following fiscal agent functions specified in 20 CFR 679.420:

- 1) Receive funds from the grant recipient or grant subrecipient (if a separate entity is designated as the grant subrecipient);
 - 2) Ensure sustained fiscal integrity and accountability for expenditures of funds in accordance with OMB circulars, WIOA, and corresponding Federal Regulations and State policies;
 - 3) Respond to audit financial findings;
 - 4) Maintain proper accounting records and adequate documentation;
 - 5) Prepare financial reports; and
 - 6) Provide technical assistance to grant recipients or subrecipients regarding fiscal issues.
 - 7) At the direction of the local workforce board, the fiscal agent may also:
 - a) Procure contracts or obtain written agreements;
 - b) Conduct financial monitoring of service providers; and
 - c) Ensure independent audit of all employment and training programs.
4. A local organization/entity may be selected or otherwise designated to perform more than one of the following functions: fiscal agent, local workforce board staff, one-stop operator, direct provider of career services or training services.
5. If a local organization/entity is performing more than one of these functions, there must be a written agreement with the local workforce board and the CEO(s) to clarify how the organization will carry out its responsibilities while demonstrating compliance with WIOA and corresponding regulations, relevant OMB Circulars, and the State's conflict of interest policy. A separate CEO-Fiscal Agent Agreement is not required. (20 CFR 679.430)
6. In instances in which the CEO is the grant recipient, the CEO is the party authorized to sign grant agreements and related budget and disclosure forms with the Department under WIOA.
- a. The CEO may delegate signature authority to another person(s) within the CEO's organization to execute grant agreements and related budget and disclosure forms.
 - b. The CEO may designate other agents within or outside the CEO's organization to sign other grant-related documents, such as periodic reports.
 - c. The delegation of signature authority by chief elected officials is accomplished by completing the attached CEO Acknowledgment and Designation Form.
 - d. In areas comprised of multiple CEOs, each CEO is required to sign the attached form.
 - e. All individuals with either type of designated signature authority must also be listed on the grant agreements as an authorized designee.
7. In order to establish a designation arrangement regarding the local grant subrecipient under WIOA, delegation of signature authority, and the acknowledgment of financial responsibility, CEOs are required to submit the attached CEO Acknowledgment and Designation Form as well as the CEO(s)/grant subrecipient agreement, if applicable.
- a. In areas comprised of multiple CEOs, each CEO is required to sign this form, which will be included as an addendum to the comprehensive four-year local plan. (WIOA Section 108(a))

CEO Acknowledgment and Designation, Grant Subrecipient, Fiscal Agent, and Entity Multiple Function Agreements

Chapter: 1 **Section:** 3.4

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Tags: CEO Agreement

1. The CEO(s) of each LWIA is required to submit a CEO Acknowledgment and Designation Form as set forth in the Chief Elected Official's Financial Liability section of this policy, number 2:
 - a. When the local CEO(s) wishes to name or change the grant recipient, subrecipient, or fiscal agent.
 - b. When the local CEO(s) or designated grant subrecipient elects to change the designation of individuals who may sign grant agreements or grant-related documents with the Department.
 - c. When an LWIA is reconfigured and the units of general local government included in the new LWIA change.
2. In instances in which the CEO(s) of an LWIA has elected to designate a grant subrecipient or fiscal agent pursuant to the Chief Elected Official's Financial Liability section of this policy, numbers 2 or 3 herein, respectively, or where a local entity is selected or designated to perform more than one of the functions as set forth in the Chief Elected Official's Financial Liability section of this policy, number 4 herein, the CEO(s) must submit the applicable Grant Subrecipient, Fiscal Agent, and/or Entity Multiple Function Agreement(s):
 - a. When the local CEO(s) wishes to name or change the grant subrecipient or fiscal agent.
 - b. When the local CEO(s) selects or otherwise designates an entity to perform more than one of the following functions: fiscal agent, local workforce board staff, one-stop operator, direct provider of career services or training services.
 - c. When an LWIA is reconfigured and the units of general local government included in the new LWIA change.
3. Upon completion, the CEO Acknowledgment and Designation Form, Grant Subrecipient Agreement, Fiscal Agent Agreement and Entity Multiple Function Agreement should be forwarded to:

Chief Elected Officials Governance Forms and Agreements
Illinois Department of Commerce and Economic Opportunity
Office of Employment and Training
500 East Monroe Street – 9th Floor
Springfield, Illinois 62701

Local Workforce Innovation Board (LWIB) Membership Requirements

Chapter: 1 **Section:** 4

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Tags: LWIBs

1. The authority to appoint members to the LWIB lies solely with the chief elected official(s) (CEOs). Appointments should be made in accordance with the CEO Agreement as outlined in the Chief Elected Official Delegation of Authority and Acknowledgment of Financial Liability section of this policy.
2. The chief elected official (CEO) should give special consideration to assuring an appropriate ethnic and gender balance and other representation as reflective of the local area.
3. Representatives of organizations, agencies or other entities serving on the local board shall be individuals with optimum policy making authority within the organizations, agencies or entities they represent and represent diverse geographic areas within the local area.
 - a. A representative with optimum policy making authority is an individual who can reasonably be expected to speak affirmatively on behalf of the entity he or she represents and to commit that entity to a chosen course of action.

LWIB Composition

Chapter: 1 **Section:** 4.1

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Tags: LWIBs

Membership of each LWIB shall be comprised of or meet the following requirements:

1. Business representatives that:
 - a. Reflect a majority of all board members. (This is defined as greater than 50% of all board membership);
 - b. Are owners of businesses, chief executives, operating officers, or other business executives or employers with optimum policy making or hiring authority;
 - c. Include at least two (2) representatives of small businesses as defined by the U.S. Small Business Administration. Refer to the Small Business Administration Table of Small Business Size Standards listed under the References tab;
 - d. Represent businesses that provide employment opportunities that, at a minimum, include high-quality and work-relevant training and development in in-demand industry sectors or occupations in the local area;
 - 1) Key industry sectors;
 - 2) Labor Market Information (LMI) provided by the state to each area that reflects current employment and future projections by industry sector and tallies of establishments by employment size by major industry sectors; and
 - 3) Additional sources of labor market information to help demonstrate the appropriate business composition of the board as indicated by the CEOs; and
 - e. Are appointed from among individuals nominated by local business organizations and business trade associations.
2. Not less than twenty percent (20%) of the members of the local board shall be representatives of the workforce within the local area which:
 - a. Shall include two (2) or more representatives of labor organizations where such organizations exist in the local area and, whom have been nominated by local labor federations. Where labor organizations do not exist in the local area, representatives must be selected from other employee representatives.
 - b. Shall include a representative of a joint labor-management or union affiliated, registered apprenticeship program within the area who must be a training director or a member of a labor organization. If no union

affiliated registered apprenticeship program exists in an area, then a representative of a registered apprenticeship program with no union affiliation must be appointed, if such program exists.

- c. May include representatives of community-based organizations (private, nonprofit organizations) that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment as defined in WIOA, including organizations that serve veterans or provide or support competitive integrated employment for individuals with disabilities; and
 - d. May include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including out-of-school youth.
 - e. A representative with “demonstrated experience and expertise” means an individual who:
 - 1) Is a workplace learning advisor as defined in WIOA;
 - 2) Contributes to the field of workforce development, human resources, training and development, or a core program function; or
 - 3) The local board recognizes for valuable contributions in education or workforce development related fields.
3. Entities administering education and training activities in the local area which:
- a. Shall include an eligible provider administering adult education and literacy activities under WIOA Title II; and
 - b. Shall include a representative of institutions of higher education providing workforce investment activities (including community colleges).
 - c. If the local area includes multiple providers of adult education and literacy programs and multiple institutions of higher education, each representative described in a) and b) shall be appointed from among individuals nominated by each respective group.
 - d. May also include representatives of local education agencies and community-based organizations (private, non-profit organizations) with demonstrated expertise addressing the education or training needs of individuals with barriers to employment as defined in WIOA.
4. Each local board shall have representatives of governmental and economic and community development entities serving the local area which:
- a. Shall include a representative of economic and community development entities defined in WIOA;
 - b. Shall include an appropriate representative of the state employment service office under Wagner-Peyser serving the local area;
 - c. Shall include an appropriate representative of programs in the area providing services under Title I of the Rehabilitation Services Act of 1973, other than Sec. 112 or Part C of the Title, serving the local area;
 - d. May include representatives of agencies that administer programs providing transportation, housing, or public assistance in the local area; and
 - e. May include representatives of philanthropic organizations serving the local area.

5. Each local board may also have representatives of agencies or entities the chief elected official(s) in the local area may deem appropriate.
6. An LWIB member may represent multiple programs under WIOA in certain circumstances:
 - a. With the exception noted in c. below, an individual may be appointed as a representative of more than one (1) program if that individual meets all criteria for representation, including the criteria described in the Final Rules.
 - 1) A labor representative could also serve as the required apprenticeship representative if the individual meets the criteria for representing both membership categories.
 - b. Individuals representing more than one (1) program must have optimum policy making authority within each of the programs they are representing.
 - c. A representative of higher education may not simultaneously represent adult education and literacy activities under WIOA Title II. The ICCB-approved Adult Education and Family Literacy representative, preferably the Project Director or the Project Coordinator, must have direct oversight of the adult education program.
7. All required board members must have voting privileges. The CEO may convey voting privileges to non-required members.

LWIB Membership Terms


Chapter: 1 **Section:** 4.2

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1. The CEO shall set the term limits for board members.
 2. LWIB bylaws shall include provisions that set fixed-length terms and include how the board will treat vacancies.
 3. Membership terms shall also be staggered so that only a portion of membership terms expire in a given year. All appointments will end on 9/30 in a given year.

LWIB Chairperson


Chapter: 1 **Section:** 4.3

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Tags: LWIBs

A Chairperson for the local board must be elected from among the business representatives of the board.

LWIB Standing Committees

Chapter: 1 **Section:** 4.4

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Tags: LWIBs

1. The local board may designate and direct the activities of standing committees to assist the board in carrying out its activities as long as the following requirements are met:
 - a. The standing committee must be chaired by a member of the local board; and
 - b. The standing committee must include individuals appointed by the local board who are not members of the local board and who the local board has determined have demonstrated experience and expertise in accordance with the definition stated in the LWIB Composition section of this policy.
2. The local board may designate standing committees as it determines appropriate, including the following standing committees:
 - a. A standing committee to assist with operational and other issues related to the one-stop delivery system, which may include as members representatives of one-stop partners;
 - b. A standing committee to assist with planning, operational and other issues related to services to youth, which shall include community-based organizations with a demonstrated record of success in serving eligible youth; and
 - c. A standing committee to provide information and to assist with operational and other issues relating to the provision of services to individuals with disabilities, including issues relating to compliance with WIOA, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 regarding providing programmatic and physical access to the services, programs and activities of the one-stop delivery system, as well as appropriate staff training on providing supports for or accommodations to, and finding employment opportunities for individuals with disabilities.
3. Members of the local board may also serve as members of a standing committee.
4. A local board may designate a standing or other committee that existed under the Workforce Investment Act of 1998 as a standing committee pursuant to this policy as long as the requirements in item 1.a. are met.
5. All standing committees with the exception of an Executive Committee shall be advisory and will make recommendations to the full local board.

LWIB Multiple Units of Local Government


Chapter: 1 **Section:** 4.5

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In a case in which a local area includes more than one (1) unit of general local government, the chief elected officials of such units shall execute an agreement as described in the Chief Elected Official Delegation of Authority and Acknowledgment of Financial Liability section of the policy manual.

LWIB Nomination

Chapter: 1 **Section:** 4.6

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Tags: LWIBs

1. These nomination requirements apply to all business and labor appointments to the local board as well as adult education and higher education entities when multiple providers are in the area.
2. The CEO must contact appropriate businesses, workforce or educational entities, including chambers of commerce, labor representatives and local educational entities serving the local area, to request nominations for local workforce board membership.
3. Business representatives are to be nominated by local business organizations and business trade associations. Such organizations may consist of local chambers of commerce or business councils.
4. Labor representatives are to be nominated by local labor federations such as labor councils or building and trades councils or (for an LWIA in which no employees are represented by such organizations) by other representatives of employees, such as employee organizations and/or the State AFL-CIO. A labor representative cannot be nominated from a local union.
5. Local providers administering adult education and family literacy activities are to be nominated by other providers identified by the Illinois Community College Board when multiple providers are in the local area.
6. Local institutions of higher education are to be nominated by other institutions identified by the Illinois State Board of Education when multiple institutions are in the local area.
7. Individuals may nominate themselves if they meet the criteria to nominate and represent the particular business, organization, or program for which they are being nominated.
8. All nominations must be made using the LWIB Nomination Form (OET/LWIB Form # 001).
9. All Nomination Forms must be fully completed, signed, and dated to be accepted.
10. The Nominated individual must sign and date the Appointment/Reappointment Form within one (1) year of the Nominator's signature and date.
11. The Nomination Form must accompany the Appointment/Reappointment Form (OET/LWIB Form # 002) and is required for initial appointments only. A nomination form is not required for reappointments.
12. Form # 001 in an Excel format is provided as an attachment to this policy.

13. Form # 001 is only required for an initial appointment.

LWIB Resignation or Removal

Chapter: 1 **Section:** 4.7

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Tags: LWIBs

1. Members serving on Local Boards who subsequently retire or no longer hold the board position or status that made them eligible board members must resign or be removed by the CEO immediately as a board member. To retain their knowledge and experience, the CEO may appoint them to an LWIB standing committee as outlined in Standing Committees section of this policy. (These individuals would be a member of the committee, but not a member of the LWIB.)
2. LWIBs may, under circumstances indicated in their local bylaws, remove board members at their discretion for justifiable cause.
3. LWIB vacancies must be filled within ninety (90) days of the vacancy.

LWIB Appointment and Reappointment


Chapter: 1 **Section:** 4.8

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Tags: LWIBs

1. The CEO(s) in a LWIA are authorized to make all reappointments of members of the local board for that designated area in accordance with the CEO Agreement. LWIB reappointments must be made within 90 days of the term expiration.
2. Appointment or reappointment of an individual as a member of the LWIB must be made using the Appointment/Reappointment Form (OET/LWIB Form # 002).
3. If an appointee is representing multiple entities filling multiple seats on the board, then two separate appointment forms are required.
4. The Appointment/Reappointment Form must be fully completed, signed, and dated to be accepted. An updated and fully completed electronic copy of the Composition Summary Form (OET/LWIB Form # 003) must accompany any Appointment/Reappointment Form.
5. The CEO must sign and date the Composition Summary Form following these guidelines:
 - a. The CEO's signature and date may be an original signature, a stamp or an electronic signature;'
 - b. The CEO's signature and date must be made within 90 days of the Appointed individual's signature and date on the Appointment/Reappointment Form(s);
 - c. In LWIAs where there are multiple chief elected officials, the Composition Summary Form must be signed by ALL chief elected officials using the Additional Signature Form (OET/LWIB Form # 004), unless they have designated one or more of the chief elected officials to act on behalf of all of the chief elected officials through the CEO Agreement; and
 - d. Where an LWIA has designated one or more CEOs to act on behalf of multiple CEOs, a CEO Agreement must be on file with the Office of Employment and Training.
6. An electronic copy of the Nomination Form, if applicable, Appointment/Reappointment Form and Composition Summary Form must be sent to OET within 30 days of the CEOs' signature and date of the Composition Summary Form.
7. Forms # 002, # 003, and # 004 in an Excel format are provided as attachments to this policy.
8. The completed packet must be emailed according to the instructions.

9. The composition of each LWIB will be reviewed periodically by the state to ensure compliance.
10. The state will notify the LWIB in writing if conditions exist that are not in compliance with WIOA or the requirements of this policy.

LWIB Designation and Change of Chairperson


Chapter: 1 **Section:** 4.9

Effective Date: 12/4/2015

Expiration Date: Continuing

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Version: 1

Status: Current 

Tags: LWIBs

1. Any change to the Chairperson designation should be forwarded in writing to the Department, Office of Employment and Training (OET) within thirty (30) calendar days.
2. A copy of the approved minutes indicating a change to the Chairperson should be forwarded to OET within ten (10) business days of their approval.

LWIB Conflict of Interest

Chapter: 1 **Section:** 4.10

Effective Date: 12/4/2015

Expiration Date: Continuing

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Version: 1

Status: Current 

Tags: LWIBs

A member of a local board or a member of a standing committee:

1. Must publicly disclose to the LWIB if he/she has a real or perceived conflict of interest prior to discussion;
2. May not vote on any matter under consideration by the local board:
 - a. Regarding the provision of services by such member (or by a program that such member represents); or
 - b. That would provide direct financial benefit to such member or the immediate family of such member, or the organization the member represents;
3. May not engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the state plan; and
4. The minutes of LWIB meetings shall document compliance with these conflict of interest requirements.

Local Workforce Innovation Board (LWIB) Certification and Recertification Requirements


Chapter: 1 **Section:** 5

Effective Date: 12/4/2015

Expiration Date: Continuing

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Status: Current 

Tags: LWIBs

The Department of Commerce and Economic Opportunity, Office of Employment and Training (OET) will make a determination regarding the certification of all Local Workforce Innovation Boards (LWIBs) based on compliance with criteria established in WIOA and this policy.

LWIB Initial Certification


Chapter: 1 **Section:** 5.1

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Expiration Date: Continuing

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Status: Current 

1. The composition of each LWIB will be evaluated on the following criteria:
 - a. Federal membership composition requirements encompassing business, representatives of the workforce, including labor organizations, local education program representatives and representatives of governmental and economic and community development entities;
 - b. Specific requirements for each of the above membership categories; (Refer to the Local Workforce Board Membership Requirements section of this policy.)
 - c. Authority of board members (optimum policy making authority);
 - d. Majority business membership;
 - e. At least twenty percent (20%) workforce/labor membership; and
 - f. Compliance with the CEO Agreement and LWIB Bylaws of the local board.

If the LWIB meets requirements for initial certification, it will be certified for a two-year period.

2. Initial LWIB certification requires the electronic submittal of a complete LWIB certification information packet (preferably in .pdf format) to OET. The packet consists of the following:
 - a. A copy of a WIOA compliant CEO Agreement, signed and dated by the CEO(s). (Refer to the Chief Elected Official Delegation of Authority and Acknowledgment of Financial Liability section of this policy for minimum requirements of a CEO Agreement.) Among other requirements, the CEO Agreement must clearly identify:
 - 1) The CEO(s) who have authority to appoint members;
 - 2) The CEO(s) who have authority to submit appointment requests to OET; and
 - 3) Grant Recipient designation. (Refer to the Chief Elected Official Delegation of Authority and Acknowledgment of Financial Liability of this policy.)
 - b. A narrative demonstrating how the business members of the LWIB provide employment opportunities that include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area;
 - c. A statement of accessibility indicating:
 - 1) All LWIB and LWIB committee meetings will be held in accessible facilities; and

- 2) All materials and discussions are in an accessible format (i.e., large print, Braille, interpreter, etc.) for all members, as needed or indicated.
- d. Complete LWIB membership forms, including:
- 1) Nomination forms (OET/LWIB Form # 001) for all business, education and labor members being appointed;
 - 2) Appointment/Reappointment Forms (OET/LWIB Form # 002) for all LWIB members; (Refer to the Local Workforce Board Membership Requirements section of this policy.)
 - 3) A current and accurate Composition Summary Form (OET/LWIB Form # 003); and
 - 4) A current and accurate Composition Summary Form Additional CEO Signature Page (OET/LWIB Form # 004), if applicable.
 - 5) Forms # 001, # 002, # 003 and # 004 are provided as attachments to the Local Workforce Board Membership Requirements section of this policy.
- e. The completed LWIB Certification information packet must be submitted electronically to the OET staff listed on the contacts tab.
- 1) Do not submit partial packets. Packets without all required signatures, required members and completed documents as outlined in this policy will not be accepted and/or reviewed. If the packet is not in compliance with state and local requirements as determined by OET staff, the packet will be returned to the local board staff for revisions.
 - 2) A letter of certification will be issued once the LWIB has been determined to be in compliance.

LWIB Recertification

Chapter: 1 **Section:** 5.2

Effective Date: 12/4/2015

Expiration Date: Continuing

Revision Date: 3/1/2017 2:18:59 PM

Version: 1

Status: Current 

Tags: LWIBs

1. WIOA requires each LWIB to be recertified every two years. The first recertification will be effective beginning October 1, 2017. Recertification of local boards will be based on the extent to which the local board has ensured:
 - a. Board composition requirements have been maintained;
 - b. Local workforce activities enable the LWIA to meet negotiated standards related to performance measures; and
 - c. Fiscal integrity has been sustained.
 - d. If an LWIB meets all membership requirements, but fails to meet all performance measures, LWIB recertification will be granted for only a one-year review period, instead of a two-year period.
 - e. At the end of the one-year review period, the recertification process will be repeated with an updated assessment of LWIB membership and local performance measures.
 - f. If the LWIB meets all of the performance measures during the one-year review period, they will be given a new two-year recertification.
 - g. All recertification documentation is due to OET by October 1 of the recertification year.
2. Subsequent LWIB recertification requires the electronic submittal of a complete LWIB recertification information packet (preferably in .pdf format) to OET. The packet consists of the following:
 - a. A copy of the CEO Agreement (if changed since the last certification/ recertification), signed and dated by the CEO(s) (Refer to the Chief Elected Official Delegation of Authority and Acknowledgment of Financial Liability section of the policy manual);
 - b. A copy of the LWIB bylaws (if changed since the last certification/ recertification), signed and dated;
 - c. A narrative demonstrating how the business members of the LWIB provide employment opportunities that include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area;
 - d. A statement of accessibility indicating:
 - 1) All LWIB and LWIB committee meetings will be held in accessible facilities; and

- 2) All materials and discussions are in an accessible format (i.e., large print, Braille, interpreter, etc.) for all members, as needed or indicated.
- e. Complete LWIB membership forms, including:
- 1) Nomination forms (OET/LWIB Form # 001) for all business, education and labor members being appointed;
 - 2) Appointment/Reappointment Forms (OET/LWIB Form # 002) for all LWIB members; (Refer to the Local Workforce Innovation Board Membership Requirements section of this policy manual.)
 - 3) A current and accurate Composition Summary Form (OET/LWIB Form # 003); and
 - 4) A current and accurate Composition Summary Form Additional CEO Signature Page (OET/LWIB Form # 004), if applicable.
 - 5) Forms # 001, # 002, # 003 and # 004 are provided as attachments to the Local Workforce Board Membership Requirements section of this policy manual.
- f. The completed LWIB recertification information packet must be must be submitted electronically to the OET staff listed on the contacts tab.
- 1) All recertification packets should include documentation of any changes made to the CEO Agreement and LWIB bylaws since the most recent recertification (or original certification if this is the first recertification of the LWIB). Changes should be documented as follows:
 - a) Written summary of all changes to the CEO Agreement and LWIB bylaws; and
 - b) A separate electronic copy of the CEO Agreement and LWIB bylaws that clearly indicates all changes. (This can be accomplished through word processing software such as using the "Track Changes" feature of Microsoft Word.)
 - 2) Do not submit partial packets. Packets without all required signatures, required members and completed documents as outlined in this policy will not be accepted and/or reviewed. If the packet is not in compliance with state and local requirements as determined by OET staff, the packet will be returned to the local board staff for revisions.
 - 3) A letter of recertification will be issued once the LWIB has been determined to be in compliance.

LWIB Bylaw Compliance


Chapter: 1 **Section:** 5.3

Effective Date: 12/4/2015

Expiration Date: Continuing

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Version: 1

Status: Current 

Tags: LWIBs

1. Upon notification of LWIB certification, the new board is required to review and revise its bylaws for WIOA compliance. At a minimum the bylaws should include:
 - a. The nomination process used by the CEO(s) to elect the local board chair and members;
 - b. The term limitations and how the term appointments will be staggered to ensure only a portion of the membership expires in a given year;
 - c. The process to notify the CEO(s) of a board member vacancy to ensure a prompt nominee within ninety (90) days of the vacancy;
 - d. Whether an appointee filling a vacancy will serve the remainder of the unexpired term or be appointed for a new full term;
 - e. If utilized by the LWIB, the proxy and alternative designee process that will be used when a board member is unable to attend a meeting and assigns a designee;
 - f. The use of technology, in accordance with the Open Meetings Act, such as phone and web-based meetings, that will be used to promote board member participation;
 - g. The process to ensure board members actively participate in convening the workforce system's stakeholders, brokering relationship with a diverse range of employers, and leveraging support for workforce activities;
 - h. A description of any other conditions governing appointment or membership on the board as deemed appropriate by the CEO(s);
 - i. The adopted generally accepted parliamentary procedure, such as Robert's Rules of Order, chosen by the LWIB;
 - j. The LWIB's policy assuring attendance and participation of its members;
 - k. Quorum requirements;
 - l. Any standing committees the LWIB has established; (Refer to the Local Workforce Board Membership Requirements policy.)

- m. The LWIB's conflict of interest policy, which may not be any less stringent than the requirements of the Local Workforce Board Membership Requirements policy;
 - n. The LWIB's policy on absentee voting, if allowed by the LWIB; and
 - o. The process the board will take when expedient action is warranted between board meetings, such as calling a special meeting or allowing the Executive Committee to act on behalf of the board.
2. The LWIB is required to periodically review their existing bylaws. If a need arises to alter the bylaws, then the revised bylaws must be signed, dated and emailed to the OET staff listed on the contacts tab.
 3. A checklist that outlines the required elements of the board bylaws as well as a suggested template accompanies this policy.

LWIB Decertification

Chapter: 1 **Section:** 5.4

Effective Date: 12/4/2015

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Status: Current 

Tags: LWIBs

1. LWIBs are subject to decertification by OET under one or more of the following conditions:
 - a. Failure to carry out functions of the board; or
 - b. Fraud and/or abuse.
 - c. If an LWIB, having already been placed on a one-year cycle of recertification due to a lack of meeting all performance measures, fails to meet all performance measures in a second year, the LWIB may be decertified.
2. A written notice of decertification and opportunity for appeal will be provided before decertification becomes effective.
3. An LWIB that is decertified or fails to achieve initial certification will be required to reappoint and submit a revised membership listing and repeat the process for initial certification.

LWIB Appeal Process


Chapter: 1 **Section:** 5.5

Effective Date: 12/4/2015

Expiration Date: Continuing

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Status: Current 

Tags: LWIBs

1. If an LWIB is denied certification or decertified by the state, it may appeal the decision. The Office of Employment and Training (OET) will notify the LWIB of its decision regarding the appeal within twenty-one (21) days from the receipt of the request by the LWIB.
2. The LWIB has twenty-one (21) days, from the date of receipt of the notice of denial in which to file an appeal to OET. The appeal must include the following information:
 - a. A statement that the LWIB is appealing the denial;
 - b. The reason(s) certification or recertification should be granted or decertification should not be made;
 - c. LWIB contact information to request additional information, if necessary; and
 - d. The signature of the CEO.
3. The appeal must be submitted formally, in writing to OET, and must be sent by registered mail no later than the 21st day from the date of receipt of the notice of denial.

Appeals must be sent to:

Local Workforce Board Decertification Appeal Illinois Department of Commerce and Economic Opportunity
Office of Employment and Training
500 East Monroe Street – 9th Floor
Springfield, Illinois 62701

4. OET will review the request for appeal within twenty-one (21) days of its receipt.
 - a. If an administrative error was made or if additional information submitted by the LWIB changes the basis upon which the original decision was issued, the decision may be reversed and the LWIB granted certification or recertification or the decertification may be revoked.
 - b. If OET reverses its decision, it will notify the LWIB of its action in writing.
 - c. If OET does not reverse its decision to deny LWIB certification or recertification or upholds its decision to decertify the LWIB, they shall notify the LWIB within twenty-one (21) days from the receipt of the request by the LWIB.

LWIB Other Requirements

Chapter: 1 **Section:** 5.6

Effective Date: 12/4/2015

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Status: Current 

Tags: LWIBs

The following additional provisions shall be applicable to all LWIBs.

1. Sunshine Provision

- a. LWIB meetings must follow the provisions of the Illinois Open Meetings Act and should be conducted accordingly.
- b. Local boards must conduct business in an open manner as required by WIOA.
- c. Through electronic means and open meetings, the “sunshine provision” provides the public, on a regular basis, information on the activities of the local board.
 - 1) This includes information regarding the local plan, list and affiliation of local board membership, local board bylaws, designation and certification of the Illinois workNet® operators, grants and contracts awarded to eligible providers of workforce investment activities including providers of youth activities, and minutes of formal meetings of the local board.
 - 2) The minutes of meetings of the local board will be made available upon request and with the knowledge that the public may add their input to the process.

2. Parliamentary Procedures

- a. All LWIBs must adopt a generally accepted parliamentary procedure, such as Robert’s Rules of Order, to ensure that LWIBs conduct business in an orderly and ethical fashion.
- b. The LWIB’s meeting procedures should be noted in its bylaws, and business must be conducted accordingly.

Local Workforce Innovation Board (LWIB) Functions and Staffing (Pending)


Chapter: 1 **Section:** 6

Effective Date: 7/15/2016

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Policy to be determined.

One-Stop Operator Procurement


Chapter: 1 **Section:** 7

Effective Date: 12/15/2017

Expiration Date: Continuing

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Status: Current 

Tags: LWIBs, One-Stop

The Workforce Innovation and Opportunity Act (WIOA) requires that all one-stop operators be selected or designated through a competitive process even if the Local Workforce Innovation Board (LWIB) is considering being an operator. Training and Employment Guidance Letter 15-16 (TEGL 15-16) Competitive Selection of One-Stop Operators (January 17, 2017) provides information on the requirements for the competitive process as set forth in Section 121(d)(2)(A) of WIOA.

TEGL 15-16 establishes that one-stop operators are subrecipients of federal funds that must follow the Uniform Guidance at 2 CFR part 200, including the contractual provisions in 2 CFR 200.318 through 200.326. Part of this requirement is for the LWIB and the selected one-stop operator to enter into a legally binding agreement which may take the form of a written contract or another type of agreement, such as a Memorandum of Understanding (MOU) which is explained in the Competition Requirements section below.

The Local Workforce Innovation Areas (LWIAs) must follow the provisions outlined in TEGL 15-16, the key elements of which are summarized in the subsections of this policy.

Role of the One-Stop Operator


Chapter: 1 **Section:** 7.1

Effective Date: 12/15/2017

Expiration Date: Continuing

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Version: 2

Status: Current 

Tags: LWIBs, One-Stop

The basic role of a one-stop operator is to coordinate the service delivery of participating one-stop partners and service providers.

1. At a minimum, states and LWIBs must ensure that one-stop operators do the following:
 - a. Disclose any potential conflicts of interest arising from the relationships of the one-stop operators with particular training service providers or other service providers, including, but not limited to, career services providers;
 - b. In coordinating services and serving as a one-stop operator, refrain from establishing practices that create disincentives to providing services to individuals with barriers to employment who may require longer-term services, such as intensive employment, training, and education services; and
 - c. Comply with federal regulations, and procurement policies, relating to the calculation and use of profits.
2. LWIB's may establish additional roles for the one-stop operator, including the following:
 - a. Being the primary provider of services within the center;
 - b. Providing some of the services within the center;
 - c. Coordinating service providers within the center and across the one-stop system; and
 - d. Coordinating service delivery in a multi-center area, which may include affiliated sites.
3. The role of the one-stop operator must be clearly articulated in all phases of the procurement process, as well as in the legally binding agreement between the LWIB and the one-stop operator.
4. One-stop operators may not perform the following functions:
 - a. Convene system stakeholders to assist in the development of the local plan;
 - b. Prepare and submit local plans;
 - c. Be responsible for oversight of itself;
 - d. Manage or significantly participate in the competitive selection process for one-stop operators;

- e. Select or terminate one-stop operators, career service providers, and youth providers;
- f. Negotiate local performance accountability measures; or
- g. Develop and submit budgets for activities of the LWIB in the local area.

Eligible Entities


Chapter: 1 **Section:** 7.2

Effective Date: 12/15/2017

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Status: Current 

Tags: LWIBs, One-Stop

The one-stop operator must be an entity (public, private, or non-profit) or a consortium of entities that, at a minimum, includes three or more of the required one-stop partners in the local area.

1. While certain entities are eligible to serve as one-stop operators, an entity's eligibility to be the one-stop operator in a specific local area is affected by the nature of the procurement process, particularly as it relates to conflict of interest and avoiding "less-than arms-length" relationships.

LWIB as the One-Stop Operator


Chapter: 1 **Section:** 7.3

Effective Date: 12/15/2017

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Status: Current 

Tags: LWIBs, One-Stop

LWIBs may serve as one-stop operators, however, they must still participate in the competition to be the one-stop operator and meet the mandatory requirements in 20 CFR 678.605(c) and 678.615(a).

1. LWIBs may not deem themselves as the one-stop operator due to lack of bids received.
2. As stated above, the eligibility of the one-stop operator is affected by the nature of the process, particularly as it relates to conflict of interest and avoiding “less-than arms-length” relationships.
3. One way to avoid a conflict of interest is for the LWIB to contract with a separate and independent outside entity to conduct the competition.
 - a. Outsourcing the entire process (including development of requirements, drafting the Request for Proposal (RFP) or Information for Bid (IFB), evaluation of proposals/bids, and identification of the best proposer) to an alternate entity would be the best practice in this circumstance to avoid a conflict of interest.
 - b. If the outcome of the competitive process is the selection of the LWIB itself as the one-stop operator, the Governor and the Chief Elected Official (CEO) must agree to the selection of the LWIB.
 - 1) LWIBs must submit the Request for Approval – LWIB to Serve as the One-Stop Operator to obtain the Governor’s approval.

Timing


Chapter: 1 **Section:** 7.4

Effective Date: 12/15/2017

Expiration Date: Continuing

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Tags: LWIBs, One-Stop

TEGL 15-16 requires that all one-stop operators be selected by July 1, 2017.

1. The competitive process must be conducted at least once every four years.

Competition Requirements

Chapter: 1 **Section:** 7.5

Effective Date: 12/15/2017

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Status: Current 

Tags: LWIBs, One-Stop

The WIOA Joint Final Rule requires that the LWIB's competitive process be based on local procurement policies and procedures as well as the principles of competitive procurement in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) at 2 CFR part 200, including the Department of Labor's (DOL's) specific requirements at 2 CFR part 2900, and other applicable regulations and policies.

1. Appendix I of the Uniform Guidance outlines what the federal government has identified as the information that should be included in a competitive solicitation. Under WIOA, and consistent with the Uniform Guidance, the general procurement requirements include:
 - a. Written Policies and Procedures;
 - b. Methods of Procurement for Competitions;
 - c. Full and Open Competition;
 - d. Written Standards of Conduct;
 - e. Transparency and Responsibility; and
 - f. Recordkeeping.
2. All procurement transactions must be conducted using full and open competition (2 CFR 200.319(a)).
 - a. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.
 - b. Some of the situations considered to be restrictive of competition include, but are not limited to:
 - 1) Placing unreasonable requirements on firms in order for them to qualify to do business;
 - 2) Requiring unnecessary experience and excessive bonding;
 - 3) Noncompetitive pricing practices between firms or between affiliated companies;
 - 4) Noncompetitive contracts to consultants that are on retainer contracts;
 - 5) Organizational conflicts of interest;

- 6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
- 7) Any arbitrary action in the procurement process.

Avoiding Conflicts of Interest

Chapter: 1 **Section:** 7.6

Effective Date: 12/15/2017

Expiration Date: Continuing

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Status: Current 

Tags: LWIBs, One-Stop

Persons and entities involved in the competitive process to select a one-stop operator using federal funds must be free of apparent or real conflicts of interest.

1. LWIBs are required to make available to the public:
 - a. The LWIB's written conflict of interest policy;
 - b. The LWIB's written procurement policies;
 - c. The procurement solicitation itself;
 - d. A listing of the entities that submitted bids or proposals;
 - e. An abstract of those bids or proposals;
 - f. The identity of the selected one-stop operator; and
 - g. Total award amount and duration of the contract with the one-stop operator.
 - h. This list is not all inclusive.
2. WIOA law and governing regulations (20 CFR 679.430) also require that any organization or entity that has been selected to perform multiple functions in a local area must develop a written agreement with the LWIB and the CEO to clarify how the organization will carry out its responsibilities while demonstrating compliance with WIOA and corresponding regulations, the Uniform Guidance, and conflict of interest policies of both the state and the organization or entity performing multiple functions.
 - a. The possibility that a conflict of interest may arise is inherent when entities are performing, or seeking to perform, multiple functions within the workforce development system.
 - b. Proper firewalls must be in place to ensure the transparency and integrity of the procurement process and demonstrate to the public as well as the state that the selection process was impartial and that no preferential treatment was given to the awardee.

Required Contract Elements


Chapter: 1 **Section:** 7.7

Effective Date: 12/15/2017

Expiration Date: Continuing

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Status: Current 

Tags: LWIBs, One-Stop

All One-Stop Operator Agreements must include the essential elements of a legally binding written agreement, and contain, at a minimum, a Statement of Work, Authorized Officials and Purpose, and Additional contractual terms and conditions.

1. The One-Stop Operator Agreement must identify that the one-stop operator is a subrecipient of federal funds and must comply with the Uniform Guidance at 2 CFR part 200, including DOL's specific requirements at 2 CFR part 2900. The Agreement must include the information required by the Uniform Guidance at 2 CFR 200.331.
2. The One-Stop Operator Agreement must include a provision that outlines how the Agreement may be modified or amended.
3. Note that an amendment to the One-Stop Operator Agreement may be required if there are substantive regulatory and/or policy changes at the federal, state, and local level with the implementation of WIOA.

Oversight and Monitoring of the One-Stop Operator


Chapter: 1 **Section:** 7.8

Effective Date: 12/15/2017

Expiration Date: Continuing

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Status: Current 

Tags: LWIBs, Monitoring/Oversight, One-Stop

One-Stop Operator procurement must be conducted in accordance with the local procurement policies that are consistent with the procurement standards of the Uniform Guidance at 2 CFR 200.318 through 200.326.

1. The LWIB must complete, sign and submit the One-Stop Operator Procurement Attestation along with other documentation outlined in the Attestation within 30 days of the execution of the One-Stop Operator Agreement.
 - a. Any LWIB that has awarded a One-Stop Operator Agreement must ensure that the process used complies with WIOA rules and regulations as well as the Uniform Administrative Requirements.
 - b. If this process was not followed, the contract must be terminated and the process must be restarted in accordance with TEGL 15-16.
2. WIOA requires the LWIB to conduct monitoring of its one-stop operator.
 - a. When the local board is the one-stop operator, there is an inherent conflict of interest in that the local board cannot effectively monitor itself.
 - b. In such circumstances, an outside entity must conduct the monitoring and report the monitoring results to the CEO.
 - c. The State of Illinois will verify compliance to the oversight and monitoring requirements of the one-stop operator as part of the annual monitoring review.

Additional Procurements and Board Staffing

Chapter: 1 **Section:** 7.9

Effective Date: 12/15/2017

Expiration Date: Continuing

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Status: Current 

Tags: LWIBs, One-Stop

Since the Uniform Guidance is applicable to all contracts with federal funds, the TEGl suggests the advice relating to the one-stop operator competitive process may be useful to consider when procuring other program activities or services, including selection of a fiscal agent, or procuring elements of the youth program, career services, and/or training services.

1. LWIBs are encouraged to select providers of career services through a competitive procurement process, though WIOA law and proposed rules do not require this.
 - a. LWIBs can provide basic and individualized career services by agreement of the local Chief Elected Official and Governor which can be obtained by submitting a Request for Approval – LWIB to Provide WIOA Career Services.
2. WIOA further stipulates that LWIBs cannot provide training services unless the LWIB submits a written waiver request based on satisfactory and demonstrable evidence to the Governor to waive the limitation in Section 107(g) (1).
 - a. The waiver request shall be made through submission of the Request for Approval – LWIB to Provide WIOA Adult and/or Dislocated Worker Training Services.
3. WIOA specified that one-stop operators must be in place by July 1, 2017, but there is no similar deadline requirement for other roles such as staff to the LWIB.
 - a. The U.S. Department of Labor Regional Office for our state has suggested the LWIBs should first define the roles of the one-stop operator and issue the RFP.
 - b. RFPs should not be tailored based on the current or future functions of an applicant.
 - c. This has the appearance of potentially influencing prospective bidders and setting up an unfair advantage to other potential entities wishing to apply.
 - d. The LWIB or outside entity would need to ensure that appropriate firewalls and conflict of interest agreements are in place during the negotiation and selection phase of procurement.
 - e. Since the one-stop operator should be procured and in place prior to determining staff to the LWIB, DOL has instructed the state to not address LWIB staffing questions during the procurement process time period.

- f. LWIB staffing policy will be issued at a later date.

Certification of One-Stop Centers

Chapter: 1 **Section:** 8

Effective Date: 3/22/2017

Expiration Date: Continuing

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Version: 3

Status: Current 

Tags: LWIBs, One-Stop

The Workforce Innovation and Opportunity Act (WIOA) requires State workforce development boards, in consultation with chief local elected officials and local workforce development boards, to establish objective criteria and procedures to certify local comprehensive one-stop centers. This policy describes the requirements and procedures for evaluating and certifying one-stop centers in Illinois under WIOA.

The network of comprehensive one-stop centers created under WIOA, branded nationally as the American Job Center (AJC) network, includes approximately 3,000 one-stop centers nationwide that provide central points of contact for job seekers and employers to access employment and training services. Six core programs must be delivered through one-stop centers: Title I Youth, Adult and Dislocated Worker, Title II Adult Education and Literacy, Title III Wagner-Peyser, and Title IV Vocational Rehabilitation. These partner programs, and other required partners identified in WIOA, ensure that employers and all job seekers have access to information and services that lead to positive educational and employment outcomes.

Illinois' one-stop certification policy requires an evidence-based system of effective service delivery, physical and programmatic accessibility, and pursuit of continuous improvement opportunities. The certification process ensures that local workforce innovation boards (LWIBs) oversee the delivery of employment and training programs in their communities and support high levels of effectiveness and sustainability.

This process also requires assurance that implementation of the non-discrimination and Equal Opportunity provisions of WIOA Section 188 has been met through compliance with the Methods of Administration (MoA) and completion of an Accessibility Report at least once every three years.

1. LWIBs certify two types of one-stop sites: comprehensive sites and affiliated or specialized sites.
 - a. For Program Year (PY) 2016, only centers requesting certification as a comprehensive one-stop center are required to complete the entire certification process described in this policy, including a site visit by a Local Certification Team, by July 1, 2017.
 - 1) Although affiliate and specialized sites are not required to submit an application for the initial certification cycle beginning on July 1, 2017, LWIBs may choose to make this a requirement.
 - 2) Documentation for affiliate/specialized sites that do apply by July 1, 2017 is described in the Certification of Affiliate or Specialized One-Stop Sites section of this policy.
 - 3) Note that this documentation is to be submitted electronically and a site visit is optional.

- b. Certifications approved by July 1, 2017, will be valid for three program years or through June 30, 2020, unless changes in Federal or State policy require earlier recertification. LWIBs may choose to re-certify their one-stop centers more frequently.
 - c. To this end, LWIBs are encouraged to develop their own written one-stop certification procedures, consistent with Federal and State guidance, to ensure consistency and transparency in the local certification process.
 - d. This policy should address the frequency of certification, a certification schedule, certification criteria, continuous improvement, and timelines for the review and/or revocation of certification and the appeals process.
2. As part of the local one-stop certification process, noteworthy practices and improvement opportunities will be identified. This information will be compiled and shared as a continuous improvement resource to be made available to all one-stop sites in PY17.

One-Stop Certification Criteria

Chapter: 1 **Section:** 8.1

Effective Date: 3/22/2017

Expiration Date: Continuing

Revision Date: 7/10/2017 1:47:10 PM

Version: 5

Status: Current 

Tags: LWIBs, One-Stop

1. It is the responsibility of each LWIB to certify one-stops in each area, but it is the role of the IWIB to establish criteria and procedures for certification.
2. In areas where the LWIB functions as the site operator, the IWIB must certify the one-stop site to ensure that the process is conducted objectively.
 - a. LWIBs, or the Illinois Workforce Innovation Board (IWIB) in those cases where LWIBs are the one-stop operator, must use the Application for Certification of One-Stop Centers in Illinois approved by the IWIB to certify comprehensive one-stop centers.
3. The IWIB, in consultation with Chief Local Elected Officials and LWIBs, must review and update the one-stop certification criteria contained in the Application for Certification of One-Stop Centers in Illinois every two years as part of the review and modification of the WIOA State Plan.
4. All of the criteria must be assessed as “attained” and all indicators met for the certification team to recommend to the LWIB that the comprehensive one-stop center be certified.
 - a. LWIBs may require additional evidence other than that provided in the application.
5. A combination of desk review of documents and on-site observation may be used by the Local Certification Teams.
6. LWIBs may establish additional criteria and set higher standards for service coordination than those set by the State every two years as part of the WIOA Local Plan update process.
 - a. Additional criteria must be clearly identified in addenda to the Application for Certification of One-Stop Centers in Illinois.
7. Each time a local board reviews and updates the one-stop certification criteria and process, it must notify the IWIB in writing.

One-Stop Certification Frequency


Chapter: 1 **Section:** 8.2

Effective Date: 3/22/2017

Expiration Date: Continuing

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Version: 5

Status: Current 

Tags: LWIBs, One-Stop

1. Federal law requires that comprehensive one-stop sites be evaluated and certified no less than once every three years.
2. Each time the LWIB certifies a comprehensive one-stop center, it must submit the completed Application for Certification of One-Stop Centers in Illinois to the IWIB.
3. Each certified site will provide an annual report to the LWIB, with a copy to the IWIB, detailing the progress in addressing improvement opportunities identified during the certification process.

Types of One-Stop Sites


Chapter: 1 **Section:** 8.3

Effective Date: 3/22/2017

Expiration Date: Continuing

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Version: 5

Status: Current 

Tags: LWIBs, One-Stop

1. In addition to comprehensive one-stop centers, additional locations known as “affiliate” or “specialized” sites also may provide access to workforce system services.
 - a. This could include sites serving targeted populations such as youth, dislocated workers, basic skills deficient individuals, English language learners, or specific industry sectors.
2. Characteristics of the two types of one-stop centers are summarized below.
 - a. **Comprehensive**
 - 1) All six mandated programs are represented: Title I Youth, Adult and Dislocated Worker, Title II Adult Education and Literacy, Title III Wagner-Peyser, and Title IV Vocational Rehabilitation.
 - 2) The center is accessible to the general public during regular business days, as well as physically and programmatically accessible to individuals with disabilities.
 - 3) A portal for electronic access to services is available.
 - 4) Basic and individualized career services and training services are available.
 - 5) Business services are provided.
 - 6) Additional related employment and training resources are available.
 - b. **Affiliate/Specialized**
 - 1) One or more of the six mandated programs are available: Title I Youth, Adult and Dislocated Worker, Title II Adult Education and Literacy, Title III Wagner-Peyser, and Title IV Vocational Rehabilitation.
 - 2) The center is accessible to the general public during regular business days, as well as physically and programmatically accessible to individuals with disabilities.
 - 3) A portal for electronic access to services is available.
 - 4) Basic career services are available.
 - 5) Additional related employment and training resources are available.
 - 6) The site has an established working relationship as part of an integrated system of AJC sites in Illinois.

Local Certification Teams


Chapter: 1 **Section:** 8.4

Effective Date: 3/22/2017

Expiration Date: Continuing

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Version: 5

Status: Current 

Tags: LWIBs, One-Stop

1. One-stop Local Certification Teams will be established by LWIBs (or the IWIB when the LWIB is the one-stop operator) and are responsible for conducting independent and objective evaluations of one-stop sites and making certification recommendations to LWIBs (or the IWIB, as appropriate).
2. Team members will include the local board chair or designee and at least two other individuals representing LWIB members, board staff, and/or local partners with specific expertise serving populations with barriers.
3. At least one team member must be an employer.
4. Certification team members shall be free of conflicts of interest.
5. Certification teams may utilize experts from the state level or outside of the local area to ensure evaluations are objective.
6. They may also utilize local experts who represent targeted populations, but have no financial ties with the one-stop site.

State Certification Process for a Comprehensive One-Stop Center if the Local Board is not the One-Stop Operator


Chapter: 1 **Section:** 8.5

Effective Date: 3/22/2017

Expiration Date: Continuing

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Version: 6

Status: Current 

Tags: LWIBs, One-Stop

1. The one-stop certification process for comprehensive one-stop centers consists of six main steps.
 - a. Step 1: LWIBs submit "Notice of Intent to Apply for Certification". The LWIB notifies the IWIB of all one-stop centers for which certification will be sought.
 - 1) Submit the completed and signed Notice of Intent to Apply for Certification to Mark Burgess, IWIB Staff at mark.a.burgess@illinois.gov or mail to:

Illinois Department of Commerce and Economic Opportunity
Office of Employment and Training
One-Stop Certification Intent to Apply Form
500 East Monroe Street, 9th Floor
Springfield, IL 62701
 - 2) The "Notice of Intent to Apply for Certification" is included as an attachment to this policy.
 - b. Step 2: One-stop Operators Complete the Application for Certification of One-Stop Centers in Illinois. The Application for Certification of One-Stop Centers in Illinois will be completed by the one-stop operator and submitted to the LWIB.
 - 1) Each criterion will be self-evaluated as to whether the one-stop center meets the requirements by checking "Attained" or "Not Attained".
 - 2) The Local Certification Team will use the completed application during their review.
 - c. Step 3: Convene Local Certification Team. The LWIB chair or designee will convene and lead a Local Certification Team to conduct an independent, objective evaluation of the one-stop center seeking certification.
 - d. Step 4: Conduct Center Evaluation. The Local Certification Team will conduct the evaluation of the one-stop center site. This process will include:
 - 1) Reviewing the completed Application for Certification of One-Stop Centers in Illinois submitted by the one-stop center operator.

- 2) Scheduling an on-site evaluation with a tour of the facility. The on-site review will include at a minimum:
 - a) A walk-through of various parts of the center as a customer might experience the service delivery flow and referrals.
 - b) Interviews with center staff including all system partners.
 - c) Interviews with a sample of employer and job seeker customers.
 - d) A review of the center's general materials (e.g. outreach and orientation materials, media, and activities; workshop and meeting offerings; and center calendars, as appropriate).
 - e) A review of the system's facilities, layout, and infrastructure, with a goal of customer accessibility and customer flow.
 - f) Any additional on-site review needed to determine whether the certification criteria and indicators have been met.
 - 3) Following the site visit, interviews, and final responses to any follow-up questions, the Local Certification Team will add their comments to the Application for Certification of One-Stop Centers in Illinois and provide their certification recommendation in Section D, "Local Certification Team Recommendation," indicating one of four outcomes:
 - a) Recommends certification – all criteria and indicators have been met.
 - b) Recommends provisional certification pending successful completion of an MOU.
 - c) Recommends provisional certification pending implementation of specific improvements by specified dates.
 - d) Does not recommend certification.
- e. Step 5: LWIB Action. The LWIB determines whether to accept the recommendation of the Local Certification Team through formal approval according to its bylaws.
- 1) This may require a special convening of the Board or Executive Committee to meet the timelines suggested in paragraph 2 of the Timeline for Certification section of this policy.
 - 2) If an existing comprehensive one-stop site is ultimately not certified as meeting all certification criteria or "for-cause", the LWIB and one-stop operator must have a plan to ensure continuity of service until a site is certified.
- f. Step 6: LWIB Notifies IWIB of Certification Decision. The decision of the LWIB to accept or reject the recommendation of the Local Certification Team shall be reported to the IWIB, the local elected official(s), and the one-stop operator with a copy of the completed Application for Certification of One-Stop Centers in Illinois.
- 1) In the event of a provisional certification, improvements needed to meet the initial certification criteria and a timeline for completing those actions shall be provided.
 - 2) When the one-stop operator informs the local board chair in writing that all issues preventing certification have been resolved, the Local Certification Team must independently verify that the improvements have been made.
 - 3) The Application for Certification of One-Stop Centers in Illinois shall be modified and resubmitted to the LWIB.

State Certification Process for a Comprehensive One-Stop Center if the Local Board is the One-Stop Operator


Chapter: 1 **Section:** 8.6

Effective Date: 3/22/2017

Expiration Date: Continuing

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Tags: LWIBs, One-Stop

1. In circumstances where the local board is serving as the one-stop operator with approval from the Governor and local CEO(s), the IWIB must certify the one-stop center(s) in that local area.
 - a. LWIBs that serve as the one-stop operator must complete the "Notice of Intent to Apply for Certification" attachment so the IWIB is able to anticipate the number of Local Certification Teams needed for on-site evaluations.
 - b. An individual designated by the IWIB will convene a State Certification Team to conduct an independent, objective evaluation for each LWIB-operated one-stop center described the Certification Process for a Comprehensive One-Stop Center if the LWIB is not the Operator section of this policy.

Certification of Affiliate or Specialized One-Stop Sites

Chapter: 1 **Section:** 8.7

Effective Date: 3/22/2017

Expiration Date: Continuing

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Version: 5

Status: Current 

Tags: LWIBs, One-Stop

1. One-stop sites seeking certification as an affiliate or specialized site must provide documentation or other evidence to prove that the following five conditions are met:
 - a. One or more mandated partners are represented at the site.
 - b. The site is accessible to the general public and physically and programmatically accessible to individuals with disabilities.
 - c. A portal is available for electronic access to Illinois workNet.
 - d. Basic career services and additional employment and training resources are made available.
 - e. The site has an established working relationship as part of an integrated system of AJC sites in Illinois.
2. Affiliate or specialized sites are encouraged to describe noteworthy practices and continuous improvement opportunities as part of their application package.
3. This information must be submitted to the LWIB in writing with a cover letter from the one-stop operator attesting to its accuracy.
4. Following review of the documentation and the collection of any needed additional information, including a potential site visit, the Local Certification Team will provide a written response to the one-stop operator of the affiliate or specialized site indicating one of three outcomes:
 - a. Recommends certification – all criteria and indicators have been met.
 - b. Recommends provisional certification pending implementation of specific improvements by specified dates.
 - c. Does not recommend certification.
5. Affiliate or specialized one-stop sites seeking certification may bypass only one certification cycle before a site visit by a Local Certification Team must occur.

Review or Revocation of One-Stop Certification

Chapter: 1 **Section:** 8.8

Effective Date: 3/22/2017

Expiration Date: Continuing

Revision Date: 7/10/2017 1:47:13 PM

Version: 5

Status: Current 

Tags: LWIBs, One-Stop

1. An LWIB may review and/or revoke a one-stop center's certification "for cause" as determined appropriate by the LWIB.
2. Consideration may be given to the center's integrity, compliance with public policy, record of past performance, and financial and technical resources.
3. If such a request is forthcoming:
 - a. The LWIB must send a formal written notice of its concerns to the affected one-stop center operator.
 - b. The one-stop operator will have the option of providing the LWIB with additional information that would clarify and substantiate the center's certification status.
 - c. Both the notice from the LWIB to the affected one-stop operator and the operator's response to the LWIB must be sent by registered mail.
 - d. The LWIB must inform the IWIB in writing of any change in the certification status of the one-stop center with a copy sent to the Department of Commerce and Economic Opportunity, Office of Employment and Training (OET), c/o Illinois Workforce Innovation Board (IWIB).
4. The IWIB may request that an LWIB review and/or consider revoking a one-stop center's certification "for cause" using the same considerations described above. If such a request is forthcoming the following steps must occur:
 - a. The IWIB must send a formal written notice of its concerns to the affected LWIB.
 - b. The LWIB will have the option of providing the IWIB with additional information that would clarify and substantiate the center(s) certification status.
 - c. Both the notice from the IWIB to the affected LWIB and the LWIB's response to the IWIB must be sent by registered mail with a copy sent to the Department of Commerce and Economic Opportunity, Office of Employment and Training (OET), c/o IWIB.

Appeals Process for One-Stop Certification


Chapter: 1 **Section:** 8.9

Effective Date: 3/22/2017

Expiration Date: Continuing

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Version: 5

Status: Current 

Tags: LWIBs, One-Stop

1. An LWIB that denies or revokes one-stop center certification for which it sought approval must notify the one-stop operator of the center(s) in writing of its decision.
2. The notice shall include the following information:
 - a. The one-stop center(s) that are being denied or revoked eligibility;
 - b. The reason(s) for the denial or revocation; and
 - c. Opportunities the provider has to appeal the decision if the reason for revocation or denial of certification is the responsibility of the one-stop operator;
 - d. The notice must be sent via registered mail with a copy sent to OET.
3. The one-stop center may file an appeal with the LWIB.
 - a. The appeal must include the following information:
 - 1) A statement that the one-stop operator is appealing the denial or revocation of its center(s) certification;
 - 2) The reason(s) the certification should be upheld;
 - 3) Contact information for additional information; and
 - 4) The signature of the Director or Administrator of the one-stop operator.
 - b. The appeal must be submitted in writing, and must be sent by registered mail no later than the 21st day from the date of receipt of the notice of denial or revocation.
 - c. The LWIB, or a committee designated by the LWIB (separate from that which provided the initial certification decision), will review the request for appeal.
 - 1) If an administrative error was made or if additional information submitted by the one-stop operator changes the basis upon which the original decision to deny or revoke certification was issued, the decision may be reversed and the center(s) awarded the appropriate certification status.
 - 2) If the LWIB reverses its decision, it will notify the one-stop operator of its action in writing and forward a copy to OET.
 - d. If the LWIB does not reverse its decision to deny or revoke certification of a center(s), it shall notify the one-stop operator in writing by registered mail.

- 1) The notice will include information about the opportunities for the provider to appeal its denial of eligibility with OET on behalf of the IWIB.
 - 2) A copy of the letter will be forwarded to OET.
- e. Once a one-stop operator appeals the denial or revocation of certification to OET on behalf of the IWIB, the following steps will take place.
- 1) The IWIB Certification Team will have thirty (30) days to complete its investigation into the matter, gather additional information from the affected LWIB and operator (such as the completed local appeal), and issue a final determination of certification.
 - 2) During this time period, the IWIB Certification Team will convene a meeting with the affected parties, if requested.
 - 3) This final determination will be forwarded to the one-stop operator and the LWIB in writing.
 - 4) If the IWIB overturns the decision of the LWIB, the center will be provided certification or provisional certification within seven (7) days.
 - 5) The IWIB will not make a final decision to overturn the decision of an LWIB without convening a meeting with all of the affected parties.

Monitoring for One-Stop Certification


Chapter: 1 **Section:** 8.10

Effective Date: 3/22/2017

Expiration Date: Continuing

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Version: 5

Status: Current 

Tags: LWIBs, One-Stop

1. Monitoring of the one-stop certification process will be conducted as part of the ongoing programmatic, administrative, and fiscal monitoring required under WIOA.

Timeline for One-Stop Certification

Chapter: 1 **Section:** 8.11

Effective Date: 3/22/2017

Expiration Date: Continuing

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Status: Current 

Tags: LWIBs, One-Stop

1. For PY16, the process of initial certification of comprehensive one-stop centers and affiliates (if required by the LWIB) must be concluded by July 1, 2017.
 - a. LWIBs may begin the process of certifying their comprehensive one-stop centers while negotiating their memorandum of understanding (MOU).
 - b. However, the executed MOU must be in place before local boards can approve certification.
2. For the program year beginning July 1, 2017, a one-stop operator must be in place prior to one-stop center certification.
 - a. A suggested sequence of events and timeline to guide the local certification process is provided below. **All applications for certification must be submitted electronically to OET on behalf of the IWIB by 5:00 p.m. on June 30 2017, to Mark Burgess at Mark.A.Burgess@illinois.gov**

<u>Action</u>	<u>Estimated 2017 Completion</u>
State disseminates certification policy and procedures	March 22
LWIB submits "Notice of Intent to Apply for Certification"	March 22 - 31
One-stop operators complete "Application for Certification of One-Stop Centers in Illinois"	March 22 – May 15
Constitute Local Certification Team(s)	March 22 – May 15
Offer training of Local Certification Team members	March 22 – May 15
One-stop operator procurement	April 1 – June 15
Conduct center(s) review	April 1 – May 31
Team makes certification recommendation to LWIB	April 7 – June 15
Address needed improvements, as feasible	April 15 – June
Reconvene Local Certification Team, if needed	April 21 – June 15
Transmit certification recommendation to LWIB	April 21 – June 15

LWIB notifies IWIB of certification decision	June 30
Official certification letter sent to LWIBs	July 1
List of one-stop centers and affiliate/specialized sites published	July 1

Memorandum of Understanding (MOU) Governor's Guidelines

Chapter: 1 **Section:** 9

Effective Date: 1/10/2020

Expiration Date: Continuing

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Version: 2

Status: Current 

Tags: MOU, WIA/WIOA Transition/Implementation

1. This policy disseminates the memorandum of understanding (MOU) requirements. The MOU requirements that are included in the WIOA and final regulations are outlined in this policy and the *Governor's Guidelines to State and Local Program Partners Negotiating Costs and Services Under the Workforce Innovation and Opportunity Act (WIOA) of 2014* hereto referred to as the guidelines. See the link on the reference tab.
2. These guidelines fulfill the WIOA requirement that the Governor issue guidance to State and local partners for negotiating cost sharing, service access, service delivery and other matters essential to the establishment of effective local workforce development systems under WIOA (20 CFR Part 678.705).
3. The guidelines apply to:
 - a. All State-level agencies and entities in Illinois responsible for planning and administration of Federally-funded workforce development programs (20 CFR Part 678.400 through 20 CFR Part 678.410); and
 - b. Local Workforce Innovation Boards (LWIBs), chief elected officials (CEOs) and required partners responsible for planning, administering and delivering workforce development services in a local workforce area.
4. All required partners, LWIBs and their chairs, and CEOs are expected to act in accordance with these guidelines. As required by WIOA, the State of Illinois will monitor local areas to assure compliance with these guidelines.
5. Governor's Guidelines supporting documents and other MOU development information can be found on Illinois workNet on the WIOA Implementation Documents and Updates page. See the link on the reference tab.

Memorandum of Understanding Requirements

Chapter: 1 **Section:** 9.1

Effective Date: 1/10/2020

Expiration Date: Continuing

Revision Date: 1/10/2020 8:43:19 AM

Version: 2

Status: Current 

Tags: MOU, WIA/WIOA Transition/Implementation

1. Each local workforce innovation board in Illinois will submit a MOU that reflects the shared vision and commitment of the board and required partners to establish and maintain high-quality workforce development systems and centers, consistent with the vision articulated in WIOA and in State, regional and local planning priorities.
2. The MOU must include at a minimum:
 - a. A description of services to be provided through the one-stop delivery system, including the manner in which the services will be coordinated and delivered through the system;
 - b. Agreement on funding the costs of the services and the operating costs of the system, including:
 - 1) Funding of infrastructure costs of one-stop centers in accordance with §§ 678.700 through 678.755; and
 - 2) Funding of the shared services and operating costs of the one-stop delivery system described in § 678.760.
 - c. Methods for referring individuals between the one-stop operators and partners for appropriate services and activities;
 - d. Methods to ensure that the needs of workers, youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in providing access to services, including access to technology and materials that are available through the one-stop delivery system;
 - e. The duration of the MOU and procedures for amending it; and
 - f. Assurances that each MOU will be reviewed, and if substantial changes have occurred, renewed, not less than once every 3-year period to ensure appropriate funding and delivery of services.

Program Collaboration and Service Integration

Chapter: 1 **Section:** 9.2

Effective Date: 1/10/2020

Expiration Date: Continuing

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Version: 1

Status: Current 

Tags: MOU, WIA/WIOA Transition/Implementation

1. Core principles of WIOA emphasize a commitment to integration. This means that all Federally-funded programs authorized under WIOA collaborate to optimize the quality of services provided in all local workforce areas throughout the State. To effectively collaborate, required partners in Illinois must commit to:
 - a. Negotiate in good faith the commitments of each required partner to provide access to services and programs, as well as to share in the costs of the local one-stop delivery system;
 - b. Share necessary data and customer information;
 - c. Cross-train frontline staff of other required programs to learn about key program goals and eligibility criteria, improving the efficiency of referrals and providing the best customer experience with workforce services;
 - d. Plan and act strategically based on a common understanding of regional economies, key sectors, workforce demographics and employer needs;
 - e. Leverage program resources where possible to the mutual benefit of customers and programs; and
 - f. Develop integrated service strategies, which reduce duplication of services and improve the customer experience.

Governor's Guidelines Scope


Chapter: 1 **Section:** 9.3

Effective Date: 1/10/2020

Expiration Date: Continuing

Revision Date: 1/10/2020 8:47:37 AM

Version: 1

Status: Current 

Tags: MOU, WIA/WIOA Transition/Implementation

1. These guidelines:

- a. Provide guidance and requirements for negotiating local memoranda of understandings (MOUs) that are required of each local workforce innovation area (LWIA) to support the operation of a local one-stop delivery system;
- b. Provide guidance related to negotiating annual one-stop operating budgets, including infrastructure costs and other agreed-upon local service delivery system costs;
- c. Prescribe timelines for major steps in the negotiation processes, for both MOUs and annual one-stop operating budgets;
- d. Provide guidance on other requirements of WIOA; and
- e. Provide resources to support required partners in negotiations.

Governor's Guidelines Organization


Chapter: 1 **Section:** 9.4

Effective Date: 1/10/2020

Expiration Date: Continuing

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Version: 1

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Tags: MOU, WIA/WIOA Transition/Implementation

SECTION 1	Negotiation of Local MOUs
SECTION 2	Annual Negotiation of Local Shared Costs
SECTION 3	Negotiation Outcomes (for MOUs and Annual Budgets)
SECTION 4	Waiver Process
SECTION 5	Annual Submission Requirements/Amendment Procedures
SECTION 6	Annual State-Level Review
SECTION 7	Periodic Reconciliation of Shared Costs
SECTION 8	Additional Annual Guidance
APPENDICES	A through L

MOU Development and Submittal


Chapter: 1 **Section:** 9.5

Effective Date: 1/10/2020

Expiration Date: Continuing

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Version: 1

Status: Current 

Tags: MOU, WIA/WIOA Transition/Implementation

1. The MOU must follow the format as laid out in the guidelines. The required items of content listed in the guidelines will be reviewed for quality and completeness to meet compliance requirements. MOUs must be submitted as instructed in the guidelines.

American Job Center Branding


Chapter: 1 **Section:** 10

Effective Date: 10/17/2016

Expiration Date: Continuing

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Version: 1

Status: Current 

Tags: One-Stop, WIA/WIOA Transition/Implementation

For current policy on branding of the one-stop centers, please see the attached WIOA Notice.

Resource Room Utilization and Tracking


Chapter: 1 **Section:** 11

Effective Date: 5/14/2007

Expiration Date: Continuing

Revision Date: 3/26/2019 10:14:48 AM

Version: 1

Status: Current 

Tags: Illinois workNet, Performance, Reporting, Career Services

The purpose of this policy is to transmit instructions for the collection, tracking and submittal of information on resource room utilization and provision of non-registered core services. To not only comply with the DOL mandate, but to address the earlier findings, the Illinois Department of Commerce and Economic Opportunity is implementing basic reporting requirements for self-service participants.

Illinois workNet Progress Report


Chapter: 1 **Section:** 11.1

Effective Date: 5/14/2007

Expiration Date: Continuing

Revision Date: 1/27/2017 2:54:53 PM

Version: 1

Status: Current 

Tags: Illinois workNet, Performance, Reporting, Career Services

1. LWIAs who have implemented Illinois workNet® must provide a monthly status report to OET.
2. Instructions for completion and submittal of the report will be provided by OET to those LWIAs utilizing Illinois workNet®.

Resource Room Tracking

Chapter: 1 **Section:** 11.2

Effective Date: 5/14/2007

Expiration Date: Continuing

Revision Date: 12/29/2016 10:37:15 AM

Version: 1

Status: Current 

Tags: Illinois workNet, Performance, Reporting, Career Services

1. Resource room utilization and universal core services received by each participant must be recorded in IWDS.
 - a. System log-on and data input to IWDS must be performed by the LWIA or partner-funded staff only (e.g., a resource room technician or case manager).
 - b. The system has been recently modified to collect DOL-ETA's latest requirements for minimum data for self-service participants.
2. Local Workforce Innovation Areas (LWIAs) must provide a listing of each resource room so that OET can establish them as distinct locations in IWDS. This is so that participant activity can be tracked by individual and associated with the distinct resource rooms.
 - a. Staff user log-in of each resource room must be associated to the distinct resource room.
 - b. The listing of Resource Rooms should be completed using the WIOA–Funded Resource Room Data form attachment.
 - c. An updated version of the form detailing any changes to an existing Resource Room must be completed and a copy provided to OET within 10 business days of the changes.
 - d. A new form must be completed and a copy provided to OET within 10 business days of the establishment of a new Resource Room.
 - e. All forms should be mailed or electronically forwarded to the OET staff listed in the contacts tab.
3. LWIAs must either utilize the IWDS resource room tracking system or a third-party tracking system that posts to IWDS to track the participants. Instructions for each system are found in the Resource Room Tracking Instructions attachment.

Note: The IWDS resource room tracking system is the preferred method of tracking participants.
4. For those LWIAs choosing to use a third-party tracking system, the following data entry procedures should be followed:
 - a. The LWIA must follow the process outlined in their third-party system for collecting the data necessary to track and report participant activity.

- b. LWIAs must ensure that all participant data be requested within the third-party system. Data fields require a response and the default may not be “Prefer Not to Answer”. If a third party system is unable to collect all required data elements and/or provide a weekly data load to IWDS, the LWIA cannot use the system for Resource Room utilization tracking.
 - c. The Interface Between Illinois Workforce Development System and Third Party Services Tracking Systems attachment provides the guidance for interfacing between the two systems.
 - d. Data load from third-party tracking systems to IWDS must be made on at least a weekly basis.
5. Participant data
- a. All data must be requested of any participant using the resource room, but is not required to be provided by the participant.
 - b. The data to be requested includes:
 - 1) First Name;
 - 2) Last Name;
 - 3) Zip code of the home address;
 - 4) Social Security Number (SSN);
 - 5) Birth Date;
 - 6) Labor Force Status at contact;
 - 7) Hispanic;
 - 8) Race/Ethnicity; and
 - 9) Gender.
 - c. Data elements must be entered into the IWDS system. Should the participant not provide the data, the LWIA must enter a response such as prefer not to answer into IWDS.
6. Participant classifications – Each classification is based on the data provided by the individual.
- a. Basic self-service participant – only the following data is collected from the individual:
 - 1) First Name;
 - 2) Last Name; and
 - 3) Zip Code of the home address.
 - b. Reported/non-registered self-service participant – the following data is collected from the individual:
 - 1) First Name;
 - 2) Last Name;
 - 3) Zip Code of the home address; and
 - 4) Social Security Number (SSN).
 - c. WIOA participant – these individuals already have data recorded in the system for all nine items listed above (5.b.1-9) in support of a determination of eligibility for the program(s) under which they are served, as well as the applicable federal and state data collection requirements for registered customers.
7. A flowchart is provided to illustrate how the various classifications are assigned. See the Resource Room Tracking Decision attachment.

8. Only those Resource Room services to participants who provide an SSN can be included in Quarterly and Annual reporting to DOL-ETA. This is in accordance with the requirements in the TEGL listed in the References tab.
9. To assist LWIAs in managing resource room utilization, IWDS has five (5) reports available for local review. These reports are found in the Resource Room Reports Attachments and Forms, Instructions, & Templates tabs.

One-Stop Delivery System Under WIOA

Chapter: 1 **Section:** 12

Effective Date: 7/1/2018

Expiration Date: Continuing

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Status: Current 

Tags: One-Stop

Local Workforce Innovation Boards (LWIBs) must establish a one-stop delivery system to implement the operational requirements of the Workforce Innovation and Opportunity Act (WIOA). The vision for the one-stop delivery system is to align a wide range of publicly- or privately-funded education, employment, and training programs, while also providing high-quality customer service to all job seekers, workers, and businesses.

WIOA reinforces the partnerships and strategies necessary for one-stop centers to provide all job seekers and workers with high quality career, training, and supportive services needed to obtain and maintain good jobs. Such strategies help businesses find skilled workers and access other human resource assistance to meet their current workforce needs.

The management of the one-stop delivery system is the shared responsibility of States, LWIBs, chief elected officials (CEOs), core and required one-stop partners, one-stop operators, and service providers. The one-stop delivery system in Illinois includes six core and 10 required programs as well as additional partners identified in WIOA under Section 121(b).

Illinois' one-stop centers carry the dual brand as Illinois workNet® centers and the federal network of American Job Centers (AJCs). These centers are part of a single integrated system providing services in-person and via technology to business and individual customers.

This policy describes the various components of Illinois' local one-stop delivery systems and considerations for designation by the local partners in developing a system to meet WIOA customer needs.

One-Stop Center Designation Process


Chapter: 1 **Section:** 12.1

Effective Date: 7/1/2018

Expiration Date: Continuing

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Version: 2

Status: Current 

Tags: One-Stop

1. In Illinois, development of the one-stop system is a collaborative and deliberative data-driven process occurring at the local level as part of regional and local planning.
 - a. LWIBs must identify how the one-stop system in their local area will meet the needs of businesses and individuals, including:
 - 1) How the two types of service sites in Illinois, designated centers (comprehensive, affiliate, and specialized) and access sites, will carry out local planning objectives;
 - 2) Which services, programs, and activities will be available locally to meet customer needs; and
 - 3) The number and location of centers that will operate in the local area.
 - b. The decision by the LWIB to designate centers shall occur only after consultation with representatives of the LWIB and CEOs, businesses, representatives of labor organizations, community-based organizations (CBOs), adult education providers, institutions of higher education, representatives of the four agencies, and other stakeholders.
 - 1) Factors to consider when determining designation of a site as a center include:
 - a) How to best serve job seeker and employer customers based on their location and workforce needs (see the attachment tab for “Data for Consideration in Assessing the Need and Location of One-Stop Centers”);
 - b) Availability and proximity of existing WIOA programs, services, and activities;
 - c) Availability of alternative space and utilization of existing holdings; and
 - d) Infrastructure and other costs, and the ability of participating partners to share in those costs.
 - 2) Potential benefits associated with center designation include:
 - a) Providing better access and service to customers, particularly populations with multiple barriers to employment and in-demand careers;
 - b) Establishing greater quality control and consistency through the certification process;
 - c) Enhanced brand recognition and coordinated marketing associated with Illinois workNet and the AJC network; and
 - d) Assisting the LWIB and one-stop partners in negotiating partner service levels and allocation of resources in the Memorandum of Understanding (MOU).
 - 3) Identification of comprehensive, affiliate, or specialized one-stop centers and access sites must occur through good faith partner negotiations at the local level and incorporated into the MOU.

- 4) The obligations of the partner programs are to participate in the operation of the one-stop delivery system and provide access to their programs through the comprehensive one-stop centers (20 CFR 678.310).
- c. LWIBs may not require partner programs to participate in affiliate or specialized centers.
- 1) Provision of services, programs, and activities, either in-person or through direct linkage, at centers other than comprehensive is a decision of each partner program.
 - a) If resources and/or other factors suggest that service provision is not feasible at a center, the LWIB must negotiate with the partners to identify how customers will receive needed services.
 - 2) Only one-stop partners that participate in the affiliate centers by providing access to programs, services, and activities through a direct linkage or physical presence (678.300(f) and 678.500; TEGL 17-16, p. 6) must contribute to the infrastructure costs for those centers.
 - 3) The financial contributions of one-stop partners through a direct linkage will be different than those one-stop partners with a physical presence, regardless of the type of center.
- d. Comprehensive, affiliate, or specialized centers, and all other locations supported solely or in part by federal funding, regardless of designation status, must meet the following conditions:
- 1) Be physically and programmatically accessible to all individuals (WIOA Section 188, 29 CFR Part 38);
 - 2) Achieve certification at least once every three years (20 CFR 678.800) for designated Illinois workNet centers only;
 - 3) Include the program staff's physical presence and operating budget in the local partner MOU negotiations within the parameters of the federal regulations (20 CFR 678.310 through 678.320, 34 CFR 361.310 through 361.320, and 34 CFR 463.310 through 463.320);
 - 4) Display appropriate signage identifying the center as part of the Illinois workNet and American Job Center networks; and
 - 5) Be documented by the LWIB in the local plans and MOUs and describe the components of their one-stop delivery system; the process used to designate comprehensive, affiliate, and specialized centers; and the process used to identify access sites.
- e. The "Requirements Associated with One-Stop Centers and Access Sites" attachment summarizes the requirements associated with the three types of one-stop centers and access sites. (See the attachment tab.)

Comprehensive Centers


Chapter: 1 **Section:** 12.2

Effective Date: 7/1/2018

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Tags: One-Stop

1. Each one-stop delivery system must include at least one designated comprehensive center where job seekers and employer customers can access the programs, services, and activities of all required one-stop partners (Section 121(b)(1)(B) of WIOA), along with any additional partners as determined by the LWIB. Additionally, a comprehensive one-stop center must:
 - a. Have at least one WIOA Title I staff person physically present;
 - b. Provide the career services listed in 20 CFR 678.430, 34 CFR 361.430, and 34 CFR 463.430;
 - c. Provide access to training services described in 20 CFR 680.200;
 - d. Provide access to any employment and training activities carried out under Section 134(d) of WIOA;
 - e. Provide access to programs and activities carried out by one-stop partners listed in 20 CFR 678.400 through 678.410, 34 CFR 361.400 through 361.410, and 34 CFR 463.400 through 463.410, including the Wagner-Peyser Act Employment Services (ES) program; and
 - f. Make available workforce and labor market information.
2. Customers must have access to these programs, services, and activities during regular business days and hours (20 CFR 678.305(c), 34 CFR 361.305(c), and 34 CFR 463.305(c)). The LWIB may establish other service days and hours to accommodate individuals unable to access the one-stop center during regular business hours.
3. One-stop partner programs may deliver career services at a comprehensive one-stop in one of three ways (20 CFR 678.305(d), 34 CFR 361.305(d), and 34 CFR 463.305(d)):
 - a. By a program staff member physically present at the one-stop center;
 - b. By a staff member from a different partner program physically present and appropriately trained to provide information to customers about the resources available through all partner programs; or
 - c. By using technology to provide a direct linkage to a program staff member who can provide meaningful information or services. The "Governor's Guidelines to State and Local Program Partners Negotiating Costs and Services" details Illinois' requirements concerning direct linkage under WIOA.

Affiliate Centers

Chapter: 1 **Section:** 12.3

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Status: Current 

Tags: One-Stop

1. LWIBs, in consultation with their agency partners and one-stop operator(s), also may choose to designate affiliate centers (20 CFR 678.310, 34 CFR 361.310, and 34 CFR 463.310) as part of their one-stop system.
2. Affiliate centers make available to job seeker and employer customers one or more of the one-stop partners' programs, services, and activities. (20 CFR 678.310, 34 CFR 361.310, and 34 CFR 463.310).
 - a. The exception to this are Wagner-Peyser employment services provided by the Illinois Department of Employment Security, which may not serve as a stand-alone affiliate center and must be co-located with at least one or more other partners with the physical presence of combined staff more than 50 percent of the time the center is open.
 - b. Local veterans' employment, disabled veterans' outreach, or unemployment compensation programs may not count toward the combined staff presence calculation (20 CFR 678.315).
3. The frequency of program staff's physical presence in the affiliated site must be established through partner MOU negotiations at the local level, within the parameters of the federal regulations at 20 CFR 678.310 through 678.320, 34 CFR 361.310 through 361.320, and 34 CFR 463.310 through 463.320.

Specialized Centers

Chapter: 1 **Section:** 12.4

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Status: Current 

Tags: One-Stop

1. LWIBs may designate a specialized center to meet the needs of a specific population, such as youth, veterans, or individuals with disabilities; key industry sectors or clusters (20 CFR 678.320, 34 CFR 361.320, and 34 CFR 463.320); or a specific group of dislocated workers affected by a regional lay-off.
2. Specialized centers need not provide access to every required partner, but should be knowledgeable about, and prepared to make referrals to, partners in the comprehensive or affiliate one-stop centers.
3. As described in the “Affiliate Centers” section above, Wagner-Peyser employment services cannot stand alone in a specialized center and must include other programs besides Wagner-Peyser Act employment services, local veterans’ employment representatives, disabled veterans’ outreach program specialists, and unemployment compensation.
4. Specialized centers must connect, physically or technologically, to a comprehensive center and any appropriate affiliate centers (20 CFR 678.320).
5. Partner services provided through specialized one-stop centers must be determined by partner negotiations at the local level and incorporated into the MOU.

Access Sites

Chapter: 1 Section: 12.5

Effective Date: 7/1/2018

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Status: Current 

Tags: One-Stop

1. LWIBs, in consultation with the WIOA partner agencies, may determine that their local one-stop network include additional sites that provide access to one or more partner services, but are not designated as a center. These “access sites” must link, physically or technologically, to the comprehensive one-stop center and any appropriate affiliate one-stop centers.
2. This linkage may occur, for example, through referral processes to these centers and the partner programs located in them.
3. Access sites provide customers with information on the availability of career services and other program services and activities, regardless of where they initially enter the public workforce system in the local area.
4. Access sites providing services by WIOA partner program staff must display appropriate signage identifying the site as part of the Illinois workNet and American Job Center networks. WIOA regulations require that the common identifier or tagline be used on "all products, programs, activities, services, electronic resources, facilities, and related property and new materials used in the one-stop delivery system," which includes signage and materials printed, purchased, or created by the one-stop delivery system (20 CFR 678.900(c)). Resource room materials distributed to customers not printed, purchased, or created by the one-stop delivery system do not need to contain the common identifier or the tagline.
5. Access sites that are part of the one-stop delivery system do not need to be included in operating costs in the MOU nor do they need to go through the certification process (20 CFR 678.800).

Other Sites


Chapter: 1 **Section:** 12.6

Effective Date: 7/1/2018

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Version: 1

Status: Current 

Tags: One-Stop

1. In addition to the three types of designated centers and access sites that may be included in the local one-stop delivery system, WIOA customers may also avail themselves of other workforce, education, training, and support services in their areas.
2. Because these “other sites” do not offer services, programs, or activities by a WIOA partner agency or receive WIOA funding, they may not display signage identifying the site as part of the Illinois workNet or American Job Center network.
3. Other sites do not need to be included in operating costs in the MOU nor do they need to go through the certification process.

One-Stop Center Implementation

Chapter: 1 **Section:** 12.7

Effective Date: 7/1/2018

Expiration Date: Continuing

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Version: 1

Status: Current 

Tags: One-Stop

LWIBs should adhere to the implementation schedule below:

1. On July 1, 2018, this policy will take effect.
2. By July 1, 2019, complete the following:
 - a. Consultations among key local stakeholders (e.g. LWIB representatives, CEOs, businesses, representatives of labor organizations, community-based organizations, adult education providers, institutions of higher education, representatives of the four core partner agencies, and required partners); and
 - b. Designation of appropriate centers.
3. By July 1, 2020, complete the following:
 - a. Certification of all centers;
 - b. Regional and local plans updated to reflect changes in center designation; and
 - c. Negotiation or renegotiation of MOUs to reflect changes in center designation.

One-Stop Center Technical Assistance


Chapter: 1 **Section:** 12.8

Effective Date: 7/1/2018

Expiration Date: Continuing

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Status: Current 

Tags: One-Stop

Technical assistance to assist LWIBs in implementing this policy will be available upon request to the Illinois Workforce Innovation Board. IWIB staff will coordinate the provision of technical assistance with the WIOA Interagency Team.

Service Integration


Chapter: 1 **Section:** 13

Effective Date: 1/1/2019

Expiration Date: Continuing

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Version: 1

Status: Current 

Tags: LWIBs, MOU, One-Stop, Training, Supportive Services, Career Services, Service Integration

This policy establishes the service integration requirements that all Illinois one-stop centers must meet to be certified as an Illinois workNet® Center and part of the national American Job Center (AJC) network. It also describes the process by which Local Workforce Innovation Boards (LWIBs) pursue and document progress toward service integration.

Service Integration Overview


Chapter: 1 **Section:** 13.1

Effective Date: 1/1/2019

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Status: Current 

Tags: LWIBs, MOU, One-Stop, Training, Supportive Services, Career Services, Service Integration

1. The Workforce Innovation and Opportunity Act (WIOA) establishes a national network of one-stop centers branded as the American Job Center (AJC) network. This network provides central points of contact for job seekers and businesses to access employment and training services. All one-stop centers must deliver six core programs: Title I Youth, Adult and Dislocated Worker; Title II Adult Education and Literacy; Title III Wagner-Peyser; and Title IV Vocational Rehabilitation. Additionally, WIOA requires 12 partner programs to provide access through the one-stops:
 - a. Career and Technical Education (Perkins)
 - b. Community Services Block Grant
 - c. Indian and Native American Programs
 - d. HUD Employment and Training Programs
 - e. Job Corps
 - f. Local Veterans' Employment Representatives and Disabled Veterans' Outreach Program
 - g. National Farmworker Jobs Program
 - h. Senior Community Service Employment Program
 - i. Temporary Assistance for Needy Families (TANF)
 - j. Trade Adjustment Assistance Programs
 - k. Unemployment Compensation Programs
 - l. YouthBuild

Local boards may include additional partners in one-stop centers such as employment and training programs operated by other federal agencies (e.g., the Social Security Administration and Small Business Administration), local employers, community-based, faith-based and/or not-for-profit programs.

Effective planning and coordination among these many workforce development programs are needed to

maximize their value and benefits to business and job seeking customers.

2. This policy builds on the existing guidance and support for service integration under WIOA in Illinois.
 - a. The *Governor's Guidelines to State and Local Program Partners Negotiating Costs and Services under WIOA* guides how one-stops coordinate and jointly use WIOA resources.
 - b. The IWIB has embedded service integration expectations in key state planning and policy documents, including the *Unified State Plan* and the IWIB's strategic plan.
 - c. The IWIB's Certification of One-Stop Centers policy was adopted in March 2017.

Service Integration Definition


Chapter: 1 **Section:** 13.1.1

Effective Date: 1/1/2019

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Tags: LWIBs, MOU, One-Stop, Training, Supportive Services, Career Services, Service Integration

The IWIB defines service integration as a combination of strategies to align and simplify access to one-stop center services and supports for employers, job seekers, and system customers with the goal of providing the best experience possible. Service integration may occur across entities delivering specific services or programs, across time as customer needs change, or both.

Service Integration Goals and Outcomes


Chapter: 1 **Section:** 13.2

Effective Date: 1/1/2019

Expiration Date: Continuing

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Status: Current 

Tags: LWIBs, MOU, One-Stop, Training, Supportive Services, Career Services, Service Integration

Seven service integration functions are the focus of Illinois' one-stop centers: customer-centered design, staff, intake and assessment, services, career pathways, information, and evaluation. Goals and outcomes for each function are listed below and represent a long-term, high-level vision for one-stop service integration in Illinois. Operationalizing these goals will occur locally through the WIOA planning, one-stop certification, and MOU negotiation processes.

Service Integration Policy Goals and Outcomes


Chapter: 1 **Section:** 13.2.1

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Status: Current 

Tags: LWIBs, MOU, One-Stop, Training, Supportive Services, Career Services, Service Integration

1. Customer-Centered Design Goal. One-stop partners collect and use customer input to design and deliver integrated services to all job seeker, employer, and system customers.

The outcome of this goal is that one-stop services are shaped by customer needs and preferences.

2. Staff Goals. Four service integration goals pertain to one-stop staff:
 - a. Core job competencies, organizational values, and performance expectations related to service integration are communicated to all center staff.
 - b. Cross-training and program information resources addressing the role, services, and eligibility requirements of all WIOA partner programs are provided for all one-stop staff, including information and encouragement to acquire professional credentials.
 - c. Communication across one-stop partners is consistent, comprehensive, and timely.
 - d. All one-stop staff are treated as valued and respected team members.

The outcome of these goals is that a culture of accountability is created in which every partner agency's representative has ownership in achieving desired results.

3. Intake and Assessment Goals. Two service integration goals address intake and assessment:
 - a. Customers provide basic information once through a common intake form or information-sharing across programs.
 - b. Center staff collaborate in providing a holistic assessment of customer needs that serves as the basis for their service plan.

The outcome of these goals is that one-stop customer needs are quickly and accurately identified.

4. Service Goals. Four goals address how one-stop services are provided as a result of service integration:
 - a. Services for all one-stop customers are delivered by function rather than by individual programs.

- b. Processes through which customers experience the system, including referral and follow-up, are streamlined and aligned.
- c. Individual service plans for job seeker and employer customers are living documents used to provide and coordinate services and follow-up and are updated over time to respond to changing customer needs.
- d. Customers receive timely and coordinated access to all WIOA employer and job seeker services whether on-site, through technology, at a partner site, or by other appropriate and accessible community services.

The outcome of these goals is that all customers are provided access to quality integrated services that meet their needs in an efficient and seamless manner.

5. Career Pathways Goal. A shared philosophy among education, workforce development, and economic development regarding college and career pathways aims to enable Illinois residents to progressively build toward college and career success through aligned education, training, and employment opportunities over their lifetimes.

The outcome of this goal is that one-stop services are shaped through the lens of career pathways.

6. Information Goals. Two service integration goals address information:
 - a. Managers and staff share information, as appropriate and feasible, on all one-stop partner programs and services an individual has received subject to confidentiality requirements.
 - b. Current and timely labor market information informs career planning and sector-based initiatives.

The outcome associated with these goals is that one-stop staff have access to a range of information that enables them to provide excellent customer service.

7. Evaluation Goal. State and local workforce board expectations drive the evaluation of one-stop performance, operations, and compliance for service integration.

The outcome of this goal is that local service integration efforts are evaluated regularly to identify and implement continuous improvement opportunities.

Service Integration Implementation


Chapter: 1 **Section:** 13.3

Effective Date: 1/1/2019

Expiration Date: Continuing

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Version: 1

Status: Current 

Tags: LWIBs, MOU, One-Stop, Training, Supportive Services, Career Services, Service Integration

1. LWIBs and one-stop operators shall use Illinois' one-stop certification policy and process to address the service integration goals contained in this policy. The IWIB will regularly update the State's one-stop certification criteria and evidence measures to reflect current service integration goals.
2. Each LWIB will be responsible for assessing the level of service integration in all seven functional areas for each one-stop center it oversees. This assessment requires annual updates to evaluate progress and identify improvement targets. A self-assessment tool will be available for use by local one-stops and LWIBs.
3. In the event any local partner is unable to fulfill the provisions of this policy, the matter will first be taken to the appropriate State partner(s).
 - a. If resolution is not successful at that level, the local board will attempt to resolve the matter.
 - b. If this is unsuccessful, relevant procedures established by the State Interagency Technical Assistance Team and/or State Leadership Team will be pursued, followed by consultation with the IWIB and Governor's Office.
4. A complete self-assessment must be on file and must describe how the results were used to improve service integration efforts.
5. An implementation timeline of state and local level activities through July 1, 2020 is attached to this policy.

Planning

Chapter: 2 Section:

Effective Date: 5/5/2016

Expiration Date: Continuing

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Purpose

Under the Workforce Innovation and Opportunity Act of 2014 (WIOA), a new feature of the law is the implementation of workforce regions and creation of regional plans based on economic data. In Illinois these are referred to as Economic Development Regions. This new approach of serving regional economies better aligns with how industries recruit and people commute for work across local area boundaries. In some cases industry sectors or special initiatives are more effective when several workforce areas leverage their strengths and coordinate appropriate services.

Local Workforce Innovation Boards (LWIBs) are required to develop four-year plans that detail strategies as well as the supporting policy and procedures for addressing both regional and local planning requirements described in the law. These plans must support the strategies and be consistent with those described in the State Plan.

As required by WIOA, the Governor must establish and disseminate to policy for the submission of regional and local plans. Chapter 2 provides the policy for regional and local planning based on the requirements in Section 108 of the Act and 20 CFR Section 679 of the WIOA Final Rule.

Regional and Local Planning Requirements


Chapter: 2 **Section:** 1

Effective Date: 1/10/2020

Expiration Date: Continuing

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Version: 2

Status: Current 

Tags: WIA/WIOA Transition/Implementation, Planning

1. This policy disseminates the regional and local planning requirements. The planning requirements that are included in the Workforce Innovation and Opportunity Act (WIOA) and final regulations are outlined in this policy and the *State of Illinois Regional and Local Planning Guide* hereto referred to as the Planning Guide. See the link on the References tab.
2. Each local workforce innovation area in Illinois will submit a plan that includes the regional planning components (developed by the regional planning team) and local planning components (developed by the local workforce innovation area (LWIA)) as required by the US Departments of Labor and Education.
3. According to the WIOA final rule, a regional plan is required to meet the purpose of developing, aligning, and integrating service delivery strategies; supporting the state's vision and strategic and operational goals; and to coordinate resources among multiple LWIAs in a region. This approach is intended to align resources between multiple local workforce boards. WIOA requires the local workforce board, in partnership with the chief elected official(s), to submit a local plan to the Governor.
4. The local plan serves as a 4-year action plan to develop, align, and integrate service delivery strategies and to support the state's vision and strategic and operational goals.
5. The Planning Guide and the information requirements are based on the latest regulatory information available at the time of publication. Additional information may be required based on any new federal or state regulations that are issued after the release of the Planning Guide.

State of Illinois Workforce Vision and Principles


Chapter: 2 **Section:** 1.1

Effective Date: 1/10/2020

Expiration Date: Continuing

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Status: Current 

Tags: WIA/WIOA Transition/Implementation, Planning

1. The WIOA requires the state, regional and local workforce plans to be developed in concert with the core and required partners and stakeholders. Illinois' planning process begins with the state's vision and guiding principles as approved by the Illinois Workforce Innovation Board comprised of business, workforce, education, and state agency officials.
2. The State's strategic vision and goals for developing its workforce and meeting employer needs to support economic growth and economic self-sufficiency are outlined in the Unified State Plan in addition to the Planning Guide.

Program Coordination and Service Integration


Chapter: 2 **Section:** 1.2

Effective Date: 1/10/2020

Expiration Date: Continuing

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Status: Current 

Tags: WIA/WIOA Transition/Implementation, Planning

1. The State of Illinois is committed to the integration of the core and required partner programs throughout the workforce system. The planning process must be informed by the service integration activities outlined in the Service Integration section of the policy manual. The policy defines service integration as a combination of strategies to align and simplify access to one-stop center services and supports for employers, job seekers and system customers with the goal of providing the best experience possible. Service integration may occur across entities delivering specific services or programs, across time as customer needs change, or both.
2. The Planning Guide emphasizes that regions and local areas must demonstrate their commitment to service integration by providing specific plans and actions for working toward alignment, as well as any challenges to aligning the plans and activities within each region and local area. As the planning process evolves, regions and local areas must demonstrate the alignment with the strategic plans of other required partners and be sure to integrate other relevant parts when applicable. Local planning must also align with the community colleges' Perkins Career and Technical Education (CTE) 4-Year Plan. Local Workforce Innovation Boards and Adult Education providers are required to be consulted through the completion of the Comprehensive Local Needs Assessment and the Perkins Local Application.

Illinois Planning Regions

Chapter: 2 **Section:** 1.3

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Status: Current 

Tags: WIA/WIOA Transition/Implementation, Planning

1. WIOA Section 106 requires the Governor to identify “planning regions” to align workforce development activities and resources with larger regional economic development areas. After an analysis of the labor market information and other data factors, the state has determined that the WIOA planning regions align with the existing ten Economic Development Regions (EDRs) which are identified in the Planning Guide.
2. In accordance with WIOA Section 106(a)(2), a single local area may not be split across two planning regions. Local areas must be contiguous to be a planning region and effectively align economic and workforce development activities and resources (20 CFR 679.210).
 - a. There are three LWIAs in Illinois that are split across state planning regions. A waiver from this requirement was approved by the USDOL through June 30, 2020. Further discussion on the waiver can be found in the Unified State Plan in addition to the Planning Guide.
3. The State of Illinois recognizes that the realignment of a local workforce area requires a significant amount of planning and effort at the state and local levels. Technical assistance is available to local workforce areas that voluntarily choose to realign programs, consolidate activities and/or merge local workforce areas.

Plan Organization


Chapter: 2 **Section:** 1.4

Effective Date: 1/10/2020

Expiration Date: Continuing

Revision Date: 1/10/2020 9:10:34 AM

Version: 1

Status: Current 

Tags: WIA/WIOA Transition/Implementation, Planning

1. All local workforce innovation areas in Illinois must submit a plan that includes both the regional and local planning components outlined in the Planning Guide. For example, the Southern Illinois Plan will include the regional components (Chapters 1-3) and the local components (Chapters 4-6) from LWIA 25, and the local components (Chapters 4-6) from LWIA 26.
2. For purposes of regional and local plan compliance, it is expected that regional and local plans will follow the format of the Planning Guide beginning with the chapter headings and address each item of required content.
3. Regional Components
 - a. Chapter 1 – Economic and Workforce Analysis
 - b. Chapter 2 – Strategies for Service Integration
 - c. Chapter 3 – Vision, Goals and Implementation Strategies
4. Local Components
 - a. Chapter 4 – Operating Systems and Policies
 - b. Chapter 5 – Performance Goals and Evaluation
 - c. Chapter 6 – Technical Requirements and Assurances

Plan Review and Public Comment


Chapter: 2 **Section:** 1.5

Effective Date: 1/10/2020

Expiration Date: Continuing

Revision Date: 1/10/2020 9:12:00 AM

Version: 1

Status: Current 

Tags: WIA/WIOA Transition/Implementation, Planning

1. The plan (including the regional and local components) must be made available for viewing and public comment for 30 days before submission to the Governor per § 679.550(b)(3). Any comments expressing disagreement with the plan must be included when the plan is submitted.

Plan Submittal


Chapter: 2 **Section:** 1.6

Effective Date: 1/10/2020

Expiration Date: Continuing

Revision Date: 1/10/2020 9:13:34 AM

Version: 1

Status: Current 

Tags: WIA/WIOA Transition/Implementation, Planning

1. The regional and local component of the plan must follow the chapter format as laid out in the Planning Guide. The required items of content listed in the Planning Guide will be reviewed for quality and completeness to meet compliance requirements. Plans must be submitted as instructed in the Planning Guide.

Performance Accountability and Reporting


Chapter: 3 Section:

Effective Date: 7/15/2016

Expiration Date: Continuing

Revision Date: 12/2/2016 4:10:58 PM

Version: 1

Status: Current 

Purpose

Key provisions in WIOA are designed to improve accountability and transparency, create strong performance metrics to the system, and provide for a robust program evaluation ensuring investments are evidence-based and data-driven. WIOA establishes core measures for reporting participant outcomes in the Adult, Dislocated Worker, Youth, Adult Education, Employment Services (Wagner-Peyser), and Vocational Rehabilitation Programs. These performance measures will take into account differences in the populations served to remove any disincentives to serving those who need the most help. In addition, the Governor and the Illinois Workforce Innovation Board may include additional measures to assess the overall effectiveness of the State and local areas.

Chapter 3 policies establish the performance goals and provide policy on evaluation, incentives and sanctions for performance as required by Section 116 of the Act and 20 CFR Part 677 of the WIOA Final Joint Rule.

General Requirements for Local Performance Accountability


Chapter: 3 **Section:** 1

Effective Date: 7/15/2016

Expiration Date: Continuing

Revision Date: 1/2/2019 2:37:16 PM

Version: 1

Status: Current 

WIOA establishes core performance measures for Title I (Youth, Adult and Dislocated Worker Funding), Title II, Title III, and Title IV). Still to be determined is an employer measure that is expected to be implemented in year two of the law. WIOA performance measures are designed to measure the effectiveness and continuous improvement of the One-Stop delivery systems. Policy will be established upon receipt of further guidance from the Departments of Labor and Education.

Recognized Post-Secondary Credentials


Chapter: 3 **Section:** 1.1

Effective Date: 7/6/2012

Expiration Date: Continuing

Revision Date: 12/29/2017 8:14:21 AM

Version: 1

Status: Current 

For current policy on Recognized Post-Secondary Credentials, please see the attached WIOA Notice.

General Requirements for Negotiation of Performance Goals


Chapter: 3 **Section:** 2

Effective Date: 1/4/2000

Expiration Date: Continuing

Revision Date: 3/26/2019 12:12:35 PM

Version: 1

Status: Current 

Tags: Adult, Dislocated Worker, MIS, Performance

The performance management requirements, negotiations process description, and other requirements as given in these guides will form the basis of the State's process for setting performance goals for each LWIA under Title IB.

Local Negotiating Team Appointment


Chapter: 3 **Section:** 2.1

Effective Date: 1/4/2000

Expiration Date: Continuing

Revision Date: 12/29/2016 10:27:30 AM

Version: 1

Status: Current 

Tags: Adult, Dislocated Worker, MIS, Performance

LWIBs and CEOs from each Local Workforce Area must appoint up to five members of a local negotiating team which will be empowered to negotiate and agree with the State on the level at which each required performance goal under Title IB will be set. LWIB members and CEOs are strongly encouraged to be directly involved in these negotiations.

State Plan Input


Chapter: 3 **Section:** 2.2

Effective Date: 1/4/2000

Expiration Date: Continuing

Revision Date: 12/29/2016 10:28:17 AM

Version: 1

Status: Current 

Tags: Adult, Dislocated Worker, MIS, Performance

Pending the appointment of Local Workforce Boards, the State will conduct informal discussions with appropriate staff in each LWIA. These will be conducted in accordance with a schedule transmitted under separate cover. These informal discussions are being held to accommodate the federally-imposed schedule for development of the State plan, to allow for local input into the development of the State goals. Once LWIBs are in place, formal negotiations will then take place with the local negotiation team.

General Requirements for Program Exit


Chapter: 3 **Section:** 3

Effective Date: 11/28/2012

Expiration Date: Continuing

Revision Date: 3/26/2019 11:33:29 AM

Version: 1

Status: Current 

Tags: Exit, Reporting

1. A program exit must occur when a participant has not received any active services funded by the program or a partner program for 90 consecutive calendar days, has no gap in service and is not scheduled for future services. To that end, the following should be considered:
 - a. A participant may be exited sooner than 90 days if it is known that they will not be receiving any additional active services funded by the program or a partner program.
 - 1) If an exit record has been entered into IWDS, and the participant receives a new active service funded by the program or a partner program within 90 days of the previous service, the exit record **MUST** be deleted from IWDS and the new service(s) added to the participant's existing application record.
 - b. An individual shall **NOT** have a new participant application entered for them if they:
 - 1) have received an active program service within 90 days; or
 - 2) have not had an exit record entered into IWDS (regardless of whether or not 90 days has passed since the last receipt of service).
 - c. A participant without an active program service record in IWDS is eligible for review and exit by OET staff twenty (20) days following ninety (90) days without a service.
2. The date of exit is applied retroactively from the current date to the last day on which the participant received an active program service funded by WIOA, TAA or a partner program.
3. If a participant receives services from multiple programs, use the most recent service end date as the "date of exit".
4. Participants who have a planned gap in service of greater than 90 days must not be considered as exited, if the gap in service is due to one of the following circumstances:
 - a. A delay before the beginning of training;
 - b. A health/medical condition or providing care for a family member with a health/medical condition; or
 - c. A temporary move from the area that prevents the individual from participating in services, including military service.

5. The planned gap in service may not last more than 180 consecutive calendar days from the date of the most recent service. All planned gaps in service must be documented in IWDS and include the reason for the gap and an anticipated return date to complete program services.
6. Once a participant has no open active service for 90 days, the exit record must be entered into IWDS no more than 110 days from the last date of active program service.
 - a. A report "Days Since Last Active Service" is available in IWDS for each LWIA to monitor participants last service date.
 - b. A participant without an active program service record in IWDS for more than 90 days is eligible for review and will be exited by OET staff after 110 days.
 - c. For those customers that are exited by OET staff, case management will provide notification via email as a reminder to continue conducting all follow-up activities and enter those services and associated case notes into IWDS.

Program Services Definition

Chapter: 3 **Section:** 3.1

Effective Date: 11/28/2012

Expiration Date: Continuing

Revision Date: 10/24/2016 11:55:16 AM

Version: 1

Status: Current 

Tags: Exit, Reporting

1. A program service is a WIOA-approved activity, and in some instances supportive services, funded or supported by WIOA, Trade, or a partner program, not including follow-up services or other activities not considered a service as provided in 3 below.
 - a. Trade includes activities and services available through any of the three Trade programs: Trade Adjustment Assistance – TAA, Trade Globalization Adjustment Assistance Act of 2009 – TGAAA, and Trade Adjustment Assistance Extension Act of 2011 – TAAEA.
2. A supportive service may be considered a program service only if the expenditure for it is related to a current staff-assisted service or training activity and does not fall under a service that could be provided during follow-up.
3. An active program service is defined as a service provided to a participant that has taken place within the last 90 consecutive days.
 - a. Documentation of active program services, such as ongoing staff interaction and training activities, **must** initially be in the form of IWDS service activities. Additional documentation of these open active program activities should be in the form of Case Notes. The Case Note details must specify a two-way communication describing either what occurred or verifying attendance and training progress and how the service or activity is moving the participant toward his/her employability goal.
 - b. Documentation of same-day service requires that a service activity episode must be entered in IWDS each time the service is provided. See Exit Policy Services attachment for a further description and list of same-day services.
 - 1) Documentation in the form of a case note without an update to the IWDS same-day service activity record will not cause the service to be treated as active and, therefore, will not impact exit date determination.
 - 2) IWDS entry of same-day services.
 - a) After an initial same-day service is entered into IWDS, case managers can use a one-click process to indicate additional episodes of this same service.
 - b) To accomplish this, the case manager must select the initial same-day service from the service list screen. That service information (with any update) will appear as usual on the Edit Services screen. For same-day services, this screen will also contain a 'Record Additional Service Episode' button.

- c) Clicking the 'Record Additional Service Episode' button will display fields for the entry of an additional service date(s) and a text box to describe that day's activity. Once this data is added and saved, the text will be stored as part of the customer's Case Notes for the additional activity date.
 - c. Documentation of supportive services may be in the form of fiscal records showing payment for a service or a Case Note in IWDS. Supportive services are never considered active program services.
- 4. The term active program service does not include:
 - a. Determination of eligibility to participate in the program;
 - b. Self-directed job search that does not result in a referral to a job;
 - c. Services and activities specifically provided as follow-up services such as regular contact with the participant or employer only to obtain information regarding his or her employment status, educational progress, need for additional services, or income support payments (except for trade readjustment allowances and other needs-related payments funded through the TAA program, Dislocated Worker program, or National Emergency Grant (NEG) program); or
 - d. Fiscal records showing payment for support services.

Monitoring


Chapter: 3 **Section:** 3.2

Effective Date: 11/28/2012

Expiration Date: Continuing

Revision Date: 10/24/2016 11:57:24 AM

Version: 1

Status: Current 

Tags: Exit, Reporting

1. Compliance with the exit requirement will be enforced through the OET WIOA monitoring process and OET WIOA reports.
2. Participants not properly exited will be documented during monitoring and a finding will be issued.
3. LWIAs will be expected to take corrective action to comply with the requirements on program exits.

Performance Reporting Submission Procedures for WIASRD (Pending)


Chapter: 3 **Section:** 4

Effective Date: 7/15/2016

Expiration Date: Continuing

Revision Date: 1/2/2019 2:38:48 PM

Version: 1

Status: Current 

Tags: Performance, Reporting

Policy to be determined.

Illinois Workforce Development System (IWDS) Changes (Pending)


Chapter: 3 **Section:** 4.1

Effective Date: 7/15/2016

Expiration Date: Continuing

Revision Date: 11/22/2016 2:21:26 PM

Version: 1

Status: Current 

Tags: Performance, Reporting

The Illinois Workforce Development System (IWDS) utilized for tracking of Title I customers will be updated accordingly to reflect new and revised requirements as a result of enactment of the Workforce Innovation and Opportunity Act (WIOA). Policy related to those changes is forthcoming.

Common Performance Measures for WIOA (Pending)


Chapter: 3 **Section:** 4.2

Effective Date: 7/15/2016

Expiration Date: Continuing

Revision Date: 11/22/2016 2:22:51 PM

Version: 1

Status: Current 

Tags: Performance, Reporting

WIOA establishes core performance measures for Title I (Youth, Adult and Dislocated Worker Funding), Title II, Title III, and Title IV). Policy will be established upon receipt of further guidance from the Departments of Labor and Education.

Additional Requirements and Changes (Pending)


Chapter: 3 **Section:** 4.3

Effective Date: 7/15/2016

Expiration Date: Continuing

Revision Date: 11/22/2016 2:23:51 PM

Version: 1

Status: Current 

Tags: Performance, Reporting

WIOA establishes core performance measures for Title I (Youth, Adult and Dislocated Worker Funding), Title II, Title III, and Title IV). Policy will be established upon receipt of further guidance from the Departments of Labor and Education.

Incentives and Sanctions for Performance


Chapter: 3 **Section:** 5

Effective Date: 4/5/2019

Expiration Date: Continuing

Revision Date: 2/11/2020 8:54:29 AM

Version: 6

Status: Current 

Tags: Incentive Award, Performance, Sanctions, Training Expenditure

Issuance of incentive grants is an allowable use of statewide funds and no longer a required use of those funds under WIOA. Illinois, through the Illinois Workforce Innovation Board (IWIB), has determined that state incentive grants for performance along with the state added performance component of the minimum training expenditure (MTE) requirement for the WIOA Title I Adult and Dislocated Worker Programs will be issued annually.

This policy outlines the established incentive bonus and sanctions policy based upon levels of achievement. The actual amount and instructions for receipt of the awards will be announced in a WIOA Notice on or before June 30 of each year.

Evaluating Performance

Chapter: 3 **Section:** 5.1

Effective Date: 4/5/2019

Expiration Date: Continuing

Revision Date: 4/5/2019 10:56:37 AM

Version: 3

Status: Current 

Tags: Incentive Award, Performance, Sanctions, Training Expenditure

The State will use the following criteria to evaluate local performance:

1. Levels of Performance Measures
 - a. Exceed – Outcome for all measures must be greater than 100 percent ($> 100\%$) of the negotiated level.
 - b. Meet – Outcome for all measures must not fall below 90 percent ($\geq 90\%$) of the negotiated level.
 - c. Fail – Outcome for any one of the measures is less than 90 percent ($< 90\%$) of the negotiated level.
2. Minimum Training Expenditure (MTE) Levels
 - a. Meet – A local area must expend at least the MTE percentage approved by the Illinois Workforce Innovation Board of its total combined WIOA Title I Adult and Dislocated Worker formula allocated program expenditures in a program year on allowable training costs. The approved MTE percentage and expenditures associated with the training-related services that can be included as “calculable” in the MTE formula are outlined in the Training Expenditure Requirement section of this policy.
 - b. Fail – A local area expends less than the MTE percentage of its total combined WIOA Title I Adult and Dislocated Worker formula allocated program expenditures in a program year on allowable training costs.

Qualification Requirements


Chapter: 3 **Section:** 5.2

Effective Date: 4/5/2019

Expiration Date: Continuing

Revision Date: 4/5/2019 10:58:36 AM

Version: 3

Status: Current 

Tags: Incentive Award, Performance, Sanctions, Training Expenditure

1. In order to qualify for a performance incentive bonus, all performance measure outcomes must meet or exceed 90 percent ($\geq 90\%$) of the negotiated levels and at least one performance measure outcome must meet or exceed 100 percent ($\geq 100\%$) of the negotiated level.
 - a. Any LWIA that fails to meet the minimum training expenditure (MTE) will not receive any earned performance incentive bonus for that program year.
2. In order to qualify for a training expenditure incentive bonus, a Local Workforce Innovation Area (LWIA) must meet or exceed the minimum training expenditure (MTE) levels for the WIOA Title I Adult and Dislocated Worker Programs.

Incentives


Chapter: 3 **Section:** 5.3

Effective Date: 4/5/2019

Expiration Date: Continuing

Revision Date: 4/5/2019 11:05:08 AM

Version: 3

Status: Current 

Tags: Incentive Award, Performance, Sanctions, Training Expenditure

1. There are two separate incentive bonus measures available to qualifying LWIAs as defined under the Qualification Requirements section of this policy.
 - a. Performance Measure: The total statewide funds available for the Performance incentive bonus will be divided evenly among all performance measures unless there is a measure(s) that no LWIA exceeds. Then the total incentive amount will be divided among the number of measures for which there are qualifiers.
 - 1) The dollar amount awarded is based upon the contribution of the LWIA to the overall state performance level.
 - b. Training Expenditure (TE) Measure: The total statewide funds available for the Training Expenditure incentive bonus will be divided among the measures.
 - 1) The TE incentive bonus is comprised of the following three measures:
 - a) LWIAs that meet or exceed the MTE rate;
 - b) The number of participants who completed a training program that was intended to lead to employment in a demand occupation (Demand Occupation Training – DT); and
 - c) The number of participants who received employment in a high-demand occupation that resulted from the completion of a training program that was intended to lead to such employment in a demand occupation (Employed in Demand Training – ET).
 - 2) The amount of the bonus is calculated as follows:
 - a) For the MTE under 1.b.1)a), the percentage of state allocation is multiplied by the total MTE incentive amount.
 - b) If an LWIA is awarded bonus based on the MTE, then they will be eligible to receive bonus under 1.b.1) b) and c).
 - c) For DT under 1.b.1)b), the total DT incentive amount multiplied by the result of the number of participants in the LWIA who completed training in a Demand Occupation (DT) divided by statewide total number of participants who completed the Demand Occupation Training (DT).

- d) For ET under 1.b.1)c), the total ET incentive amount multiplied by the result of the number of participants in the LWIA who entered employment that resulted from the completion of a demand occupation training program (ET) divided by the statewide total number of participants who entered employment that resulted from the completion of a demand occupation training program.

General Provisions


Chapter: 3 **Section:** 5.4

Effective Date: 4/5/2019

Expiration Date: Continuing

Revision Date: 4/5/2019 11:06:56 AM

Version: 3

Status: Current 

Tags: Incentive Award, Performance, Sanctions, Training Expenditure

1. Determination of an LWIA's eligibility for incentive bonus awards or sanctions will be based upon participant data from the Illinois Workforce Development System (IWDS).
 - a. Only transactions recorded by the annual deadline will be used in this determination.
 - b. An LWIA's incentive award for a program year will not be adjusted upward to compensate for improved performance resulting from transactions recorded after the annual deadline.
 - c. The annual deadline will be announced in a WIOA Notice.
2. OET will continually monitor each LWIA's reporting of participant data.

Sanctions


Chapter: 3 **Section:** 5.5

Effective Date: 4/5/2019

Expiration Date: Continuing

Revision Date: 4/5/2019 11:10:03 AM

Version: 3

Status: Current 

Tags: Incentive Award, Performance, Sanctions, Training Expenditure

The criteria below outline the instances in which technical assistance or a sanction may be applied if the LWIA fails to meet the described negotiated performance requirements and the minimum training expenditure levels.

1. An LWIA will be precluded from receiving an incentive award for failure to meet any of the performance standards. This will result in ongoing technical assistance to the LWIA.
2. If a local area fails to meet the adjusted levels of performance for the same primary indicator of performance for the same core program authorized under WIOA Title I for a third consecutive program year, in addition to not receiving any incentive award, the Governor shall take corrective action, which may include development of a plan for reorganization.
3. If the outcome for any performance measure is N/A, the LWIA must provide:
 - a. A narrative statement detailing why clients were not exited in that measure.
 - b. An accounting of funds spent.
 - c. This documentation must be submitted to the Office of Employment and Training (OET) in accordance with instructions provided in the annual WIOA Notice announcing the incentive bonus awards.
 - d. Late, inadequate, or missing documentation will result in failure of that measure.
4. Failure to certify that the Annual Certification Report (ACR) accurately reflects transactions for the prior program year will preclude an LWIA from receiving an incentive award.
 - a. Deadline for submission of the report will be outlined in the WIOA Notice.
 - b. Should failure to certify the report as accurate occur as a result of technical problems with the report, sanctions may not be applied.
5. Discovery of a significant difference between the certified ACR and the ACR that is generated for Departmental review, will preclude an LWIA from receiving an incentive award. For purposes of this review, a significant difference is defined as a difference of any item in the ACR of more than five percentage points or five customer records, whichever is greater.

Appeals


Chapter: 3 **Section:** 5.6

Effective Date: 4/5/2019

Expiration Date: Continuing

Revision Date: 4/5/2019 11:12:17 AM

Version: 1

Status: Current 

Tags: Incentive Award, Performance, Sanctions, Training Expenditure

Local areas may appeal a reorganization plan to the Governor within 30 days after receiving notice of the reorganization plan. The appeal must be jointly made by the Local Workforce Innovation Board (LWIB) and chief elected official(s) (CEOs).

The Governor must make a final decision within 30 days after receipt of the appeal.

The LWIB and CEO(s) may jointly appeal the Governor's decision to the Secretary of Labor. The appeal must be submitted by certified mail, return receipt requested, to the Secretary of Labor, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, D.C. 20210, Attention: ASET. A copy of the appeal must be simultaneously provided to the Governor.

Upon receipt of the joint appeal from the LWIB and CEO(s), the Secretary of Labor must make a final decision within 30 days. The decision by the Governor on the appeal becomes effective at the time it is issued and remains effective unless the Secretary of Labor rescinds or revises the reorganization plan under WIOA Section 116 (g)(2)(c).

Mandatory Actions for Failure to Meet Levels of Performance


Chapter: 3 **Section:** 5.7

Effective Date: 4/5/2019

Expiration Date: Continuing

Revision Date: 4/5/2019 11:15:04 AM

Version: 1

Status: Current 

Tags: Incentive Award, Performance, Sanctions, Training Expenditure

WIOA outlines a process of sanctions and corrective actions that are taken for failure to meet adjusted levels of performance at the state and local level. See the table below for administrative actions and sanctions for state and local areas following failure to meet performance.

The Title IB Program Administrators, Local Workforce Innovation Board (LWIB) Chairs, and Chief Elected Officials (CEOs) will be notified when a performance indicator is failed. The consequences for failure to meet the levels of performance at the state and local level are outlined below.

Sanction Chart

Failure Year	State	Local Area
Year 1	Technical Assistance from the Secretary of Labor including assistance in the development of a performance improvement plan.	Technical Assistance from the Governor or upon request of the Governor, the Secretary of Labor may conduct this assistance. May include the development of a performance improvement plan or the development of a modified local plan.
Year 2 (Consecutive)	The amount that would be reserved by the Governor under Section 128(a) for the immediately succeeding program year shall be reduced by five percent (5%) until the state meets adjusted levels of performance.	Technical Assistance from the Governor or upon request of the Governor, the Secretary of Labor may conduct this assistance. May include the development of a performance improvement plan or the development of a modified local plan.

Year 3 (Consecutive)	The amount that would be reserved by the Governor under Section 128(a) for the immediately succeeding program year shall be reduced by five percent (5%) until the state meets adjusted levels of performance.	<p>Corrective Actions: Governor shall take corrective actions that shall include development of a reorganization plan which the Governor shall:</p> <ol style="list-style-type: none"> 1. Require the appointment and certification of a new local board; 2. Prohibit the use of eligible providers (not ETPs) and one-stop partners identified as achieving a poor level of performance; or 3. Take other significant actions as the Governor determines are appropriate.
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Accountability for Core Program Partner Performance (Pending)

Chapter: 3 **Section:** 6

Effective Date: 7/1/2015

Expiration Date: Continuing

Revision Date: 1/2/2019 2:39:33 PM

Version: 1

Status: Current 

Policy to be determined.

WIOA Customer Satisfaction Performance Measures (Pending)

Chapter: 3 **Section:** 7

Effective Date: 7/1/2015

Expiration Date: Continuing

Revision Date: 1/2/2019 2:39:53 PM

Version: 1

Status: Current 

Tags: Exit, Miscellaneous, Reporting

Policy to be determined.

Service Delivery

Chapter: 4 Section:

Effective Date: 5/26/2016

Expiration Date: Continuing

Revision Date: 12/2/2016 4:12:48 PM

Version: 1

Status: Current 

Purpose

WIOA and the implementing Federal Rule provide an operational framework for delivering integrated, comprehensive case management and employment services across the one-stop service delivery system. This system in Illinois, known as Illinois workNet® American Job Center, brings together workforce development, education, and other human services to create and sustain a coordinated customer centered approach to improve employment outcomes for job seekers, including youth and people with disabilities, that is focused on meeting the skilled worker needs of businesses.

Services delivered through the one-stop system are available in at least one physically located comprehensive one-stop center or through technology. These services are intended to bring standardization between programs to create a common customer experience and provide a coordinated approach in addressing the myriad of factors that may be contributing to poverty and unemployment, including health, housing, education, transportation and child care. In conjunction with supportive services, the program will provide access to employment and training services, including career counseling, job placement and services to facilitate job retention.

Chapter 4 provides local workforce development boards and other workforce system partners with instruction and guidance regarding the operation and service delivery of the Illinois workNet system as prescribed in Section 122 of WIOA and 20 CFR Part 676 of the WIOA Final Joint Rule.

Local One-Stop Delivery Systems (Pending)


Chapter: 4 **Section:** 1

Effective Date: 7/15/2016

Expiration Date: Continuing

Revision Date: 1/2/2018 12:59:56 PM

Version: 1

Status: Current 

Policy to be determined.

Illinois workNet


Chapter: 4 **Section:** 1.1

Effective Date: 11/30/2007

Expiration Date: Continuing

Revision Date: 10/24/2016 12:21:52 PM

Version: 1

Status: Current 

Tags: Illinois workNet, Local Plan, Monitoring/Oversight, One-Stop

This policy is in response to the recommendations made by the Illinois Workforce Innovation Board (IWIB) to clarify and provide guidance on required services and the acceptable methods by which those services may be made available. The requirements contained within emphasize the shifting mindset towards flexible service delivery arrangements.

Required Partners


Chapter: 4 **Section:** 1.1.1

Effective Date: 11/30/2007

Expiration Date: Continuing

Revision Date: 11/29/2016 3:54:55 PM

Version: 1

Status: Current 

Tags: Illinois workNet, Local Plan, Monitoring/Oversight, One-Stop

1. In Illinois, each LWIA must ensure their local Illinois workNet includes the following programs (partners):
 - a. Title I of WIOA including:
 - 1) Adults
 - 2) Dislocated workers;
 - 3) Youth;
 - 4) Job Corps;
 - 5) Native American programs;
 - 6) Migrant and seasonal farm worker programs; and
 - 7) Veterans workforce programs.
 - b. Wagner-Peyser programs (WIOA Title III);
 - c. Adult education and literacy activities (WIOA Title II);
 - d. Programs under parts A and B of Title I of the Rehabilitation Act;
 - e. Welfare-to-Work programs authorized under the Social Security Act;
 - f. Senior community service employment activities (Older Americans Act Title V);
 - g. Postsecondary vocational education activities under Perkins;
 - h. Trade adjustment assistance and NAFTA transitional adjustment assistance under the Trade Act;
 - i. Veterans' employment representatives and disabled veterans outreach programs;
 - j. Employment and training activities under the Community Services Block Grant program;
 - k. Employment and training activities under the Department of Housing and Urban Development;
 - l. Unemployment compensation programs;
 - m. Temporary Assistance to Needy Families (TANF) authorized under the Social Security Act (and amended by Welfare Reform Law of 1996 and Deficit Reduction Act of 2005); and
 - n. Employment and training programs authorized under the Food Stamp Act

2. LWIAs may also include, in the local Illinois workNet, the following entities that carry out a human resource program:
 - a. Work programs authorized under the Food Stamp Act;
 - b. Programs authorized under the National and Community Service Act;
 - c. Other appropriate federal, state, or local programs, including those related to transportation and housing; and
 - d. Programs in the private sector if the LWIB and Chief Elected Official (CEO) approve the entity's participation.

Required Core Services


Chapter: 4 **Section:** 1.1.2

Effective Date: 11/30/2007

Expiration Date: Continuing

Revision Date: 11/18/2016 3:00:42 PM

Version: 1

Status: Current 

Tags: Illinois workNet, Local Plan, Monitoring/Oversight, One-Stop

The core services required to be provided include (reference the Services Matrix for Comprehensive Illinois workNet Centers in Illinois attachment for the partner program that provides each of the services):

1. Determinations of whether the individuals are eligible to receive assistance under WIA Title IB;
2. The information and other services available through the local Illinois workNet through:
 - a. Outreach;
 - b. Intake (which may include worker profiling); and
 - c. Orientation.
3. Initial assessment of the following:
 - a. Skill levels;
 - b. Aptitudes;
 - c. Abilities; and
 - d. Supportive service needs.
4. Employment assistance including:
 - a. Job search;
 - b. Placement assistance; and
 - c. Where appropriate, career counseling.
5. Provision of accurate employment statistics information relating to the local, regional, and national labor market areas, including:
 - a. Job vacancy listings in such labor market areas;
 - b. Information on job skills necessary to obtain the jobs described in clause (a); and

- c. Information relating to local occupations in demand and the earnings and skill requirements for such occupations.
6. Provision of performance information and program cost information for the following:
 - a. Eligible providers of training services
 - b. Eligible providers of youth activities;
 - c. Providers of adult education described in Title II;
 - d. Providers of postsecondary vocational education activities and vocational education activities available to school dropouts; and
 - e. Providers of vocational rehabilitation program activities.
7. Provision of information regarding how the local area is performing on the local performance measures and any additional performance information with respect to Illinois workNet in the local area.
8. Provision of accurate information relating to the availability of and referral to supportive services, including (but not limited to):
 - a. Child care; and
 - b. Transportation.
9. Provision of information regarding filing claims for unemployment compensation.
10. Assistance in establishing eligibility for:
 - a. Welfare-to-Work activities; and
 - b. Programs of financial aid assistance for training and education programs that are not funded under this Act and are available in the local area.
11. Follow-up services, including (but not limited to):
 - a. Counseling regarding the workplace, for participants in workforce investment activities authorized under this subtitle who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate.

Availability of Required Core Services


Chapter: 4 **Section:** 1.1.3

Effective Date: 11/30/2007

Expiration Date: Continuing

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Status: Current 

Tags: Illinois workNet, Local Plan, Monitoring/Oversight, One-Stop

The required core services may be made available:

1. By the provision of appropriate technology (i.e., Illinois workNet website) at the comprehensive Illinois workNet center;
2. By collocating personnel at the center;
3. By cross-training of staff;
4. Through a cost reimbursement; or
5. Through other agreement between service providers at the comprehensive Illinois workNet center and the partner, as described in the Memorandum of Understanding (MOU).

Other Core Services and Intensive Services


Chapter: 4 **Section:** 1.1.4

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Expiration Date: Continuing

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Tags: Illinois workNet, Local Plan, Monitoring/Oversight, One-Stop

The types of other core services and intensive services, as well as the method(s) by which they will be made available shall be outlined in the LWIA's MOU.

Illinois workNet Partner Requirements


Chapter: 4 **Section:** 1.1.5

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Expiration Date: Continuing

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Status: Current 

Tags: Illinois workNet, Local Plan, Monitoring/Oversight, One-Stop

All required partners must:

1. Make available to participants through Illinois workNet the core services that are applicable to the partner's programs through at least one comprehensive Illinois workNet center. (The core services that are available for each of the partner programs are listed in the Services Matrix for Comprehensive Illinois workNet Centers in Illinois attachment.)
2. Use a portion of funds made available to the partner's program, to the extent not inconsistent with the Federal law authorizing the partner's program, to:
 - a. Provide support of Illinois workNet; and
 - b. Provide core services;
3. Enter into a Memorandum of Understanding (MOU) with the Local Board relating to the operation of Illinois workNet that meets the requirements of WIA Sec. 662.300, and the Memorandum of Understanding (MOU) section of the policy manual.
4. Participate in the operation of Illinois workNet consistent with the terms of the MOU and requirements of authorizing laws; and
5. Provide representation on the local board as required through the Local Workforce Innovation Board Membership Requirements and the Local Workforce Innovation Board Certification and Recertification Requirements sections of this policy manual.

Compliance

Chapter: 4 **Section:** 1.1.6

Effective Date: 11/30/2007

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Status: Current 

Tags: Illinois workNet, Local Plan, Monitoring/Oversight, One-Stop

1. Monitoring of Illinois workNet

The Office of Employment and Training (OET) will conduct ongoing and periodic monitoring of each LWIA's Illinois workNet and physical centers to ensure that all required core services are available through the center.

2. Technical Assistance

- a. OET will provide technical assistance to LWIAs on the new vision, including the use of Illinois workNet for the provision of required core services. Assistance may be provided:
 - 1) When monitoring of the local Illinois workNet and/or physical centers determines a deficiency in the availability of all required core services; or
 - 2) When such assistance is requested by the LWIA.
- b. OET will also work with the other partners in Illinois workNet to ensure they understand the new vision and policy.

Reporting Requirements for Services to Individuals with Disabilities


Chapter: 4 **Section:** 1.1.7

Effective Date: 7/1/2008

Expiration Date: Continuing

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Status: Current 

Tags: Disability, Illinois workNet, Reporting

The Illinois General Assembly passed Public Act 093-0639, which amends The Department of Employment Security Law of the Civil Administration Code of Illinois. This Law requires that the state agency responsible for oversight of the federal Workforce Investment Act of 1998 prepare a report for the Governor and the General Assembly regarding the progress of the Illinois workNet Centers in serving individuals with disabilities.

Local Workforce Investment Boards (LWIBs) have responsibility for oversight of the Illinois workNet system. LWIBs should assist in coordinating data collection among the local partners located in the Illinois workNet Centers. Initial Report The initial report will be a baseline to which the local areas will be compared in the future.

The report must include, but is not limited to:

1. The number of individuals referred to the Illinois workNet Centers by the Department of Human Services/Division of Rehabilitation Services (DHS/DRS);
2. The total number of individuals with disabilities served by the Illinois workNet Centers;
3. The number of individuals with disabilities served in federal Workforce Investment Act of 1998 employment and training programs;
4. The number of individuals with disabilities annually placed in jobs by the Illinois workNet Centers; and
5. The number of individuals with disabilities referred by the Illinois workNet Centers to the DHS/DRS.

This report, based on the previous state program year of July 1 through June 30, is due annually to the General Assembly no later than December 31.

The Department is working in collaboration with the Illinois Department of Employment Security and the Illinois Department of Human Services/Division of Rehabilitation Services (DHS/DRS) to collect data from their reporting systems to assist with the reporting requirements. WIA Title IB data to be used in the preparation of this report will be extracted annually from the Illinois Workforce Development System (IWDS) on September 1. Data extracted from reports such as the Target Population report will be compiled and used for items (ii), (iii) and (iv) of Public Act 093-0639. Item (v) of Public Act 093-0639 will be extracted from referral records from the LWIAs to DHS (or recorded on IWDS).Policy Content Needed

LWIA Referral Submission


Chapter: 4 **Section:** 1.1.7.1

Effective Date: 7/1/2008

Expiration Date: Continuing

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Status: Current 

Tags: Disability, Illinois workNet, Reporting

Local Workforce Innovation Areas must submit all referrals made to the Department of Human Services/Division of Rehabilitation on an annual basis (July 1 - June 30).

1. Submission of referrals is to be made using the Illinois Workforce Development System as outlined in the Instructions and Screen Shots for Reporting Referrals in IWDS attachment.
2. Referral information should be entered into IWDS within 10 working days of the Referral.
3. Annual referral totals will be gathered by OET using the information entered into IWDS by the LWIAs and will be reported to the Governor and the General Assembly following the end of the Program year.
4. The report must include, but is not limited to:
 - a. The number of individuals referred to the Illinois workNet Centers by the Department of Human Services/Division of Rehabilitation Services (DHS/DRS);
 - b. The total number of individuals with disabilities served by the Illinois workNet Centers;
 - c. The number of individuals with disabilities served through the participating in work-based learning or training programs;
 - d. The number of individuals with disabilities annually placed in jobs by the Illinois workNet Centers; and
 - e. The number of individuals with disabilities referred by the Illinois workNet Centers to DHS/DRS.

LWIA Participant Information Requirements


Chapter: 4 **Section:** 1.1.7.2

Effective Date: 7/1/2008

Expiration Date: Continuing

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Version: 1

Status: Current 

Tags: Disability, Illinois workNet, Reporting

LWIAs are required to complete the following participant information in order to gather necessary information:

1. LWIAs must accurately complete the private information screen in IWDS for participants whenever this information is requested.
2. For purposes of this section, it is especially important for LWIAs to accurately document information regarding disability status.
3. LWIAs must utilize the referral tracking capabilities on the customer menu of the case management subsystem in IWDS as outlined in the Instructions and Screen Shots for Reporting Referrals in IWDS attachment.

Individual Career Planning (Pending)


Chapter: 4 **Section:** 2

Effective Date: 7/15/2016

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Policy to be determined.

Assessment Requirements (Pending)


Chapter: 4 **Section:** 2.1

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Policy to be determined.

Individual Employment Plan (IEP) (Pending)


Chapter: 4 **Section:** 2.2

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Policy to be determined.

Case Management

Chapter: 4 **Section:** 2.3

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Status: Current 

Tags: Adult, Dislocated Worker, Eligibility, Training, Youth, Career Services

The flow for a NEW WIOA customer by career planners should occur as follows:

1. Customer enters the system, via Illinois workNet center or affiliate or through virtual services (i.e., Illinois workNet system).
2. Customer receives self-service or informational activities (including virtual services) and/or seeks staff-assistance.
3. If customer requests ONLY self-service or informational activities, no registration is required. However, for tracking purposes these individuals are reportable, but are not participants and thus, are not included in performance calculations.
 - a. The career planner should request identifying information such as their Name, Address, and Social Security Number. This approach would allow for counting self-service system utilization or those who received only informational services/activities as well as other services that may occur prior to an individual meeting all of the established benchmarks for participation.
 - b. Further guidance will be provided by USDOL and DOE.
4. If a customer seeks and receives any service beyond self-service, they are subject to performance calculations.
 - a. For WIOA youth, reportable individuals who are determined eligible, receive an assessment, and receive a program element (a staff-assisted service) would be considered participants and, thus, be included in performance calculations.
 - b. For WIOA adults, reportable individuals who receive staff-assisted services would be considered participants and thus, be included in performance calculations.
 - c. For WIOA dislocated workers, reportable individuals who are determined eligible and receive a staff-assisted service would be considered participants and thus, be included in performance calculations.
5. Career planners should begin the process of eligibility determination by utilizing the paper WIOA Standard Application (until IWDS is updated to allow for entry), determining eligibility, and certifying via signature approval that the customer understands the determination as well as the career planner is agreeing with the determination.

NOTE: The date of Eligibility Determination is critical during the transition to WIOA. Customer eligibility

determination should be based on the date and program of such determination decision. If a customer is determined eligible BEFORE July 1, 2015, they are to be considered for eligibility determination based on WIA criteria; however, if they are determined eligible ON OR AFTER July 1, 2015, they are to be considered for eligibility determination based on the new WIOA criteria. A customer that enters the system before July 1,2015, but has not had their eligibility determination completed until July 1, 2015 or later is to be determined eligible based on WIOA criteria.)

6. Once eligibility is determined, career planners should begin assessing the individual and developing an Individual Employment Plan (IEP) for adults and dislocated workers or an Individual Service Strategy (ISS) for youth.
7. The assessment and development of a plan or strategy will begin the determination of career, training, and supportive services needed by the customer to reach their employment goal. The career planner should utilize the WIOA Services matrix and the WIOA Services Checklist to record each of the services provided to the customer, as well as the day they were received.
8. In addition to the checklist recording each service received, case notes should be documented on the back of the checklist related to each service, as well as any other notable information.
9. Once IWDS is updated and can accept the input, the eligibility determination as recorded on the WIOA Standard Application and each career, training, and supportive service should be entered into IWDS.
10. OET will extend the current requirement that all services provided to a customer must be entered into IWDS within ten (10) calendar days of the service delivery.
11. Staff will be notified and provided further guidance on data entry once the system is updated.
12. ALL documentation, including the WIOA Standard Application and WIOA Services Checklist should be entered into the customer's case file and be available for review, as requested during compliance monitoring.
13. If the local area staff has the ability to upload documents, they should do so with these documents once the customer is recorded in IWDS.

Follow-Up Services (Pending)


Chapter: 4 **Section:** 2.4

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Policy to be determined.

Programmatic Reporting Requirements


Chapter: 4 **Section:** 3

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Status: Current 

The programmatic reporting requirements include entry of information on participants into the Illinois Workforce Development System (IWDS) including:

1. All services and activities **must** be documented in IWDS **within ten (10) calendar days of the occurrence of the start and end dates of the services and activities in which the participant is enrolled as well as the participant's exit date** to ensure current information is available for federal reporting purposes.

Program Eligibility


Chapter: 5 Section:

Effective Date: 4/13/2016

Expiration Date: Continuing

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Purpose

Needed

General Eligibility Requirements

Chapter: 5 **Section:** 1

Effective Date: 7/1/2015

Expiration Date: Continuing

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Version: 1

Status: Current 

Tags: Eligibility

1. All individuals seeking assistance through the workforce system, whether it be through the one-stop system or technology, must have basic career services made available to them. The level of service requested will determine the information required from the individual and the need for eligibility determination.
 - a. Individuals seeking only self-services and informational activities through the Resource Room, online materials and reference documentation, workshops, job fairs, and employer trainings are universally available to all individuals without determination of eligibility.
2. Individuals receiving only self-service or informational activities may be considered as reportable or non-reportable for performance purposes.
 - a. Individuals must, at a minimum, provide their name to receive these services. A customer who only provides a name (or name and address) is considered non-reportable and unavailable to be included in any performance reports.
 - 1) Local areas may want to track the number of non-reportable individuals and activities through local methods such as a swipe card, Resource Room Sign-In Form, or other local check-in procedure. In such instances, local policy should indicate the information necessary to conduct the tracking of services.
 - 2) This should not be construed as meaning an individual refusing to provide this basic information should be denied from receiving self-services and informational activities.
 - b. Individuals may be counted as reportable by providing their name, address, and social security number. This information allows the reporting system to identify them as a unique individual and be counted in required local and state reports.
 - 1) Reportable individuals receiving more than self-service or informational activities (i.e., staff-assisted services) must be determined eligible for the applicable program as outlined in the Adult Eligibility, Dislocated Worker Eligibility, and Youth Eligibility sections of this policy.
3. Individuals seeking staff-assisted WIOA services must be registered following an eligibility determination. Registration is the process of collecting information through an online or paper application for entry and subsequent eligibility determination into the Illinois Workforce Development System (IWDS).
 - a. Eligibility certification shall be based on the information provided in the individual's signed and dated application.

- 1) Applications must be signed and dated on or prior to the application certification date in IWDS.
 - b. Once an individual is registered, the individual is considered a “participant” and is generally subject to performance requirements.
 - c. All Title IB registrations must be recorded in IWDS by a local Title IB representative.
4. WIOA requires all registered individuals under WIOA Title IB programs to meet two general eligibility requirements:
- a. Authorized to work in the United States. Individuals participating in Title I programs and activities or receiving funds under Title I shall be citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.
 - b. Compliance with Military Selective Service Requirement. All males born after December 31, 1959, who have reached age 18, must be registered with the Selective Service Administration as required by the Selective Service Act, (50 USC App. 453).
5. All eligibility determinations must have supporting documentation as outlined in the “WIOA Title IB General and Fund Source Eligibility Requirements and Documentation Sources” attachment. It provides a list of sources of documentation allowed as evidence of general or program specific eligibility.
- a. Evidence of general eligibility must be maintained in the participant’s case file.
 - b. Self-attestation may be used to support most eligibility determinations; however, it should always be used as the last option for support. All other options available under a particular eligibility determination decision must be reviewed before relying only on self-attestation.
 - 1) The only exception is for an eligibility determination of an individual with disabilities. If the disability is the only means for determining eligibility, then the customer should provide a source of support other than self-attestation, if available.
 - 2) If the disability is not the only means to determine eligibility, then self-attestation alone is sufficient to document the existence of a disability.
 - c. Self-attestation is the only requirement for the purposes of collecting demographic information or when a participant seeks accommodations to participate in services.

Selective Service Registration Requirements


Chapter: 5 **Section:** 1.1

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Tags: Eligibility

This policy update ensures compliance with the United States Department of Labor issued guidance on Selective Service requirements for WIOA Title I programs.

Selective Service Guidelines

Chapter: 5 **Section:** 1.1.1

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Tags: Eligibility

For WIOA eligibility, the grantee must ensure each male customer has complied with the following Selective Service guidelines.

1. If the male customer has not reached age 18, and will not within the next 30 days, or was born before January 1, 1960, the Military Selective Service Act (MSSA) is not applicable to that individual. Selective Service Compliance within the Illinois Workforce Development System (IWDS) is to be marked "not applicable" in this instance.
2. A male WIOA participant who attains the age of 18 while participating in the program must be registered with Selective Service by the 30th day after his 18th birthday to remain eligible. He may also register in the 30 days prior to his 18th birthday.
 - a. If the customer fails to register within 30 days after his 18th birthday, all existing WIOA services that were obtained before the age of 18 must be closed.
 - 1) All WIOA services provided after the customer is determined to be non-compliant will be disallowed.
3. All other male customers must be registered prior to their 26th birthday, unless the following exceptions apply:
 - a. For United States citizens, Selective Service registration is not required while the male meets one of the following conditions:
 - 1) A male who is serving in the military on full-time active duty;
 - 2) A male attending the service academies;
 - 3) A disabled male who is continually confined to a residence, hospital or institution;
 - 4) A male who is hospitalized, institutionalized, or incarcerated; or
 - 5) If a male is released from any of the above conditions before he reaches the age of 26, he is required to register with Selective Service within 30 days of his release.
 - b. For non-United States citizens, Selective Service registration is required within 30 days of becoming a resident unless the man falls within one of the following categories:
 - 1) A male who came into this country for the first time after his 26th birthday.
 - a) Acceptable forms of documentation for this exemption include:
 - i) Date of entry stamp on passport;
 - ii) I-94 with date of entry stamp on it; or

- iii) Letter from the U.S. Citizenship and Immigration Services (USCIS) indicating the date the man entered the United States presented in conjunction with documentation establishing the individual's age.
 - 2) A male who entered the country illegally after his 26th birthday and can provide proof that he was not living in the United States from age 18-25.
 - 3) A male on a valid, non-immigrant visa.
 - c. If a non-compliant male customer is receiving basic, staff assisted or individualized career services at the time this policy becomes effective, he will receive a grace period of 30 days to begin the compliance process. This can mean registration for males under 26 or completion of the Request for Status Information Letter (RSIL) and the Selective Service Verification Form (OET/SS Form #001), which is attached, for males 26 years of age and older. At the conclusion of the 30 day grace period, any non-compliant male that has not begun the compliance process will be removed from WIOA funded services and any costs associated with servicing this customer after that time will be disallowed.
4. Any male customer that is beyond their 26th birthday can no longer register, but is required to provide documentation of their compliance to the Selective Service requirement in order to be considered eligible for any WIOA Title I benefits and services.
- a. Acceptable forms of documentation can be found below in Section 5.a.
 - b. Failure to produce authorized documentation requires that the individual acquire a *Status Information Letter (SIL)* from Selective Service indicating whether he was required to register.
 - 1) If the SIL indicates that he was not required to register, he can then be enrolled in WIOA-funded services.
 - 2) If the SIL indicates that he was required and failed to register and now is unable to, as a result of being 26 years of age or older, he is to be disqualified from WIOA-funded programs and services until it is determined that his failure was not knowing or willful.
 - a) All WIOA services, beyond basic, non-staff assisted career services should be discontinued, until it is determined that it was not a knowing and willful failure, as they will be disallowed.
5. The grantee must verify whether the customer has complied with the MSSA requirements and place documentation in the case file.
- a. Verification may be made in any one of the following ways:
 - 1) Contacting the Selective Service at the website indicated in the references tab to determine if the customer has registered.
 - 2) Phone the Selective Service Registration Office (See telephone number on the Contact Us Information page of the Selective Service website in the references tab). A phone confirmation coupled with a case note will be sufficient for WIOA verification.
 - 3) Acquiring any one of the following forms of documentation:
 - a) Selective Service Acknowledgement Letter;
 - b) Form DD-214, "Report of Separation;
 - c) "Screen printout from the Selective Service Verification site;
 - d) Selective Service Registration Card;
 - e) Selective Service Verification Form (Form 3A); or

- f) Stamped Post Office Receipt of Registration.
 - 4) Additional registration information can be found by visiting the Selective Service website or by viewing the "Who Must Register Chart" attached to this policy.
- b. Once verification has been completed:
- 1) If the male customer has complied with MSSA, he may be entered as such on IWDS and no further action is necessary.
 - 2) If the male customer has not complied with MSSA:
 - a) All WIOA services, beyond basic, non-staff-assisted career services should be discontinued, as they will be disallowed until it is determined that they are in compliance.
 - b) The grantee should advise the customer to go to the Selective Service website to register. Enrollment in basic, staff assisted, or individualized career services should not occur until registration is confirmed.
 - c) However, if the customer has failed to comply with Selective Service and is over the age of 26, he can no longer register to achieve compliance and must fill out the RSIL form explaining why he did not register. A copy of the RSIL and the attached form, (OET/SS Form #001), must be signed by the male customer and maintained in the customer's file.
 - i) The RSIL form and instructions can be found by accessing the Selective Service website indicated in the references tab and clicking on "Status Information Letter Request Form ."
 - ii) The SIL may take from 4 to 6 weeks to arrive.
 - iii) If the SIL dictates that the customer was required and failed to register, the grantee must then determine the eligibility of the male customer based on local policy on knowing and willing failure to comply.

Trade Customer Eligibility Criteria


Chapter: 5 **Section:** 1.1.2

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Status: Current 

Tags: Eligibility

The Selective Service requirement is not an eligibility criterion for Trade customers.

- 1) In the event a Trade customer is not Selective Service compliant, case management must be conducted by a State Merit Staff employee.
 - a. This must begin as soon as it is known that the customer is not compliant with the MSSA.

Written Local Policy Selective Service Compliance Requirements

Chapter: 5 **Section:** 1.1.3

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Status: Current 

Tags: Eligibility

All grantees must have a written local policy to address compliance.

1. The policy must address the determination of non-knowing and non-willful failure to comply with the Selective Service requirement for those non-compliant males who can no longer register as a result of being 26 years of age or older.
2. The policy must indicate that the customer is required to complete the attached form for state verification. Furthermore, in cases of determining knowing and willful failure to comply for the purposes of granting a Locally Approved Selective Service Waiver, each customer is required to request the Status Information Letter (SIL).
3. Local areas may add more questions for their own investigation for granting a Locally Approved Selective Service Waiver. These questions must be included in their policy.
 - a. Local policy should encourage case managers to gather the information needed to approve a Locally Approved Selective Service Waiver in the 4 to 6 weeks in which the SIL is pending.
 - b. Additionally, local areas may approve eligibility and enroll a customer in services by granting a Locally Approved Selective Service Waiver prior to the arrival of the SIL. This is only an option under circumstances in which time is a factor for enrolling customers in services or training and the 4 to 6 weeks that the SIL will take to arrive may harm the customers progress through the program.
 - 1) Justification for the earlier granting of the waiver must be documented and placed within the customer's case file.
 - 2) Upon arrival of the SIL, the grantee must examine the letter to determine if the additional information gained through the SIL eliminates the possibility of a non-knowing and non-willful failure to register. In these instances, the grantee must retract the Locally Approved Waiver, the customer will no longer be eligible for WIOA programs and should not receive any more basic, staff assisted, or individualized career services.
4. The final decision regarding the customer's eligibility for WIOA services or programs based upon the matter of Selective Service compliance rests with the grantee.

- a. Local policy must establish the individual that will be responsible for making decisions regarding Locally Approved Selective Service Waivers.
- b. Based on the information submitted by the customer, including the information on the SIL and the responses to the state's questioner, the grantee must determine if he did not knowingly or willfully fail to register for Selective Service.
- c. If the failure is deemed not knowing and willful then he may be granted the Locally Approved Selective Service Waiver and registered and enrolled in services or benefits.
- d. If the failure is deemed knowing and willful then he must be denied WIOA services. Any costs associated with services provided beyond basic, non-staff assisted career services will be considered disallowed.
- e. Individuals denied services must be advised of available WIOA grievance procedures as outlined in the Complaint and Grievance Procedures section of the policy manual.
- f. Decisions are to be made on a case-by-case basis.

Selective Service Requirement Reporting Choices


Chapter: 5 **Section:** 1.1.4

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Tags: Eligibility

Selective Service Compliance within IWDS will have three acceptable reporting choices that would allow a customer to be determined eligible for WIOA services:

1. "Yes" - is appropriate for a male customer, born on or after January 1, 1960 and who has registered with Selective Service.
2. "Not Applicable" - is appropriate for any one of the following:
 - a. A female customer;
 - b. A male customer who has not reached 18 years of age; or
 - c. A male customer born before January 1, 1960.
3. "Locally Approved Waiver" - is appropriate for a male customer, 26 years of age and older who was born on or after January 1, 1960 and is not Selective Service compliant, but has demonstrated that his failure to comply was not knowing or willful, and has received a Locally Approved Selective Service Waiver.
 - a. The "Locally Approved Selective Service Waiver" may also be appropriate for any one of the following:
 - 1) A male customer who can prove that they had entered the country for the first time after their 26th birthday;
 - 2) A male who served continuously in the Armed Forces from ages 18-26; or
 - 3) A male who can show they were confined to a residence, hospital, institution or was incarcerated continuously from age 18-25.
4. If the answer to the question of Selective Service compliance is "No" in IWDS, the client will never be determined eligible for WIOA.

Individual and Program Approvals for Unemployment Insurance Recipients


Chapter: 5 **Section:** 1.2

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Version: 1

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Tags: Eligibility, LWIBs, Miscellaneous

Section 500(c)5 of the Illinois Unemployment Insurance Act specifies conditions under which an individual receiving Unemployment Insurance benefits may participate in an approved training program and continue to receive benefits. Individuals participating in an approved training program are exempt from the work search requirements under the Unemployment Insurance Act.

Individual Notice of Selection for WIOA Training and Eligibility


Chapter: 5 **Section:** 1.2.1

Effective Date: 10/23/2000

Expiration Date: Continuing

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Version: 1

Status: Current 

Tags: Eligibility, LWIBs, Miscellaneous

1. A Notice of Selection Form for WIOA training and eligibility criteria will be the documentation required by IDES to verify enrollment in a WIOA training program. Completion of this form documents local compliance with IDES' 500(c)5 criteria for approval of training.
2. In addition to the WIOA requirement for training program approval, the one-stop operator shall approve participation in training for any individual receiving Unemployment Insurance benefits based on the following criteria;
 - a. The training shall relate to an occupation, clusters of occupations skills for which there are, or are expected to be, reasonable work opportunities in the locality.
 - b. The training must be designed to facilitate the individual's reemployment in a reasonably expeditious manner.
 - c. The training must provide the individual with skills essential for the performance of work in the related occupation. The training must focus on providing the individual with the competency necessary for securing entry level employment in the selected occupation.
 - d. The training must be full time as defined by the training institution.
 - e. The individual has the qualifications and aptitude to complete the training successfully.
 - f. The training must be approved by the LWIB. The Department recognizes that there may be situations where certain courses are filled or not available during a particular term. In these cases, the individual will be deemed 500(c)(5) eligible if documentation is provided in the individual employment plan (IEP) that shows that the individual is actively pursuing a full-time training program and the individual is enrolled in the prescribed courses which are available. If no courses are available or the individual chooses not to attend a full-time training program, the individual's 500(c)(5) waiver may not be approved.

Workforce Innovation Board Approval of Program/Course(s)


Chapter: 5 **Section:** 1.2.2

Effective Date: 10/23/2000

Expiration Date: Continuing

Revision Date: 12/29/2016 11:02:40 AM

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Status: Current 

Tags: Eligibility, LWIBs, Miscellaneous

1. The following program/course criteria must be satisfied before individual approval for Section 500(c)5 purposes is deemed appropriate:
 - a. Either the training course or the program is approved by the local board.
 - b. The training is offered by a reliable and competent training institution.
 - c. The training is designed to be completed in a reasonably expeditious manner.
 - d. The training shall relate to an occupation or skill for which there are, or are expected to be, reasonable work opportunities in the locality.
2. The approval process for training programs/courses is the responsibility of the LWIB. In order to meet this responsibility, the attached 500(c)5 program approval sheet must be completed and signed by the chair of the LWIB. Program approval should be for a two-year period. When completed, this form must be kept on file in the LWIB office.

Adult Eligibility


Chapter: 5 Section: 2

Effective Date: 7/1/2015

Expiration Date: Continuing

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Version: 1

Status: Current 

Tags: Eligibility

1. An “adult” customer of WIOA must:
 - a. Meet general eligibility requirements; and
 - b. Must be age 18 or older.
2. After eligibility determination, priority for individualized career services and training service shall be given to:
 - a. Recipients of public assistance;
 - b. Other low-income individuals; and
 - c. Individuals who are basic skills deficient.

Dislocated Worker Eligibility

Chapter: 5 **Section:** 3

Effective Date: 7/1/2015

Expiration Date: Continuing

Revision Date: 10/24/2016 4:46:34 PM

Version: 1

Status: Current 

Tags: Eligibility

1. A “dislocated worker” customer of WIOA must meet general eligibility requirements and at least one of the following dislocated worker eligibility requirements:
 - a. The individual:
 - 1) Has been terminated or laid off, or has received notice of employment termination or layoff; and
 - 2) Is eligible for or has exhausted entitlement to unemployment compensation.
 - a) The classification of persons as eligible for unemployment compensation is limited to those who have been determined eligible to receive a monetary benefit by the state unemployment insurance administering agency, or who have been determined by the state unemployment insurance administering agency to have exhausted their benefits, or
 - b) Has been employed for a duration sufficient to demonstrate attachment to the workforce (meaning the individual must have at least six months employment in the industry or occupation from which he/she was dislocated), but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a state unemployment compensation law; and
 - 3) Is unlikely to return to a previous industry or occupation because the occupation or industry is low growth or in decline; for example:
 - a) Laid off or terminated from a low growth industry, defined by a North American Industrial Classification System (NAICS) code category with less than the statewide average growth rate;
 - b) Laid off or terminated from a low growth occupation, defined as any ONet Codes category with an average annual employment growth rate of less than the statewide average growth rate for all occupations;
 - c) Have been unemployed for at least 26 weeks and have completed one month of documented job search through Illinois workNet; or
 - d) After an assessment of education, skills and work experience have been determined by the Title IB entity to require additional assistance to qualify for any available openings in the industry or occupation from which the person was laid off, or to obtain employment in another occupation. Such determination must be documented in the person’s case file.
 - b. The individual:

- 1) Has been terminated or laid off, or has received notice of termination or layoff from employment due to a permanent closure of or a substantial layoff at a plant, facility or enterprise; or
 - 2) Is employed at a facility in which the employer has made a general announcement that the facility will close within 180 days; or
 - a) Customers determined eligible under this criteria may receive the full array of career services, training services, and supportive services, as appropriate.
 - 3) For purposes of eligibility to receive basic career services, the individual is employed at a facility at which the employer has made a general announcement that such facility will close.
 - a) Customers determined eligible under this criteria are not eligible to receive individualized career services, training services, or supportive services unless it is within 180 days of planned facility closure (at which time they become eligible under b.2) for all WIOA services.
 - 4) Local boards may develop policies and procedures to specify what constitutes a “general announcement” for plant closings;
 - 1) These policies and procedures could include policies and procedures for what constitutes a “general announcement” of a plant closing.
 - 2) General announcements apply only to those individuals who have received general notices of an impending layoff.
- c. The individual is self-employed (including employment as a farmer, a rancher or fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;
- 1) Local boards may develop policies and procedures to specify what constitutes “unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters” for individuals who are self-employed, including family members and ranch hands.
- d. Is a Displaced homemaker; or
- e. Is the Spouse of a member of the Armed Forces on active duty^[1]:
- 1) Has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station; or
 - 2) Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
2. Eligibility determination for the self-employed is based on the following requirements:
- a. Formerly self-employed but currently unemployed, including individuals who have lost their business(es) due to a specified natural disaster or a specific economic condition.
 - b. Self-employed and going out of business or in the process of going out of business due to specified events or conditions that provide evidence of impending business failure.
 - c. Family member of, or worker for a formerly self-employed individual including farm hands or ranch hands of persons in categories a. and b., provided that their contribution to the business constituted as least one year of full-time work.
 - d. This would include independent contractors or consultants who are not employees of an entity.

3. Refer to the WIOA Title IB General and Fund Source Eligibility Requirements and Documentation Sources attachment for a list of allowable sources of documentation that can be accepted as evidence of dislocated worker eligibility. Evidence of eligibility must be maintained in the participant's case file.

[¹]As defined in Section 101(d)(1) of Title 10, United States Code

General Youth Eligibility Requirements


Chapter: 5 **Section:** 4

Effective Date: 7/1/2015

Expiration Date: Continuing

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Status: Current 

Tags: Eligibility

1. To be eligible to participate in activities carried out under this chapter during any program year an individual shall, at the time of eligibility determination is made, be an out-of-school youth or an in-school youth.
2. In each local area, not more than 5 percent of the youth individuals assisted under this section may be persons who would be covered individuals, except that the persons are not low-income individuals.
 - a. The calculation is based on the percentage of all youth served by the program in the local areas WIOA youth program in a given program year.
3. Individuals that choose to access the youth program based solely on disability as an eligibility criterion will be required to provide evidence of disability.
 - a. If an individual is determined eligible for the youth program based on other eligibility criteria or if disability status is disclosed after enrollment, disability self-attestation is sufficient for the participant's file.
 - b. Additional evidence of disability is not required if the youth eligibility determination is not made based solely on disability.
4. For the purpose of this subsection, the term "low-income", used with respect to an individual, also includes a youth living in a high-poverty area.

Eligibility Requirements for Out-of-School Youth (OSY)

Chapter: 5 **Section:** 4.1

Effective Date: 6/30/2016

Expiration Date: Continuing

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Version: 1

Status: Current 

Out-of-school Youth Eligibility Requirements

1. To be provided services under the youth funding stream as an “out-of-school youth”, the individual must be:
 - a. Not attending any school as defined under state law, individuals attending Adult Education provided under WIOA Title II, YouthBuild or Job Corps are also classified as out-of-school youth;
 - b. Not younger than age 16 or older than age 24; and
 - c. One or more of the following:
 - 1) A school dropout as defined by the state,
 - 2) Within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter as defined by the school district and the applicable school based on the student’s residence or assignment;
 - 3) A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is:
 - a) Basic skills deficient; or
 - b) An English language learner.
 - 4) Subject to the juvenile or adult justice system;
 - 5) Homeless individual, a homeless child or youth, a runaway, in foster care or aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C.677), or in an out-of-home placement;
 - 6) Pregnant or parenting;
 - 7) An individual with a disability;
 - 8) A low-income individual requiring additional assistance to enter or complete an educational program or to secure or hold employment.
2. For individuals required to attend school under applicable state compulsory school attendance laws, the priority of assistance shall be for the individual to attend school regularly.

Eligibility Requirements for In-School Youth (ISY)

Chapter: 5 **Section:** 4.2

Effective Date: 6/30/2016

Expiration Date: Continuing

Revision Date: 6/20/2017 4:10:50 PM

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Status: Current 

The term “in-school youth” means an individual who is:

1. Attending school (as defined by State law);
2. Not younger than age 14 or (unless an individual with a disability who is attending school under State law) older than age 21;
3. A low-income individual; and
4. One or more of the following:
 - a. Basic skills deficient.
 - b. An English language learner.
 - c. An offender.
 - d. A homeless individual, a homeless child or youth, a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under Section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.
 - e. Pregnant or parenting.
 - f. A youth who is an individual with a disability.
 - g. An individual who requires additional assistance to complete an educational program or to secure or hold employment.

Low-Income Individuals


Chapter: 5 **Section:** 5

Effective Date: 7/1/2015

Expiration Date: Continuing

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Status: Current 

Tags: Eligibility

WIOA requires that all registered participants meet minimum eligibility requirements depending on the program for which they are being enrolled.

1. As outlined in the WIOA Policies on eligibility in the Program Eligibility chapter of this policy manual:
 - a. Low-income may be a qualifying criteria for being determined eligible for the youth program. These individuals are considered as having a barrier to employment.
 - b. Participants of the adult program must receive priority of services if they are a low-income individual, among other priority criteria.
2. A low-income individual is a person who:
 - a. Personally receives or received in the past six (6) months or is a member of a family that receives or received in the past six (6) months assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008, the program of block grants to states for temporary assistance for needy families program under part A of Title IV of the Social Security Act or the supplemental security income program established under Title XVI of the Social Security Act, or State or local income-based public assistance; or
 - b. Is in a family with total family income that does not exceed the higher of:
 - 1) The poverty line; or
 - 2) Seventy percent (70%) of the lower living standard income level; or
 - c. Is a homeless individual (as defined in Section 41403(6)) of the Violence Against Women Act of 1994 (42 USC. 14043e–2(6)), or a homeless child or youth (as defined under Section 725(2)) of the McKinney-Vento Homeless Assistance Act (42 USC. 11434a(2)) ; or
 - d. Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 USC 1751 et seq.); or
 - e. Is a foster child on behalf of whom state or local government payments are made; or
 - f. Is an individual with a disability whose own income does not exceed the higher of:
 - a) The poverty line; or

- b) Seventy percent (70%) of the lower living standard income level, but who is a member of a family whose income does not meet this requirement; or
 - g. A youth customer living in a high-poverty area.
- 3. In making determinations of low-income status, the list of income source inclusions and exclusions found in the Income Guidelines and Lower Living Standard Income Level (LLSIL) Boundaries attachment of the attached WIO Notice.
 - a. Any income source NOT included on the exclusions list of income sources should be interpreted as being an inclusion of the income source.
- 4. When past income is an eligibility determinant for federal employment or training programs, any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits must be disregarded for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination.
 - a. Military earnings are not to be included when calculating income for veterans or transitioning service members for this priority, in accordance with Eligibility Requirements for Veterans under Federal Employment and Training Programs(38 U.S.C. 4213).
 - b. Please reference the attachment on Inclusions and Exclusions for Determining Family Income for further guidance.
- 5. All determinations of low-income status for customers must be supported by proper documentation of the qualifying condition as outlined in the WIOA Title IB General and Fund Source Eligibility Requirements and Documentation Sources attachment.

Lower Living Standard Income Level (LLSIL)


Chapter: 5 **Section:** 5.1

Effective Date: 7/27/2007

Expiration Date: Continuing

Revision Date: 6/13/2019 5:26:27 PM

Version: 3

Status: Current 

Tags: Eligibility, Income Guidelines, Needs Related Payment

The 70% Lower Living Standard Income Level (LLSIL) and 100% LLSIL for determining needs related payments will be published annually in a WIOA Notice on Revised Income Guidelines for Determining Low Income Status for WIOA Eligibility that will be written and distributed by the Department of Commerce and Economic Opportunity, Office of Employment and Training (OET).

1. LWIAs should utilize the map titled "Income Guidelines and Lower Living Standard Income Level (LLSIL) Boundaries" as a guide in identifying the correct LLSIL value for a given Local Workforce Innovation Area (LWIA). This map is included as an attachment to the WIOA Notice.
2. LWIAs should use the figures from the table titled "Income Guidelines for Determination of Low Income Status" and attached to the WIOA Notice in the determination of eligibility for applications taken on or after the effective date identified in the WIOA Notice.
3. LWIAs should use the figures from the table titled "100% Lower Living Standard Income Level (LLSIL) for Determining Needs Related Payments and Self-Sufficiency" attached to the WIOA Notice in the determination of needs related payments and self-sufficiency for applications taken on or after the effective date identified in the WIOA Notice.

Low-Income Older Workers

Chapter: 5 **Section:** 5.2

Effective Date: 1/18/2000

Expiration Date: Continuing

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Status: Current 

Tags: Eligibility

1. The Employment Opportunities Committee unanimously endorses and recommends the following preface and four-part strategy to promote services for the low-income older workers of Illinois.
2. As the workforce development systems approaches the sunset of JTPA and the dawn of WIA, there needs to be an awareness of the impact that state and local rules and definitions will have on older workers seeking service. The WIA's elimination of funds previously earmarked to serve low-income older workers (under JTPA) leaves "rules and definitions" as the only way many older workers enrolled in the Senior Community Services Employment Program (SCSEP) can receive intensive and training services under WIA. To address this issue, the Illinois Older Worker Task Force (IOWTF) recommends:
 - a. A dual eligibility provision for WIA and SCSEP services should be established and publicized within the workforce development network.
 - b. Older workers/individuals should be considered when targeting services in all Illinois Workforce Innovation Areas.
 - c. Participation of older workers in the SCSEP should not be considered employment for the purposes of determining whether or not a placement (entered employment) can be counted under WIA performance measures.
 - d. Payments received by participants from the SCSEP should not be considered "wages" in determining pre-enrollment earnings under WIA performance measures.

Service Priorities

Chapter: 5 **Section:** 6

Effective Date: 7/1/2015

Expiration Date: Continuing

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Status: Current 

Tags: Eligibility

Under WIOA, priority requirements under the Adult and Dislocated Worker programs are given to individuals with connections to the military.

1. Veterans and eligible spouses continue to receive priority of service for all USDOL-funded job training programs, which include WIOA programs.
2. As described in TEGL 10-09 and 19-16 when programs are statutorily required to provide priority for a particular group of individuals, such as are outlined in WIOA Policies on Eligibility in the Adult Eligibility section of this policy manual, priority must be provided in the following order:
 - a. First, to veterans and eligible spouses who are also included in the groups given statutory priority for WIOA Adult Formula funds.
 - 1) This means that veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient would receive first priority for services provided with WIOA adult formula funds.
 - b. Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds.
 - c. Third, to veterans and eligible spouses who are not included in WIOA's priority groups.
 - d. Last, to non-covered persons outside the groups given priority under WIOA.
3. A veteran who is eligible or spouse of an eligible veteran who is entitled to receive priority of service is a person who has served at least one day in the active military, naval, or air service, and who was discharged or released from service under any condition other than a condition classified as dishonorable is a covered person.
 - a. This definition includes Reserve units and National Guard units activated for Federal Service.
 - b. Please reference TEGL 15-10 and 10-09 for further discussion on who is a covered person under these provisions and how to determine the status of veterans and their eligible spouses.
4. Local areas must establish written policies and procedures to ensure priority for the populations described above for participants served in the WIOA Adult program, for eligibility determinations beginning on or after July 1, 2015.
5. Exiting service members and their spouses may be treated as dislocated workers under the following guidance.

1. Under TEGL 22-04, service members exiting the military, including, but not limited to, recipients of Unemployment Compensation for Ex-Military members (UCX), generally qualify as dislocated workers.
 - a. Dislocated Worker funds under Title I can help separating service members to enter or reenter the civilian labor force. Generally a separating service member needs a notice of separation, either a DD-214 from the Department of Defense, or other appropriate documentation that shows a separation or imminent separation from the Armed Forces qualifies as the notice of termination or layoff, to meet the required dislocated worker definition.
 - b. Additionally, in most instances an individual will have to be eligible for or exhausted entitlement to unemployment compensation in order to receive dislocated worker services.
 - c. In the case of separating service members, because they may be on a terminal leave from the military, it may make sense to begin providing career services while the service member may still be part of the Active Duty military, but has an imminent separation date.
 - d. It is appropriate to provide career services to separating service members who will be imminently separating from the military, provided that their discharge will be anything other than dishonorable.
 - e. Lastly, the Employment and Training Administration (ETA) policy generally dictates that a separating service member meets the dislocated worker requirement that an individual is unlikely to return to his or her previous industry or occupation.
2. Regarding military spouses, WIOA expands the definition of dislocated workers to include military spouses who have lost employment as a direct result of a relocation to accommodate a permanent change in duty station of the spouse.
 - a. Military spouses may also qualify if they are a dependent spouse of a member of the Armed Forces on active duty whose family income is significantly reduced, as determined by the State or local area, because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the service member.
 - b. Military spouses also can qualify if they are unemployed or underemployed and are experiencing difficulty in obtaining or upgrading employment as defined under WIOA.

Adult Service Priorities and Waivers (Pending)


Chapter: 5 **Section:** 6.1

Effective Date: 6/30/2016

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Policy to be determined.

Dislocated Worker Priorities (Pending)


Chapter: 5 **Section:** 6.2

Effective Date: 6/30/2016

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Policy to be determined.

Veterans Priority of Service Requirements


Chapter: 5 **Section:** 7

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Status: Current 

Tags: Eligibility, Local Plan, Monitoring/Oversight, Veterans

All program activities issued or executed by program operators, regardless of how they are procured, must be administered in compliance with priority of service requirements, including priority for veterans and eligible spouses..

Identification of Veterans and Eligible Spouses


Chapter: 5 **Section:** 7.1

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Expiration Date: Continuing

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Tags: Eligibility, Local Plan, Monitoring/Oversight, Veterans

Subrecipients and grantees must develop and implement processes to identify veterans and eligible spouses who physically access service delivery points or who access service delivery programs through the Internet in order to provide veterans and eligible spouses with timely and useful information on priority of service at the point of entry.

1. Point of entry may include reception in-person through an Illinois workNet Center or virtually through Illinois workNet, as part of an application process for a specific program, or through any other method by which veterans and eligible spouses express an interest in receiving services.
2. The Veteran's Priority poster in the notices tab must be displayed in the Illinois workNet centers in a prominent location where applicants can see it upon entry to the center so that veteran applicants can easily be made aware of their priority of service.

Required Information for Veterans and Eligible Spouses


Chapter: 5 **Section:** 7.2

Effective Date: 7/6/2010

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Tags: Eligibility, Local Plan, Monitoring/Oversight, Veterans

When identifying veterans and eligible spouses, Illinois workNet Center staff and other grantees and subgrantees must ensure that veterans and eligible spouses are made aware of the following:

1. Entitlement to priority of service. Under the Jobs for Veterans Act, a "covered person" is entitled to priority of service under twenty (20) DOL-funded workforce programs including WIOA Title I Adult, Youth, and Dislocated Worker programs, statewide activity programs, National Emergency Grants (NEG) and the Trade Adjustment Assistance (TAA) program.
2. Applying Priority of Service. The application of priority of service varies by program depending on the eligibility requirements of the particular program.
 - a. Qualified job training programs fall into two basic categories:
 - 1) Universal access programs;
 - a) For workforce programs that operate or deliver services to the public as a whole without targeting specific groups, veterans and eligible spouses must receive priority of service over all other program participants.
 - b) Veterans and eligible spouses receive the first level of priority in universal access programs; and
 - 2) Programs that require prospective participants to meet specified eligibility criteria.
 - a) Eligibility criteria identify basic conditions that each and every participant in a specific program is required to meet.
3. It is important to note that a veteran or eligible spouse must first meet any and all of the statutory eligibility criteria in order to be considered eligible for:
 - a. Enrollment in the program;
 - b. Receipt of priority for enrollment in the program; and
 - c. Priority for receipt of services.
4. In addition to the eligibility criteria that all participants are required to meet, some programs also have priorities that establish a rank order to be observed in enrolling or serving participants. These priorities can be of two types:
 - a. Programs and services with Statutory requirements
 - 1) For a service such as classroom training, priority of service applies to the selection procedure as follows.

- a) If there is a waiting list for the formation of a training class, priority of service is intended to require a veteran or eligible spouse to go to the top of that list.
- b) b) Priority of service applies up to the point at which an individual is both:
 - i) Approved for funding; and
 - ii) Accepted or enrolled in a training class.
- c) Therefore, once a non-covered person has been both approved for funding and accepted/enrolled in a training class, priority of service is not intended to allow a veteran or eligible spouse who is identified subsequently to "bump" the non-covered person from that training class.

2) Verifying Status.

- a) The Final Rule does not change or add to pre-existing program requirements regarding verification of the eligibility of a veteran or eligible spouse.
- b) It is neither necessary nor appropriate for program operators to require verification of the status of a veteran or eligible spouse at the point of entry, unless the individual who self-identifies as a veteran or eligible spouse is:
 - i) To immediately undergo eligibility determination and be registered or enrolled in a program; and
 - ii) The applicable federal program rules require verification of veteran or eligible spouse status at that time.
- c) Even in those instances in which eligibility determination and enrollment occur at the point of entry, a veteran or eligible spouse should be enrolled and provided immediate priority and then be permitted to follow-up subsequently (prior to or at the time of enrollment in intensive or training services) with any required verification of his or her status as a veteran or eligible spouse.
- d) For programs or services that cannot rely on self-attestation (e.g., classroom training), verification only needs to occur at the point at which a decision is made to commit outside resources to one individual over another.
 - i) In contrast, the commitment of program staff effort does not require verification of status by a veteran or eligible spouse.
 - ii) For more eligibility and document requirements, refer to the Eligibility section of this policy manual.

b. Programs and services with Discretionary priorities

- 1) Some qualified job training programs may include a focus on a particular group or make efforts to provide a certain level of service to a particular group without the authorizing law specifically mandating that the target group be served before other eligible individuals.
- 2) Because a discretionary focus of this type is not a statutorily mandated priority or targeting requirement, veterans and eligible spouses must receive the highest priority for programs or services with a discretionary targeting requirement.
 - a) Non-covered persons within the discretionary targeting group then receive the second level of priority.
 - b) Non-covered persons outside the discretionary targeting group receive the third level of priority.
- 3) With respect to priority of service, the only feature that distinguishes discretionary targeting programs from universal access programs is the additional application of the discretionary targeting criterion to the non-covered persons.

- 4) Therefore, for veterans and eligible spouses, priority of service applies to discretionary targeting programs and services the same way that it applies to universal access programs, i.e., veterans and eligible spouses first.
- 5) Prior policy guidance on priority of service and the recently published regulations gave considerable attention to the application of priority of service to programs with discretionary priorities.
 - a) However, a review of qualified job training programs conducted in conjunction with the development of this guidance did not identify any prominent examples of programs that currently have discretionary priorities.
 - b) For additional guidance on the ways that priority of service interacts with eligibility criteria and statutory priorities see the TEGL in the references tab.

Veteran's Priority of Service in Local Plans


Chapter: 5 **Section:** 7.3

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Expiration Date: Continuing

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Tags: Eligibility, Local Plan, Monitoring/Oversight, Veterans

1. LWIAs, grantees and subrecipients are required to have a local policy to address veteran's priority of service.
2. All current policies must be reviewed to ensure compliance with the new requirements.
 - a. If policies are not consistent with this WIOA Policy and the Final Rule or if no local policy exists, they must be developed/updated accordingly.
 - b. All local policies on veteran's priority of service must be included with the local area plan in accordance with the Local Plan Requirements section of the policy manual.

Veteran's Priority of Service Monitoring


Chapter: 5 **Section:** 7.4

Effective Date: 7/6/2010

Expiration Date: Continuing

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Tags: Eligibility, Local Plan, Monitoring/Oversight, Veterans

1. As stated in the Final Rule, the USDOL-ETA will monitor the implementation of priority of service to ensure that veterans and eligible spouses are made aware of and afforded priority of service.
2. LWIAs, grantees and subrecipients are required to ensure that priority of service is applied throughout their respective service delivery systems, including service delivery points maintained by all subrecipients.
3. LWIAs, grantees and subrecipients are required to cooperate with monitoring performed by the Office of Employment & Training, Workforce Development Specialists.

Service Priorities for Individuals with Disabilities (Pending)


Chapter: 5 **Section:** 8

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Expiration Date: Continuing

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Version: 1

Status: Current 

Policy to be determined.

Program Funding

Chapter: 6 Section:

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Purpose

Need

Annual Allocation and Modification Requirements of WIOA Formula Grant Funds

Chapter: 6 **Section:** 1

Effective Date: 6/13/2017

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Tags: Allocation, Major Modification

This policy provides guidelines for establishing and modifying Workforce Innovation and Opportunity Act (WIOA) formula grants received from the annual allotment TEGL issued by the USDOL-ETA. This allotment applies to the Adult, Dislocated Worker, and Youth formula funding streams under WIOA Title IB.

1. The annual allotment issued by USDOL-ETA in a Training and Employment Guidance Letter (TEGL) does the following:
 - a. Disseminates the amounts available to each state.
 - b. Specifies the amount available for the Governor to set aside for statewide workforce investment activities and rapid response activities.
 - c. Lists the salary cap imposed under the latest appropriation act. The use of funds under the header "Employment and Training Administration", by a recipient or subrecipient to pay the salary and/or bonus of an individual as either direct costs or indirect costs, at a rate in excess of Executive Level II is prohibited.
 - d. Provides that the Governor reserve a portion of the dislocated worker funds for statewide rapid response activities, as described in Section 134(a)(2) of WIOA.
2. All formula funds are subject to the Uniform Guidance outlined at 2 CFR 200 and the US Department of Labor exceptions outlined at 2 CFR 2900.
3. The Local Workforce Innovation Board (IWIB) may not authorize expenditures for the area until the Department of Commerce receives a signed contract document and enters the grant information into the department's accounting system.

Adult and Dislocated Worker Allocations


Chapter: 6 **Section:** 1.1

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Tags: Allocation, Major Modification

1. WIOA allots funds for the Adult and Dislocated Worker programs in two separate appropriations.
 - a. The first appropriation, termed “base funds”, becomes available for obligation on July 1.
 - b. “Advance funds”, which is the second appropriation, becomes available for obligation on October 1.
 - 1) Congress appropriates these “advance funds” in the Fiscal Year (FY) immediately prior to when they become available on October 1.
2. First Quarter Limitation
 - a. “Advance” funds issued on October 1 (i.e., future fiscal year appropriations) **cannot pay prior fiscal year expenditures**.
 - b. States and local areas cannot expend more than what was allotted on July 1 through September 30.
 - c. For a breakdown of available Adult and Dislocated Worker funding, see Attachments B-2, B-3, C-2, and C-3 of the annual funding Notice.
3. Transfer Authority is provided in the annual funding notice and outlines the procedures to evaluate transfer requests and establishes the amount allowed by the Governor in accordance with WIOA Section 133(b)(4) and described in 20 CFR 683.130.
4. An LWIB **may reserve up to twenty percent (20%)** of their combined total of adult and dislocated worker allotments for Incumbent Worker Training per WIOA Section 134(d)(4)(A)(i) and described in 20 CFR 680.800.
 - a. Incumbent Worker Training must 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.
 - b. A commitment by the employer to retain or avert the layoffs must be in place prior to the training for the incumbent worker(s).
5. The LWIB **may reserve up to ten percent (10%)** of their combined total of adult and dislocated worker allotments for Transitional Job Training per WIOA Section 134(d)(5) and described in 20 CFR 680.190.

- a. Transitional Job Training is limited to individuals who experience chronic unemployment or have inconsistent work history that creates a barrier to employment and includes only work experience subsidized either by the public, private, or non-profit sectors.
6. WIOA Section 133(b)(2)-(3) and WIOA Section 128(b) provides that a LWIB **may reserve up to ten percent (10%)** of their youth allotment and/or the combined total adult and dislocated worker allotments for Pay-for-Performance contract strategies.
 - a. Follow 20 CFR 683.500 through 683.530 and 20 CFR 361.160 when implementing Pay-for-Performance contracts.
7. The Illinois Workforce Innovation Board (IWIB) requires a LWIB to ensure that the minimum percentage of the annual formula-allocated program expenditures are on allowable training costs for the combined WIOA Title I Adult and Dislocated Worker programs as described in the Training Expenditure Requirement section of the policy manual.

Youth Allocation

Chapter: 6 **Section:** 1.2

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Tags: Allocation, Major Modification, Youth

1. The WIOA Youth grants are funded through a single appropriation.
2. First Quarter Limitation
 - a. One hundred percent (100%) of the youth funding is available for expenditure on April 1 each year since it is fully funded from the “base” federal fiscal year (FFY).
3. Out-of-School Youth
 - a. WIOA establishes a primary Title I youth program focus to support the educational and career success of out-of-school youth (OSY). WIOA requires that local areas must expend **at least seventy-five percent (75%)** of all youth program funds on OSY. **Due to the waiver received from USDOL, the percentage has been reduced to fifty percent (50%).**
4. Work-Based Training
 - a. LWIBs must expend at least twenty percent (20%) of the total youth program funds in Work-Based Training.

Youth Minimum Expenditure Rates


Chapter: 6 **Section:** 1.2.1

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Tags: Allocation, Major Modification, Youth

As mentioned under the Youth eligibility section of this policy manual, local areas will be required to meet certain expenditure rates.

1. At least seventy-five (75%) of their available youth funding must be spent on the out-of-school youth population. Available youth funding is calculated as the total youth funds, minus any administrative funds.
 - a. The US Department of Labor has granted Illinois' request to waive the requirement that states and local areas expend seventy-five percent (75%) of all Governor's reserve and local formula youth funds on Out-of-School Youth. Illinois may lower the target rate to fifty percent (50%) for PYs 2018 and 2019 (July 1, 2018 through June 30, 2020).
2. Twenty percent (20%) of the available youth funds must be spent on work experience activities..

Formula Grant Establishment


Chapter: 6 **Section:** 1.3

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Tags: Allocation, Major Modification

1. The annual funding notice transmits the allocations for each local workforce innovation area, communicates the items required for submission, and provides the date in which all information is due.
2. Each LWIB must use the instructions and amounts provided in the annual funding Notice to develop the planned budget and registrant numbers.

Modification

Chapter: 6 **Section:** 1.4

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Tags: Allocation, Major Modification

1. There is a need for a grant modification if any of the following conditions occur:
 - a. There are changes to the grantee's available funding such as additional allocations, transfers between the adult and dislocated worker funding streams, reallocations, rescissions, or any other change such as budget line item adjustment; and/or
 - b. When the LWIB needs to alter planned registrant numbers based on changes in service strategy or other factors.
 - c. Reallocation of Funds
 - 1) Reallocation of funds applies to the WIOA Title 1B program: Adult, Dislocated Worker, and Youth funding streams.
 - 2) The amount recaptured from each local area, if any, will be based on the amount by which the prior program year's un-obligated balance of allocated funds exceeds 20% of that year's allocation for the program, less any amount reserved (up to 10%) for costs of administration.
 - 3) Un-obligated balances on allocations will include adjustments for any allowable transfer between funding streams. A notice will list the reallocation amounts by each funding stream and include instructions to submit a modification reflecting the actual reallocated/de-obligated amounts.
 - 4) Any LWIB will be eligible to receive reallocated funds in a funding stream that exceeds the minimum obligation level for that particular program.
 - d. If through the federal appropriation process there is a rescission of funds, there will be a notice issued stating the reduction and any instructions necessary for the modification.
 - e. Budgeted Line Item Adjustment
 - 1) The expenditure reporting screens in the department's accounting system include the budget and the sub "roll-up" line items as part of the monthly expenditure reporting requirements.
 - 2) A LWIB may approve the grantee adjusting the budget line items that "roll up" within that line without a formal budget modification so long as the total for the category is not exceeded.
 - a) Example: Grantees may alter the Adult budget for any of the following sub "roll-up" line items so long as the total amount for budget line item of Adult Direct Training does not change: Occupational Skills Training ITAs; Occupational Skills Training – Other; Remedial/Pre-Vocational Training; Pay-for-Performance Contracts; and Supportive Services.

f. Registrants

- 1) Should LWIBs need to adjust the planned registrant numbers, they are able to do so without a formal grant modification.
 - a) The same modification procedures apply when adjusting planned registration numbers.
- 2) Significant changes to the planned service strategies may require a local plan modification.

- g. Each LWIB must use the instructions provided in the annual funding notice to revise planned budget and/or registrant numbers.

Reporting


Chapter: 6 **Section:** 1.5

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Tags: Allocation, Major Modification

1. Grantees must follow requirements for expenditure reporting outlined in the Reporting of Accrued Expenditures, Obligations and Reallocations section of the policy manual.
2. Participant activity must be reported in IWDS within ten (10) days of the occurrence.
3. Grantees must complete and submit the Periodic Performance Report (PPR) and the Periodic Financial Report (PFR) to OET on a quarterly basis. The specific date for reporting is indicated on the Reports Deliverable Schedule. In addition to the reports listed, grantees must also submit quarterly, supporting documentation such as a Plan vs. Actual Report and a Trial Balance. The templates and instructions are found at the link listed under the References tab.

State Grant Funding Opportunities


Chapter: 6 **Section:** 2

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Tags: DW State Reserve 1E

Awards through this policy are to support significant non-Trade Program dislocation events with temporary time-limited funding. These funds are not available to replenish general formula shortfalls or fluctuations in annual allotments.

Dislocated Worker Emergency Assistance (1E) Program


Chapter: 6 **Section:** 2.1

Effective Date: 4/25/2012

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Tags: DW State Reserve 1E

Awards through this policy are to support significant non-Trade Program dislocation events with temporary time-limited funding. These funds are not available to replenish general formula shortfalls or fluctuations in annual allotments.

Dislocated Worker Emergency Assistance (1E) Program Eligibility

Chapter: 6 **Section:** 2.2

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Tags: DW State Reserve 1E

To submit an application for Dislocated Worker Emergency (1E) Assistance, the following eligibility criteria apply:

1. General Eligibility will be based on the following:
 - a. An annual accrued expenditure rate of 80% based on June 30 costs for Dislocated Worker formula funds.
 - b. An annualized rate of 80 percent (80%) of total funds available (TFA) for the current program year.
 - c. Meeting the 40 percent (40%) direct training expenditure rate using dislocated worker formula funds in the prior program year.
 - d. Demonstrate that the 40 percent (40%) direct training expenditure rate in the current year will be met.
 - e. Special Note: Dislocation events within an LWIA caused by a natural disaster are exempt from General Eligibility criterion 1.a–d above.
 - f. Funding for 1E may only cover the following costs associated with the events:
 - 1) Allowable training related expenditures including costs of the training program;
 - 2) Supportive services necessary to allow the participant to attend the training program;
 - 3) Case management; and
 - 4) Up to 5% of program overhead.
 - a) Program overhead includes the costs of goods and services required for administrative functions of the program, including goods and services such as rental or purchase of equipment, utilities, office supplies, postage, and rental and maintenance of office space.
 - g. For events funded with 1E in the previous program year, only those participants currently enrolled in training and meeting the following criteria may be carried over:
 - 1) A participant who is enrolled in a training program of more than 32 weeks and has not received 36 months of service from date of enrollment into training;
 - 2) A participant who is enrolled in a training program between 17 – 32 weeks in duration and has not received 24 months of service from date of enrollment into training; or
 - 3) A participant who is enrolled in a training program between 1 – 16 weeks in duration and has not received 12 months of service from date of enrollment into training.

- h. For new events, all participants must be registered and enrolled in an academic or vocational training program within six (6) months of the event.
- i. Caseloads across formula titles (1D, 1A, 1E) and Trade Programs must average 75 customers per case manager for consideration to be given to case management costs.
- j. If an event occurs in the previous program year and 1E funds were not requested, it can be treated as a new event and submitted for consideration.
- k. ITA limits or supportive services limits cannot be used to calculate these budgets. The historical cost average for these types of costs must be the basis for the funding request.
- l. Grantees that transfer Dislocated Worker formula funds (1D) to the Adult Program (1A) will not be eligible to submit funding requests for Dislocated Worker Emergency Assistance funding unless the Office of Employment and Training (OET) staff approves an exception (see Transfer of WIA Formula Funds section of this policy).
- m. A new application may be denied if an LWIA has not entered the event into the Dislocation Event Tracking System (DETS) function of the Illinois Workforce Development System (IWDS).
- n. Case managers must record the DETS Event ID on the dislocation job record for each customer tied to the event when the individual's application record is entered in IWDS.
- o. A new application or modification may be denied if an LWIA has transferred expenditures from 1E to 1D.
- p. OET may negotiate and fund projects under terms other than those specified in this policy, where it can be clearly demonstrated to OET that such adjustments will achieve a greater positive benefit for the workers and/or the communities being assisted.

2. Dislocation Event Eligibility

- a. A single dislocation event in an LWIA must affect 50 or more workers.
- b. An event from a single company that has statewide impact affecting 200 or more workers may also be eligible if the completed Worker Needs Survey supports a need for funding for training.
 - 1) The LWIA with the highest number of impacted workers should submit the application on behalf of a designated regional area.
 - 2) The submitting LWIA will issue subgrants to other affected LWIAs.
 - 3) No LWIA may receive a subgrant for 1E funds if they have not met the requirements found at 1.a and b, 1.i, and 1.o above.
- c. A dislocation event within an LWIA caused by a natural disaster.
 - 1) The LWIA with the highest number of impacted workers should submit the application on behalf of a designated regional area.
 - 2) The submitting LWIA will issue subgrants to other affected LWIAs.
 - 3) No LWIA may receive a subgrant for 1E funds if they have not met the requirements found at 1.a and b, 1.i, and 1.o above.
- d. OJT or work experience projects of 20 or more recently separated veterans.

- 1) Recently separated is defined as those veterans terminated since September 11, 2001.
 - 2) In accordance with TEGL 22-04, all veterans who have not received a dishonorable discharge are to be considered as having been terminated from the military upon their dismissal, thus making them eligible as dislocated workers, so long as they meet ALL other dislocated worker eligibility criteria.
- e. OET will consider on a case-by-case basis 1E funding for other activities that do not meet the eligibility guidelines outlined in this section as long as regular 1D funding is not available or sufficient to serve customers impacted by the event.

Dislocated Worker Emergency Assistance (1E) Program Application Process


Chapter: 6 **Section:** 2.3

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Tags: DW State Reserve 1E

To be considered for funding, include the following information in the application process:

1. The application for 1E funds must be completed according to the instructions accompanying the forms.
 - a. Each application must include all appropriate forms and attachments.
 - 1) A completed application must include the following:
 - a) A Grant Application Cover Page (OET/1E Form #019);
 - b) An Overview Form OET/1E Form #020;
 - c) A Participant Detail Form (OET/1E Form #023);
 - d) A Caseload Summary Report; and
 - e) A 1E Carry-Over Report.
(NOTE: OET/1E Forms #021 and #022 have been removed as a requirement for completing applications and are RESERVED for future use.)
 - b. The request for funds must be based on "actual" training participants or participants with a planned training start date within six (6) months of the grant issuance.
 - c. Applications not completed appropriately will be returned and a delay in funding may result.
 - d. Once the application is completed, it must be submitted electronically to OET for initial review.
 - 1) Applications for initial review do NOT require a CEO signature.
 - 2) Electronic submissions must be transmitted in accordance with Section VII, Action Required.
 - e. Upon completion of the initial review, OET will provide the grantee with the appropriate grant number and funding amount.
 - f. Grantee will be notified when information must be entered in the Dislocation Event Tracking System (DETS) section and the Grants section of the Illinois Workforce Development System (IWDS).
 - g. The completed application (signed by the CEO or their designee) must be submitted electronically, with a signed cover letter from the CEO.
 - 1) The cover letter should explain the reason(s) for the request and the following:
 - a) Amount of the initial funding request;

- b) A brief explanation of the need for the funds;
- c) A list of the events that are included in the application;
- d) An attestation by the CEO or their designee as indication they agree to the information included in the application; and
- e) The CEO's (or designee's) signature approving the request.

Dislocated Worker Emergency Assistance (1E) Program Reporting Requirements

Chapter: 6 **Section:** 2.4

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Tags: DW State Reserve 1E

1. All dislocation events and the supporting participant level details must be entered in the DETS, Case Management and Grants sections of IWDS, as appropriate. This must occur prior to the submission of the application.
 - a. IWDS Case Management Section
Case managers must record the DETS Event ID on the dislocation job record for each customer tied to the event when the individual's application record is entered in IWDS.
 - b. IWDS Grants Section
 - 1) LWIAs cannot enroll participants on the system unless grant plans have been entered in the system, are set to pending by the grantee and approved by OET. Grant modifications must also be entered in the IWDS system by the grantee and approved by OET.
 - 2) Information for Grant Planning includes the following:
 - a) Grant Plan Information; and
 - b) Dislocated Worker Registrants (Participants).
2. During pre-layoff workshops, the interests of the workers must be documented.
 - a. Documentation shall include a Worker Needs Survey, with the cumulative results recorded in DETS by the LWIA.
 - b. The Worker Needs Survey used must be designed by the program operator with objective questions sufficient to complete the survey screen in the DETS function of IWDS.
3. Per the Local Plan Requirements section of this policy manual, changes to planned itemized expenditures related to non-formula WIOA grants must be submitted electronically to the OET Planning Unit on updated WIOA Funding Forms within 15 days of grant execution, but do not require a formal plan modification.
4. Participant activity must be reported in IWDS and fiscal data reported in the Department's accounting system. Participant activity must be reported within ten (10) days of the occurrence. Accrued expenses and obligations must be reported monthly or within 30 days of the occurrence.
5. Grantees must complete and submit the Department's Grantee Report to OET on a quarterly basis. The specific date for reporting is indicated on the Reports Deliverable Schedule. Preference is to submit the reports

electronically. The templates and instructions are found at the link listed on the References tab. In addition, to the Department's Grantee Report, grantees must also submit quarterly, a Trial Balance as supporting documentation. *Note: the Close-Out Package is now known as the Final Department's Grantee Report.

Dislocated Worker Emergency Assistance (1E) Program Modification Requests

Chapter: 6 **Section:** 2.5

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Tags: DW State Reserve 1E

Whenever a change occurs to the current grant, a modification is required.

1. Once the grantee's initial grant award is obligated, under no circumstance may additional 1E funds be committed without prior approval from OET.
2. Modification Request for Additional Funds
 - a. To facilitate the balance between obligated, accrued and expended funds, grantees must submit timely modifications requesting the additional funds needed.
 - 1) The modification request for 1E funds must be completed according to the instructions accompanying the forms.
 - b. An application packet must be completed with a check in the "Modification" box to indicate this is a modification submission. In addition, the Overview Form OET/1E Form #020) within the application must include the amount of the initial application as well as what is being requested within the modification.
 - c. The "actual" participant counts and expenditures, up to the point of the modification request, must be provided on the Participant Detail Form (OET/1E Form #023).
 - 1) Participant and expenditure data should be revised in the last quarter to reflect accurate data at the time of submission.
 - d. Each modification must be completed in its entirety and must include all appropriate forms and attachments.
 - 1) A completed modification must include the following:
 - a) An Overview Form (OET/1E Form #020)
 - i) Information from the Grant Application Cover Page (OET/1E Form #019) auto-transfers into the Overview and Participant Detail Form. Though a Grant Application Cover Page is not required to be submitted with the modification application, the following sections must be completed for the Overview and Participant Detail Forms to be auto-filled: Section 1.1, 3.1, 3.6, 3.7, and 3.7.1.
 - b) A Participant Detail Form (OET/1E Form #023);
 - c) A Caseload Summary Report; and
 - d) A 1E Carry-Over Report.

- e. Modification requests not completed appropriately will be returned and a delay in additional funding (if requested) may result.
- f. Once the modification request is completed, it must be submitted electronically to the Office of Employment and Training (OET) for initial review.
 - 1) Modification requests sent for initial review do NOT require a CEO signature.
- g. Upon completion of the initial review, OET will inform the grantee of the approval and amount of any additional funding.
- h. The grantee will receive notification for when information must be entered in the DETS Section and the Grants Section of IWDS.
- i. The completed modification (signed by the CEO or their designee) must be submitted electronically to OET, with a signed cover letter from the CEO.
 - 1) The cover letter should explain the reason(s) for the request and the following:
 - a) Amount of the increase/decrease in funding request;
 - b) A brief explanation of the need for the change in funds;
 - c) A list of the events that are included in the application, especially those new events that may be included in the modification;
 - d) An attestation by the CEO or their designee as indication they agree to the information included in the application; and
 - e) The CEO's (or designee's) signature approving the request.

3. "No Cost Modification"

There are times when it is necessary to request the addition of a 1E event(s) and there are sufficient funds available in the current 1E grant to serve this population. In these instances, the following must be submitted in the modification request:

- a. An updated/completed modification packet must be completed with a check in the "No Cost Modification" box to indicate this is a modification submission.
- b. The "actual" participant counts and expenditures, up to the point of the modification request, must be provided on the Grant Summary Form (OET/1E Form #022) and Participant Detail Form (OET/1E Form #023).
- c. A cover letter explaining the reason for the request, including the circumstances related to the under-utilization of the funds (i.e., circumstances that require an extension on the use of funds or new events were added).
- d. A modification request must be submitted electronically as outlined in Section C, Modification Request parts 2.a. through d.1) above.

4. Grant Date Extension Request Only

There are times when it is necessary to request a date extension for the 1E grant. In instances where this is the only change, the grantee may follow the instructions below for submitting a request to OET:

- a. Submit an updated, signed 1E funding application following the instructions given including:

- 1) Selection of the appropriate "checkbox" on both the Grant Application Cover Page (OET/1E Form #019, Item 3.7.2) and the Overview Form (OET/1E Form #020, Request Type);
- 2) Entry of the requested new grant period date(s) in OET/1E Form #019, Item 3.7;
- 3) A listing of all of the approved certified events that are included in the grant to date (this should be the same list as was submitted in the most recent of the initial application or modification request).

Dislocated Worker Emergency Assistance (1E) Program Transfer of WIOA Formula Funds


Chapter: 6 **Section:** 2.6

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Tags: DW State Reserve 1E

1. Grantees are prohibited from transferring Dislocated Worker (1D) funds to the Adult Program (1A) once they have received Dislocated Worker Emergency (1E) Assistance funding during the prior or current program year.
2. Grantees that transfer Dislocated Worker formula funds (1D) to the Adult Program (1A) will not be eligible to submit funding requests for Dislocated Worker Emergency Assistance funding unless OET staff grants an exception.
 - a. If extenuating circumstances exist and an exception is needed, specific information must be provided in writing to OET staff for review and approval. The written request must include the following:
 - 1) A letter explaining the extenuating circumstances that have prompted the exception request;
 - 2) A list of the event(s) that are prompting the need for an exception;
 - 3) The number of participants included in the event(s) that are prompting the need for an exception;
 - 4) The total current 1E funds still available (including any funds remaining from prior years), as well as the total current obligations towards those funds; and
 - 5) The total current Dislocated Worker (1D) funds still available (including any funds remaining from prior years), as well as the total current obligations towards those funds.
 - b. Extenuating circumstances include such factors as delayed or phased layoffs, recent heavy enrollment, etc.
 - c. If approved, a copy of the correspondence must be submitted with the 1E grant application.
3. Shifting Dislocated Worker Formula Funds to support an Incumbent Worker Training program **does not** prevent an LWIA from applying for additional 1E funding.

Dislocated Worker Emergency Assistance (1E) Program – De-Obligation for Under-Expenditure of Funds

Chapter: 6 **Section:** 2.7

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1. OET reserves the right to review actual grant expenditures for all 1E grants and modifications during the first three quarters of each program year on or about the 30th day following the end of each of the first three (3) quarters.
2. If the grantee has expended 85 percent (85%) or more of the planned quarterly expenditures, no action will be taken by OET.
3. In the event that the local grant recipient has expended less than 85 percent (85%) of the planned quarterly expenditures, OET may de-obligate the entire remaining portion of the unspent 1E funds for the quarter.
4. Following OET review, the local grant recipient will be contacted in writing with instructions to prepare a modification to de-obligate the unexpended 1E funds.
5. The modification will be due within 30 days of OET's correspondence.

Dislocated Worker Emergency Assistance (1E) Program Performance Measures


Chapter: 6 **Section:** 2.8

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Tags: DW State Reserve 1E

1. All WIA participants are included in WIA performance measures regardless of funding source.
2. Dislocated Worker Emergency (1E) Assistance grants issued under this policy will be aggregated with Dislocated Worker formula grants (1D) to determine whether locally negotiated performance goals have been achieved.
3. Local Dislocated Worker performance goals will not be renegotiated with the award of Dislocated Worker Emergency (1E) Assistance grants or modifications.

Technical Assistance Funds (Pending)


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Policy to be determined.

Additional Funding Opportunities


Chapter: 6 **Section:** 3

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Tags: Grants, Notice of Funding Opportunity (NOFO)

At various times throughout the year the Department of Commerce and Economic Opportunity's Office of Employment and Training (DCEO/OET) will solicit applications for projects to help us advance our mission. Generally, funding for these initiatives will utilize federal funds from the U.S. Department of Labor under the Workforce Innovation and Opportunity Act, but other sources of funding may be available. The OET will issue a Notice of Funding Opportunity (NOFO) asking organizations to respond. The NOFO is typically for a specific activity that is linked to the priorities of the State of Illinois Unified Workforce Plan. Each NOFO will include detailed instructions for submitting an application. These funding opportunities are limited to public and private organizations that are in good standing with the Illinois Secretary of State. DCEO/OET selects the organizations whose responses best meet the evaluation criteria outlined in the solicitation. Active NOFOs are posted on the websites listed under the References tab.

Program Services


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Purpose

Content needed.

Career Services

Chapter: 7 Section: 1

Effective Date: 7/1/2015

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Tags: Program Eligibility, Career Services

1. Career services available to WIOA Adults and Dislocated Workers replace core and intensive services previously available under the Workforce Investment Act. While the majority of career services were either a core or intensive service, additions have been made to include the requirement for assessments and the development of an Individual Employment Plan (IEP).
 - a. Assessments can be provided by any of the agency partner programs or service providers.
 - b. Individual employment plans provide direction for the customer from the moment they enter the system until they exit and attain long-term meaningful employment.
2. There are three types of "career services": basic career services, individualized career services, and follow-up services.
 - a. Basic career services may be a self-service activity or provided through staff assistance.
 - b. Individualized career and follow-up services must be provided through staff assistance.
3. The career services that must be made available are further outlined in WIOA Section 134(b)(2) and in TEGL 19-16.

Training


Chapter: 7 **Section:** 2

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Tags: Program Eligibility

The requirements of this section relate to general eligibility of training providers of training programs.

1. All training programs must be provided by an eligible training provider, unless otherwise allowed in accordance with the Training section of the policy manual.
 - a. The case manager must work with the individual seeking training services to select a training provider program that will lead to an employment related placement.
2. All training programs, unless otherwise noted within this policy or the Training section of the policy manual, must be certified and include a target occupation(s) from the current Demand Occupation Training List for the local area.
3. Training Contract Requirements
 - a. All training contracts or written agreements must include, at a minimum, the following information:
 - 1) Who is providing the training;
 - 2) Who is to receive the training;
 - 3) What training will be provided;
 - 4) Where the training will be provided;
 - 5) The length of the training to be provided (to include the start and end date, number of days per week, and number of hours per day);
 - 6) The cost of the training program (to include only reasonable and acceptable costs); and
 - 7) If applicable, the amount of employer matching or leveraged support and how it will be provided.
 - b. Assess current training offerings to ensure that the contracts are not duplicating existing training courses and curricula. These training contracts can be performance-based to ensure that they result in real outcomes for the student.
 - c. For training that will be held away from a traditional classroom setting, assurances that reasonable working conditions are being provided (including health and safety standards established under State and Federal laws) must be included in the contract or written agreement.
4. Regardless of the type of training to be provided to a customer, an Individual Employment Plan (IEP) shall be developed that includes, at a minimum:
 - a. Employment goal and wage expectation;

- b. Employment assistance determination;
 - c. Training goal(s), including any industry recognized credentials expected to be obtained;
 - d. Training plan, including the need for remedial, pre-requisite, vocational or occupational training;
 - e. Length of training program, including expected training breaks;
 - f. All necessary training components, especially when multiple types of training are to be provided (i.e., remedial training leading to OJT or customized training); and
 - g. Supportive services necessary for the customer to complete the training.
5. All training programs must be in accordance with local workforce innovation area (LWIA) training limits and other requirements.
- a. Local areas may consider waivers or exceptions to these limits for certain training programs such as OJTs, Class Size Training, or Customized Training, to meet the needs of area employers.

Grantees shall consider all training options in order to customize training for the specific training needs of the customer. Training must lead to placement in a demand occupation.

Individual Training Accounts (ITAs)

Chapter: 7 **Section:** 2.1

Effective Date: 6/12/2019

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Status: Current 

Tags: ITAs, Program Eligibility

The Individual Training Account (ITA) finances training services for eligible individuals. WIOA Title I adults, dislocated workers, and youth ages 16-24 work with a career planner to select and then purchase the appropriate training services from those on the Eligible Training Provider List (ETPL). Participants are expected to utilize information such as skills assessments, labor market conditions/trends, and training providers' performance, and to take an active role in managing their employment future using ITAs.

ITAs are one training option available to eligible and appropriate participants when it is determined by a career planner that they will be unlikely or unable to obtain or retain employment that leads to self-sufficiency or higher wages from previous employment through career services alone. An ITA is limited in cost and duration and must result in employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment.

Training programs selected shall be connected to occupations in demand, based on current labor market information with an emphasis on employment opportunities within the Local Workforce Innovation Board's (LWIB) priority industry sectors. Training shall lead to a recognized post-secondary credential as defined by WIOA.

ITAs are allowed for out-of-school youth ages 16-24 per 20 CFR 681.550.

Use of Contracts Instead of ITAs

Chapter: 7 **Section:** 2.1.1

Effective Date: 6/12/2019

Expiration Date: Continuing

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Status: Current 

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1. The law provides that contracts may be used instead of ITAs only when one or more the five exceptions, as outlined below, apply and the customer choice requirements are fulfilled. It is possible that more than one exception might be pursued at the same time by an LWIB. If more than one exception to the use of ITAs is made by an LWIB during the same program year, the LWIA may spend a significant portion of adult and dislocated worker formula training funds using contracts for service rather than ITAs.
 - a. When the services provided are on-the-job training (OJT), customized training, incumbent worker training, or transitional jobs;
 - b. When the local board determines that there are an insufficient number of eligible providers in the local area to accomplish the purpose of a system of ITAs;
 - c. When the local board determines that there is a training services program of demonstrated effectiveness offered in the area by a community-based organization (CBO) or another private organization to serve special participant populations that face multiple barriers to employment;
 - d. When the local board determines that it would be most appropriate to contract with an institution of higher education (see WIOA Section 3(28)) or other provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations, provided that the contract does not limit consumer choice; or
 - e. When the local board is considering entering into a Pay-for-Performance contract.
 2. During a program year, an LWIA will be in compliance with the statutory requirement to utilize ITAs to the extent practical, if the LWIA, at a minimum:
 - a. Expends the majority (i.e., at least 51 percent (51%)) of combined costs incurred through ITAs and training contracts under the adult and dislocated worker programs through individual training accounts; or
 - b. Serves the majority (i.e., at least 51 percent (51%)) of adult and dislocated worker customers receiving training services through ITAs.
 - c. The 51 percent (51%) minimum criterion is set as low as possible to allow LWIBs flexibility, while still meeting the statutory requirement.

- 1) This policy is intended to allow LWIBs to pursue alternative training opportunities to expand training choices and better link workforce and economic development.
3. An LWIB that has determined that there are insufficient eligible providers in the local area to accomplish the purposes and complies with the requirements of the Act, may be in a position of not using ITAs at all or minimally. Such an LWIA will also be considered to be in compliance, regardless of the percent of combined adult and dislocated worker training funds expended through ITAs (see the Limited Training Service Providers section of this policy).

Programs of Demonstrated Effectiveness


Chapter: 7 **Section:** 2.1.2

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Tags: ITAs, Program Eligibility

1. This is an exception to the ITA requirements if the local board determines that there is a training services program of demonstrated effectiveness offered in the local area by a community-based organization or another private organization to serve special participant populations that face multiple barriers to employment.
 - a. The following criteria must exist to utilize the exception:
 - 1) The training must be for a special low-income population with multiple barriers to employment, including substantial language or cultural barriers, offenders, homeless, and disabled individuals.
 - 2) The training must be provided by a Community-Based Organization (CBO) or other private organization.
 - 3) The training provider must be an eligible WIOA Training provider.
 - b. Other requirements

The LWIB must develop criteria to determine "effectiveness" in the context of this exception. These criteria may include:

- 1) Financial stability;
- 2) Demonstrated performance in services to individuals with barriers to employment; and
- 3) How the specific program relates to the workforce investment needs identified in the local plan.

Limited Training Service Providers


Chapter: 7 **Section:** 2.1.3

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Tags: ITAs, Program Eligibility

Contracts for training rather than ITAs may be used when there is an insufficient number of eligible providers in a local area. This exception applies primarily to rural areas.

1. When the LWIB determines that there are an insufficient number of eligible providers in the local area to accomplish the purpose of a system of ITAs, the local plan must describe the process to be used in selecting the providers under a contract for services.
2. This process must include a public comment period for interested providers of at least 30 days.
3. An LWIA that has determined that there are insufficient eligible providers in the local area to accomplish the purposes of the Act and complies with the requirements of the Act may use ITAs to a limited degree or not at all.
 - a. This provision may be interpreted as a “blanket” waiver regarding the requirement to the use of ITAs.
 - b. However, given the current widespread use of ITAs in all areas of Illinois (including rural areas), it is not expected that this provision could be justified on a blanket basis.
 - c. However, there may be instances when one or more programs are either unavailable altogether or are available from one or a very few eligible providers - resulting in limited choice for training consumers.
 - d. In such cases it is more justifiable to apply this provision on an exception basis rather than as a blanket.
 - e. Applying this exception on a program-by-program basis is more consistent with the direction provided in federal rule that exceptions to the use of ITAs be infrequent.
 - f. Therefore, an LWIB may invoke this provision on a program-by-program basis.
 - g. The LWIB must document the formal action determining that there are an insufficient number of eligible providers and make appropriate modifications to the local plan to support the exception(s).
 - h. To the extent exceptions are made, such an LWIA will be considered to be in compliance, regardless of the percent of combined adult and dislocated worker training funds expended through these contracts or the proportion of customers served through ITAs.
 - i. However, it is expected that the LWIB will continue to make efforts to maximize customer choice of training options under the contract-for-services procurement approach.

- j. Contracts for training entered into under this exception may only be to eligible training providers and these programs must be on the State list of certified training programs.

Local ITA Policy


Chapter: 7 **Section:** 2.1.4

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1. Local Workforce Innovation Boards (LWIBs) must develop a local ITA policy described in the local plan that establishes and describes the restrictions on the duration and/or amounts of ITAs, procedures for making payments, and policies regarding exceptions to the limits.
 2. The local policy may also include:
 - a. Coordination of funds with other federal, State, local, or other sources of financial assistance;
 - b. Criteria established for continued funding of an ITA;
 - c. The process for career planners to track a participant's progress in their coursework; and
 - d. When an ITA may be modified.

Work-Based Learning


Chapter: 7 **Section:** 2.2

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Tags: Program Eligibility

One of the types of training services available to WIOA customers is work-based learning (WBL) that allows them the potential to earn an income while gaining critical job skills. They benefit employers by meeting their demand for "work ready" skills (assessed on the job) as well as tailored technical skills.

On-the-Job Training (OJT)

Chapter: 7 **Section:** 2.2.1

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Status: Current 

Tags: Training, Program Eligibility, OJT

On-the-Job Training (OJT) is training by an employer that is provided to a paid participant while engaged in productive work in a job that will provide the knowledge or skills essential to adequately perform the job.

OJT General Requirements

Chapter: 7 **Section:** 2.2.1.1

Effective Date: 5/11/2016

Expiration Date: Continuing

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Status: Current 

Tags: Training, Program Eligibility, OJT

1. On-the-job training (OJT) programs must provide potential new employees (adults, dislocated workers or eligible youth, when appropriate) or eligible underemployed workers with the opportunity to acquire new skills or knowledge essential to job performance.
2. The Local Workforce Innovation Board (LWIB) may approve the purchase of items required for the OJT such as tools, equipment, and uniforms.
3. The participant must be an employee during the OJT contract period and the employer must agree to the contract prior to the person's start date.
 - a. Employment will continue upon successful completion of training. Successful completion includes:
 - 1) Acquired the skills identified for the training program and met the goals of the Individualized Services Employment and Training Plan (ISTEP);
 - 2) Complied with all company and employment obligations throughout the training.
 - b. The intent of an OJT is full-time paid employment that leads to self-sufficiency according to the most current Lower Living Standard Income Level or at or above the self-sufficiency level established by the LWIB standard.
 - c. Consideration may be given to an OJT placement that is less than full-time if an individual is receiving a service other than education or training and has one or more of the following barriers to employment: adult or youth with a disability, an ex-offender, a youth aging out of foster care, eligible migrant and seasonal farmworkers, an individual who is homeless, or an English language learner, who has low literacy levels and faces substantial cultural barriers.
 - d. Employers may not hire OJT employees as independent contractors.
4. Employers are ineligible for an OJT contract if they have previously exhibited a pattern of failing to provide OJT participants with continued long-term employment with wages, benefits and working conditions that are equal to those provided to regular employees who have worked a similar length of time and are doing the same type of work.
5. Training does not have to occur at the employer's location.
 - a. OJT providers are *not* subject to the eligibility requirements for WIOA training providers.

- b. Although these providers are not included in the State Eligible Training Provider List (ETPL), they are considered to be eligible providers of training services.
6. Local Workforce Innovation Boards (LWIBs) may combine OJTs with other forms of training.
 - a. As part of a participant's ISTEP, OJT may combine other types of training such as work experience, classroom, and remediation. Training is paid for using an Individual Training Account (ITA).
 - b. OJT may combine with ITAs to support placing participants into Registered Apprenticeship programs.
 - c. When combining OJT with other types of training such as those above, only the OJT hours are eligible for wage reimbursement.
7. OJT participants are not eligible to receive Needs Related Payments (NRPs).
8. OJT participants cannot be immediate family members of the business owner or direct supervisor. The term "immediate family" includes a spouse, child, son-in-law, daughter in-law, parent, mother-in-law, father-in-law, sibling, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, and grandchild.

OJT Employer Eligibility

Chapter: 7 **Section:** 2.2.1.1.1

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Status: Current 

Tags: Training, Program Eligibility, OJT

1. Employers in the public, private non-profit or private sector may use OJT programs.
2. A staffing agency is an eligible employer for WIOA-funded OJTs if the staffing agency meets the following conditions:
 - a. The position is “temp to hire” and the host employer will hire the participant within a time as defined by LWIB policy.
 - b. The placement from the staffing agency must be full-time as defined by the host employer.
 - c. The OJT participant wages and working conditions are at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.
3. The wage provided by the employer to the OJT participant must be at least equal to the federal, state or local minimum wage (Fair Labor Standards Act).
4. In addition to meeting the General Requirements of this policy, an employer will be ineligible to receive a WIOA OJT contract at the worksite location if:
 - a. The employer has any other individual on layoff from the same or equivalent position.
 - b. The same or equivalent position is open due to a hiring freeze.
 - c. The OJT would infringe upon the promotion of or displacement of currently employed workers or a reduction in their hours.
 - d. The employer has terminated the employment of any regular employee or caused an involuntary reduction in its workforce with the intention of filling the vacancy with OJT participants.
 - e. The positions are for seasonal employment.
5. The employer must have the capacity and commitment to ensuring that the OJT program will address skills gaps specific to the individual and that staff has the time and knowledge to carry out the necessary training.
6. The employer agrees to cooperate with monitoring and reporting efforts as required by WIOA legislation, including a pre-award survey and adhere to all other applicable local, state and federal rules and regulations.

OJT Apprenticeship


Chapter: 7 **Section:** 2.2.1.1.2

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Tags: Training, Program Eligibility, OJT

1. The LWIB may establish an OJT contract with an employer that has a registered apprenticeship program, but only the OJT hours are eligible for wage reimbursement through the OJT portion of the program.
2. Individual Training Accounts (ITAs) and OJT funds may be combined to support placing participants into a registered apprenticeship program, just as they can be used together for a participant who is not in a registered apprenticeship.
 - a. The LWIB may choose to set the duration or a financial limit on ITAs and OJTs for apprenticeships as defined in the LWIB policy for such programs.
 - b. An ITA may support the classroom portions of the apprenticeship program, and OJT funds may only support the on-the-job training portions of the program.
3. Depending on the length of the registered apprenticeship and local OJT policies, WIOA OJT funds may cover some or all of the registered apprenticeship training.

OJT Local Workforce Innovation Board (LWIB) Responsibility

Chapter: 7 **Section:** 2.2.1.1.3

Effective Date: 5/11/2016

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Tags: Training, Program Eligibility, OJT

1. LWIBs must set policy for implementing OJTs including:
 - a. The position(s) authorized to negotiate OJT contracts on behalf of the LWIB.
 - b. A procedure that verifies the employer is suitable for OJT and meets state and federal policy and guidelines (i.e., working conditions (safety and health), wage structure, turnover rate, etc.).
 - c. Procedures guiding OJT contract modifications and employer disputes with the grantor and/or the trainee.
 - d. The maximum length of time the OJT may be in place as well as financial limits for the OJT that considers:
 - 1) The amount of time it should take the individual named in the contract to become proficient in the occupation for which he or she is hired, as defined by DOL's Specific Vocational Preparation (SVP), including apprenticeships.
 - 2) The participant's pre-existing knowledge and skills relevant to the position for which he or she is hired based on the required personalized knowledge and skills assessment.
 - 3) The LWIB financial limits for OJTs or ITAs.
 - e. A policy on the use of staffing agencies, if the LWIB chooses to allow OJT contracts with staffing agencies. At a minimum, the policy must include:
 - 1) The maximum length the "temp to hire" can be in place before the host employer must hire the participant full-time.
 - 2) A description of how the host employer and the staffing agency will meet the OJT obligation, including who will act as the employer of record. Both must sign the contract to ensure an understanding with reporting requirements and provide assurance that both will abide by provisions within local and state policy.
2. Prior to entering into an OJT contract with an employer, the LWIB's designee must conduct a pre-award survey that includes verification of employer eligibility outlined in the Employer Eligibility of this policy.

OJT Contracts and Modifications


Chapter: 7 **Section:** 2.2.1.1.4

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Tags: Training, Program Eligibility, OJT

1. Upon determining the employer's capacity to provide OJT programs, the LWIB designee negotiates an OJT contract with the employer to determine an individualized training plan, reimbursement rate and training length, among other contract provisions deemed appropriate by the LWIB. The standardized OJT contract that LWIBs will use is attached to this policy.
2. The LWIB designee is responsible for selecting and contracting with employers in the public, private non-profit or private sector to provide high quality OJT programs.
3. The LWIB must perform a standardized pre-award review, prior to receiving a contract that at a minimum:
 - a. Is documented jointly by the LWIB designee and the OJT employer that includes names under which the establishment does or has done business, including the name, title, and address of the company official certifying the information.
 - b. Determine whether WIOA assistance in connection with past or impending job losses at other facilities has occurred; including a review of whether the employer filed any WARN notices within the previous four (4) months.
4. The OJT contract must be limited to the period required for each participant to become proficient in the occupation for which he or she is hired and the training is being provided.
 - a. The appropriate duration and intensity of the training is based on a skills gap assessment that considers the following:
 - 1) The skill requirement of the occupation;
 - 2) The academic and occupational skill level of the participant;
 - 3) Prior work experience; and
 - 4) The participant's individual employment plan.
 - b. The skill requirement of the occupation should align with the SVP time estimate determined by USDOL which includes the time required to learn the techniques, acquire the information and develop the skills needed for average performance in a job. This occupational preparation includes time spent in training programs, academic training, and related work experience.

Level	Time

1	*Short demonstration only
2	*Beyond short demonstration up to and including 30 days
3	Over 30 days, up to and including 3 months
4	Over 3 months, up to and including 6 months
5	Over 6 months, up to and including 1 year
6	Over 1 year, up to and including 2 years
7	Over 2 years, up to and including 4 years
8	Over 4 years, up to and including 10 years
9	Over 10 years

5. OJT contracts with eligible employers may allow the employer to provide OJT to a single employee or to multiple employees. In the case of multiple employees, each person must have an individualized assessment of knowledge and skills relevant to the position to determine the content and duration of the OJT training plan.
6. OJT contracts need to be modified if there are significant changes, such as layoffs or changes in federal, state, and local rules and policies pertaining to the implementation of OJTs.

OJT Participant Eligibility


Chapter: 7 **Section:** 2.2.1.1.5

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Tags: Training, Program Eligibility, OJT

1. OJT participants must be determined eligible for each applicable funding source (i.e., WIOA Adult, Dislocated Worker, or Youth formula funded programs) and have worked with the career planner to complete the following:
 - a. A thorough personal assessment of the participant's pre-existing knowledge and skills relevant to the OJT position; and
 - b. An Individualized Services Employment and Training Plan (ISTEP) that meets the specific skill requirements for the position at the hiring employer.
2. OJT may be used to train an underemployed customer who currently works at the OJT employer only if the OJT elevates that employee to reach at least a self-sufficient wage through skill upgrade training that relates to any of the following:
 - a. The employee is not earning a self-sufficient wage as determined by the Local Workforce Innovation Board (LWIB) policy;
 - b. The OJT contract complies with the OJT Reimbursements section of this policy;
 - c. The OJT relates to the introduction of new technologies, new production or service procedures, an upgrade to a higher-skilled position requiring the individual to learn additional skills;
 - d. Other appropriate purposes identified by the LWIB; or
 - e. LWIBs may choose to consider OJT contracts for eligible youth when it is appropriate based on the needs identified by the objective assessment of the individual youth and the individual's likelihood of long-term success if given the opportunity.

OJT Reimbursements

Chapter: 7 **Section:** 2.2.1.1.6

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Tags: Training, Program Eligibility, OJT

1. OJT is provided for a WIOA customer in exchange for a negotiated reimbursement wage rate to compensate for the employer's extraordinary costs of training and additional supervision related to the training.
 - a. The LWIB may approve increasing the reimbursement wage rate up to 75% when taking into account the following factors:
 - 1) The characteristics of the participants taking into consideration whether they are "individuals with barriers to employment" thus, LWIB policy may provide a higher rate of reimbursement for individuals who will require more intensive training than individuals without barriers;
 - 2) The size of the employer;
 - a) The LWIB shall consider the size of the business based on the total number of full-time employees at the location where the OJT will occur.
 - 3) The quality of employer-provided training and advancement opportunities; and
 - 4) Other factors the LWIB determines to be appropriate, including but not limited to: the occupation of training, receipt of an industry-recognized credential after training, the number of employees participating, the participant's work history, labor market conditions, hourly wage, fringe benefits, promotional opportunities, the career planner's overall training budget, etc.
 - b. An employee in OJT may work overtime hours, but overtime hours are not eligible for wage reimbursement.
 - c. Funds provided to employers for OJT must not directly or indirectly assist, promote or deter union organizing.
 - d. WIOA funds may not be used to provide OJT if the business has relocated from a location that resulted in any employee losing his or her job at the original location. In this instance, the business would only be eligible for OJT after they have been operational at the current site for more than 120 days.

OJT Monitoring and Evaluation


Chapter: 7 **Section:** 2.2.1.1.7

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Tags: Training, Program Eligibility, OJT

1. The LWIB designee is also responsible for monitoring local OJT outcomes for participants and employers, including whether the OJT programs result in long-term employment or if applicable, an industry-recognized credential.
2. Local procedures must ensure verification of reimbursement requests, hours worked and the rate of pay by reviewing such documentation as invoices, timesheets and payroll or other documentation prior to payments being made to ensure compliance with program requirements and contract provisions.
3. On-site monitoring and/or desk reviews should be conducted by the LWIB designee shortly after the participant begins work, with additional visits scheduled at appropriate intervals (determined by length of OJT Training Plan).
4. The LWIB designee must establish periodic reviews with the employer to evaluate the progress of the participants' in the OJT.
5. OJT programs will be subject to State monitoring.

Customized Training


Chapter: 7 **Section:** 2.2.2

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Tags: Program Eligibility

Customized training is designed to meet the special requirements of an employer or group of employers.

1. The employer(s) must pay not less than fifty percent (50%) of the cost of the training.
 - a. Employer matching costs must be in cash, or in-kind, must be documented, and are subject to audit.
 - b. Customized training may be provided to eligible unemployed persons and, in some cases (as described below), to eligible employed workers.
2. The employer (or group of employers) must commit to hire WIOA customers who successfully complete the customized training program and trainees must agree to accept employment offers from the employer.
 - a. Local areas shall include language for this requirement into a signed agreement between the WIOA provider, the employer and the customer prior to the start of the training program.
3. A customized training contract may also be written to train a WIOA customer who is already working for the employer (or group of employers) for which the customized training is being provided, when the employee is not earning a self-sufficient wage. In this situation, customized training provided to a previously employed worker must elevate the employee to reach at least a self-sufficient wage through skill upgrade training that relates to either:
 - a. The introduction by the employer of new technologies;
 - b. The introduction to new production or service procedures;
 - c. Upgrading to new jobs that require additional skills/workplace literacy; or
 - d. Other appropriate purposes identified by the local board.

Incumbent Worker Training (IWT)


Chapter: 7 **Section:** 2.2.3

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Tags: Incumbent Worker, Training, Program Eligibility

This policy provides general guidance for all Incumbent Worker Training (IWT) projects, as well as specific guidance for the formula fund grants (refer to attachment on "Incumbent Worker Training Requirements Formula Fund Grants) for Local Workforce Innovation Areas (LWIAs) utilizing their statutory authority and Discretionary fund grants (refer to attachment on "Incumbent Worker Training Requirements Discretionary (Rapid Response and Statewide Activities) Fund Grants) for grantees of either the Rapid Response or Statewide Activities fifteen percent (15%) funds.

IWT Definition

Chapter: 7 **Section:** 2.2.3.1

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Status: Current 

Tags: Incumbent Worker, Training, Program Eligibility

1. Incumbent worker training (IWT) under the Workforce Innovation and Opportunity Act (WIOA) provides both workers and employers with the opportunity to build and maintain a quality workforce and increase both participants' and companies' competitiveness.
2. It is a type of work-based training and upskilling designed to ensure that employees of a company can acquire the skills necessary to retain employment and advance within the company, or to acquire the skills necessary to avert a layoff.
3. Incumbent worker training is responsive to the special requirements of an employer or a group of employers in partnership with other entities for the purposes of delivering training to:
 - a. Help avert potential layoffs of employees or
 - b. Increase the skill levels of employees so they can be promoted within the company and create backfill opportunities for the employers.

IWT Employer's Eligibility


Chapter: 7 **Section:** 2.2.3.2

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Tags: Incumbent Worker, Training, Program Eligibility

1. The State and Local Workforce Innovation Boards (WIBs) must determine an employer's eligibility for participating in IWT based on the following factors which help to evaluate whether training would increase the competitiveness of the employees and/or employers:
 - a. The characteristics of the individuals in the program (e.g. "individuals with barriers to employment" (WIOA Section 3(24)));
 - b. The relationship of the training to the competitiveness of the individual and employer; and
 - c. Other factors the state or local boards may determine appropriate could include:
 - 1) The number of employees participating in the training;
 - 2) The employees' advancement opportunities along with wages and benefits (both pre- and post-training earnings);
 - 3) The existence of other training and advancement opportunities provided by the employer;
 - 4) Credentials and skills gained as a result of the training;
 - 5) Layoffs averted as a result of the training;
 - 6) Utilization as part of a larger sector and/or career pathway strategy; or
 - 7) Employer size.

Individuals Receiving IWT


Chapter: 7 **Section:** 2.2.3.3

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Tags: Incumbent Worker, Training, Program Eligibility

1. For an employer to receive Incumbent Worker Training funds, individual(s) receiving training must be:
 - a. Employed;
 - b. Meet the Fair Labor Standards Act requirements for an employer-employee relationship; and
 - c. Have an established employment history with the employer for six months or more (which may include time spent as a temporary or contract worker performing work for the employer receiving IWT funds).
 - d. If IWT is being provided to a cohort of employees, not every employee in the cohort must have an established employment history with the employer for six months or more, if the majority of employees being trained meets the employment history requirement.

IWT General Requirements

Chapter: 7 **Section:** 2.2.3.4

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Tags: Incumbent Worker, Training, Program Eligibility

The following requirements apply to ALL Incumbent Worker Training programs whether funded through the formula fund or discretionary fund grants.

1. Information on the participating employer(s) and incumbent workers is collected and reported to OET as outlined in the IWT Programmatic Reporting section of this policy.
2. The prohibition against using WIOA Title I funds to encourage business relocation, as described in the WIOA Rule at 683.260 applies to incumbent worker training funds.
 - a. If the relocation resulted in any employee losing his or her job at the original location, the 120-day rule set forth in the Pre-Award Survey for Relocating Establishments section of the policy manual and subsequent changes must be observed.
 - b. In such cases, IWT may not be provided until the company has operated at the new location for 120 days.

IWT Matching and Allowable Costs

Chapter: 7 **Section:** 2.2.3.5

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Tags: Incumbent Worker, Training, Program Eligibility

1. Matching Requirements

- a. Employers participating in IWT are required to provide matching support (direct financial support or third party in-kind) for the costs of providing the training to incumbent workers.
- b. All matching contributions must clearly relate to incumbent worker training and must meet the requirements described in 29 CFR 200.306, Cost Sharing or Matching.
- c. The non-federal share match contributed by an employer may include the amount of the wages paid by the employer(s) to an incumbent worker while the incumbent worker is attending a training program and may include other in-kind contributions.
- d. The total cost of the entire project is the basis for calculating the required employer match.
- e. Grantees should not add the employer match to the cost of training when entering project plans.
- f. Employers must provide a minimum of ten percent (10%) in matching contributions. There is no maximum limit to the amount of matching contributions an employer must provide.
- g. The type of match, either in cash or in-kind, is fairly evaluated and follows the specified non-federal share (match) requirements below:
 - 1) Ten percent (10%) of the cost, for employers with not more than 50 employees;
 - 2) Twenty-five percent (25%) of the cost, for employers with more than 50 employees, but not more than 100 employees; or
 - 3) Fifty percent (50%) of the cost, for employers with more than 100 employees.
- h. The employer match must be tracked by the Local Workforce Innovation Area (LWIA) and reported in the Department's Accounting System.

2. Allowable Costs - Costs that are reasonable and necessary for the conduct of the training are allowable.

- a. Listed below are extraordinary costs (i.e., beyond normal operating costs) that may be reimbursed through the grant or used as the matching contribution when incurred after the local area and business execute the IWT Employer Agreement outlined in the IWT Employer Agreement section of this policy.

- 1) Training development;
 - 2) Instructor wages (non-company employed trainer wages only);
 - 3) Tuition;
 - 4) Training materials and supplies;
 - 5) Fees required to complete training;
 - 6) Travel for trainers and trainees beyond normal commute;
 - 7) Training facility costs (off-site);
 - 8) Training facility costs (on-site only, if it results in an extraordinary cost to the company, e.g., shut down a line/production to conduct the training);
 - 9) Cost for use of firm's equipment during training; or
 - 10) Fees for technical or professional certifications and/or licensures.
- b. Trainee wages while in training may be used to meet the employer's match requirement, but are not reimbursable costs to the WIOA grant; fringe benefits are neither reimbursable nor applicable to the employer's match.
- c. Although not prohibited, costs associated with Supportive Services are discouraged since incumbent workers are employed, the need for supportive services underwritten with WIOA funds is expected to be minimal.

IWT Employer Agreement


Chapter: 7 **Section:** 2.2.3.6

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Tags: Incumbent Worker, Training, Program Eligibility

1. All training programs provided as part of an IWT project must be competitively procured in accordance with local procurement policies submitted as part of the local plan and in accordance with 2 CFR 200.317 – 200.326, as applicable.
2. The signed IWT contract/written agreement between the local workforce innovation board (LWIB) and the employer at a minimum must contain the following:
 - a. Who is providing the training;
 - b. What training will be provided;
 - c. Where the training will be provided;
 - d. The length of the training to be provided (to include the start and end date, number of days per week, and number of hours per day);
 - e. The cost of the training program (to include only reasonable and acceptable costs);
 - f. The amount of employer matching support and how it will be provided;
 - g. Certification that all incumbent workers to be trained through the project have been employed by the company for six months or more unless the exceptions listed in WIOA regulations apply; and
 - h. An agreement by the employer to provide company and client information necessary to track worker/project activity and outcomes within 30 days of the end of the calendar quarter.

IWT Program Application Process


Chapter: 7 **Section:** 2.2.3.7

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Tags: Incumbent Worker, Training, Program Eligibility

All Incumbent Worker Training Program applications (and subsequent activity documentation, including required reporting elements) must be entered and submitted in the Incumbent Worker Tracking System (IWTS) of Illinois workNet prior to the execution of local funding agreements with employers and before trainers are hired.

1. The system allows controlled access using roles and role definitions.
 - a. All users with access to initiate, enter, view, or report information about incumbent worker training events are required to have an Illinois workNet account.
 - b. Instructions on registering for an Illinois workNet account are available on the website.
 - c. User roles define access based on their affiliation with the incumbent worker training projects and include DCEO staff, grant recipients, employers, and participating incumbent workers.
2. Grant recipients are responsible for the submission of all Training Program Project Plans and other required reporting elements.
 - a. In situations where companies are reluctant to provide SSNs, the responsibility for data input into IWTS may be shared with the employer.
 - 1) Sharing of data input allows maintenance of confidentiality of incumbent worker information. (Note Social Security Numbers and dates of birth are required to be entered to verify the employer/incumbent worker relationship; however, Social Security Numbers will be encrypted following Training and Employment Guidance Letter (TEGL) 39-11 Guidance on the Handling and Protection of Personally Identifiable Information (PII) and will not be visible on any reports.)
 - 2) The grant recipient is responsible for accuracy of all data input by the employer/incumbent workers.
3. A process has been developed and outlined to describe the user's key interactions with IWTS.
 - a. All users must interact with the system and the order of events as depicted in the process workflow.
 - b. The process workflow is available on IWTS.
 - c. The process workflow consists of the following steps:

- 1) Identification of the grant recipients for the IWT project, including contact information and reporting elements;
- 2) Submission of IWT project plans to DCEO (as outlined in the Incumbent Worker Training Requirements Formula Fund Grants and Incumbent Worker Training Requirements Discretionary (Rapid Response and Statewide Activities) Fund Grants attachments);
- 3) Identification of the employers participating in the IWT project;
- 4) Identification of each worksite where IWT projects will be conducted;
- 5) Identification of the training providers and specific training activities for the project;
- 6) Identification of the incumbent workers participating in the training;
- 7) Documentation of training outcomes for each incumbent worker including the Skill Attainment goals of the project for each incumbent worker; and
- 8) Submission of Quarterly and Final reports documenting progress and Completion information (further requirements of Quarterly and Final reporting are outlined in IWT Programmatic Reporting).
- 9) All information in 1)-7) above must be entered and submitted within ten (10) days of the end of each month.

IWT Programmatic Reporting


Chapter: 7 **Section:** 2.2.3.8

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Tags: Incumbent Worker, Training, Program Eligibility

1. Reporting on Incumbent Worker Training programs will occur quarterly for each project identified in the approved grant or plan submitted pursuant to the requirements of this policy.
2. The quarterly reporting periods will be January through March, April through June, July through September, and October through December.
3. Quarterly reports are to be completed and submitted via IWTS within 30 days from the end of each quarter.
4. Final report data must be submitted through the system within 45 days of the end of the project.

IWT Performance Requirements


Chapter: 7 **Section:** 2.2.3.9

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Tags: Incumbent Worker, Training, Program Eligibility

1. Incumbent workers are not required to be determined WIOA eligible, thus they are not considered WIOA participants unless they are co-enrolled under the adult or dislocated worker program.
2. However, they will be reported in the ETA 9170 – WIOA Participant Individual Record Layout (PIRL) file.
 - a. As a result, they will not count towards local performance standards.
 - b. They will, however, count towards the State performance measures.

Bridge Programs and Career Pathways


Chapter: 7 **Section:** 2.3

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Tags: Program Eligibility

1. Bridge Programs prepare adults with limited academic or limited English skills to enter and succeed in postsecondary education and training leading to career-path employment in demand occupations as identified by the local labor market information. The goal of bridge programs is to sequentially bridge the gap between the initial skills of individuals and what they need to enter and succeed in postsecondary education and career-path employment.
 - a. Bridge Programs must be provided as a training service as outlined in the customer's IEP.
 - b. The delivery of Bridge Programs does NOT have to be through an eligible training provider with a certified training program; they may be provided by:
 - 1) An approved and funded Illinois Community College Board (ICCB) Adult Education program;
 - 2) The credit or non-credit department(s) of a community college; or
 - 3) Community-based organization (CBO) or other type of provider that offers non-credit workforce training.
 - c. Training programs may be offered by a single entity (e.g., a community college or a CBO) or by a partnership (e.g., a CBO and a community college).
 - d. Regardless of the provider, they:
 - 1) May provide opportunities to earn college credit (such as through escrow credit accounts);
 - 2) May offer dual enrollment in credit and non-credit programs; or
 - 3) May offer a multi-level program that moves people from an adult education course offered by one provider to a non-credit occupational course offered by the same or another provider.
 - e. All bridge program providers must use pre-skill assessments consistent with program requirements to place students into the appropriate courses as well as post-skill assessments to measure progress. All providers will use data tracking systems to collect and analyze key information about bridge program participants and graduates.

Class-Size Training


Chapter: 7 **Section:** 2.4

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Tags: Program Eligibility

1. Training services include the full range of occupational skills training, adult education and literacy services, and customized training. Class-size training programs should be viewed as a group of ITAs combined into all or a portion of a training program utilizing approved training programs provided by eligible training providers.
 - a. Prior to entering into a class-size training contract, an assessment is encouraged to ensure that the proposed training courses and curricula are not duplicating existing programs in place.
 - b. Development of curriculum is allowable for only emerging sectors or when there is a need to enhance the capacity of the training institution and development time is limited to six (6) months.
 - c. Only class-size training contracts tied to demand occupations are allowed.
 - 1) The training contracts must be with a certified training program on the state's approved training program list.
 - 2) Participants receiving the training must meet individual WIOA eligibility requirements for adults or dislocated workers. Additionally, LWIBs must be aware of, and continue to comply with the following requirements:
 - a) The current ten percent (10%) limit on local administrative costs applies.
 - b) No additional amount shall be set aside for administrative costs associated with class-size training contracts.
 - 3) LWIBs are still subject to the reallocation of funds requirements. These requirements include funds diverted for class-size training contracts.
 - d. Contract Provisions
 - 1) All contracts for class-size training contracts must be competitively procured in accordance with grantee procurement policies.
 - 2) Contracts must ensure that all WIOA eligible populations have access to the training offerings.
 - 3) Contracts must take into consideration the customer's skill gap for occupations under consideration for training.
 - 4) Contracts must contain, at a minimum, the following:
 - a) All requirements of the Training section of this policy;
 - b) List of the demand occupation(s) that this training program is intended to address;
 - c) Description of the methods of delivery or presentation of the training program;

- d) Identification of the number of individuals who will be provided with the training program;
 - e) Description of any tutoring to be provided including who will provide the tutoring, and how many participants will receive the tutoring;
 - f) Description of what constitutes successful completion of the training program and should be performance-based to ensure completion results in real outcomes;
 - g) Description of the training schedule;
 - h) Description of the payment terms;
 - i) Description of the methods for recapture of overpayments; and
 - j) Description of the provisions for termination (such as for lack of participant attendance).
- e. Programmatic reporting requirements of Class-Size Training Contracts include entry of information on participants into the Illinois Workforce Development System (IWDS) including:
- 1) All participants of a class-size training contract must be enrolled into IWDS as either an adult (1A) or dislocated worker (1D) participant. Enrollment in IWDS would include selection of the following:
 - a) "Vocational training" that is identified as class-size training as their activity code; and
 - b) All other related training enrollment data (such as start date, training provider, training program, etc.).

Work Experience and Transitional Employment


Chapter: 7 **Section:** 2.5

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Tags: Program Eligibility

Not all educational experiences available to WIOA participants are classified as training services or occur under conditions similar to those outlined in the Training section of the policy manual. Work Experience can be used by the customer to successfully complete their training goals.

1. Work experience is a planned, structured learning experience that takes place in a workplace for a limited period and may be paid or unpaid. Work experience differs from OJT and IWT training in that there is no hiring occurring prior to or agreement to hire following the learning experience. Work experience is considered an intensive service under WIOA.
 - a. Participants in a paid work experience must be provided a reasonable wage to the extent that it is consistent with that paid for similar work according to the Uniform Guidance at 2 CFR 200. Reasonableness of compensation is addressed at 2 CFR 200.430(b).
 - b. The employment of participants must not occur at a workplace where:
 - 1) A participant's employment would unfavorably impact current employees (a youth participant would displace all or a portion of a current employee's hours including overtime, wages, employment benefits, or promotional opportunities);
 - 2) A participant's employment would impair existing contracts for services or collective bargaining agreements;
 - 3) A participant's employment would replace the work of employees who have experienced layoffs; or
 - 4) An employer has terminated a regular employee or otherwise reduced its workforce with the intention of replacing them with participants subsidized with these funds.
 - c. The work experience has meaningful and adequate supervision (with provisions made for supervision when the regular supervisor may not be available).
 - d. The work experience is achieving the goals for which it was designed (possibly with documented learning experiences).

Training Provider and Training Program Eligibility


Chapter: 7 **Section:** 3

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Tags: Program Eligibility

The following outlines the general criteria for a training provider to be considered for initial eligibility by a Local Workforce Innovation Board (LWIB), as well as for its training programs.

1. The Workforce Innovation and Opportunity Act (WIOA) requires all states to establish a procedure for Local Workforce Innovation Boards (LWIBs) to determine eligibility for training programs. Only eligible training providers and their eligible training programs will be included in the state's Eligible Training Provider List (ETPL). The requirements of this policy apply to all organizations providing training services to WIOA adults and dislocated workers.
2. Providers of on-the-job training, customized training, incumbent worker training, internships, and paid or unpaid work experience opportunities, or transitional employment shall not be subject to the requirements of this policy.
3. Training providers and training programs previously approved for transitional eligibility on July 1, 2015 must apply and be approved for continued eligibility prior to July 1, 2016 following the process outlined in the Continued Eligibility section of this policy.
 - a. Transitional providers and programs that are not provided such determination by July 1, 2016 must follow the process for initial eligibility as outlined in the Initial Eligibility section of this policy.
 - b. New providers or programs that were not approved for transitional eligibility must follow the process for initial eligibility as outlined in the Initial Eligibility section of this policy.
 - c. WIOA participants enrolled in training programs that are not approved for continued eligibility prior to July 1, 2016 shall be allowed to complete the training program.
 - 1) The only exception is if a training provider and/or its programs are determined to have intentionally supplied inaccurate information or to have substantially violated any provision of the WIOA regulations or of Title IB of the Workforce Innovation and Opportunity Act (WIOA), or substantially violated any other requirements as outlined in local policy.
 - i) Customers of such programs shall be provided assistance in enrolling in a similar training program to complete the intended training outcome, or if not available, a new training program.
 - 2) A provider of training services whose eligibility is terminated under subparagraph 3.c.1 of this policy may be liable for the repayment of funds received under WIOA or WIA.
4. To be eligible to receive funds for the provision of training services, the provider shall be:

- a. An institution of higher education that provides a program that leads to a recognized postsecondary credential;
 - 1) This may include programs receiving approval or accreditation by the U.S. Department of Education, Illinois Board of Higher Education, Illinois Community College Board, or Illinois State Board of Education;
- b. An entity that carries out programs registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) as recognized in Illinois by the U.S. Department of Labor (USDOL), Office of Apprenticeship; or
- c. Another public or private provider of a program of training services, which may include joint labor-management organizations; eligible providers of adult education and literacy activities under Title II if such activities are provided in combination with occupational skills training; or programs that have been recognized by the industry as meeting the standards necessary for approval or accreditation, when such standards exist.

Registered Apprenticeship


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Tags: Program Eligibility

All Registered Apprenticeship (RA) programs registered with USDOL, Office of Apprenticeship or a recognized state apprenticeship agency are automatically eligible to be included as an eligible training provider so long as they show interest in being added to the Eligible Training Provider List (ETPL) and the following process is completed:

1. Registered Apprenticeships must indicate their interest in being included on the ETPL.
2. Local Workforce Innovation Areas (LWIAs) should inform the RAs in their local area via mass email, phone call, or other method of these requirements.
3. An RA may contact its LWIA or State of Illinois, Office of Employment and Training to indicate its interest in being included on the ETPL.
4. LWIAs must notify Department of Commerce, Office of Employment and Training (OET) in writing of all registered apprenticeship programs that have shown interest in being included on the ETPL.
5. Notification to OET should be made electronically to the staff listed on the contacts tab.
6. The following information is required for inclusion on the ETPL and should be provided for all programs of the RA:
 - a. Occupations included within the RA program(s);
 - b. Name and address of the program(s) sponsor;
 - c. Name and address of the Related Technical Instruction Provider(s), and the location(s) of instruction, if different from the program sponsor's address;
 - d. Method and length of instruction; and
 - e. Number of active apprentices in each program.
7. The following information may be provided but is optional:
 - a. Cost of the program(s);
 - b. Registered Apprenticeship program sponsors that do not provide the Related Technical Instruction portion of the apprenticeship program (as outlined above) may be required to provide additional information about their education provider.

8. A Registered Apprenticeship program expressing interest in being included on the ETPL will be added on a statewide basis; thus, if it has multiple locations, the RA would only need to show interest once, but must still provide information on every program it is providing.

Initial Eligibility


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Initial Eligibility, except those providers and programs previously provided transitional eligibility under General Eligibility for Training Providers, paragraph 3 or Registered Apprenticeships sections of this policy.

New training providers must apply for Initial Eligibility in accordance with the following guidance:

1. Applications for Initial Eligibility of Training Providers and Training Programs
 - a. Applications for initial eligibility must be submitted according to the geographical location of the training program. The LWIA should instruct the training provider as to where they should apply for each training program, as follows:
 - 1) Training programs located in a single LWIA must initially apply with the LWIA where its program is geographically located.
 - 2) Training programs offered in multiple LWIAs and identical across each of the LWIAs must initially apply to the LWIA in which the training provider has identified as its headquarters and/or primary location.
 - 3) Training programs offered in multiple LWIAs - but the program is not substantially the same across the various LWIAs - must initially apply to each LWIA in which the training program is offered.
 - 4) Training programs located out-of-state or not offered at a physical location (e.g., distance learning) must initially apply to the LWIA from which it anticipates receiving the most students.
 - b. A training provider is prohibited from applying for training program eligibility in LWIAs where the program site is not geographically located, unless the LWIA in which the program is located denies eligibility or fails to act on the application within 30 days of the date of application.
2. General Eligibility - LWIBs must verify that all training programs (except those programs of out-of-state training providers) for which a training provider is seeking eligibility have met the following guidelines:
 - a. The training provider has gathered all of the mandatory information found in the Requirements for Training Program Initial Eligibility and Continued Eligibility attachment and the information has been entered into IWDS.
 - 1) Once the LWIA has verified eligibility of a training provider, they must set up a Training Provider record in the Illinois Workforce Development System (IWDS) as outlined in the Requirements for Training Program Initial Eligibility and Continued Eligibility attachment.
 - 2) After the LWIA has entered the training provider on IWDS, the LWIA must supply the training provider with the following:

- a) The user ID for the primary contact that is generated by IWDS to be used by the training provider when they log into the system to request eligibility of training programs or need to update information on a training program;
 - b) The temporary password for the primary contact that is generated by IWDS to be used by the training provider to log into the system the first time (the primary contact for the training provider should then change the password to a personally selected unique password); and
 - c) The web address to the IWDS system that will direct the training provider to the appropriate system screen. (See the References tab).
- 3) The training provider should begin adding training programs into IWDS to be determined eligible and add contacts for each training program.
- b. The specific training provider and training program performance data, as outlined in the Performance Measures section of this policy, has been provided when available.
- c. The training provider has provided all other information required by the LWIA for which it is seeking eligibility.
- 1) LWIBs reserve the right to impose additional criteria through local policy that is unique to conditions within a particular LWIA so long as they meet, at a minimum, federal and state requirements.
 - 2) Conditions that should be considered include economic, geographic and demographic conditions in the area and characteristics of the population served by the provider may be considered.
- d. The training provider's program is intended to lead to placement in a Demand Occupation as identified on the Demand Occupation Training List for the Economic Development Region in which they are geographically located.
- 1) Exceptions to this requirement include:
 - a) The training program, as identified on the Demand Occupation Training List (DOTL), is intended to be a beginning step in a Career Pathway or Bridge Program that would lead to placement in a Demand Occupation.
 - b) The training provider's program provides **only** basic skills and/or remedial training.
 - 2) Occupations associated with eligible training programs can only be selected from those available on the demand occupation list.
 - 3) LWIAs may choose to accept applications for training in occupations from any of the Demand Occupation Training Lists in which they are geographically located.
 - 4) Once a customer has begun a qualified training program, he or she shall be allowed to complete the program regardless of whether the occupation still qualifies as a demand occupation.
 - 5) LWIBs may request additional occupations be added to their Regional list. Such conditions as a new plant opening, facility expansion, addition to the state or federal key sector initiatives or other reasons that might indicate multiple job openings will be available.
 - a) Requests may also be made to add an occupation when it is the beginning step in a Career Pathway or Bridge Program and is intended to be followed by further training in postsecondary education.
 - b) Requests must be made utilizing the Demand Occupation Request Form and include at a minimum:
 - i) Annual average job opening data for the region, state, and surrounding areas that would support a significant number of employment opportunities;
 - ii) Entry level wage data;
 - iii) Information indicating the occupation is on a Career Pathway;

- iv) Completion rates of the training program for both WIOA participants and all students; and
 - v) Entered employment rates in the occupation for both WIOA participants and all students.
 - (a) The data to be provided for WIOA participants under Section b)iv. and Section b)v. above can be through a report generated from the Illinois Workforce Development System (IWDS).
 - vi) All student data required under Section b)iv. and Section b)v. above should be for all students enrolled in the program of study for which the local board wishes to add to the Demand Occupation Training List and shall include WIOA participants.
 - c) A separate request form must be completed for each occupation the local area would like considered for inclusion on the list.
 - d) Requests should be made to the OET staff listed on the contacts tab.
- e. The training provider has provided the following assurances that it will comply fully with all non-discrimination and equal opportunity provisions of the laws listed below:
- 1) WIOA Section 188, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I financially-assisted program or activity;
 - 2) Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color and national origin;
 - 3) Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
 - 4) The Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination against qualified people with disabilities;
 - 5) The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age;
 - 6) Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs;
 - 7) 29 CFR Part 37 and all other regulations implementing the laws listed above; and
 - 8) This assurance applies to the grant applicant's operation of the WIOA Title I financially-assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I financially-assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.
- f. The LWIB has assured that the training provider has provided:
- 1) All of the information required above;
 - 2) Any additional information provided by the training provider; and
 - 3) Any additional information requested by the LWIB.
- g. An agreement between all parties involved, including the training provider and local area(s), on provisions for monitoring in accordance with the Monitoring and Oversight section of this policy.
- 1) If the program occurs in another local area, arrangements must be made to ensure either the local area determining eligibility of the program or the local area in which the program is provided (or both) will conduct monitoring.

- 2) If the program occurs in another state, arrangements should be made to ensure monitoring will be conducted by the state in which the training is determined eligible or provided.
 - a) Local areas should make every effort to ensure adequate monitoring is provided by the out-of-state local area; and
 - b) Local areas should limit the amount of travel necessary to conduct out-of-state monitoring; and
- h. The LWIB has reviewed the information and approved it as an eligible training program to add to the Eligible Training Provider List in IWDS.

3. Eligibility Timeline

- a. The LWIB must determine a program is eligible within 30 days of the application to the LWIA.
 - 1) One exception to this requirement may exist if the LWIB has provided authority to the LWIA to allow a committee of no less than two (2) individuals to conditionally approve programs in lieu of waiting for the LWIB determination of eligibility.
 - a) Where this exception has been granted, the program may be deemed eligible until such time as the LWIB can review and approve the determination of eligibility.
 - b) Conditionally approved programs must complete the application process as outlined in Section 1. above.
 - 2) A second exception to the requirement to determine a program eligible within 30 days of application is being extended through June 30, 2016. This exception will provide up to 90 days, but no later than June 30, 2016, from application date for the LWIB to determine a program eligible. This is being extended to allow local boards ample time to meet and review the applications as this policy is phased in. After September 30, 2016, this exception expires.
- b. If the LWIB (or committee designated by the LWIB) fails to make a determination (or denies eligibility) of the program within 30 days of the application to the LWIA, the following actions will occur:
 - 1) The program is placed in a "capture list" on IWDS unless it was denied "for cause".
 - 2) Training programs that are placed on the capture list are available for 120 days to be selected by another LWIA and determined eligible by their LWIB. Once the 120-day period passes, the training program will be removed from the capture list.
 - 3) Training programs that did not meet the state performance criteria (as outlined in the Performance Measures section of this policy) or were denied "for cause" will not be placed on the "capture list" and cannot be determined eligible as an approved training program for a period of two (2) years.
 - 4) The LWIA should notify the training provider that if a program does not meet all of the mandatory criteria for initial eligibility or is not accepted by the LWIB within 30 days for some other reason, the training provider can:
 - a) Appeal its acceptance status in accordance with Reinstatement on the Statewide List and if accepted, the program will be registered on IWDS and given full eligibility status, as long as the application process has been completed; or
 - b) Wait 30 days from denial of acceptance by the LWIB and reapply with another LWIA.

4. Initial Eligibility Date

- a. Once a training program has been determined eligible, the LWIA must enter the date the LWIB approved the program in the "Eligibility/Certification Date" field of the Training Program Basic Information screen on IWDS.

- b. The LWIA must also enter the date for continued eligibility of the training program in the "Next Elig./Cert. Date" field of the same screen. (Note: If the LWIA fails to enter a date in this field, the system will automatically generate a date that is one year from the eligibility/certification date.)
- 1) The next eligibility (next certification) date must be within 1 year of the initial eligibility date.
 - 2) The next eligibility date (next certification) may be selected based on local or training provider needs and agreements. For example:
 - a) The LWIA would like to coordinate training program continued eligibility dates so that they have them coincide with regularly scheduled LWIB meetings;
 - b) An LWIB may instruct the LWIA to select continued eligibility dates that are distributed throughout the year so as to allow local boards to spread out their eligibility determination workload, thus avoiding the potential bottleneck of review and approval actions once per year; or
 - c) A training provider may wish to have all or some of their training program determinations of continued eligibility as a group to streamline the process.

Out-of-State Eligible Training Programs

Chapter: 7 **Section:** 3.3

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Tags: Program Eligibility

Training programs that have been determined eligible by an out-of-state agency must meet the following requirements for eligibility determination in Illinois:

1. Illinois training provider programs:
 - a. If the training program offered in Illinois is identical (i.e., program description, program length, credits earned, licensure, award of certificate, etc.) to the training program offered in another state:
 - 1) The LWIB may choose to accept a training program which has been determined eligible in another state; or
 - 2) The LWIB may choose to require the training provider to seek eligibility of its training program through the procedures outlined in the Initial Eligibility, paragraph 1 section of this policy.
2. If the training program offered in Illinois is not identical to the training program offered in another state, the LWIB must require the training provider to seek eligibility through the procedures outlined in the Initial Eligibility, paragraph 1 section of this policy.
3. Out-of-state training provider programs
 - a. The LWIB may choose to accept the eligibility of an out-of-state training program that has been developed and determined eligible in accordance with guidelines of a local workforce area in another state; or
 - b. The LWIB may choose to require the training provider to seek eligibility of its training program through the procedures outlined in the Initial Eligibility, paragraph 1 section of this policy.
 - c. LWIBs should enter into reciprocity agreements with the LWIBs under which providers of training services may enroll customers into programs provided in states other than Illinois.
 - 1) Such agreement would provide the conditions by which the out-of-state provider of training services would not be subject to Illinois' eligibility procedures if the provider has been determined eligible by the other state with such an agreement.
 - 2) This reciprocity agreement is intended to diminish the burden on states and training providers to be subject to duplicative procedures and expands the array of training options available by additional training providers.

Continued Eligibility Process


Chapter: 7 **Section:** 3.4

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Tags: Program Eligibility

This section provides the requirements for continued eligibility and continued inclusion on the Eligible Training Provider List (ETPL) for training providers and programs previously approved for initial eligibility and those training providers and programs that were approved for transitional eligibility.

1. LWIAs must ensure all training providers have their eligible training programs determined for continued eligibility on at least a biennial (at least every two years) basis to maintain their status as an eligible training program.
 - a. LWIAs may want to inform each training provider of any upcoming continued eligibility dates (i.e., a notice sent to the training provider 90 days prior to the continued eligibility date).
 - b. Continued eligibility is based on the date entered during the initial eligibility or most recent continued eligibility determination of the training program (as outlined in paragraph 4 below).
2. The LWIA must receive the training provider's intent to apply for continued eligibility of a training program or programs in sufficient time to meet the following continued eligibility timeline requirements.
 - a. The training provider expresses intent for continued eligibility of a training program by resubmitting the Training Program Basic Information application in IWDS.
 - 1) If a training program has had only changes in information that are not significant information (as outlined in the Training Provider or Training Program, Change of Information section of this policy), the training provider must make such changes in IWDS and save the Training Program Basic Information record.
 - 2) If a training program has had no changes in information, the training provider must still save the Training Program Basic Information record.
 - 3) Once the Training Program Basic Information record has been saved, the Initial Criteria Status record will change to "Pending Continued Eligibility (recertification)".
 - 4) The change to "Pending Continued Eligibility (recertification)" status will prompt the LWIA that they must send the training program to the LWIB for review and determination.
 - b. A report will be available for the local area to identify any training programs with a "Pending Continued Eligibility" status.
 - 1) The frequency of producing these reports will be a local decision.
 - 2) The LWIA should utilize due diligence in producing this report routinely throughout the year keeping in mind training programs may be jeopardized if they are not approved for continued eligibility promptly.

- 3) The report is titled "Training Programs Nearing Continued Eligibility (recertification) Date" in IWDS.
3. The LWIA should continue to make available and enroll customers in any training program with a "Pending" status.
4. The LWIA has 90 days to submit the application(s) to the LWIB for review and approval. The submission to the LWIB should include the following items:
 - a. A current copy of the Training Program Basic Information record from IWDS;
 - b. Identification of items that have changed since the initial eligibility or most recent continued eligibility determination;
 - c. Performance data (as outlined in the Performance Measures section of this policy) for the training program; and
 - d. Any additional information the training provider has submitted for review or the LWIB determines pertinent to the review.
5. The LWIB should grant continued eligibility to a training program based on the following:
 - a. State and local eligibility criteria are still being met;
 - b. State and local performance criteria have been met;
 - c. One or more ONet codes associated with the training program remain on the current Demand Occupation Training List;
 - d. The training provider has maintained timely updates in the Illinois Workforce Development System of information on the training program; and
 - e. Other conditions for which the LWIB considers necessary for continued eligibility.
6. The LWIB must make a determination of eligibility of the training program within 30 days of receiving the application from the LWIA.
 - a. An exception to the requirement to approve subsequent eligibility of transitionally eligible providers and programs within 30 days of application is being extended through June 30, 2016. This exception will provide up to 90 days from application date for the LWIB to determine a program eligible. This is being extended to allow local boards ample time to meet and review the applications as this policy is phased in. After June 30, 2016, this exception expires. The 90-day period shall NOT extend past June 30, 2016 as these providers and programs must receive a determination no later than June 30, 2016 or they will be removed from the Eligible Training Provider List (ETPL) as their transitional eligibility period expires.
 - b. LWIBs must notify the LWIA within five (5) business days of their decision to approve continued eligibility as a training program.
 - c. The LWIA must update the Training Program Basic Information record in IWDS within ten (10) business days of notification by the LWIB. The update should include the following:
 - 1) The Status must be changed from "Pending Continued Eligibility (Recertification)" to "Accept" to indicate an accepted continued eligibility application.
 - 2) The Program Status must be listed as "Approved".

- 3) The Last Elig./Cert. Date must be listed as the date the LWIB approved the continued eligibility, not the date the entry is made into IWDS.
 - 4) The Next Elig./Cert. Date should be listed as the date for which the next continued eligibility should take place (and should take into consideration the same factors for initial eligibility as outlined in the Initial Eligibility section of this policy).
7. Training programs that are not determined eligible by the LWIB within 30 days of receipt of the application from the LWIA will be removed from the approved program list and may reapply after one year.
 8. Training programs that are not determined eligible within 120 days of their continued eligibility date will be removed from the approved program list in IWDS.

(Note: The intent of this provision is to automatically clear training programs from IWDS when they have not been approved for continued eligibility in a timely fashion. Such programs will not be available for selection and thus are removed.)

9. LWIAs shall cease to enroll customers in any training program that has been moved to the capture list. Customers who have already been enrolled in training programs that are removed from the capture list shall be allowed to complete such training programs.
10. A training provider may reapply for eligibility for any training program that was not determined eligible for any reason other than "for cause" reasons.

Training Provider or Training Program, Change in Information

Chapter: 7 **Section:** 3.5

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Tags: Program Eligibility

1. Training programs shall be subject to renewal of eligibility status by the LWIB or a committee designated by the LWIB of no less than two (2) LWIA staff whenever significant information for the training provider or training program has changed.
 - a. Significant information includes all of the "mandatory" fields on the Training Program Basic Information record in IWDS. (These items are identified by a ** on the Requirements for Training Program Initial Eligibility and Continued Eligibility attachment.)
 - b. Change(s) in any significant information must be entered in IWDS within ten (10) business days.
 - c. Submission of a change in significant information indicates a training provider's intent to renew eligibility and prompts the same requirements as under the current eligibility determination.
 - d. A decision under this provision that is made by a designated committee is deemed eligible until such time as the LWIB can review and approve the determination for renewal of eligibility.
2. Training programs should be subject to renewal of eligibility status by the LWIB or a committee designated by the LWIB of no less than two (2) LWIA staff whenever non-significant information on the training program changes prior to the continued eligibility date.
 - a. Non-significant information is any information that is a "mandatory" field (but not considered "significant", as outlined in Training Provider or Training Program, Change of Information, paragraph 1.a.) on the Training Program Basic Information application in IWDS, including ONet codes associated with the training program. (These items are identified by a * on the Requirements for Training Program Initial Eligibility and Continued Eligibility attachment.)
 - b. The LWIB or committee should review the training program and all of the changes to determine if the changes have affected the conditions of the initial eligibility or continued eligibility determinations.
 - c. If the changes have significantly altered the training program, the committee should send the training program to the LWIB for renewal of the current eligibility approval.

- d. If the changes have not significantly altered the training program, the committee should provide "Approval" of the program to continue its eligibility until its next scheduled continued eligibility date.

Denial or Revocation of Eligibility


Chapter: 7 **Section:** 3.6

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Tags: Program Eligibility

A Local Workforce Innovation Board (LWIB) has the authority to deny approval of initial or continued eligibility or revoke the status of eligibility, and remove it from the eligible training provider list for a training provider or for a training program.

1. In accordance with WIOA, the eligibility of a training provider or its program(s) may be revoked and the training program removed from the approved list of training programs under the following circumstances:
 - a. Its annual performance fails to meet the minimum standards set by the State of Illinois or the LWIB for the WIOA performance measures;
(Note: At the time of issuance of this policy, the State of Illinois has not set minimum performance measures other than the requirement to provide performance data, if available.)
 - b. If it is determined at any time that the training provider intentionally supplied inaccurate information in its application for eligibility or continued eligibility;
 - c. The training provider substantially violated any requirement under WIOA or WIA; or
 - d. The training provider voluntarily chooses to cease being an eligible training provider or goes out of business.
2. Training programs that are removed from the eligible training provider list (ETPL) because of a failure in performance shall remain off the list for a period of not less than one year at which time the training provider may re-apply for continued eligibility of the program.
3. In accordance with WIOA, training programs that have been removed from the list of approved training programs based on the reasons found in Denial or Revocation of Eligibility paragraph 1.b. or paragraph 1.c. above:
 - a. Shall remain off the ETPL for a period of not less than two years at which time the training provider may reapply for continued eligibility of the training program;
 - b. May prompt the revocation and removal of all other training programs of the training provider for a period of no less than two years as determined by the LWIB; and
 - c. May result in the following actions being taken against the training provider:
 - 1) The eligibility of the training provider may be revoked;
 - 2) The eligibility of the training provider to receive funds for the program in question may be terminated;

- 3) Any disallowed costs may be recovered; and
 - 4) The State of Illinois or LWIB may take any other action it deems appropriate.
4. LWIAs shall cease to enroll customers in a training program that has had its eligibility revoked.
- a. Customers who have already been enrolled in such training programs shall be allowed to remain through completion.
 - b. If it is deemed necessary to immediately close a training program (for such reasons as the training provider committed egregious violations or went out of business) the customers of such program(s) should be provided the opportunity to enroll in a similar program.

Notification and Appeal Procedures

Chapter: 7 **Section:** 3.7

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Tags: Program Eligibility

1. An LWIB that denies or revokes initial or continued eligibility of a training provider and/or any of its training programs for which it has sought approval must notify the affected provider in writing of its decision. The notice shall include the following information:
 - a. The training program(s) that are being denied or revoked eligibility;
 - b. The reason(s) for the denial or revocation; and
 - c. Information about the opportunities the provider has to appeal the decision.
2. The notice must be sent within seven (7) days of the decision to the training provider via registered mail with a copy sent to Department of Commerce and Economic Opportunity, Office of Employment and Training (OET).
3. The training provider has twenty-one (21) days, from the date of receipt of the notice of denial or revocation of eligibility in which to file an appeal to the local workforce innovation board (LWIB). The appeal must include the following information:
 - a. A statement that the training provider is appealing the denial or revocation of its eligibility;
 - b. The reason(s) the eligibility should be granted;
 - c. Contact information for additional information; and
 - d. The signature of the chief executive of the training provider.
4. The appeal must be submitted formally, in writing, and must be sent by registered mail no later than the 21st day from the date of receipt of the notice of denial or revocation.
5. The LWIB, or a committee designated by the LWIB, will review the request for appeal within twenty-one (21) days of its receipt.
 - a. If an administrative error was made or if additional information submitted by the training provider changes the basis upon which the original decision to deny or revoke eligibility was issued, the decision may be reversed and the training program(s) granted the appropriate initial or continued eligibility for inclusion on the eligible training provider list (ETPL).

- b. If the LWIB reverses its decision, it will notify the training entity of its action in writing within seven (7) days. The LWIB will also forward a request to OET for inclusion on the ETPL.
 - c. If the LWIB does not reverse its decision to deny or revoke eligibility and inclusion on the ETPL, it shall notify the provider within twenty-one (21) days from the receipt of the request that the program(s) was not determined eligible.
 - d. The notice shall be sent in writing by registered mail. The notice will include information about the opportunities for the provider to appeal its denial of eligibility with OET. A copy of the letter will be forwarded to OET.
6. A provider shall have twenty-one (21) days from the receipt of the final decision by the LWIB to appeal the denial or revocation to OET.
- a. OET will have thirty (30) days to complete its investigation into the matter, gather additional information from the affected LWIB(s) file and from the provider (such as the completed local appeal), and issue a final determination of eligibility.
 - b. During this time period, OET will convene a meeting with the affected parties, if requested.
 - c. This final determination will be forwarded to the training provider and the LWIB(s) in writing.
 - d. If OET overturns the decision of the LWIB, the program(s) will be included on the statewide list within seven (7) days.
 - e. OET will not make a final decision to overturn the decision of an LWIB without convening a meeting with all of the affected parties.
7. OET has the ability to ask an LWIB to deny or revoke a training provider or its program(s) eligibility and have it removed from the list "for cause".
- a. If such decision is made, OET must send a formal written notice of its concerns to the affected LWIB(s). The notice will require local action on the matter.
 - b. The LWIB(s) will have the option of providing OET with additional information that would clarify and substantiate the provider's eligibility status or of initiating removal of the provider or its program(s) from the ETPL.
 - c. Both the notice from OET to the affected LWIB(s) and the board's response to the notice must be sent by registered mail.
 - d. The LWIB(s) has twenty-one (21) days to respond in writing to the OET notice.

Reinstatement on the Statewide List


Chapter: 7 **Section:** 3.8

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Tags: Program Eligibility

1. Since it is possible for a training provider, which was not provided eligibility due to failure in performance, to improve upon its overall performance and otherwise rectify any other conditions of their denial or revocation as an eligible training provider, a provider may re-apply for eligibility after one year from its removal.
 - a. The training provider must comply with the requirements for initial eligibility;
 - b. The training provider must demonstrate it has corrected all performance and other deficiencies which resulted in their removal from the ETPL; and
 - c. The local board must determine eligibility of the program and submit it for reinstatement on the ETPL.
2. Since it is possible for a training program that was denied continued eligibility to undergo significant improvement, a provider may re-apply for initial eligibility of the training program when it can demonstrate its program quality with at least one year of performance information.
 - a. A provider whose training program is removed from the statewide list can therefore re-apply for program eligibility no sooner than one year from the date of the denial of program eligibility.
 - b. The provider must re-apply for program eligibility subject to the policies and procedures for continued eligibility found in the Initial Eligibility, paragraph 3 section of this policy.
 - c. If the program meets the minimum state or local performance standards (if established), along with any other eligibility criteria in place at the time of re-application, the local board must determine the program eligible and submit it for reinstatement on the statewide list of eligible training programs.
3. The local workforce innovation board must reaffirm that a program previously accredited by the North Central Association, the Illinois Community College Board, or the Illinois State Board of Education is still accredited or the accreditation has been renewed.

Performance Measures

Chapter: 7 **Section:** 3.9

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Tags: Program Eligibility

All eligible training providers are required to provide basic performance data, when available, on their training programs in order to be approved for initial eligibility or continued eligibility.

(NOTE: The State of Illinois understands the current concerns with the ability of training providers to provide the required performance data. All training providers are encouraged to begin development of a process to comply with this policy that would include a plan for identifying all students enrolled in a program of study and capable data system to track the performance of such enrollees. Further guidance is needed from the Departments of Labor and Education in order to develop a concise policy. It is anticipated that this guidance will be available in calendar year 2016. Training providers should plan for the ability to provide this data no later than July 1, 2018. After this date, training providers may not be eligible to be added to the Eligible Training Provider List. Further guidance by the State will provide more detail as it becomes available.)

1. The specific training provider and training program performance information for ALL students of the program shall be provided, when available. The following ALL student performance data should include both WIOA and non-WIOA students:
 - a. Total number of students for this training program;
 - b. Total number of exiters (defined as those students who completed, withdrew or otherwise are no longer enrolled in the program of study or equivalent and have no planned gap in service and no future services planned, excluding follow-up) in this training program;
 - c. Number of exiters who are employed during the second quarter after exit quarter;
 - d. Number of exiters who are employed during the fourth quarter after exit;
 - e. For all exiters in a program of study where a wage match occurred, the median wage earned in the second quarter after exit;
 - f. Credential Rate for exiters for this training program;
 - g. Employment Rate Q2 – completers (defined as a student who successfully completed the program of study in which they were enrolled);
 - h. Employment Rate Q4 – completers;

- i. Median Wage Q2 – completers; and
 - j. Number of students who began the program of study compared to those who completed the program of study.
2. The WIOA student performance information for each of the data elements outlined in a.-j. above can be extracted from Illinois Workforce Development System (IWDS).
3. The performance data required by paragraph 1. above should be entered into the IWDS for the most current program year, as well as the previous three program years.
 - a. An example of this would be, during PY16, a CDL training program concluded in January 2016, the outcomes of those students should be reported for PY16, if they are available. Also, this CDL training program has been an ongoing training program since 2000. Data for those programs concluded during PY13, PY14, and PY15 should also be entered, if available.

Monitoring and Oversight


Chapter: 7 **Section:** 3.10

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Tags: Monitoring/Oversight, Program Eligibility

All programs approved for either initial or continued eligibility status will be subject to routine monitoring by the Local Workforce Innovation Board (LWIB) and OET.

1. The LWIB is required to conduct annual monitoring of all eligible training providers and their eligible training programs. The LWIB, at a minimum, should:
 - a. Ensure all eligible training providers have maintained all criteria for which they were determined eligible;
 - b. Reaffirm that a training program is still accredited or the accreditation has been renewed;
 - c. Ensure all eligible training program basic information in IWDS has been updated to reflect current information;
 - d. Conduct routine visits at each location for which eligible training programs are conducted to ensure all assurances outlined in the Initial Eligibility, paragraph 2.e. section of this policy, continue to be met
 - 1) In determining the frequency of visits, the LWIB should prioritize as follows those locations:
 - a) With training programs approved for initial eligibility;
 - b) For eligible training programs exhibiting poor performance;
 - c) That have had the longest period since the last visit; and
 - d) That warrant a visit based on local criteria.
 - 2) Providers that coordinate and conduct e-learning programs must have visits conducted on their locations consistent with ensuring compliance with this section; and
 - 3) Routine monitoring visits to eligible training providers located outside of the local area (including in another LWIA or out-of-state) may be a coordinated effort so long as the monitoring is consistent with this section; and
 - e. Ensure that all eligible training programs have met the required performance measures as outlined in the Performance Measures section of this policy.
2. The LWIB is required to cooperate with the OET during any monitoring and oversight activities.

Enforcement


Chapter: 7 **Section:** 3.11

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Tags: Program Eligibility

The procedures established for identifying eligible training providers under this section shall also provide for the following:

1. Intentionally Supplying Inaccurate Information—Upon a determination, by an individual or entity specified in the procedures, that a provider of training services, or individual providing information on behalf of the provider, violated Section 122 of WIOA (or Section 122 of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of this Act) by intentionally supplying inaccurate information under this section, the eligibility of such provider to receive funds under WIOA Chapter 3 of Subtitle B shall be terminated for a period of time that is not less than 2 years.
2. Substantial Violations—Upon a determination, by an individual or entity specified in the procedures, that a provider of training services substantially violated any requirement under Section 122 of WIOA (or Title I of the Workforce Investment Act of 1998, as in effect on the day before such date of enactment), the eligibility of such provider to receive funds under WIOA Chapter 3 of Subtitle B for the program involved shall be terminated for a period of not less than 2 years.
3. Repayment—A provider of training services whose eligibility is terminated under subparagraph (1) or (2) shall be liable for the repayment of funds received under WIOA Chapter 3 of Subtitle B (or under Chapter 5 of Subtitle B of Title I of the Workforce Investment Act of 1998, as in effect on the day before such date of enactment) during a period of violation described in such subparagraph.

Use of Pay-for-Performance Contracts (Pending)


Chapter: 7 **Section:** 3.12

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Tags: Program Eligibility

Policy to be determined.

Adults and Dislocated Worker Contracts (Pending)


Chapter: 7 **Section:** 3.13

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Tags: Program Eligibility

Policy to be determined.

Youth Program Design and Required Elements (Pending)


Chapter: 7 **Section:** 3.14

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Tags: Program Eligibility

Policy to be determined.

Youth Contracts (Pending)


Chapter: 7 Section: 3.15

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Tags: Program Eligibility

Policy to be determined.

Financial Reporting (Pending)


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Tags: Program Eligibility

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Supportive Services


Chapter: 7 Section: 4

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Status: Current 

Tags: Supportive Services

Funds allocated to a local area for adults and dislocated workers may be used to provide supportive services to adults and dislocated workers, respectively—

1. Who are participating in programs with authorized activities ; and
2. Who are unable to obtain such supportive services through other programs providing such services.

Additional policy is pending.

Needs-Related Payments (NRP)


Chapter: 7 **Section:** 4.1

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Status: Current 

Tags: Needs Related Payment, Supportive Services

Needs-Related Payments (NRPs) may be provided to an eligible Adult or Dislocated Worker to allow such worker to participate in training when other funds are not available or have been exhausted. NRPs are not entitlements and must be necessary to the success of the participant's training plan and beyond the ability of the participant to pay.

NRP Local Policy


Chapter: 7 **Section:** 4.1.1

Effective Date: 8/29/2007

Expiration Date: Continuing

Revision Date: 11/22/2016 10:50:03 AM

Version: 1

Status: Current 

Tags: Needs Related Payment, Supportive Services

LWIBs that approve the use of NRPs will need to develop a written policy prior to local implementation that would include (1) eligibility; (2) payment determination; (3) administration and oversight; and (4) fraud.

NRP Eligibility


Chapter: 7 **Section:** 4.1.2

Effective Date: 8/29/2007

Expiration Date: Continuing

Revision Date: 11/22/2016 10:50:23 AM

Version: 1

Status: Current 

Tags: Needs Related Payment, Supportive Services

NRPs are not intended to meet all needs of a worker enrolled in training and are limited to workers who need assistance to complete their long-term training plans.

1. Adult Eligibility: to be eligible for NRPs, an Adult must:

- a. Be unemployed;
- b. Not qualify for Unemployment Insurance compensation (UI); and,
- c. Be enrolled in a program of training services.

2. Dislocated Worker Eligibility: be eligible for NRPs, a Dislocated Worker must:

a. Be unemployed and

- 1) Have ceased to qualify for Unemployment Insurance compensation (UI) or Trade Readjustment Allowance under the Trade Adjustment Act (TAA) or North American Free Trade Agreement--Transitional Adjustment Assistance (NAFTA-TAA); and,
- 2) Be enrolled in a program of training services by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility as a dislocated worker, or, if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months.

OR

b. Be unemployed and

- 1) Did not qualify for Unemployment Insurance compensation (UI) or Trade Readjustment Allowance under the Trade Adjustment Act (TAA) or North American Free Trade Agreement--Transitional Adjustment Assistance (NAFTA-TAA); and
- 2) Be enrolled in a program of training services under by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility as a dislocated worker, or, if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months.

3. If these eligibility requirements are met, individuals may be awarded NRPs from WIOA funding prior to the start date of training classes for the purpose of enabling them to participate in programs of employment and training services that begin within thirty (30) calendar days.
4. The Office of Employment and Training (OET) may authorize local areas to extend the thirty day grace period to address appropriate circumstances.

NRP Payment Determination


Chapter: 7 **Section:** 4.1.3

Effective Date: 8/29/2007

Expiration Date: Continuing

Revision Date: 11/22/2016 10:50:45 AM

Version: 1

Status: Current 

Tags: Needs Related Payment

1. The level of NRPs made to Adults may not exceed the equivalent weekly amount of the LWIA's annual 100% LLSIL for a family of one.
2. The level of NRPs made to Dislocated Workers shall not exceed the greater of:
 - a. The applicable weekly level of UI compensation (for participants who were eligible for UI as a result of a qualifying dislocation); or,
 - b. If the worker did not qualify for UI compensation, the weekly payment may not exceed the poverty level for an equivalent period. The weekly payment level must be adjusted to reflect changes in total family income as determined by Local board policies. [The poverty level for family size is established for the adult program and must be divided by 52 weeks to determine a weekly poverty level].

NRP Administration and Oversight


Chapter: 7 **Section:** 4.1.4

Effective Date: 8/29/2007

Expiration Date: Continuing

Revision Date: 11/22/2016 10:51:02 AM

Version: 1

Status: Current 

Tags: Needs Related Payment, Supportive Services

1. Each LWIA is required to specify in their written NRP policy how they will document the requirements for and payments from this program.
2. LWIAs are required to maintain the following documentation on each eligible NRP recipient:
 - a. A copy of a UI entitlement decision or confirmation of UI benefits being exhausted;
 - b. A copy of request for training classes for each period of training (quarter, semester, block, class, etc.);
 - c. Verification of enrollment/registration, participation, grades, and completion of training classes (confirmation from Registrar's office and course instructor);
 - d. A signature by the participant attesting to his/her understanding of NRP requirements and instructions;
 - e. All eligibility determinations must be documented; and
 - f. A comprehensive reporting system of all NRPs.

NRP Fraud

Chapter: 7 **Section:** 4.1.5

Effective Date: 8/29/2007

Expiration Date: Continuing

Revision Date: 4/17/2017 1:11:57 PM

Version: 1

Status: Current 

Tags: Needs Related Payment, Supportive Services

1. To prevent fraudulent payment activity the LWIA must:
 - a. Perform a cross check with UI to ensure that participants are not receiving UI, State Training Benefits, TRA, and NRPs at the same time;
 - b. Verify training participation before payments are authorized; and,
 - c. Report fraud when discovered to begin the collection process from appropriate sources.
2. The local policy must state that in the event of the discovery of fraudulent activity, all payments to the fraudulent party will cease and all funds paid will be recovered.
3. All cases of fraud or suspected fraud will be forwarded to the appropriate legal authorities for prosecution per the Incident Reporting section of the policy manual.
4. NRPs have been classified as non-taxable income by the Internal Revenue Service (IRS).

Poverty Guidelines for Determining Amounts of Needs-Related Payments


Chapter: 7 **Section:** 4.2

Effective Date: 7/27/2007

Expiration Date: Continuing

Revision Date: 6/13/2019 5:30:44 PM

Version: 2

Status: Current 

Tags: Needs Related Payment, Poverty Guidelines, Supportive Services

The poverty guidelines are a version of the federal poverty measure issued each year in the Federal Register by the Department of Health and Human Services (HHS). The guidelines are a simplification of the poverty thresholds for use for administrative purposes — for instance, determining financial eligibility for certain federal programs.

1. For WIOA purposes, the guidelines are issued annually in tables through a WIOA Notice on Revised Poverty Guidelines for Determining Eligibility. These tables are used for determining eligibility for needs-related payments and Category I of the Job Training and Economic Development (JTED) Grant Program. These tables are issued through a WIOA Notice on Revised Poverty Guidelines for Determining Eligibility.
2. This policy provides the information contained in those tables to be used for determining the poverty guidelines for needs-related payments. Tables for determining the status of WIOA income eligibility, commonly referred to as the 70% Lower Living Standard Income Level (LLSIL) and the 100% LLSIL for determining needs-related payments are found in policy on Lower Living Standard Income Level (LLSIL).

Administration and Financial Management


Chapter: 8 Section:

Effective Date: 7/15/2016

Expiration Date: Continuing

Revision Date: 8/31/2016 3:27:59 PM

Version: 1

Status: Current 

Purpose

Policy Content Needed

State Program Oversight and Monitoring (Pending)


Chapter: 8 **Section:** 1

Effective Date: 7/15/2016

Expiration Date: Continuing

Revision Date: 5/8/2019 1:23:16 PM

Version: 1

Status: Current 

Policy to be determined.

Ongoing Desk Review of Compliance (Pending)


Chapter: 8 **Section:** 1.1

Effective Date: 7/15/2016

Expiration Date: Continuing

Revision Date: 11/9/2016 4:27:35 PM

Version: 1

Status: Current 

Policy to be determined.

Annual On-site Monitoring (Pending)


Chapter: 8 **Section:** 1.2

Effective Date: 7/15/2016

Expiration Date: Continuing

Revision Date: 4/17/2017 1:13:20 PM

Version: 1

Status: Current 

Policy to be determined.

Data Validation


Chapter: 8 **Section:** 1.3

Effective Date: 8/19/2009

Expiration Date: Continuing

Revision Date: 1/14/2020 11:46:34 AM

Version: 1

Status: Current 

Tags: Data Validation

Data element validation is performed by reviewing samples of participant records against source documentation to ensure compliance with federal definitions. It is conducted annually for WIOA from October 1 to February 1 of the following year. TAA (also known as the Trade program) is conducted annually beginning November 15 through February 1 of the following year.

Data Validation Process

Chapter: 8 **Section:** 1.3.1

Effective Date: 8/19/2009

Expiration Date: Continuing

Revision Date: 1/27/2017 2:49:24 PM

Version: 1

Status: Current 

Tags: Data Validation

1. The Office of Employment and Training (OET) Reporting Unit will draw samples of exiters for data element validation for WIOA, using the U.S. DOL/ETA software around October 1 of each year. TAA samples will be drawn by the Reporting Unit around November 15 of the same year.
2. Beginning November of each year, a Workforce Development Specialist will schedule appointments with the LWIAs for on-site validation of source documentation for WIOA and TAA exiters. Appointments for on-site validation of source documentation for Trade Adjustment Act exiters will be scheduled beginning in November of each year.
3. One to two days prior to the scheduled visit, the LWIA will be notified of the exiter files that will be reviewed. In Chicago, five to six days notice will be given to accommodate the large number of files that need to be gathered across the several locations. LWIAs will not be notified of the specific data elements to be validated. This notification will occur for both WIOA and TAA.
4. Once the LWIA receives the list of exiter files, the files must be pulled in their entirety. The exiter file, any supportive services information, and hard copies of case notes associated with that exiter, must be aggregated into one file if not available on IWDS.
5. During the scheduled visit, a state team will validate the worksheets against source documentation in the exiter files or IWDS, as appropriate. Two types of validation rules exist: match and support. Participant files will be reviewed to determine if data on the worksheets matches or is supported by source documentation.
6. The state team will indicate a pass or fail on the worksheets for each element selected for validation that applies to a given participant. Once completed, the worksheet is transmitted to the Reporting Unit where the pass/fail will be reviewed, entered into the data validation software and electronically submitted to USDOL by February 1 of each year.

Data Validation Corrective Action/Sanction


Chapter: 8 **Section:** 1.3.2

Effective Date: 8/19/2009

Expiration Date: Continuing

Revision Date: 11/10/2016 8:36:19 AM

Version: 1

Status: Current 

Tags: Data Validation

Failure to demonstrate the validity of reported data will be deemed a failure to report and will be subject to corrective action or sanction as appropriate. Any corrective action or sanction taken will follow the rules and regulations outlined in the Workforce Innovation and Opportunity Act Final Rules.

Local Program Oversight and Monitoring (Pending)


Chapter: 8 **Section:** 2

Effective Date: 7/15/2016

Expiration Date: Continuing

Revision Date: 5/8/2019 1:23:49 PM

Version: 1

Status: Current 

Policy to be determined.

Local Monitoring Requirements (Pending)


Chapter: 8 **Section:** 2.1

Effective Date: 7/15/2016

Expiration Date: Continuing

Revision Date: 11/9/2016 4:37:45 PM

Version: 1

Status: Current 

Policy to be determined.

Privacy and Security (Personally Identifiable Information) (Pending)


Chapter: 8 **Section:** 2.2

Effective Date: 7/15/2016

Expiration Date: Continuing

Revision Date: 11/9/2016 4:39:19 PM

Version: 1

Status: Current 

Policy to be determined.

Grant Administration Requirements (Pending)


Chapter: 8 **Section:** 3

Effective Date: 7/15/2016

Expiration Date: Continuing

Revision Date: 5/8/2019 1:24:44 PM

Version: 1

Status: Current 

Policy to be determined.

Compliance with Uniform Standards for Grant Administration (Pending)


Chapter: 8 **Section:** 3.1

Effective Date: 7/15/2016

Expiration Date: Continuing

Revision Date: 11/10/2016 8:37:49 AM

Version: 1

Status: Current 

Policy to be determined.

Nondiscrimination and Equal Employment Opportunity Provisions


Chapter: 8 **Section:** 3.2

Effective Date: 4/10/2000

Expiration Date: Continuing

Revision Date: 8/16/2017 12:45:25 PM

Version: 1

Status: Current 

Tags: Nondiscrimination, Equal Employment Opportunity

It is the state's responsibility to implement the nondiscrimination and equal opportunity requirements of WIOA. This procedure will be implemented through the Methods of Administration (MOA) to give reasonable guarantee that all local level recipients and subrecipients will comply and are complying with the nondiscrimination and equal opportunity provisions of WIOA.

1. The final rule (29 CFR Part 37), implements Section 188 of the Workforce Innovation and Opportunity Act, which prohibits discrimination on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief. It also protects any beneficiary (person intended by Congress to receive WIOA Title I-financially assisted aid, benefits, services, or training) from discrimination based on either that beneficiary's citizenship, or his or her participation in any WIOA Title I-financially assisted program or activity.
2. Secretary's Order 2-81 authorizes the Assistant Secretary for Administration and Management, working through the Director, Office of Civil Rights, to establish and formulate all policies, standards, and procedures for, as well as to issue rules and regulations governing, the enforcement of statutes applying nondiscrimination and equal opportunity requirements to programs and activities receiving financial assistance from the Department of Labor. On October 12, 1986, the Office of Civil Rights was redesignated the Directorate of Civil Rights by the Assistant Secretary. Effective December 12, 1995, the Assistant Secretary redesignated the Directorate of Civil Rights as the Civil Rights Center (CRC). CRC is authorized to monitor and enforce all nondiscrimination and equal opportunity regulations regarding programs receiving financial assistance from DOL, including section 188 of WIOA.

Grant/Contract Assurance Statement


Chapter: 8 **Section:** 3.2.1

Effective Date: 4/10/2000

Expiration Date: Continuing

Revision Date: 11/23/2016 3:37:36 PM

Version: 1

Status: Current 

Tags: Nondiscrimination, Equal Employment Opportunity

1. 29 CFR Part 37.20(a)(1) states: "Each application for financial assistance under Title I of WIOA, as defined in §37.4, must include the following assurance:
 - a. As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:
 - 1) Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I-financially assisted program or activity;
 - 2) Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color and national origin;
 - 3) Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
 - 4) The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
 - 5) Title IX of the Education Amendments of 1975, as amended, which prohibits discrimination on the basis of sex in educational programs.
 - 6) The grant applicant also assures that it will comply with 29 CFR Part 37 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIOA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance."
 - b. This assurance must be included in all of the Department's grants and contracts, and must also become a part of all WIOA's grants , cooperative agreements, contracts or other financial arrangements.

Notice and Communication

Chapter: 8 **Section:** 3.2.2

Effective Date: 4/10/2000

Expiration Date: Continuing

Revision Date: 11/23/2016 11:56:13 AM

Version: 1

Status: Current 

Tags: Nondiscrimination, Equal Employment Opportunity

1. 29 CFR Part 37.29(a) states: “A recipient must provide initial and continuing notice that it does not discriminate on any prohibited ground. This notice must be provided to: registrants, applicants, and eligible applicants/registrants; participants; applicants for employment and employees; unions or professional organizations that hold collective bargaining or professional agreements with the recipient; subrecipients that receive WIOA Title I funds from the recipient; and member of the public, including those with impaired vision or hearing.”
 - a. “The notice requirement must be posted prominently, in reasonable numbers and places; disseminated in internal memoranda and other written or electronic communications; included in handbooks or manuals; and made available to each participant and made a part of the participant’s file; be provided in appropriate formats to individuals with visual impairments; and, where notice has been given in an alternate format to a participant with a visual impairment, a record that such notice has been given must be made a part of the participant’s file.”

EQUAL OPPORTUNITY IS THE LAW

2. It is against the law for this recipient of Federal financial assistance to discriminate on the following basis:
 - a. Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and
 - b. Against any beneficiary of programs funded under Title I of the Workforce Innovation and Opportunity Act (WIOA), on the basis of the beneficiary’s citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his/her participation in any WIOA Title I-financially assisted program or activity.
3. The recipient must not discriminate in any of the following areas:
 - a. Deciding who will be admitted, or have access, to any WIOA Title I-funded program or activity;
 - b. Providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.
4. **What to Do If You Believe You Have Experienced Discrimination**
 - a. If you think that you have been subjected to discrimination under a WIOA Title I-funded program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

- 1) The recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or
 - 2) The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.
- b. If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).
- c. If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).
- d. If the recipients does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.
5. The "Equal Opportunity Is The Law" notice in English and Spanish must be posted prominently and in reasonable numbers and places. Please refer to the website in the references tab.

Publications, Broadcasts and Other Communication


Chapter: 8 **Section:** 3.2.3

Effective Date: 4/10/2000

Expiration Date: Continuing

Revision Date: 11/23/2016 11:56:40 AM

Version: 1

Status: Current 

Tags: Nondiscrimination, Equal Employment Opportunity

1. 29 CFR Part 37.34(a) states: "Recipients must indicate that the WIOA Title I-financially assisted program or activity in question is an:
 - a. "equal opportunity employer/program" and that "auxiliary aids and services are available upon request to individuals with disabilities" In recruitment brochures and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper, to staff, clients, or the public at large, to describe programs financially assisted under Title I of WIOA or the requirements for participation by recipients and participants.
 - b. NOTE: Where such materials indicate that the recipient may be reached by telephone, the materials must state the telephone number of the TDD/TTY or relay service used by the recipient, as required by 37.9(c).
 - c. Section 37.34(b) states: "Recipients that publish or broadcast program information in the news media must ensure that such publications and broadcasts state that the WIOA Title I-financially assisted program or activity in question is an equal opportunity employer/program (or otherwise indicate that discrimination in the WIOA Title I-financially assisted program or activity is prohibited by Federal law), and indicate that auxiliary aids and services are available upon request to individuals with disabilities."

Reporting of Accrued Expenditures, Obligations and Reallocations


Chapter: 8 **Section:** 3.3

Effective Date: 4/13/2017

Expiration Date: Continuing

Revision Date: 4/13/2017 3:44:31 PM

Version: 2

Status: Current 

Tags: Allocation, Reallocation, Obligations

The WIOA regulations allow the governor of a state to reallocate formula funds for youth, adult and dislocated worker funding streams. This policy provides grantees the capability to report obligations and to describe under what circumstances funds will be de-obligated and reallocated. It applies to funds under the Workforce Innovation and Opportunity Act (WIOA) and Trade Adjustment Assistance Programs..

Accrued Expenditure Reporting Requirements


Chapter: 8 **Section:** 3.3.1

Effective Date: 4/13/2017

Expiration Date: Continuing

Revision Date: 4/13/2017 2:59:56 PM

Version: 5

Status: Current 

Tags: Allocation, Reallocation, Obligations

The grantee must report accrued expenditures on a monthly basis for all grants. The prior month's expenditures must be reported via the Department's account system by the 20th of the current month.

WIOA Formula Unexpended Balance Reporting Requirements


Chapter: 8 **Section:** 3.3.2

Effective Date: 4/13/2017

Expiration Date: Continuing

Revision Date: 4/13/2017 3:26:26 PM

Version: 5

Status: Current 

Tags: Allocation, Reallocation, Obligations

On a quarterly basis grantees must report the unexpended balance of their obligations for each WIOA formula grant funding stream, as well as Trade Adjustment Assistance Program, Rapid Response, and National Dislocated Worker grant(s) for each quarter.

1. The obligations must be reported as follows:

Quarter End Date	Report Due Date
3/31/xx	4/20/xx
6/30/xx	7/20/xx
9/30/xx	10/20/xx
12/31/xx	1/20/xx

2. In accordance with policy on Annual Allocation and Modification Requirements of WIOA Formula Grant Funds, "If a local area has exceeded the minimum obligations of funds requirements through its expenditures by funding stream, it would not be necessary to report its unspent obligations in the Department's accounting system.
3. The following fields are available for grantees to report their obligations against and cannot be changed:
 - a. Occupational Training – ITAs;
 - b. Occupation Training – Other;
 - c. Remedial/Pre-Vocational Training;
 - d. WIOA Pay for Performance Contract;
 - e. Supportive Services;
 - f. Work Based Training; and
 - g. Other.

Obligation Extraction


Chapter: 8 **Section:** 3.3.3

Effective Date: 4/13/2017

Expiration Date: Continuing

Revision Date: 4/13/2017 3:10:13 PM

Version: 5

Status: Current 

Tags: Allocation, Reallocation, Obligations

The Department will extract the obligations reported on screen 377, by funding stream by local area, for WIOA on July 31st for the prior program year.

1. Those local areas that have not obligated at least 80% of a funding stream will be reallocated by the amount those obligations are less than 80% of that funding stream allotment, less any amounts reserved for administration.
2. Adult and dislocated worker allotments include funds transferred between them.
3. Any decrease or increase in allotments due to reallocation will occur in the following program year's grant.
4. Following are examples of the utilization of this reporting requirement:

Example #1:

A local area enters into a contract for youth services that begins 10/1/09 and ends at 9/30/10, for \$100,000. As of 6/30/10, the total accrued expenditures for this contract are \$65,000, so the remaining balance of \$35,000 is to be recognized as an obligation. On June 30, the entity posts \$35,000 in screen 377 as an obligation. On 7/15/10 an invoice is received from that contractor for \$20,000 for the period ending 06/30/10. The entity posts an additional \$20,000 as an accrued expenditure and changes the amount of the obligations from \$35,000 to \$15,000 on screen 377.

Example #2:

A local area enters into an ITA for \$10,000 for a 2 year college training program on 8/15/16. On 8/16/16, the entity reports an obligation for the cost of classes the participant is enrolled in for the most recent semester/quarter. On 10/15/16 the participant is still in school and the entity is obligated to pay the first quarter of tuition. The entity reports an accrual for the amount of tuition it is obligated to pay and reduces the obligation. In December, the participant enrolls in classes for the spring semester/quarter. The entity then reports an obligation for the cost of classes the participant is enrolled in for the spring semester/quarter. Note: Per TEGL 28-10, the entity is only allowed to report obligations for the portion of the ITA for which the participant is already enrolled. If a subaward or service provider contract contains a budget line item for ITAs, only the ITAs for which the participants are registered in class can be counted as obligations.

Example #3

A local area enters into contracts and grants on a July 1, XX to June 30, XX cycle. No obligations can be claimed for the period ending June 30, XX, since these agreements have an end date of June 30, XX. Any unexpended balance of these obligations may be claimed as an accrual to the extent benefits are received and can be documented.

Staff Salaries and Fringe Benefit Definition


Chapter: 8 **Section:** 3.3.4

Effective Date: 4/13/2017

Expiration Date: Continuing

Revision Date: 4/13/2017 3:12:52 PM

Version: 5

Status: Current 

Tags: Allocation, Reallocation, Obligations

Staff salaries and fringe benefits are not obligations.

1. They will be part of the accrued expenditures reported as of July 31, XX, for the period ended June 30, XX.

Grantee Eligibility for Incentive Funds


Chapter: 8 **Section:** 3.3.5

Effective Date: 4/13/2017

Expiration Date: Continuing

Revision Date: 4/13/2017 3:19:07 PM

Version: 5

Status: Current 

Tags: Allocation, Reallocation, Obligations

1. If a grantee reports obligations in excess of its actual obligations to avoid reallocation, the grantee will be ineligible to receive incentive funds for one year.
2. All the obligations reported to the Department will be monitored for reallocation purposes.
3. The Uniform Guidance requires accurate, current and complete disclosure of financial results of the grant.
4. Following are examples of the utilization of this reporting requirement:

Example #1:

A local area's funding stream (program funds only) has an obligation level (and expenditures) of greater than 80%. In this situation, the local area would qualify to receive reallocated funds.

Example #2:

A local area's funding stream (program funds only) has an obligation level of greater than 80%. However, its expenditure rate is less than 80%. In this situation, the local area would qualify to receive reallocated funds since reallocation is based on obligation levels. However, if the monitoring process finds that the local area, in fact, did not have an obligation level of at least 80%, the local area would be subject to retroactive de-obligation. The local area would have to forfeit any funds it had received earlier in the reallocation process, plus it would lose funds in that particular funding stream in the amount that it should have originally lost in the reallocation process. Additionally, this local area would be ineligible to receive incentive funds based on performance for one year.

Example #3:

A local area's funding stream (program funds only) has an obligation level (and expenditures) less than 80%. In this situation, the local area would not qualify to receive reallocated funds. The amount of program funds exceeding 20%, which is the maximum carry-forward, would be subject to de-obligation.

Grantee Obligation Tracking System


Chapter: 8 **Section:** 3.3.6

Effective Date: 7/1/2010

Expiration Date: Continuing

Revision Date: 4/13/2017 3:30:15 PM

Version: 4

Status: Current 

Tags: Allocation, Reallocation, Obligations

Grantees must have a system to track obligations either within their accounting system or an automated spreadsheet.

1. This spreadsheet must be updated as obligations are entered into, when the obligation is decreased or increased, or when payment(s) are made.

Administrative Costs (Pending)


Chapter: 8 **Section:** 3.4

Effective Date: 11/18/2016

Expiration Date: Continuing

Revision Date: 11/21/2016 3:28:18 PM

Version: 1

Status: Current 

Policy to be determined.

Audits (Pending)


Chapter: 8 **Section:** 3.5

Effective Date: 11/18/2016

Expiration Date: Continuing

Revision Date: 11/21/2016 3:28:35 PM

Version: 1

Status: Current 

Policy to be determined.

Property Control for Property Purchased with WIOA Funds


Chapter: 8 **Section:** 3.6

Effective Date: 3/17/2006

Expiration Date: Continuing

Revision Date: 1/4/2017 2:19:27 PM

Version: 1

Status: Current 

Tags: Property Control

All property purchased with WIOA Title IB grant funds shall be maintained and managed in accordance with the federal regulations at 29 CFR Part 97.31 and 97.32 and 97.33, or at 29 CFR 95.30 through 37, whichever is applicable. Additionally, where applicable, the provisions of 29 CFR Part 667.200(c) shall apply.

Acquisition of Non-Expendable Personal Property


Chapter: 8 **Section:** 3.6.1

Effective Date: 3/17/2006

Expiration Date: Continuing

Revision Date: 11/10/2016 3:51:46 PM

Version: 1

Status: Current 

Tags: Property Control

1. Non-expendable personal property, acquired either through purchase or lease-purchase, with a unit purchase price of \$5,000 or more shall require prior approval from OET.
2. Standards used in determining whether to approve purchases include the necessity of such purchases to achieve program goals and the planned expenditure for such purposes as compared to other available prices.

Inventory Control

Chapter: 8 **Section:** 3.6.2

Effective Date: 3/17/2006

Expiration Date: Continuing

Revision Date: 1/4/2017 2:21:09 PM

Version: 1

Status: Current 

Tags: Property Control

1. The Bureau shall be responsible for inventory units of non-expendable personal property with an acquisition cost of \$5,000 or more via an electronic data processing system.
2. Subrecipients shall provide inventory information to the department on the "Personal Property Inventory Control Form" within 30 days of the acquisition of the property. Send the "Personal Property Inventory Control Form" to the OET staff listed in the contacts tab.
3. Subrecipients shall inform the department of any property location changes for all non-expendable personal property with an acquisition cost of \$5,000 or more. The "WIOA Non-Expendable Personal Property Relocation Form" should be used to document the relocation with a copy provided to OET within 30 days of the relocation.
4. Grantees shall be responsible for inventory units of non-expendable personal property with an acquisition cost of \$1,000 to \$4,999.99.
5. Records shall be maintained in accordance with the federal regulations at 29 CFR Part 97.31 and 97.32 and 97.33, or at 29 CFR 95.30-37, whichever is applicable. Additionally, where applicable, the provisions of 20 CFR Part 667.200(c) shall apply.

Lost, Damaged or Stolen Property


Chapter: 8 **Section:** 3.6.3

Effective Date: 3/17/2006

Expiration Date: Continuing

Revision Date: 11/10/2016 3:58:35 PM

Version: 1

Status: Current 

Tags: Property Control

1. When loss, theft, or damage to grant property occurs, a "Report of Lost, Stolen, or Damaged Property Form" shall be forwarded by the grantee to the OET Grant Administration Property Officer within 10 days of the discovery of the loss, damage, or theft.
2. In the case of stolen property, a police report must accompany the report to OET, or a fire department report in the case of fire damaged property.

Disposition of Non-Expendable Personal Property


Chapter: 8 **Section:** 3.6.4

Effective Date: 3/17/2006

Expiration Date: Continuing

Revision Date: 11/23/2016 9:15:13 AM

Version: 1

Status: Current 

Tags: Property Control

1. Non-expendable Property Greater Than \$5,000
 - a. The OET Grant Administration Property Officer should be contacted for disposition instructions for disposition of equipment having an acquisition cost of \$5,000 or more when the WIOA subrecipient/grantor relationship ends or the property is no longer needed by the subrecipient, the grant recipient, substate grantee, or other subrecipient.
 - b. This notification shall be given via the "Report of Excess/Unserviceable Non-expendable Personal Property".
 - c. In no event should property having an acquisition cost of \$5,000 or more be transferred from control of the subrecipient without written approval from OET.
2. Non-expendable personal property with an acquisition cost of less than \$5,000 will be disposed of at the discretion of the subrecipient. Disposition options include:
 - a. Transfer of property to other federal grant subrecipients;
 - b. Sale of the property (net proceeds to be returned to the program as program income);
 - c. Donation of property to public schools or community-based organizations; and
 - d. "Junking" of property which is obsolete, unusable, or in a state of disrepair.

Note: If a WIOA subrecipient needs to request the use of state (Department) owned equipment, they must do so through their Workforce Development Specialist, who will follow the proper internal Department procedures to acquire this equipment. This equipment is subject to all State procurement and disposition policies. It must be used for WIOA purposes only and the Workforce Development Specialist must be notified about repairs or disposition. Under no circumstances can a grantee dispose of state (Department) owned property.

Reporting


Chapter: 8 Section: 3.7

Effective Date: 11/19/2012

Expiration Date: Continuing

Revision Date: 11/22/2016 12:20:02 PM

Version: 1

Status: Current 

For current policy on Reporting, please see the attached WIOA Notice.

Annual Reporting


Chapter: 8 **Section:** 3.7.1

Effective Date: 11/19/2012

Expiration Date: Continuing

Revision Date: 11/22/2016 12:21:04 PM

Version: 1

Status: Current 

For current policy on Reporting, please see the attached WIOA Notice.

Incident Reporting


Chapter: 8 **Section:** 3.7.2

Effective Date: 5/4/2007

Expiration Date: Continuing

Revision Date: 1/4/2017 2:22:35 PM

Version: 1

Status: Current 

Allegations regarding fraud, program abuse or criminal misconduct in WIOA programs shall immediately be reported to the Department's Office of Employment and Training (OET), the Department of Labor's (DOL) Employment and Training Administration (ETA) Region V Office, and the DOL Office of Inspector General (OIG). The process in the Incident Reporting-Notifications section of this policy outlines how reporting should occur.

Incident Reporting – Notifications


Chapter: 8 **Section:** 3.7.2.1

Effective Date: 5/4/2007

Expiration Date: Continuing

Revision Date: 11/23/2016 9:18:26 AM

Version: 1

Status: Current 

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1. Provide LWIA staff, sub-recipients and contractors the information in this policy memorandum.
 2. Prominently post the Department of Labor's Office of Inspector General (DOL/OIG) Hotline number for reporting suspected incidents. A poster for display that contains the Hotline Number is located in the Quick Links of the website in the references tab.

Allegations of fraud, abuse or other criminal activity in WIOA-funded programs may originate from employees or the public. Reports may be made anonymously. It is up to the LWIA to ensure all individuals are aware of the incident reporting process.

Incident Reporting – Reporting


Chapter: 8 **Section:** 3.7.2.2

Effective Date: 5/4/2007

Expiration Date: Continuing

Revision Date: 11/14/2016 11:36:49 AM

Version: 1

Status: Current 

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1. The LWIA shall establish appropriate reporting procedures to ensure immediate notification (within one workday of detection or discovery) within the LWIA and to the OET, DOL/ETA, and DOL/OIG regarding incidents.
 - a. At a minimum, these procedures will include instructions to report the incident through mechanisms described below.
 - b. Additionally, the LWIA will identify a central point person to submit and track any reports taken. The Complaint Officer may be used for this role.
 2. Any entity (staff, subrecipients, contractors, and public) wishing to report an incident should be provided with the process below:
 - a. Complete the Incident Report and submit two (2) copies along with supportive documentation to the Office of Employment and Training's Deputy Director.

Department of Commerce and Economic Opportunity
Office of Employment and Training
500 East Monroe Street, 9th Floor
Springfield, Illinois 62701

- b. Forward additional supplemental information received to the Deputy Director for OET.
- c. Submit one copy of the completed Incident Report to the DOL/ETA Region 5 Office at the address below:

Employment and Training Administration
United States Department of Labor
230 South Dearborn Street, 6th floor
Chicago, Illinois 60604

- d. Report the incident to the DOL Office of Inspector General in one of the following ways:
 - 1) Submitting one (1) copy of the Incident Report to the following address:

Office of Inspector General
United States Department of Labor
200 Constitution Ave, N.W., Rm. S-5514

Washington D.C. 20210

Completing the online DOL Office of Inspector General hotline form at the link in the references tab.

- 2) Calling the DOL Office of Inspector General's Hotline Number located at the link in the references tab.
The following information will need to be provided:
 - a) The identity of the Local Workforce Innovation Area (LWIA) or other local grant subrecipient involved.
 - b) The identity of the person or organization the allegation is against, including telephone number and any other identifying data.
 - c) The location of the incident with complete name(s) and address(es) of the organization(s) involved and other identifying data.
 - d) The date and time of the incident and how it was discovered.
 - e) The source of complaint.
 - f) Any contacts with law enforcement agencies, including name(s), agency contacted, and results.
 - g) The name, address, and telephone number of persons who can provide additional information.
 - h) The details of the incident.

The Regional Administrator/Regional Director must send the Office of Financial and Administrative Management (OFAM) an initial response to all hotline referrals no later than two weeks after receiving the referral and must continue to provide updates in the quarterly tracking report until the complaint has been closed and a final response has been sent to OFAM.

Incident Reporting – Fact Finding


Chapter: 8 **Section:** 3.7.2.3

Effective Date: 5/4/2007

Expiration Date: Continuing

Revision Date: 11/14/2016 11:41:24 AM

Version: 1

Status: Current 

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1. The DOL OIG, upon receipt of an allegation, will make a determination as to whether an investigation will occur at the federal or state level. Notice of this determination will be provided in writing to the Department.
 2. If the OIG elects to investigate the allegation(s), The Department will postpone resolution until the investigation is complete.
 3. Should the DOL/OIG elect for the investigation to occur at the state level, the Department will initiate a special monitoring review or an investigation by the appropriate state entities. Under some circumstances, the Department shall have the responsible LWIA conduct the investigation.
 4. If the allegation is against a customer receiving WIOA services, the LWIA may suspend such service(s) while the allegation is under investigation.
 5. Regardless of which entity (DOL or the Department) will complete the investigation, the OET Fiscal Unit shall monitor the status of all WIOA Title 1B fraud and abuse investigations.

Incident Reporting – Resolution

Chapter: 8 **Section:** 3.7.2.4

Effective Date: 5/4/2007

Expiration Date: Continuing

Revision Date: 11/14/2016 11:43:07 AM

Version: 1

Status: Current 

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1. Once the Fact-Finding is complete, a final determination will be issued by the conducting entity.
 2. The final determination details the findings discovered during the monitoring review or investigatory process, including any regulatory citations, and where appropriate, any decision to allow or disallow costs, and actions that must be taken to recover disallowed costs.
 3. All final determinations will be issued within 15 working days from completion of the Fact-Finding process.
 4. The OET Fiscal Unit will follow up on all Incident Reports to ensure appropriate corrective action is taken.
 5. LWIAs shall retain all records related to investigations initiated and completed for six years after the date submitted to OET, its final expenditure report for the funding period in which the investigation occurred, and where the investigation resulted in correction action.

Training Expenditure Requirement


Chapter: 8 **Section:** 4

Effective Date: 7/1/2018

Expiration Date: Continuing

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Status: Current 

Tags: Incentive Award, Training Expenditure, Fiscal Reporting and Accountability

The workforce innovation system plays an integral role in the revitalization of Illinois' economy. Under the Workforce Innovation and Opportunity Act, a heightened emphasis has been placed on providing trained job seekers for demand occupations to meet the needs of employers in key sectors. To support this role, the Illinois Workforce Innovation Board (IWIB) approved the Illinois' Unified State Plan for Title I of the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act that focuses on economic growth, job creation, and the need to develop a skilled, trained workforce throughout the state.

Illinois' Unified State Plan builds on a history of a demand-driven system that places an emphasis on the training of job seekers and workers. In 2006 the Illinois Workforce Board developed the minimum training expenditure policy that required each local workforce investment area to expend at least forty percent (40%) of the formula Workforce Investment Act funds on the training activities outlined in the policy.

In 2016, the IWIB approved the creation of a workgroup to review and update this policy. The first change approved by the IWIB was the change of the formula from independent calculations for the Adult and Dislocated Worker Programs. The workgroup has identified the expenditures associated with the training-related services that can be included as "calculable" in the formula. This policy outlines that list of training services that will count toward the minimum training expenditure level, as well as increases the minimum training expenditure to fifty percent (50%).

Allowable Costs Towards Training Expenditure


Chapter: 8 **Section:** 4.1

Effective Date: 7/1/2018

Expiration Date: Continuing

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Version: 3

Status: Current 

Tags: Incentive Award, Training Expenditure, Fiscal Reporting and Accountability

As defined within this policy, only certain WIOA-funded services will be considered as “calculable” LWIB expenditures toward the minimum training calculation. For purposes of this policy, the calculable services include:

1. Occupational Skills Training

An organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels.

- a. Occupational skills training includes training programs that lead to recognized post-secondary credentials that align with in-demand industry sectors or occupations in the local area. Occupational skills training must (29 CFR Part 681.540):
 - 1) Be outcome-oriented and focused on an occupational goal specified in the individual service strategy;
 - 2) Be of sufficient duration to impart the skills needed to meet the occupational goal; and
 - 3) Result in attainment of a recognized post-secondary credential.
- b. Occupational Skills Training costs that are calculable include:
 - 1) Occupational Skills Training Individual Training Accounts (ITAs): Payments made to a training institution or training provider for occupational classroom training authorized pursuant to an ITA (see the Individual Training Accounts (ITAs) section of this policy manual).
 - 2) Occupational Skills Training – Non-ITA: Payments made to a training institution, training provider, including community based organizations, or other private organization of demonstrated effectiveness (see the Programs of Demonstrated Effectiveness subsection of the Individual Training Accounts (ITAs) section of this policy manual) for occupational classroom training authorized pursuant to a contract for training services, or other contractual arrangement that constitutes an exception to the use of an ITA (29 CFR Part 680.320).
 - 3) Class-Size Training: Class-Size Training Contracts can occur when there is a need to place multiple WIOA-registered students in the same training program with one educational institution or eligible training provider (see the Class-Size Training section of this policy manual).
 - 4) Pay-for-Performance Contract: Contracted training service that provides payment structure funding only when agreed upon measures are achieved within a specific timeframe. Note: USDOL has indicated that further guidance on this new type of training is forthcoming.

2. Work-Based Learning

Includes on-the-job training, customized training, incumbent worker training, work experience and transitional jobs as outlined in the WIOA and the final rule.

- a. On-the-Job Training (OJT): Contract(s) with an employer(s) in the public, private non-profit, or private sector.
 - 1) Training does not have to occur at the employer's location.
 - 2) As part of a participant's Individualized Services Employment and Training Plan, OJT may combine other types of training such as Work Experience, classroom, and remediation.
 - 3) Classroom training paid for using an Individual Training Account.
 - 4) OJT may combine with ITAs to support placing participants into Registered Apprenticeship programs.
 - 5) When combining OJT with other types of training such as those above, only the OJT hours are eligible for wage reimbursement.
 - 6) Through the OJT contract, occupational training is provided to the WIOA participant in exchange for the reimbursement of the extraordinary costs of providing training and the supervision related to the training. (Defined at WIOA Section 3(44) and 20 CFR 680.700-730)
 - 7) OJT must comply with requirements in the OJT General Requirements subsection of the Work-Based Learning section of this policy manual.
- b. Customized Training: Costs associated with training that meets the special requirements of an employer or group of employers, conducted with a commitment by the employer to employ all individuals upon successful completion of training, and for which the employer pays for a significant cost of the training, as determined by the Local Workforce Innovation Board (LWIB) in accordance with the factors identified in WIOA Section 3(14) and the Customized Training subsection of the Work-Based Learning section of this policy manual. (20 CFR 680.760)
- c. Incumbent Worker Training: Training to workers that have an established employment history with the employer for six (6) months or more, or be part of a cohort that includes employees that have a six-month employment history with the employer.
 - 1) The employer must commit to retain or avert the layoffs of the incumbent worker(s) trained. (20 CFR 680.790 and the Incumbent Worker Training (IWT) subsection of the Work-Based Learning section of this policy manual)
- d. Work Experience/Internships: Costs associated with a planned, structured, time-limited learning experience that takes place in a workplace as a work experience or internship.
- e. Transitional Jobs: Costs associated with a limited work experience, that is subsidized in the public, private, or non-profit sectors for those individuals with barriers to employment who are chronically unemployed or have an inconsistent work history; these transitional jobs are designed to enable an individual to establish a work history, demonstrate work success, and develop the skills that lead to unsubsidized employment. (WIOA Section 134 (d)(5) and 20 CFR 680.190)
- f. Apprenticeships: Costs associated with administering an Apprenticeship Program as outlined in the On-the-Job Training (OJT) section of this policy manual.
 - 1) ITAs may be combined with OJT funds to support the training component of a registered apprenticeship program, just as they can be used together for a participant who is not in a registered apprenticeship. (See the OJT Apprenticeship subsection of the Work-Based Learning section of this policy manual)

- 2) Calculable expenses would include all payments made to the public, not-for-profit or private training provider, including a host employer, for the cost of the training program.
 - 3) Apprenticeships in Illinois have been reviewed by *Illinois' Workforce Readiness through Apprenticeships and Pathways (WRAP) Committee* and an IWIB Standing Committee to create flexibility in the use of this type of training, be innovative in the types of apprenticeships utilized in Illinois and expand apprenticeships beyond traditional sectors and industries. The WRAP Committee adopted the following apprenticeship definition: "An employer-driven, 'learn while you earn' model that combines structured on-the-job training (OJT) with job-related instruction in curricula tied to the attainment of industry-recognized skills standards and leading to an industry credential. The OJT is provided by the employer, who hires the apprentice at the commencement of the program and pays the participant during the program."
- g. This also includes the wages and staff costs for the development and management of work-based learning programs.

3. Occupational Bridge Programs

Bridge programs prepare adults with limited academic or limited English skills to enter and succeed in credit-bearing post-secondary education and training leading to career-path employment in high-demand, middle- and high-skilled occupations. The goal of bridge programs is to sequentially bridge the gap between the initial skills of individuals and what they need to enter and succeed in post-secondary education and career-path employment.

- a. This training blends workplace competencies, career exploration, and basic literacy and math skills in an occupational context. It provides accelerated advancement through short, intensive classroom components, and offers academic and personal support services to help balance work, family, and school responsibilities.
- b. The participant's individual employment plan must document the career-path and the bridge program training approach.
- c. A bridge program must target one or more of the following for consideration as an allowable training expenditure:
 - 1) Low-skilled, low-income adults unprepared to enter post-secondary occupational programs in high growth fields;
 - 2) Adult education students who still do not score high enough to enter post-secondary occupational programs; or
 - 3) Employability and career development content, if the major focus of the program is on academic remediation and occupational skills preparation.
 - 4) Occupational Bridge Programs must comply with requirements in the Bridge Programs and Career Pathways section of this policy manual.

4. Other Forms of Training-Related Services Not Otherwise Detailed Above

For all other types of allowable training-related services not mentioned above, the local workforce innovation board or staff should request clarification from the Illinois Workforce Innovation Board prior to incurring the cost to ensure the training service is allowable and to determine if the costs for services can be calculable.

- a. This category addresses any new or innovative type of training-related service that directly prepares a participant for unsubsidized employment or which could be calculable as part of a combined strategy with another calculable training service.

- b. These may include other types of training services such as programs that combine workplace training and related instructions which may include cooperative education programs, training programs operated by the private sector, or skill upgrading and retraining.

5. Allowable Training and Educational Services Provided in Conjunction with Occupational Skills or Work-Based Training Programs

Certain types of training or education services may benefit a participant in reaching their education and employment goals.

- a. While typically considered a career service, they may be calculable when provided in conjunction or combination with other allowable training program types listed above.
- b. They are not calculable if provided by local workforce innovation board or area staff.
- c. This type of service might include the following:
 - 1) English Language Acquisition and Integrated Education and Training Programs
 - a) The term “adult education and literacy activities” means programs, activities, and services that include adult education, literacy, workplace adult education and literacy activities, family literacy activities, English language acquisition activities, integrated English literacy and civics education, workforce preparation activities, or integrated education and training.
 - 2) Remedial Training/Pre-Vocational Services
 - a) All payments made to a training institution or training provider for classroom instruction in academic remediation or short-term pre-vocational services which is normally classified as an intensive service.
 - b) These services may be no more than six (6) months in duration, unless provided in conjunction with occupational training services.
 - c) This also includes costs associated with basic literacy training, including but not limited to, adult basic education, high school equivalency education, and English as a second language.
 - 3) Job Readiness Training
 - a) Job readiness training programs prepare participants to get, keep and excel at a new job and may include basic employability skills including:
 - i) effective communication, problem solving, resume building, and interviewing; and
 - ii) programs that help participants develop good work habits that facilitate their ongoing success.

6. Books, Materials and Related Materials

These are costs paid to a training institution, training provider or individual participant for books, training materials, required uniforms and other workplace attire, tools or equipment required for training and training-related licenses, permits or fees. This includes assistive devices for individuals with disabilities that are necessary to ensure the individuals can participate in, and/or complete training.

7. Participant Support

These are supportive services paid to or on behalf of a participant enrolled in training or in the twelve-month follow-up period after placement into unsubsidized employment, such as transportation, childcare, tutoring, and mentoring. Includes support services to participants who receive training from a source other than WIOA funds, e.g., Pell Grants. This category also includes needs related payments to WIOA participants in training.

- a. Follow-up supportive services are not allowable if the adult/DW participant has been exited and/or is not receiving career or training services.

8. Leveraged Training Resources

- a. An LWIB may apply leveraged resources spent on training services toward meeting a portion of their minimum training expenditure requirement.
 - 1) These leveraged training expenditures are allowable up to ten percent (10%) of their combined adult and dislocated worker formula fund allocation.
 - 2) Calculable expenditures under this section include:
 - a) Rapid Response;
 - b) EPIC (Employment Opportunities; Personalized Services; Individualized Training; Career Planning for Supplemental Nutrition Assistance Program (SNAP) recipients);
 - c) Building Futures grants;
 - d) Department of Labor National Emergency Grants or Dislocated Worker Grants; and
 - e) Talent Pipeline grants.
- b. An LWIB providing Title I activities, such as eligibility and case management services, as part of an allowable leveraged grant for which another entity (partner/agency) is the grant recipient and covers the training activities outlined in Occupational Skills Training and Work Based Learning, may apply those training costs as leveraged resources.
 - 1) Participants receiving training as part of the grant must be enrolled in WIOA.
 - 2) Staff costs related to eligibility and case management are not calculable.
- c. Beginning with the implementation of this policy on July 1, 2018, LWIBs may collect expenditure data associated with other sources of training funds.
 - 1) These expenditures will be analyzed and considered for inclusion as calculable leveraged training expenditures beginning on July 1, 2019. Examples include:
 - a) Other public programs authorized by the WIOA (e.g., Job Corps, Migrant Seasonal Farm Worker, WIOA Title II Adult Education and Literacy, national and state WIOA discretionary grants, WIOA youth program, etc.);
 - b) Federal Pell Grants established under Title IV of the Higher Education Act of 1965;
 - c) MAP grants; and
 - d) Match funds from employers, industry, and industry associations.

Eligible Training Providers


Chapter: 8 **Section:** 4.2

Effective Date: 7/1/2018

Expiration Date: Continuing

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Status: Current 

Tags: Training Expenditure

To encourage the recruitment and use of high-quality training providers and programs, all training providers must be WIOA-eligible under the existing state eligible training provider system. The only exception to this requirement is when the employer is functioning as the training provider, or when the employer is procuring the training provider.

Staff Costs


Chapter: 8 **Section:** 4.3

Effective Date: 7/1/2018

Expiration Date: Continuing

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Version: 3

Status: Current 

Tags: Incentive Award, Training Expenditure, Fiscal Reporting and Accountability

1. Staff costs are not allowable in the training expenditure calculation except under the following conditions:
 - a. Costs included as part of tuition in an Individual Training Account (ITA) with a WIOA-eligible training provider.
 - b. Costs that are included as part of a training contract other than an ITA (i.e., class-size training contract). For example, the Title I administrator can contract with a community college to provide a package of training services to WIOA participants that includes assessment and case management.
 - c. Costs incurred by staff directly associated with the establishment and monitoring of work-based training activities.
 - d. Costs incurred by staff on behalf of WIOA participants enrolled in Bridge Training Programs when:
 - 1) Those activities conducted at the site of the training provider or location of the training program; and
 - 2) Staff are instructing participants, case managing participants, or observing a class.
2. Staff costs by an eligible training provider on behalf of WIOA participants shall only be for assessment, career planning and job placement.
3. Staff costs must be reasonable and necessary to the provision of training to these participants, and documented via timesheets or other appropriate cost allocation methods.
4. Subcontracting the administration of a Title I program is not a training contract and thus these costs would not be calculable for inclusion in the training expenditure calculation.
5. Beginning with the implementation of this policy on July 1, 2018, LWIBs may calculate staff costs directly related to developing, implementing, or coordinating authorized training programs (not services to individuals), including those described in the leveraged resources section of this policy.
 - a. These expenditures will be considered during an assessment of Program year 2018 expenditures for inclusion as calculable leveraged training expenditures beginning on July 1, 2019.
6. Staff costs not included in the fifty percent (50%) training expenditure calculation may still be an allowable WIOA activity.

Minimum Expenditure Level


Chapter: 8 **Section:** 4.4

Effective Date: 7/1/2018

Expiration Date: Continuing

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Version: 3

Status: Current 

Tags: Incentive Award, Training Expenditure, Fiscal Reporting and Accountability

1. The minimum expenditure level for the combined calculation of Adult and Dislocated Worker funding streams is fifty percent (50%).
2. The calculation below determines whether the LWIB is meeting the minimum training expenditure annually:

Combined Training Program Expenditures Incurred of the Adult and Dislocated Programs (as defined in the Allowable Costs Towards Training Expenditure section, including Leveraged Training Resources)

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Total Program Combined (Training and Non-Training) Expenditures Incurred of the Adult and Dislocated Worker Programs

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Annual Training Program Expenditure Percentage

- a. Leveraged Training Resources are calculable in amounts that do not exceed ten percent (10%) of total Adult and Dislocated Worker Formula Funds.

Example Calculation for an LWIB with \$600,000 in total Adult and Dislocated Worker Formula Funds:

Leveraged Training Exp	\$ 70,000
Max Calculable (10%)	\$ 60,000
Calculable Leveraged Funds	\$ 60,000

- b. Annual total program expenditure percentages are based on Adult and Dislocated Worker Calculable Training Expenditures plus Calculable Leverage Training Funds.

Example Calculation:

Funding Stream	LWIB Example Expenditures
Formula Direct Training*	\$ 250,000

Calculable Leveraged Funds	\$ 60,000	
Total Calculable Training	\$ 310,000	51.7%
Formula Total Expenditures	\$ 600,000	100.0%

*Includes expenditures reported against prior year carry-in and current year expenditures

3. The total training expenditures incurred and total expenditures incurred for the program year are regardless of the program year charged.

Technical Assistance


Chapter: 8 **Section:** 4.5

Effective Date: 7/1/2018

Expiration Date: Continuing

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Version: 3

Status: Current 

Tags: Training Expenditure

1. Technical assistance will occur for LWIBs that:
 - a. Fail to meet the required expenditure level in any year;
 - b. Wish to improve their ability to provide training services, including improvements in training provider selection for ITAs and use of non-ITA contracting mechanisms; or
 - c. Need assistance on the use of non-ITA procurement methods, including quality control and management of class-size training contracts.

Incentives for Meeting the Required Expenditure Level


Chapter: 8 **Section:** 4.6

Effective Date: 7/1/2018

Expiration Date: Continuing

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Version: 3

Status: Current 

Tags: Incentive Award, Training Expenditure, Fiscal Reporting and Accountability

1. LWIBs that meet or exceed the fifty percent (50%) expenditure rate may be eligible to receive an incentive award based on:
 - a. Number of Participants who completed a training program that was intended to lead to employment in a demand occupation; or
 - b. Number of Participants who received employment in a high-demand occupation that resulted from the completion of a training program that was intended to lead to such employment in a demand occupation.
2. The total incentive available for meeting the required expenditure level is part of the annual performance incentive award and distributed in accordance with the Incentives and Sanctions for Performance policy, and subsequent changes.

Enforcement of the Required Expenditure Level


Chapter: 8 **Section:** 4.7

Effective Date: 7/1/2018

Expiration Date: Continuing

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Version: 3

Status: Current 

Tags: Training Expenditure

1. Hold Harmless: Any LWIB that fails to meet the minimum expenditure level may be eligible to receive an earned performance incentive bonus for that program year, pending approval by the IWIB.
 - a. Approval shall be based on a written explanation of conditions that led to the lower training expenditures.
 - b. Examples of such conditions might include;
 - 1) Unexpected large expenditures related to trade adjustment assistance events;
 - 2) Federal or State funding cuts;
 - 3) Other unforeseen events that prevent the local board in meeting the minimum rate.
2. LWIBs may be placed on “high-risk” status for failure to meet the minimum expenditure level, even if granted performance incentive bonus eligibility in a given program year.
 - a. Grantees or subgrantees placed on “high-risk” status, special conditions or restrictions may include:
 - 1) Requiring the establishment of an improvement plan designed to increase training expenditures;
 - 2) Payment on a reimbursement basis;
 - 3) Withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given funding period;
 - 4) Requiring additional, more detailed financial reports;
 - 5) Additional project monitoring;
 - 6) Requiring the grantee or sub-grantee to obtain technical or management assistance; or
 - 7) Establishing additional prior approvals.

Complaint and Grievance Procedures (Nondiscrimination)


Chapter: 8 **Section:** 5

Effective Date: 6/10/2005

Expiration Date: Continuing

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Version: 1

Status: Current 

Tags: Nondiscrimination, Equal Employment Opportunity

This policy sets forth the procedures to be followed at the local and state level regarding grievances and complaints that may occur during the administration of any WIOA funded and related activities. These procedures will outline the receipt, review, and resolution of the grievances and complaints. The policy also requires each local workforce innovation board (LWIB) to develop and maintain a procedure for grievances and complaints from participants and other interested parties as they pertain to WIOA Title IB services and benefits.

Complaint and Grievance Procedures General Requirements


Chapter: 8 **Section:** 5.1

Effective Date: 6/10/2005

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Tags: Nondiscrimination, Equal Employment Opportunity

1. There are two types of issues covered by this policy.
 - a. General complaints are those that are non-criminal complaints of violations of WIOA and other related regulations.
 - b. Grievances are those filed against an employer for violations of labor standards.

Please note, criminal complaints alleging fraud, waste, misconduct, or other illegal activity under WIOA must be reported immediately to the Department of Labor's Office of Inspector General as required by 20 CFR 683.620. These types of complaints or grievances are not covered by this policy.

Complaint and Grievance Procedures Definitions


Chapter: 8 **Section:** 5.2

Effective Date: 6/10/2005

Expiration Date: Continuing

Revision Date: 11/22/2016 10:52:20 AM

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Tags: Nondiscrimination, Equal Employment Opportunity

1. The following definitions apply to this policy only.
 - a. "Complaint" means an accusation of wrongdoing or injustice by another person, persons, or organization.
 - b. "Complainant" means the person making the complaint.
 - c. "Days" means calendar days, not business days.
 - d. "Grievance" means an allegation against an employer for a violation of labor standards who receives WIOA Title IB funding.
 - e. "Grievant" means the person submitting a grievance.
 - f. "Respondent" means the person or organization against whom a complaint or grievance has been filed.

Complaint and Grievance Procedures Local Workforce Innovation Area Requirements


Chapter: 8 **Section:** 5.3

Effective Date: 6/10/2005

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Tags: Nondiscrimination, Equal Employment Opportunity

Each LWIB shall designate a Grievance/Complaint Officer to be responsible for handling all complaints of violations of WIOA Title IB, regulations, policies, grants, or other agreements under WIOA.

1. Each LWIB should establish, publish, and maintain a procedure for resolving grievances and complaints that allege violations of WIOA Title IB, regulations, policies, grants, or other agreements under WIOA. These procedures must be:
 - a. Readily available to applicants, participants, employees, one-stop partners, service providers, other interested parties, and members of the public.
 - b. Made available in a timely manner when an individual expresses interest in filing a complaint or upon request by any other individual.
 - c. Easily understood by all affected participants and other individuals, including youth and those who are limited-English speaking individuals

Complaint and Grievance Procedures Filing Procedures


Chapter: 8 **Section:** 5.4

Effective Date: 6/10/2005

Expiration Date: Continuing

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Status: Current 

Tags: Nondiscrimination, Equal Employment Opportunity

At a minimum, the LWIB grievance and complaint procedures must include the following provisions:

1. Local Level Complaints
 - a. Complaints must be filed within 180 days of the alleged violations.
 - b. All individuals filing complaints shall be free from restraint, coercion, retaliation, and discrimination.
 - c. The complainant must file the complaint in writing to the local area Grievance/Complaint Officer.
 - d. The complaint must include the following information:
 - 1) Name, address, and telephone number of the complainant;
 - 2) Name, address and telephone number of the person and/or organization that the complaint is against;
 - 3) A clear and concise statement of allegation(s) and facts of the case;
 - 4) The date of the alleged occurrence(s);
 - 5) The provisions of the Workforce Innovation and Opportunity Act, regulations, grants, or other agreements under WIOA Title IB believed to have been violated;
 - 6) The resolution being sought; and
 - 7) The signature of the complainant or their legal guardian/representative.
 - e. Upon receipt of a grievance or complaint, the local area Grievance/Complaint Officer or designee, shall acknowledge receipt of the grievance by certified mail, return receipt requested. This must be done within ten (10) days of receipt of the complaint. This acknowledgement shall:
 - 1) Outline the steps to be taken to resolve the matter;
 - 2) Advise the complainant to attempt to reach an informal resolution;
 - 3) Notify all parties of the right to request a hearing if an informal resolution can't be met; and
 - 4) Provide a summary of the issues to be decided.
 - f. If a complaint is to be amended or withdrawn, the complainant must make that request in writing.
 - g. An opportunity for an informal resolution shall be completed within 60 days of the filing of the grievance or complaint.

- h. If either the complainant or local area Grievance/Complaint Officer deems they are dissatisfied with the local hearing decision or no decision is made within 60 days, the complainant may file an appeal.
- i. Allegations of labor standards violations that are covered under a collective bargaining agreement shall be binding and in accordance with the procedures in the bargaining agreement.
- j. Complaints or grievances may be resolved through an Informal or Formal Hearing process.
 - 1) Informal Resolutions
 - a) When a complaint or grievance has been resolved through an informal resolution process, the complainant and the local area Grievance/Complaint Officer shall enter into a formal written resolution agreement.
 - i) If the complainant and respondent choose to resolve the complaint or grievance through an informal resolution, they must make good faith efforts to do so in writing prior to the scheduled hearing date.
 - (a) Failure to do so by either party does not warrant the complaint to be dismissed, nor should it be taken into consideration as part of the facts to be judged during the resolution process.
 - (b) Informal resolutions should be made at the level where the alleged violation(s) occurred.
 - 2) Formal Hearing Resolutions
 - a) Requests for a formal hearing shall be made to the local area Grievance/Complaint Officer within 30 days of filing of a grievance or complaint.
 - i) The local area Grievance/Complaint Officer shall appoint a Hearing Officer to conduct the hearings on complaints.
 - ii) The Hearing Officer shall be an individual who has qualifications necessary to conduct the proceedings and shall be impartial.
 - iii) The complainant may make a request for a change in Hearing Officer within five (5) days of received notification of the hearing schedule and the designation of the Hearing Officer.
 - iv) Only one request for designation of an alternate Hearing Officer may be made by either party for each complaint.
 - b) Written hearing notices shall be sent to the complainant, respondent, and other parties considered appropriate within 15 days prior to the scheduled hearing date to allow for proper preparation of the case. The notice will include the date, time and place of the hearing.
 - i) The Hearing Officer shall conduct the hearing in an informal manner. Technical rules of evidence do not apply.
 - (a) Both parties shall be allowed the opportunity to present evidence, cross-examine witnesses, and be represented by legal counsel.
 - (b) The party requesting the hearing shall have the burden of establishing the facts and the entitlement to relief requested.
 - (c) The respondent shall cooperate by making available any information and to release any documentation requested by the complainant after it is deemed appropriate and relevant to the complaint.
 - (d) The respondent shall also make available any person under their control or employ to testify, if these persons are requested to testify by the complainant.
 - (e) Hearings will only cover those issues listed in the written complaint.

- ii) Complete records shall be kept of the hearing either via audio recording or by a court reporter.
- iii) The Hearing Officer or designee will make a written decision and it shall be sent by certified mail, with return receipt requested, within 60 days of the filing of the complaint.
- iv) The Hearing Officer's decision shall contain the following:
 - (a) The names of the parties involved;
 - (b) A statement of the alleged violations;
 - (c) A statement of the facts presented during the hearing;
 - (d) The issue(s) being decided;
 - (e) Reasons for the decision;
 - (f) A statement of corrective actions or remedies, if appropriate;
 - (g) A statement assuring that all steps included in the complaint procedures have been adhered to; and
 - (h) Notice that either party has the right to appeal the decision by the Hearing Officer within ten (10) days of receipt of the decision.
- v) A copy of all decisions will be concurrently sent to the OET staff listed in the contacts tab.

2. State Level Complaints

- a. If a complainant does not receive a satisfactory decision or the decision is not made within 60 days of the filing of the complaint, the complainant may appeal to the State level.
 - 1) All appeals shall be made in writing to the Office of Employment and Training, ATTN: (The OET staff listed in the contacts tab).
 - 2) The respondent may also request a review if the decision is not made in the prescribed timeliness.
 - 3) The request for state review must be made within ten (10) days of notification of the decision and shall be made in writing to the OET staff listed in the contacts tabs.
 - 4) Complaints that are appealed to the State level shall include the same basic elements as the local level hearings. These are:
 - 1) Name, address and telephone number of the complainant;
 - 2) Name, address and telephone number of the person and/or organization that the complaint is against;
 - 3) A clear and concise statement of allegation(s) and facts of the case;
 - 4) The date of the alleged occurrence(s);
 - 5) The provisions of the Workforce Innovation and Opportunity Act, regulations, grants, or other agreements under WIOA Title IB believed to have been violated; and
 - 6) The resolution being sought; and
 - 7) The signature of the complainant or their legal guardian/representative.
 - 5) The appeal must contain specific information supporting the grounds upon which the appeal is sought, a copy of the original written complaint, a transcript of the hearing proceedings, and a copy of the Hearing Officer's written decision.
 - 6) The OET staff listed in the contact tab or their designee will:
 - 1) Review the complaint within 15 days of receipt of the request for appeal;
 - 2) Notify the complainant, LWIA, and other concerned parties by certified mail, return receipt requested, within 20 days after receiving the notice of appeal. The notification shall include the following information:

- a) The date of the notice, name of the complainant, and name of the party against whom the complaint is filed;
 - b) The date, time, and place of the hearing;
 - c) A statement of the allegations that accurately reflect the content of the original content of the complaint submitted by the complainant; and
 - d) The name, address, and telephone number of the contact person issuing the notice.
- 3) Conduct a state review to determine whether the local area hearing was conducted in accordance with the local level hearing procedures;
 - 4) Make a final written determination within 60 days of receipt of the appeal;
- 7) The OET staff listed in the contacts tab will issue a written decision to both the complainant and respondent by certified mail, return receipt requested, with the following information:
- 1) The names of the parties involved;
 - 2) A statement of the alleged violations and issues related to the alleged violations;
 - 3) A statement of the facts;
 - 4) The decision of the OET staff listed in the contact tab or their designee and the reasons for the decision;
 - 5) A statement of the corrective actions or remedies, if appropriate; and
 - 6) Notice that either party has the right to appeal the decision by the OET staff listed in the contact tab within 60 days of receipt of the decision
- 8) Remedies that may be imposed for violations of any requirement of this title shall be limited:
- 1) Suspension or termination of payments under this title;
 - 2) Prohibition of placement of a participant with an employer that has violated any requirement under this title;
 - 3) Where applicable, to reinstatement of an employee, payment of lost wages and benefits, and reestablishment of relevant terms, conditions, and privileges of employment; and
 - 4) Where appropriate, to other equitable relief.

3. Federal Level Complaints

- a. Under Title 20 CFR Section 683.630, if the state has not issued a decision within the required 60 day time limit, the complainant can file an appeal to the Secretary of Labor. An appeal must be made within 120 days of the filing of the complaint with the State or the filing of the appeal of a local grievance or complaint with the State. An appeal can also be made if the state renders an adverse decision. The appeal must be filed within 60 days of receipt of the decision.
 - 1) All appeals must be sent by certified mail, return receipt requested, to the following address:

Secretary of Labor
 U.S. Department of Labor
 200 Constitution Avenue, NW
 Washington, D.C. 20210
 Attention: ASET

- 2) A copy of the appeal must be simultaneously provided to the opposing party and to the Employment and Training Regional Administrator as follows:

Regional Administrator – Region 5
U.S. Department of Labor/ETA
230 South Dearborn Street, 6th floor
Chicago, IL. 60604

Technology (Pending)


Chapter: 8 **Section:** 6

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Policy to be determined.

MIS Policy (Pending)


Chapter: 8 **Section:** 6.1

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Policy to be determined.

High Speed Internet (Pending)


Chapter: 8 **Section:** 6.2

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Policy to be determined.

Catalog of Federal Domestic Assistance (CFDA) Subaccounts

Chapter: 8 **Section:** 7

Effective Date: 7/2/2018

Expiration Date: Continuing

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Version: 2

Status: Current 

Tags: Coding, Fiscal Reporting and Accountability

The Catalog of Federal Domestic Assistance (CFDA) is a compilation of program descriptions of all federal financial assistance programs available in print form and in electronic format via the Internet at System for Award Management (SAM). (See the References tab). The primary purpose of the Catalog is to provide users with general information on federal financial assistance programs. In addition, the Catalog's coding structure is widely used to assist in identifying and coordinating financial assistance-related activities. One such use of the Catalog's coding structure is the requirement under the Uniform Guidance, that grantees develop schedules of grant funds received and expended. Auditors then use these schedules to identify programs and activities to audit. The report of audit findings must also be organized according to the CFDA coding structure.

CFDA Numbering


Chapter: 8 **Section:** 7.1

Effective Date: 10/19/2009

Expiration Date: Continuing

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Status: Current 

Tags: Coding, Fiscal Reporting and Accountability

The Catalog of Federal Domestic Assistance (CFDA) subaccount codes apply to ETA and Department awards of WIOA Title I, and all other associated program funds for the periods indicated. All LWIAs, grantees, and subgrantees should utilize the codes provided for all purposes where the use of a CFDA subaccount code is required. The listing of all CFDA subaccount codes will be provided in a WIOA Notice published as information is updated.

CFDA Allocation Percentages


Chapter: 8 **Section:** 7.2

Effective Date: 10/19/2009

Expiration Date: Continuing

Revision Date: 6/29/2018 9:54:24 AM

Version: 1

Status: Current 

Tags: Coding, Fiscal Reporting and Accountability

1. Statewide activity grant revenues and expenditures can be allocated to the three funding streams based upon their given percentages. The percentages can be found in a WIOA Notice that will provide annual CFDA coding.
2. Local administrative expenditures can be allocated to the three funding streams based upon that funding stream's percentage of the total administration budget.
3. This does not change how the expenditures are currently being reported to OET.

CFDA - Department Accounting and Reporting System


Chapter: 8 **Section:** 7.3

Effective Date: 7/2/2018

Expiration Date: Continuing

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Version: 2

Status: Current 

Tags: Coding, Fiscal Reporting and Accountability

1. Each program year, OET will furnish grantees with the percentages for each funding stream in order to allocate expenditures to each funding stream for statewide activity grants.
2. Grantees can allocate program income in the same format as above, and/or direct charge the funding stream which earned the program income.
 - a. Interest income must always be allocated to the three funding streams utilizing Screen 371 within the Department's accounting system.
 - b. The base to use for this allocation for your formula grants is the percentage of each funding stream share as compared to the total formula allocation.
 - c. Screen 371 for each subgrant number is now comprised of three subgrant IDs.
 - d. These subgrant IDs consist of one alpha character - A for Adult, D for Dislocated Worker, and Y for Youth.
 - e. Grantees will have to input the grant number and then tab over to the new subgrant ID field and put in one of the above characters.

Pre-Award Survey for Relocating Establishments

Chapter: 8 **Section:** 8

Effective Date: 7/15/2015

Expiration Date: Continuing

Revision Date: 1/2/2018 1:08:35 PM

Version: 1

Status: Current 

-
1. 20 CFR Sec. 683.260 restricts the use or proposed use of WIOA funds to be used for:
 - a. The encouragement or inducement of a business, or part of a business, to relocate from any location in the United States, if the relocation results in any employee losing his or her job at the original location; and,
 - b. Customized training, skill training, or on-the-job training or company specific assessments of job applicants or employees of a business or a part of a business that has relocated from any location in the United States, until the company has operated at that location for 120 days, if the relocation has resulted in any employee losing his or her jobs at the original location.
 2. To verify that an establishment which is new or expanding is not, in fact, relocating employment from another area, the attached standardized pre-award review criteria developed by the state must be completed and documented jointly by the local area with the establishment as a prerequisite to WIOA assistance. The criteria may be customized for local use as long as all the required elements are included.

Rapid Response

Chapter: 9 **Section:**

Effective Date: 1/8/2020

Expiration Date: Continuing

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Version: 2

Status: Current 

Tags: Rapid Response

Purpose

The U.S. Department of Labor requires the coordination of the workforce, education, and economic development systems through a mandated Rapid Response process. Rapid Response is “a federal service strategy which coordinates services with an employer and employee representative(s) to maximize efforts and avert a planned layoff and/or minimize disruption for individuals and communities in dislocation events.” Responding quickly to recent or imminent layoffs with quality services is key to helping dislocated workers find re-employment and supporting employers and communities as they manage the consequences of job loss.

This policy describes the basic structure of Rapid Response in Illinois. The State of Illinois' Rapid Response Procedures Manual attachment provides additional detail and describes the process to be followed. This manual shall be updated regularly by Office of Employment and Training (OET) staff and contains the monitoring, fiscal, performance, and other regulatory requirements; full list of governing legislation and policy letters; and available resources associated with Rapid Response administration.

Rapid Response

Chapter: 9 **Section:** 1

Effective Date: 5/19/2017

Expiration Date: Continuing

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Version: 3

Status: Current 

Tags: DETS, Dislocated Worker, Rapid Response, TAA

Rapid Response has been required by and financed under federal workforce legislation since 1988 to ensure that every worker affected by a layoff is given the best opportunity to return to work as soon as possible, and that employers are able to access the skilled workers or other solutions they need. State workforce agencies are responsible for administering Rapid Response and State staff directly provides services, although funds may be provided to Local Workforce Innovation Areas (LWIAs) to serve dislocated workers.

Initiating Rapid Response


Chapter: 9 **Section:** 1.1

Effective Date: 5/19/2017

Expiration Date: Continuing

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Status: Current 

Tags: DETS, Dislocated Worker, Rapid Response, TAA

All layoffs, regardless of the number of workers affected, require Rapid Response be initiated in accordance with the following:

1. If fewer than 25 jobs are involved, the response shall be coordinated by the affected local workforce area(s).
2. If 25 or more jobs are involved, the State shall coordinate the response.
3. Specific instances requiring a Rapid Response include the following:
 - a. Announcement or notification of a permanent closure of a business or organization, regardless of the number of workers affected.
 - b. Announcement or notification of a mass layoff, which in Illinois is defined as at least 33% of the workforce or at least 250 workers.
 - c. A mass job dislocation resulting from a disaster as defined by State or local emergency management policies, that meets the State's definition for mass layoff or causing 25 or more workers to become dislocated.
 - d. The filing of a Trade Adjustment Assistance petition.

Rapid Response Teams


Chapter: 9 **Section:** 1.2

Effective Date: 5/19/2017

Expiration Date: Continuing

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Status: Current 

Tags: DETS, Dislocated Worker, Rapid Response, TAA

Rapid Response efforts must be tailored to the unique circumstances of each layoff.

1. At a minimum, the following entities must be represented on every Rapid Response team:
 - a. **Illinois Department of Commerce Office of Employment and Training (OET).** In state-level events, an OET Workforce Development Specialist shall schedule, coordinate, and facilitate the initial meeting and Rapid Response outreach meetings; ensure that a Plan for Services has been approved; and document Rapid Response efforts in the Dislocation Event Tracking System (DETS), including designating state-level dislocation events as inactive in DETS.
 - b. **Local Workforce Innovation Area (LWIA).** In local-level events, the LWIA shall schedule, coordinate, and facilitate the initial meeting and Rapid Response outreach meetings; coordinate the development of the Plan for Services; document Rapid Response efforts in DETS, including designating state-level dislocation events as inactive in DETS; and conduct preliminary assessments of the affected workers to determine their eligibility for services and their specific needs for locally available services.
 - c. **Illinois Department of Employment Security (IDES).** In either a state-level or local-level event, an IDES staff person shall present an overview of the services available locally through IDES at outreach meetings. Trade Act Program services such as Trade Readjustment Assistance (TRA) and Alternative Trade Adjustment Assistance (ATAA)/Reemployment Trade Adjustment Assistance (RTAA) shall be discussed when applicable.
 - d. **Employee or union representative(s).** A representative of the affected employees and/or unions provides support for various strategies to maximize employee involvement in Rapid Response outreach.
2. Other entities that may be involved in Rapid Response include the following:
 - a. **Illinois Department of Commerce Regional Economic Development (RED) Team.** RED Team staff may have relevant and timely economic development and workforce development information to aid in understanding local circumstances and opportunities. They may also assist in providing access to decision-makers within the affected companies.
 - b. **Illinois Emergency Management Agency (IEMA).** In the event of a natural or manmade disaster that causes job loss, an IEMA representative may be invited to join the Rapid Response team.

- c. **Illinois Department of Labor.** Is responsible for investigating Worker Adjustment and Retraining Notification (WARN) Act complaints.
- d. **Other Community Partners.** Other organizations, agencies or entities with experience in working with populations similar to those affected by the layoff may be invited to lend their expertise and resources.

Rapid Response Services


Chapter: 9 **Section:** 1.3

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Tags: DETS, Dislocated Worker, Rapid Response, TAA

Five state-supported Rapid Response services must be made available as appropriate:

1. Establishing on-site contact with employers and employee representatives;
2. Providing information on and access to available employment and training activities;
3. Helping establish a labor-management committee of volunteer members to assess the employment and training needs of dislocated workers and obtain services to meet those needs;
4. Providing emergency assistance adapted to the specific closure, layoff, or disaster; and
5. Providing assistance to the local community in developing a coordinated response and accessing State economic development assistance.

Supporting Business through Rapid Response

Chapter: 9 **Section:** 1.4

Effective Date: 5/19/2017

Expiration Date: Continuing

Revision Date: 5/19/2017 1:43:20 PM

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Status: Current 

Tags: DETS, Dislocated Worker, Rapid Response, TAA

Rapid Response supports businesses in two major ways.

1. First, it helps meet existing and future talent needs of growing companies by offering incumbent worker training programs to help upgrade workers' skills.
2. Second, in the case of layoffs and plant closings, the Rapid Response team can quickly coordinate services and provide immediate aid to companies and their workers. Rapid Response can provide customized services on-site at affected companies, accommodate any work schedules, and assist company leadership and workers through the difficult transitions associated with job loss.

Primary Steps in Rapid Response

Chapter: 9 **Section:** 1.5

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Expiration Date: Continuing

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Tags: Rapid Response

The state- or local-level coordinator shall be responsible for ensuring the five primary steps in Rapid Response are taken for each dislocation event. These are summarized below and the mandatory process is described in detail in the Rapid Response Procedures Manual attachment.

1. Rapid Response is most often initiated by a “WARN notice,” a federal requirement of employers who are planning layoffs, or through the filing of a petition under the Trade Adjustment Assistance (TAA) Program, which helps workers whose employment is affected as a result of foreign trade.
 - a. Both State and local workforce staff must be informed of the event and, depending on the size of the impending layoffs, a team at the appropriate level is mobilized.
2. If circumstances permit, Rapid Response team members should share background information and agree on a response plan and point person to lead the teams.
 - a. The WARN Act requires that Initial contact be made within 48 hours.
3. The team schedules an initial meeting with the employer and union or employee representative(s) to understand the circumstances of the layoffs and discuss available resources.
 - a. An important goal of the initial meeting is to schedule dates for outreach meeting(s) to inform workers of resources available to assist them in re-employment.
4. As soon as practical after the meeting with the employer, an outreach meeting is scheduled with the dislocated workers so they may be informed of all available resources available to help them with re-employment.
 - a. This meeting should occur at the employment site or a nearby location during working hours or another time convenient to the employees to facilitate attendance and participation.
 - b. The dislocated workers shall be asked to complete a short survey to provide information about their current work, employment plans, and needed assistance.
5. The final step of Rapid Response is to develop and implement an effective Plan for Services in consultation with the employer and employee/union representative.
 - a. Information collected from the surveys will help guide the provision of career and training services and referral to other partners for additional services.

- b. Rapid Response team members, in consultation with the employer and employee/union representative, shall participate in developing a Plan for Services. At a minimum, the Plan for Services must include the following:
- 1) The role of each Rapid Response team member;
 - 2) A matrix of the specific services that will be provided to workers and any special service arrangements;
 - 3) The timeline for services to be carried out;
 - 4) The funding sources to cover the cost of the dislocation event;
 - 5) Performance goals; and
 - 6) An outreach strategy for informing affected workers of the services available to them and conducting formal intake.

Dislocated Worker Emergency (1E) Assistance Application (Pending)


Chapter: 9 **Section:** 2

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Expiration Date: Continuing

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Tags: DW State Reserve 1E, Rapid Response

Policy to be determined.

Entry into the Dislocation Event Tracking System (DETS)

Chapter: 9 **Section:** 3

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Expiration Date: Continuing

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Tags: DETS, Rapid Response, TAA

This policy is to be used in conjunction with the Dislocated Events Tracking System (DETS) Manual. The DETS Manual provides guidance on how dislocation events are to be entered into IWDS. Entering a dislocation event in DETS is only one activity in addressing the needs of the impacted workers.

Although it is recognized that the circumstances of each closing, layoff or disaster may vary and present unique problems not anticipated or provided for in the procedures, recording and documenting events must be consistent and accurate. Therefore, the following policy is in place concerning the entry of dislocation events into DETS:

Dislocation Event Notification


Chapter: 9 **Section:** 3.1

Effective Date: 4/1/2009

Expiration Date: Continuing

Revision Date: 11/23/2016 9:47:04 AM

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Status: Current 

Tags: DETS, Rapid Response, TAA

1. Notification of a dislocation event must be in writing and may occur via a WARN notice, the employer, or some other form of communication such as a Trade petition certification, newspaper article, or other methods.
2. In instances where the LWIA learns of a dislocation through some other form of communication as identified above, the LWIA must:
 - a. Contact the business within 2 business days of learning of the event to verify that in fact a dislocation event has or will occur; and
 - b. Inform the business of their obligations of the Federal and Illinois WARN as outlined below:
 - 1) If the event affects 50 or more workers, the LWIA must inform the business of their obligations under the WARN Act; or
 - 2) If the event affects less than 50 workers, but more than 25 workers, the LWIA must inform the business of their obligations under Illinois WARN; or
 - 3) If the event affects less than 25 workers, only verification that an event actually occurred is needed.

Regardless of how the initial notification is received the following information needs gathered and verified prior to the initial entry into DETS. Information italicized in Section 3 below and the Completing Initial Entry section of this policy is required if the event meets a WARN definition and must be included in the WARN Notice.

3. Verification of the Event

The following information must be verified and used to establish a DETS event within 48 hours of learning of a dislocation. This is the minimum information required to establish the event.

- a. Federal Employment Identification Number (FEIN);
- b. Unemployment Insurance Account Code (UIACCT);
- c. North American Industry Classification System (NAICS);
- d. ***Affected site address***
- e. ***Company contact and phone number; and***

f. County, Region, and LWIA where the dislocation is occurring.

Initial DETS Recording


Chapter: 9 **Section:** 3.2

Effective Date: 4/1/2009

Expiration Date: Continuing

Revision Date: 11/23/2016 1:28:24 PM

Version: 1

Status: Current 

Tags: DETS, Rapid Response, TAA

The size of the dislocation determines whether the initial DETS entry occurs at OET or at the LWIA.

1. For Dislocation Events (WARN or Trade WARN) affecting 50 or more workers:
 - a. LWIA's must not create DETS Records for any events (Dislocation and Trade) affecting 50 or more workers (all such events will be created by OET).
 - 1) If an LWIA is notified of an event affecting 50 or more workers, they must contact OET within 2 business days to ensure the notification has been received.
 - 2) The LWIA (along with the Workforce Development Specialist) will receive a copy of the processed WARN Notice and DETS ID once the event is created.
 - b. All dislocation events that affect 50 or more workers that do not have a corresponding recent WARN letter must have a "Information for DETS Entry" form (OET/DETS Form # 001) completed and sent to OET for event set up.
2. The LWIA must create all Dislocation Events (Local WARN) and Trade Certified Events (Local Trade) affecting less than 50 workers.
 - a. The LWIA must enter the event into DETS within 48 hours of learning of a dislocation.
 - b. At a minimum, the LWIA must enter the information found in Section 3 of the Dislocation Event Notification section of this policy into DETS. This information will then populate to the Illinois workNet Layoff Assistance webpage (link is in the references tab) .
 - c. The LWIA must complete and file a "Information for DETS Entry" form (OET/DETS Form # 001) for all dislocation events that affect less than 50 workers that do not have a corresponding recent WARN.
3. Existing/New DETS Events

Before a new DETS event is created, verification must be made that there is no existing DETS Event for the dislocation event.

- a. If there is no existing DETS event, the dislocation event must have a new DETS event created.
- b. If there is an existing DETS event, a new DETS event must be created if:

- 1) The event is more than 18 months old;
 - 2) There are five (5) or fewer active participants; or
 - 3) There have not been any recent supplemental layoff notifications or workshop activity.
- c. Additionally, for Trade certified events:
- 1) The existing event does not match the specific location and worker group as specified in the Certification.
 - 2) A new DETS event must be created if:
 - a) Layoffs occurred prior to the Impact Date of the Certification; or
 - b) Regardless of the size of a Trade Event, a separate DETS event must exist for each Trade certification (i.e., two certifications cannot be attached to one DETS event);

4. Public Event selection

At initial entry of a DETS event (regardless of the number of workers affected), the LWIA (or OET) must decide whether the event may be made public to viewers in Illinois workNet.

Note: When entering an event into DETS, all events are defaulted to "Yes" on the Event Summary Screen in the "Make Event Public" field.

- a. If an event should be hidden from public view, the selection of this field must be changed to "No". Examples of reasons for making an event hidden from public view may include:
 - 1) The company has notified the LWIA or OET of an impending event, but it has not been publicly announced yet (this could prevent a stampede in outside activity prior to the public notice);
 - 2) The company has notified the LWIA or OET of an impending event, but they are seeking financial assistance to avert the event; or
 - 3) An employee has notified the LWIA that they have been or will be laid off, but verification has not been made with the company.
- b. Once an event should become public knowledge (i.e., it no longer meets the reasons as outlined in Section a. above), the DETS record must be updated with the selection of this field to "Yes". This makes the event viewable in DETS and in Illinois workNet.

Completing Initial DETS Entry

Chapter: 9 **Section:** 3.3

Effective Date: 4/1/2009

Expiration Date: Continuing

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Status: Current 

Tags: DETS, Rapid Response, TAA

Either prior to or at the initial on-site workshop the information below must also be verified and entered into DETS. If gathering at the initial on-site workshop, record the information in DETS within 48 hours of the workshop. All information will populate to the Illinois workNet Layoff Assistance webpage (link is in the references tab) once entered and selected as a public event.

1. Event type as outlined in the DETS manual from the following:
 - a. If the event affects 50 or more workers
 - 1) WARN; or
 - 2) Trade WARN.
 - b. If the event affects less than 50 workers (local event):
 - 1) Local; or
 - 2) Trade Local.
2. ***Number of affected workers;***
3. ***First layoff date/separation date;***
4. ***If planned action is temporary or permanent;***
5. ***Job titles and number affected in each job classification;***
6. ***Whether there is union representation;***
7. ***Existence of bumping rights.***

Additional Data DETS Entry Requirements


Chapter: 9 **Section:** 3.4

Effective Date: 4/1/2009

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Tags: DETS, Rapid Response, TAA

In addition to the information required to be entered into DETS, the following data must be entered in the "Edit Job" page of the Case Management section of IWDS for each customer served from this event by any LWIA:

1. DETS ID of the associated dislocation event must be entered;
2. Selection of "Yes" or "No" must be made to indicate that the customer Received Rapid Response Services; and
3. The date corresponding to the Last Date Received Rapid Response Services by the customer must be entered.
4. The requirements of this section are not required for customers being served from an out-of-state Trade Certification where Illinois is the Agent State.

Maintaining DETS


Chapter: 9 **Section:** 3.5

Effective Date: 4/1/2009

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Tags: DETS, Rapid Response, TAA

1. LWIAs must ensure all information for events entered into DETS is maintained with current information.
2. Information must be updated in DETS within 5 business days of notification of a change.
3. OET/DETS Form #001 - "Information for DETS Event Entry" form must be used to gather the updated information.

Methods of Administration

Chapter: 10 **Section:**

Effective Date: 2/14/2017

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Tags: EO

Purpose

The Illinois Department of Commerce and Economic Opportunity's (DCEO) Office of EO Monitoring and Compliance (EOMC) oversees the implementation of the nondiscrimination and equal opportunity (EO) provisions of the Workforce Innovation and Opportunity Act (WIOA), July 22, 2014.

An essential aspect of WIOA is accessibility to everyone. Section 188 prohibits any individual from being excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any such program or activity because of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972), national origin, age, disability, or political affiliation or belief.

Element One - Designation of State and Local Equal Opportunity (EO) Officers


Chapter: 10 **Section:** 1

Effective Date: 2/14/2017

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Status: Current 

Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

As instructed in the nondiscrimination and equal opportunity provisions contained in **29 CFR 38.28-33**, EOMC through Element One has set clear direction on who can serve as EO Officers as well as defined responsibilities at the state and local level. Policy Letter 00-01 (Attachment 1.1) sets forth the requirements at the local level.

State Level EO Officer

Chapter: 10 **Section:** 1.1

Effective Date: 2/14/2017

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. Acting Director of DCEO, Sean McCarthy, designated Miguel Calderon (Attachment 1.2) as the State WIOA EO Officer. Mr. Calderon serves as the Deputy Director of the Office of Equal Opportunity Monitoring and Compliance (EOMC). As required by federal statute, Mr. Calderon is a senior-level employee at the state level and reports directly to the Agency's Director on all matters related to his position (Attachment 1.3). Mr. Calderon will also oversee DCEO's Agency-wide education, compliance, and training programs.
2. Responsibilities for the Deputy Director of EOMC included in the job description (Attachment 1.4) include, but not limited to:
 - a. Provide oversight for all WIOA EO issues on behalf of DCEO's Director and;
 - b. Assume and coordinate State EO responsibilities under WIOA Section 188 and 29 CFR Part 38;
 - c. Assume overall responsibility for developing, implementing and updating the Methods of Administration (MOA);
 - d. Oversee DCEO's Agency-wide EO Compliance/Education and Training Programs;
 - e. Compile a quarterly report with significant events for the Director.
 - f. Provide oversight and assume responsibility for DCEO's EO/Affirmative Action Program;
 - g. Ensure the uniformity in nondiscriminatory policy of EO requirements for grant recipients;
 - h. Oversee DCEO's Agency-wide EO Compliance/Education and training programs;
 - i. Train and educate LWIA EO Officers, managers, and staff of their roles and responsibilities regarding WIOA equal opportunity policies and procedures;
 - j. Provide technical assistance to LWIA EO Officers on analysis and coordinate with general counsel regarding issues such as Federal Civil Rights, investigations, rehabilitation legislation, regulatory law, and Federal policies and programs;
 - k. Monitor entities receiving WIOA Title 1 Funds to ensure compliance; and
 - l. Implement corrective actions when there are findings of noncompliance.

3. The Deputy Director of EOMC has the oversight responsibility to ensure that all DCEO employees, inclusive of management, understand and comply with all Equal Opportunity Non-Discrimination rules and regulations. He ensures compliance with Section 2-105 of the Illinois Human Rights Act; Title 56 of the Illinois Administrative Code, Chapter II: Part 2520: Subpart H of the Human Rights Rules and Regulations and all other federal related EEO laws. The Deputy Director also oversees Education and Training, Tuition Reimbursement and Drug-Free Workplace Programs.
4. DCEO created the Office of Equal Opportunity Monitoring and Compliance as a structural format change that organizationally provides a direct chain-of-command to the Director. This practice alleviates previous Civil Rights Center's (CRC's) ruling to DCEO's non-compliance and it abates perceived or actual conflict of interest that would prohibit Mr. Calderon from fulfilling his State WIOA Officer duties. If needed, the Agency's Director will take whatever necessary actions are needed to eliminate conflicts of interests (i.e. use an EOMC staff member who has the necessary knowledge, skills, and abilities or, as the regulations prescribe, the matters are directed to the CRC to preserve due process).
5. The Office of Equal Opportunity Monitoring and Compliance full time staff assigned to conduct WIOA EO investigations, monitoring, and compliance activities. This staff trains and monitors statewide grantees associated with DCEO programs to ensure full compliance with all EO/Non-discrimination provisions of State & Federal laws, rules, regulations, ordinances, & Executive Orders. (See EOMC Organizational Chart – Attachment 1.5.)
6. Office staff answer questions, provide technical assistance and conduct on-site visits at the Illinois workNet Centers and other service providers to ensure that WIOA Title I financially assisted programs and activities operate in a non-discriminatory manner. Using the monitoring tools and processes described in detail under Element Seven of this MOA, the EO staff works with recipients to identify problem areas and to develop a plan for corrective action when deficiencies occur. Follow-up visits are scheduled to ensure that the appropriate actions were fulfilled.

Local Level EO Officers


Chapter: 10 **Section:** 1.2

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. Each local workforce area will designate an EO Officer (Attachment 1.6--see the References tab) as stipulated by the above referenced policy letter. It details all requirements for local WIOA EO Officers, and defines their roles, responsibilities, and requirements (Attachment 1.7) to comply with 29 CFR Part 38.28 - 37.33.
2. The State WIOA EO Officer reviews all LWIA EO officer designees to ensure they meet the eligibility requirements and other duties or responsibilities do not create a conflict, or the appearance of a conflict with the responsibilities of an EO Officer.
3. The LWIA EO Officer's duties (Attachment 1.8) include, but are not limited to:
 - a. Serving as the LWIA grant recipient's designated local WIOA EO officer and liaison with the State WIOA EO Officer;
 - b. Monitoring and investigating the LWIA recipient's and sub-recipient's activities for compliance with the nondiscrimination and equal opportunity obligations under WIOA Title I and 29 CFR Part 38; developing and publishing the LWIA grant recipient's procedures for processing discrimination complaints under Sections 38.69-38.85 of 29 CFR Part 38, and ensuring that those procedures are followed;
 - c. Reviewing the local written policies to ensure that they are nondiscriminatory; and coordinating and conducting EO training sessions to train LWIA managers and staff of their roles and responsibilities regarding the WIOA equal opportunity policies and procedures;
 - d. Providing technical assistance to LWIA grant recipient management on analysis and interpretation of federal civil rights and rehabilitation legislation, regulations, policies and programs affecting the service delivery operations within the Illinois WIOA program; and
 - e. Reporting directly to the LWIA grant recipient about all local equal opportunity matters.
 - f. Maintaining records of most recent Demographic Analysis, this includes giving special emphasis to demographic group analysis using the Standard Deviation method.
4. In instances where a perceived or actual conflict of interest arises at the LWIA level, the senior level administrator may reassign to another qualified staff, person, or ask the State WIOA EO Officer for assistance.

Publicizing EO Officer Information

Chapter: 10 **Section:** 1.3

Effective Date: 2/14/2017

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Status: Current 

Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. DCEO makes the identity of the State WIOA EO Officer known to WIOA Partners and to any interested member of the public by the following methods:
 - a. Formal notice to USDOL, LWIA recipients, and partners;
 - b. Posting of the notice "Equal Opportunity is the Law" prominently in common areas in all local Illinois workNet Centers. The poster notice gives the name, organization name, address, e-mail address, telephone, and TDD/TTY numbers of the State WIOA EO Officer and the relevant LWIA EO Officer. The notice is posted in English and Spanish and any other languages spoken by significant portions of the population of the area in which the notice is posted;
 - c. Publishing the name of the State WIOA EO Officer in the Department's general phone directory (available on the Internet and in hard-copy), along with equal opportunity policies and procedures applicable to WIOA employees and procedural manuals providing guidelines for handling complaints from WIOA applicants, employees and third parties; and
 - d. Disseminating written notice brochures to WIOA Partners and to any interested member of the public.
 - e. DCEO's web page contains EO information for the workforce investment community that includes contact information for the State and LWIA EO Officers.
2. LWIA's publicize the name of their LWIA EO Officer to the State, partners, WIOA applicants, and the public by the following methods:
 - a. Submitting formal notice to the State WIOA EO Officer;
 - b. LWIA EO officer names on the notice "Equal Opportunity is The Law" prominently, in reasonable numbers and places, in local workNet and affiliated centers;
 - c. LWIA staff members provide the name of the LWIA EO Officer through internal documents and memoranda and other written or electronic communication; orientation and application processes in employer handbooks and manuals; and ensuring the "Equal Opportunity is the Law" notice is made available to each participant during the intake process and made part of the participant's file; and
 - d. Listing the names and contact information of each LWIA EO Officer on the web pages of the local LWIAs.

Resources


Chapter: 10 **Section:** 1.4

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. The types of administrative support the State WIOA EO Officer receives from various resources including:
 - a. Office of Employment and Training (ETA) provide funding for two WIOA EO Compliance Monitors, program guidance, IWDS information, and handles non-discrimination program complaints.
 - b. Legal Counsel to ensure that DCEO's nondiscrimination and EO Obligations are appropriately addressed;
 - c. Assistance by DCEO Agency Services for professional graphics operations including the publication of posters, brochures and training manuals;
 - d. Information sharing with the Illinois Department of Employment Security (IDES) and Illinois workNet on regional labor market and demographic data;
 - e. Technical advice from the Illinois Department of Labor;
 - f. Illinois Assistive Technology Program provides technical advice, training, and guidance about new assistive technology;
 - g. Training by the Illinois Department of Human Services, Division of Rehabilitation Services on technology programs to the Illinois workNet Centers staff;
 - h. Technical assistance and resources by the USDOL Offices for planning training initiatives, as well as with complaint proceedings;
 - i. Assistance by the USDOL Civil Rights Center with technical information regarding development policies and procedures for implementing the nondiscriminatory policies for the State and local levels; and
 - j. Disability resource, educational information, and employment opportunities for people with disabilities is available through Disability Resource Coordinators (DRC).
2. Financial support for the WIOA EO activities is provided by WIOA 5% administrative funds – (Attachment 1.9). This expenditure authority is approved by the state legislative body (the Illinois General Assembly) on an annual basis.
3. All LWIAs receive their annual WIOA Title I federal program budgets from the State. This process begins with the annual submission grant application complete with budget and program objectives. In addition, all LWIAs at a

minimum fund one EO Officer's activities from their administrative WIOA funding levels (Attachment 1.10).

State and Local EO Officer Training


Chapter: 10 **Section:** 1.5

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. 29 CFR 38.29 requires the State WIOA EO Officer and LWIA EO Officers and their staffs to be sufficiently funded, administratively supported, and trained to maintain competency to commensurate with their level of assignment, knowledge, skills, and abilities necessary to carry out their responsibilities and comply with the language found in 29 CFR 38.29 (f). DCEO has instituted best practices that ensure all EO staff receives adequate training (Attachment 1.11--see the References tab).
2. The State WIOA EO Officer provides opportunities for scheduled training that includes activities such as:
 - a. Information and resource sharing and regional best practices shared.
 - b. Collaborative efforts and partnerships that communicate statewide EO accountability, ADA accessibility, and LWIA monitoring activities.
 - c. On-site or regional technical assistance is requested from USDOL Civil Rights Center Staff to train State and LWIA EO personnel.

Element Two - Notice and Communication, 29 CFR 38.34 – 38.40


Chapter: 10 **Section:** 2

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

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Element Two Introduction

Chapter: 10 **Section:** 2.1

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. Widespread notification and communication of equal opportunity policy ensures DCEO's commitment to nondiscrimination. Notices and other forms of communication are distributed to all appropriate parties.
2. Element Two details how DCEO, EOMC, and LWIAs comply with **29 CFR 38.34 - 38.40** in ensuring individuals are informed of the state's and the recipient's obligation to operate its programs and activities in a nondiscriminatory manner, and the extent of the rights to file complaints of discrimination.

Notification – Initial and Ongoing


Chapter: 10 **Section:** 2.2

Effective Date: 2/14/2017

Expiration Date: Continuing

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Status: Current 

Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. The "Equal Opportunity Is the Law" notice was disseminated to all Local Workforce Investment Board (LWIB) Chairpersons, WIOA recipients, WIOA State, and Local Partner Agencies through Policy Letter 00-02 (Attachment 2.1).
2. This Policy Letter required that the "Equal Opportunity Is the Law" notice be:
 - a. Posted prominently, in reasonable numbers and places;
 - b. Disseminated in internal memoranda and other written or electronic communications (i.e. Illinois workNet Welcome Internet Homepage);
 - c. Included in handbooks or manuals;
 - d. Made available to each participant and made a part of the participant's file;
 - e. Provided in appropriate formats to individuals with visual impairments; and
 - f. Where notice has been given in an alternative format to a participant with a visual impairment, a record that such notice has been given is to be made a part of the participant's file.
3. The "Equal Opportunity is the Law" notice (Attachment 2.2) is posted prominently in English and Spanish for the benefit of the public and clients in all of the appropriate locations at DCEO as well as all affiliated WIOA Illinois workNet Centers (both physical and electronic versions) and Satellite locations in the State. Posters are available in English, Spanish, and Polish (in the City of Chicago). The notice is also available in alternative formats such as by audiocassette for the visually impaired.

Notification to Individuals with Disabilities


Chapter: 10 **Section:** 2.3

Effective Date: 2/14/2017

Expiration Date: Continuing

Revision Date: 12/29/2017 8:47:24 AM

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Status: Current 

Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. The “Equal Opportunity is the Law” notice is available to individuals with disabilities in the following ways:
 - a. Large print, Braille and audiocassette versions of the notice are available to persons with visual impairments;
 - b. Readers are made available to the visually impaired for use with websites where the notice is electronically posted at LWIA sites and Illinois workNet Centers; and
 - c. When requested, sign language interpreters are made available to persons with hearing impairments should they have questions about the notice or the filing process.
2. Each Illinois workNet Center resource room provides auxiliary aids and services such as:
 - a. Qualified interpreters;
 - b. Assistive listening headsets;
 - c. Closed and open captioning on videos;
 - d. Telecommunication devices for deaf persons;
 - e. Computers that allow voice input and output;
 - f. Readers;
 - g. Taped texts;
 - h. Brailled materials;
 - i. Video-text imaging displays; and
 - j. Transcription services.
3. Every LWIA must indicate that a TDD/TTY number, or an equally effective means of communicating with individuals with hearing impairments, is noted on its local recruitment and marketing materials whenever a phone number is included. All public information includes the tag, “auxiliary aids and services are available upon request to individuals with disabilities,” on local recruitment and marketing materials. Each Illinois workNet Center is monitored for being physically and programmatically accessible (including telecommunication and computer accessibility) to individuals with disabilities every three (3) years or sooner if site locations were changed.

Recruitment Notification and Communication


Chapter: 10 **Section:** 2.4

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Expiration Date: Continuing

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Status: Current 

Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. When the State advertises for employment positions, the “DCEO is an Equal Opportunity employer” statement is always included. The main employment application (Attachment 2.3--see the References tab) utilized by the State of Illinois, Department of Central Management Services, includes the following language:

“In compliance with the state and federal constitutions, the Illinois Human Rights Act, the U.S. Civil Rights Act, the Americans with Disabilities Act, and Section 504 of the Federal Rehabilitation Act, the Department of Central Management Services does not discriminate in employment, contracts, or any other activity. If you have a complaint, please contact the Department of Central Management Services at Springfield (217) 785-1985 or (217) 524-1383 (TTD/TTY only) before the date of the test.”

Notification to Persons of Limited English Proficiency

Chapter: 10 **Section:** 2.5

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. It is the responsibility of all WIOA recipients and sub-recipients to ensure equal opportunity and equal access within their specific facility. When clients and applicants arrive for WIOA Title I services, and need assistance in a language other than English, the LWIA staff utilizes established procedures to provide translation services for the client.
2. To provide effective communication methods, DCEO and its partners utilize the language interpreter services contracted (Attachment 2.4) through the Illinois Department of Central Management (CMS) Telecommunication Unit. When using the service, employees follow the instructions illustrated in the brochure.

Orientation Notification


Chapter: 10 **Section:** 2.6

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

Every new employee DCEO hires receives a new employee orientation manual and has access to the Agency's Affirmative Action Plan (Attachment 2.5) that contains an EO/EEO/AA policy statements implemented by the Director. At the local level, LWIAs discuss the rights of registrants and applicants for WIOA services during orientation briefings. Each applicant attending the orientation briefing signs a statement (Attachment 2.6) which lists all training objectives, sign a statement indicating they were given "Equal Opportunity is the Law" brochure, how to file a discrimination complaint, the name of the LWIA EO Officer, and how to use the resource room. This statement is kept in the applicant's file.

Employment Discrimination Training


Chapter: 10 **Section:** 2.7

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Expiration Date: Continuing

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Status: Current 

Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

Employees are taught how to prevent employment discrimination from occurring in the workplace. DCEO's management preference is to prevent discrimination in the workplace when compared to the costs for remedying the consequences of discrimination. EOMC is committed to providing training and technical assistance, outreach and education programs to understand and prevent discrimination. EOMC conducts ongoing training opportunities (i.e. webinars, teleconferences, video conferences, on-site training, informational alerts, and provide the latest EO news bulletins) for LWIA EO Officers. The State WIOA EO Officer directs individualized and sometimes, specialized technical assistance when needed. Individualized training is necessary to assist new EO Officers in their respective positions. DCEO also supports training for LWIA EO Officers through attendance at educational seminars and skill-building workshops (Attachment 2.7--see the References tab). Expected outcomes are to eliminate discriminatory practices, sexual harassment, and other EO issues in the workplace. EOMC staff maintains certification in Internal Investigations, including certification from George Washington University in Conducting Advanced Workplace Investigations as well as Writing Final Agency Actions through the EEOC in Washington D.C.

Element Three - Review Assurances, Job Training Plan, Contracts, Policies, and Procedures, 29 CFR 38.25 – 38.27

Chapter: 10 **Section:** 3

Effective Date: 2/14/2017

Expiration Date: Continuing

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

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Element Three Introduction


Chapter: 10 **Section:** 3.1

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Expiration Date: Continuing

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Status: Current 

Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. It is DCEO's policy to include a nondiscrimination and equal opportunity statement in all training plans, contracts, and requests for proposals, assurance clauses, and agreements. In addition, policies issued at the State and local levels reinforce the department's commitment to ensure nondiscrimination at all levels.
2. All grant applicants and training providers are required to adhere to the nondiscrimination provisions of WIOA Section 188 regarding assurances of nondiscrimination and equal opportunity. The assurance commits the recipient to "comply fully with the nondiscrimination and equal opportunity provisions" of WIOA and acknowledges the government's right to seek judicial enforcement of the assurance. The specific assurance language is found in 38.25(a). Additionally, all WIOA funds recipients and training providers must ensure that the required EO assurance language is included in all documents. Where necessary, language regarding both programmatic and architectural accessibility to accommodate individuals with disabilities is also included.
3. Element Three addresses the implementation of **29 CFR 38.25-27** regarding the review of assurances, job training plans, contracts and policies and procedures.

General Assurances


Chapter: 10 **Section:** 3.2

Effective Date: 2/14/2017

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. The State of Illinois assures that the language contained in 29 CFR 38.25 is included in each application for financial assistance using Policy Letters and contractual obligations with the LWIA Agencies. WIOA recipients are also required to include the required EO/ADA language in all sub-recipient applications as well. Policy Letter 00-03 (Attachment 3.1) requires that LWIAs furnish documents attesting to the fact that such language was included. The specific federal citing of this requirement is included in the State's standard boilerplate grant agreements, which the recipient and sub-recipient sign attesting to compliance of this requirement.
2. Illinois' WIOA Unified State Plan (Attachment 3.2) contains specific provisions relating to Assurances. Below is a reflection of Illinois' specific assurances within the plan:
 - a. The State assures that it will establish, in accordance with Section 184 of WIOA, fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of, and accounting for, funds paid to the State through the allotments made under Sections 127 and 132. (§112)(b)(11);
 - b. The State assures that it will comply with Section 184(a)(6), which requires the Governor, every two years, certify to the Secretary, that - (A) the State has implemented the uniform administrative requirements referred to in Section 184(a)(3); (B) the State monitors local workforce areas to ensure compliance with the uniform administrative requirements as required under Section 184(a)(4); and (C) the State has taken appropriate action to secure compliance pursuant to Section 184(a)(5-6);
 - c. The State assures that veterans are afforded employment and training activities authorized in Section 134 of WIOA, to the extent practicable. (§112)(b)(17)(B);
 - d. The State assures that it will comply with the confidentiality requirements of Section 136(f)(3);
 - e. The State assures that no funds received under WIOA are used to assist, promote, or deter union organizing. (§181)(b)(7);
 - f. The State assures that it will comply with the nondiscrimination provisions of Section 188, including an assurance that a Methods of Administration has been developed and implemented; and,
 - g. The State assures that it will collect and maintain data necessary to show compliance with the nondiscrimination provisions of Section 188.

3. At the local level, LWIA's are required to provide assurances for job-training plans, contracts and policies and procedures (Attachment 3.3). LWIAs address how they are complying and will comply with the requirements of 38.25 (e)(ii), and (2)(b), regarding the review of job training plans, contracts, and policies and procedures by developing a narrative to address:
 - a. How each grant applicant and training provider seeking eligibility includes the equal opportunity assurance in its application for financial assistance under Title I of WIOA;
 - b. How the assurance is incorporated into each grant, cooperative agreement, contract or other arrangement whereby federal financial assistance under WIOA Title I is made available;
 - c. How each grant applicant and approved training provider is able to provide programmatic and architectural accessibility as required by subpart C of part 32; and
 - d. The procedures of how job training plans, contract assurances, and other similar agreements entered into by recipients are both nondiscriminatory and contain required language regarding nondiscrimination and equal opportunity.
4. As part of the monitoring process, samples of job training plans, contracts and other agreements are reviewed to ensure nondiscrimination and contain the required language regarding nondiscrimination and equal opportunity. Element Seven of this MOA provides additional information regarding the monitoring process.

Assuring Accessibility


Chapter: 10 **Section:** 3.3

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. Through the contractual grant agreement obligations (Attachment 3.4), each WIOA recipient and training provider must assure, by annual submission and sub-recipients agreements, that they provide programmatic and architectural accessibility for individuals with disabilities. When DCEO enters into contractual agreements with WIOA recipients, compliance with program-specific laws and regulations are specified as the standard boilerplate language within the Program Terms and Conditions. This same language is further specified that any sub-recipients would be required to comply as well.
2. The State of Illinois reserves the right to cancel any award or to remove any training provider from the statewide list that does not provide programmatic and architectural accessibility as assured, as well as the right to conduct pre-award, on-site inspections of grant applicants to determine accessibility to individuals with disabilities.

Element Four - Universal Access, 29 CFR 38.40 (a) (b) (c)


Chapter: 10 **Section:** 4

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

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Element Four Introduction


Chapter: 10 **Section:** 4.1

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. The Illinois Department of Commerce and Economic Opportunity addressed requirements found in **29 CFR 37.40**. DCEO desires equitable services to be provided among substantial portions of the eligible population through its outreach programs, which are designed to broaden the composition of the pool of those, considered for participation in the Workforce Investment Act to include members of both sexes; various race/ethnicity and age groups, and individuals with disabilities. Universal Access requirements are communicated to recipients in Policy Letter 00-04 (Attachment 4.1). All recipients are monitored based on customer demographic characteristics and composition in their local areas.
2. DCEO outlined how these efforts are accomplished in outreach and recruitment programs, communication programs, alternate formats, and in monitoring programs mentioned below.

Outreach and Recruitment


Chapter: 10 **Section:** 4.2

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

All LWIAs describe outreach, recruitment, and priority of service efforts in their local methods of administration materials (Attachment 4.2) as well as their five-year plans.

Communication


Chapter: 10 **Section:** 4.3

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. Recipients must ensure they take appropriate steps to communicate with individuals with disabilities, and that such communication is as effective as communications with others. In addition, when a significant proportion of persons being served are individuals with limited English proficiency, the recipient must provide the same information in languages other than English.
2. Printed communication materials (Attachment 4.3) such as brochures, pamphlets, publications, etc. that describe WIOA programs or activities must include the required language "taglines" indicating that the program or activity in question is an **"equal opportunity employer/program"** and that **"auxiliary aids and services are available upon request to individuals with disabilities."** (See Taglines Samples - Attachment 4.3.)

Assistive Technology and Auxiliary Aids (AT)

Chapter: 10 **Section:** 4.4

Effective Date: 2/14/2017

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

DCEO continues to work with workNet Centers (One-Stops) to replace obsolete assistive technology with updated hardware and software (Attachment 4.4). LWIAs are encouraged to identify obsolete or outdated assistive hardware and software programs. In addition, LWIAs must program and plan budgets or work with partners to replace obsolete items.

Element Five - Compliance With Section 504, 29 CFR 38.14 – 38.24 and WIOA Section 188


Chapter: 10 **Section:** 5

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Element Five Introduction

Chapter: 10 **Section:** 5.1

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

DCEO is committed to providing services to persons with disabilities that are as effective as mainstream services. EOMC ensures that the LWIAs comply with requirements found in **29 CFR 38.14-38.24 and Section 188**. WIOA programs and facilities are required to be accessible to individuals with disabilities. Policy Letter 00-05 (Attachment 5.1) requires recipients not to discriminate based on disability; adequate documentation of all aspects of training programs are required. Further examples of required guidance includes policies about reasonable accommodations, use of auxiliary aids and services, making discrimination or non-discrimination complaints, language assistance, and how to get assistance from the EO Officer. DCEO will continue efforts to ensure that people with disabilities or barriers to employment will have full access to WIOA Programs and workNet Centers.

Legal Structure for Serving Individuals with Disabilities


Chapter: 10 **Section:** 5.2

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. DCEO ensures all recipients and service providers commit to provide written assurances and certificates in their agreements, grants, and contracts that they will comply with the requirements of:
 - a. WIOA Section 188;
 - b. Rehabilitation Act of 1973 (the Rehab Act);
 - c. The Americans With Disabilities Act of 1990 (ADA); and
 - d. Section 504, as implemented by Title 29, Part 32 of the Code of Federal Regulations; and applicable disability laws.

Equal Effective Participation

Chapter: 10 **Section:** 5.3

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. The foundation of the general requirements in Section 188 is the principle that qualified individuals with disabilities must be provided an equal opportunity to participate in and benefit from the programs and services provided by the recipient. The State of Illinois recognizes in its practices the following definition of a “qualified individual with a disability” as:
 - a. A person who has the requisite skills, experience, education, and other job-related requirements of the employment or training position that the individual holds or desires and who, with or without reasonable accommodation, can perform the essential functions of the position.
2. A primary goal of the general requirements is the ‘equally effective’ participation of qualified individuals with disabilities by ensuring that individuals with disabilities are integrated to the maximum extent appropriate. This goal does not preclude a recipient from providing different or separate services or programs for individuals with disabilities. However, it does mean that these separate, or special, services must be as effective as the mainstream services – those programs and services designed for persons without disabilities.

State Laws Ban Discrimination


Chapter: 10 **Section:** 5.4

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. WIOA required that states offer a range of different job training, education, and other human resource programs through their service delivery systems. DCEO adheres to Section 188 of WIOA, which bars discrimination from programs, services, and employment based on a disability. Illinois workforce systems emphasize the need to provide services to individuals with disabilities, must be alongside – not segregated from – people without disabilities, to the greatest extent possible. Among the types of discrimination prohibited by these regulations on the grounds of disability are:
 - a. Denying a qualified individual with a disability the opportunity to participate in or benefit from aid, services or training;
 - b. Affording a qualified individual with a disability an opportunity to participate in or benefit from the aid, services, or training that is not equal to that afforded others;
 - c. Providing a qualified individual with a disability with an aid, service or training that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;
 - d. Providing different, segregated or separate aid, services, or training to individuals with disabilities unless such action is necessary to provide qualified individuals with disabilities with aid, services or training that are as effective as those provided to others;
 - e. Denying a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards; or
 - f. Otherwise limiting a qualified individual with a disability in enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any aid, benefit, service, or training.
2. In addition, DCEO provides reasonable accommodations to qualified individuals with disabilities in all aspects of its programs, services, and activities. Accommodations may include, but are not limited to, qualified sign language interpreters, readers, auxiliary aids, and alternate formats. Reasonable modifications in policies, practices, or procedures are made, when necessary, to avoid discrimination based on disability, unless making the modifications would result in an undue hardship on the Agency (i.e. unreasonable cost or would fundamentally alter the nature of the service, program, or activity).

3. Finally, the State WIOA EO Officer provides guidance to staff and recipients regarding disability requirements of applicable federal and state laws and regulations.

Two Types of Accessibility


Chapter: 10 **Section:** 5.5

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. DCEO recognizes and complies with the two types of accessibility measurements contained within Section 188; (1) architectural and (2) programmatic accessibility. Architectural Accessibility includes the kinds of physical modifications that are most commonly thought of as access for persons with disabilities. Program accessibility requires that a program or activity be set up in advance to be accessible to qualified persons with disabilities.
2. Program access must be prepared to accommodate individuals with physical disabilities, as well as those with cognitive disabilities, such as mental retardation or learning disabilities. An example of being accessible for an individual with a cognitive disability may be to have a quiet space to write in, or using less complex wording in verbal and written communications. Both architectural and programmatic accessibility are addressed below in further detail.

Architectural Accessibility


Chapter: 10 **Section:** 5.6

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. DCEO works with State and LWIA partners to ensure each workNet Center (One-Stop) or Affiliate site comply with the most stringent architectural accessibility guidelines included in the Illinois Accessibility Code (Attachment 5.2-- see the References tab). Approved reasonable accommodations are provided for people who have difficulty walking or maintaining balance, people who use wheelchairs, crutches, canes, walkers or have restrictive gaits. Surfaces must be hard surface and slip resistant. Parking lots, walkways, corridors, elevators, carpets, and entry doors must comply with Americans with Disabilities Act Accessibility Guidelines (ADAAG). Regular on-site monitoring of workNet Centers and their affiliated sites ensures architectural accessibility. Examples of the types of physical modifications of facilities to accommodate use by individuals with disabilities include:
 - a. Parking lots and walkways
 - b. Buildings
 - c. Rooms (ones people with disability are expected to use)
 - d. Indoor facilities (e.g., computer kiosk, office cubicle)
 - e. Alarm systems
 - f. Signs

Programmatic Accessibility


Chapter: 10 **Section:** 5.7

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. Providing accessibility for people with disabilities does not mean that WIOA recipients can wait for persons with disabilities to show up at their doorstep and ask to participate in their programs and activities. Rather, it means that the recipient must both plan and act ahead of time. Recipients must plan for and take a wide range of actions, in advance, to be ready to provide effective services – long before the first person with a disability shows up. A recipient is not required to make every part of all of its facilities accessible. However, if a particular program is available in only one location, that site must be accessible or the program must be available at an alternative, accessible, site.
2. DCEO ensures that workNet systems of service delivery contractors comply with programmatic-related provisions of Section 188, which prohibits discrimination against qualified individuals with disabilities. DCEO also prohibits disability-based discrimination by public entities whether or not they receive federal financial assistance. DCEO adopted the WIOA implementing regulations that involves the three-part definition used by Section 504 and the ADA to define “disability” as:
 - a. A physical or mental impairment that substantially limits one or more of the major life activities of such an individual
 - b. A record of such an impairment; or
 - c. Being regarded as having such and impairment (i.e. person is considered as having a disability if that person has a history or record of a physical or mental impairment that substantially limited one or more major life activity).
3. A person who qualifies under any of the above listed criteria is deemed an individual with a disability for purposes of coverage under Section 188 of WIOA. The federal laws barring discrimination on the basis of disability do contain several exceptions to the definition of “individual with a disability.” These exceptions deal with disorders or diseases that affect job performance and safety -- sexual behavior disorders, current illegal use of drugs, current alcohol abuse, or currently contagious disease or infection.
4. DCEO recognizes the following examples of actions considered programmatically discriminatory under Section 188 of WIOA:
 - a. When a qualified person with a disability applies to participate in a WIOA-funded activity and s/he is denied because of his or her disability

- b. When a person with a disability is not given an equal opportunity to get the same results or benefits from a program or activity that people without disabilities receive
 - c. When a particular person or group with a disability is asked to pay any extra fees to cover the extra cost of accommodating their disability
5. EOMC opposes all actions considered discriminatory and unlawful. Even if an individual or entity had not intended to discriminate, the above actions are, by themselves, unlawful and prohibited. The intent may be not to discriminate, but the impact is that of discrimination and un-equal opportunity, and the penalty for such violations will be sanctioned through the enforcement mechanisms provided within Element Nine of this MOA.
6. DCEO advocates for programmatic accessibility awareness by all workforce partners and encourages using taglines that “auxiliary aids and services are available upon request to individuals with disabilities in all of our Illinois workNet Centers” on all printed materials. Auxiliary aids and services are those qualified persons, tools, equipment, or services that effectively deliver materials to persons with disabilities. Recipients are required to furnish appropriate auxiliary aids or services when necessary. The recipient must provide an opportunity for individuals with disabilities to request the auxiliary aids and services of their choice. Recipients should give deference to the request of the person with a disability because:
 - a. There is a wide range of disabilities
 - b. A person with a disability may or may not be aware of various auxiliary aids and services that are available;
 - c. Personal circumstances affect one’s auxiliary aid or service choice.
7. Effectively communicating with persons with disabilities also includes the following;
 - a. Recipients should let interested individuals know of the existence and location of accessible facilities and services;
 - b. When a facility is not accessible or does not provide accessible services, recipients should provide adequate signage at the primary entrance to direct users to where they can obtain information about accessible facilities and services; and
 - c. Recipients must use the international symbol for accessibility at each primary entrance of an accessible facility
8. Additional alternative forms of communication provided at the Illinois workNet Centers, include TTY/TDD (NextTalk Services), Braille, Dragon Speak, the Illinois Relay Center, and Interpreter services. These services are described below:
 - a. Teletypewriter (TTY/TDD) – Individuals with impaired hearing who have questions or require information about WIOA programs are advised to call 1-800-785-6055. This number is published on the “Equal Opportunity is the Law” poster that is distributed statewide to all Illinois workNet Centers.
 - b. Illinois Relay Center - The Illinois Relay Service (IRC), also known as Telecommunications Relay Service (TRS), is a free service provided 24-hour a day, seven day a week, service providing a communication link between persons using a text telephone (TT) and persons using a standard voice telephone. (See Illinois Relay Information - Attachment 5.3 on the References tab.) Specially trained communications assistants relay conversations over the telephone between a person using a TT and a person using a standard voice

telephone simultaneously. All calls through the IRC are strictly confidential, as employees may not discuss any information seen or heard as they assist with calls. Communication Assistants will relay entire conversations, and there is no record of the call, other than billing data, after the conversation is completed. TT users dial 1- 800-526-0844; telephone users dial 1-800-526-0857 (Illinois Relay).

- c. Interpreter Services - DCEO and workNet Centers contact the Illinois Deaf and Hard of Hearing Commission (IDHHC) through their web site (www.idhhc.state.il.us--see the References tab) or by calling 877-455-3323 for assistance. The State WIOA EO Officer assists managers and staff in making referrals using Illinois' Interpreter Registry (Attachment 5.4) as necessary.

Pre-employment or Pre-training Inquiries


Chapter: 10 **Section:** 5.8

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. Generally, a recipient may not ask an applicant for employment or training whether s/he has a disability or the nature or severity of a disability, except for the following reasons: (§32.15)
 - a. When a recipient is taking remedial action to correct the effects of past performance;
 - b. When the recipient or the government is attempting to determine the extent to which the recipient has operated its programs in a nondiscriminatory way; and
 - c. When the recipient or the government is collecting EO data.
2. The prohibition against asking an applicant about a disability does not apply when such an inquiry is required or necessitated by federal law or regulation. However, before applicants are asked to provide information about their medical condition or history, even if the question is allowable under one of the exceptions, applicants must be:
 - a. Told that the information is being requested on a voluntary basis.
 - b. Informed about the ways in which the information will be used and the narrow circumstances under which the information may be disclosed.
3. Recipients may not require pre-employment medical examinations. However, they may condition a job offer on the results of a medical examination to be conducted prior to the individual's entrance on duty under any of the following circumstances:
 - a. A medical examination is required for that job regardless of disability status
 - b. Results are not to be used unjustifiably to discriminate on the basis of disability
 - c. Information is kept confidential

Reasonable Accommodation


Chapter: 10 **Section:** 5.9

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. While accessibility is proactive, meaning there requires planning before any person with a disability asks to participate in the program. By contrast, reasonable accommodation is reactive as it refers to the actions a program must take at the time that a particular person with a disability wants to take part in the program or service, based on that person's individual needs. DCEO adheres to the regulations and provides accessibility for individuals with disabilities and encourages reasonable accommodations for persons with disabilities. Individuals with known disabilities are entitled to reasonable accommodations for the application process or admissions process. Once an applicant with a known disability is admitted, reasonable accommodations are changes that can be made to allow the individual to receive equal benefits. For individuals with disabilities hired to work for the program, reasonable accommodations are changes that can be made to enable them to perform the essential functions of the job.
2. EOMC follows a three phase operational plan to address accommodations as listed below:
 - a. In the first phase, a person with a disability must be accommodated so that s/he can go through the application or admission process.
 - b. In the second phase, once admitted to a program, a person with a disability must receive accommodation to be allowed to receive benefits.
 - c. In the third phase, once a person with a disability is hired, reasonable accommodations must be made to allow that person to do the job.
3. Accommodations vary from person to person and situation to situation. These general principles simply provide a context for understanding how EOMC applies the concept of reasonable accommodation. Requests for reasonable accommodations may be made by the individuals making the request, or their representatives. DCEO requires recipients to provide reasonable accommodations for individuals with disabilities, unless providing the accommodation would impose an undue hardship on the program.
4. Undue hardship may result if a requested accommodation requires "significant financial difficulty or expense" to complete. The factors listed here summarize what the recipient must consider in deciding whether a particular accommodation would impose an undue hardship. Factors EOMC and its recipients consider when determining the feasibility of the accommodation include the:
 - a. Type of accommodation asked for

- b. Net cost of the accommodation
 - c. Overall size of the program
 - d. Overall financial resources
 - e. Effect that providing the accommodation would have on the program or facility's ability to serve other customers and carry out its mission.
5. If the recipient decides that a requested accommodation creates an undue hardship, it must take any steps that eliminate the hardship, but that will enable the person with a disability to participate in the program to the maximum extent possible. Additionally, the recipient must prepare a written statement of the reasons underlying their decision and provide a copy of that statement to the person who requested the accommodation. The recipient is obligated to provide reasonable accommodations as expeditiously as possible, but in not more than 60 days from the time that the request is acknowledged, except where structural changes in facilities are necessary.
6. In the event that structural changes are necessary, the recipient must develop a transition plan, establishing the steps necessary, including a time frame, to complete the required changes. This plan must be developed in partnership with the individual for whom the accommodation is being designed.

Employment Related Provisions


Chapter: 10 **Section:** 5.10

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. The Illinois WIOA program requires its recipients to promote employment opportunities for individuals with disabilities and encourages its recipients to consider qualified individuals with disabilities for their job openings. Each Illinois workNet Center has an operational plan that addresses how these services are accomplished.
2. The Department of Human Services (DHS) provides services and activities for individuals with disabilities. DHS is partnered with the Illinois workNet and staff works with the WIOA client case managers, when necessary, to ensure WIOA services are made available. Through this cooperative partnership, evaluation of the clients' employment capabilities, appropriate work environment, and identification and development of suitable job openings is accomplished. Employment counseling through DHS and LWIAs helps clients recognize vocational options, develop a plan to achieve employment goals, overcome barriers to employment, and adjust to the work environment. Job-ready individuals with disabilities receive consideration for suitable openings in the job matching process.

Confidentiality


Chapter: 10 **Section:** 5.11

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. The State WIOA EO Officer, through the monitoring process, ensures WIOA recipients maintain the confidentiality of medical information provided by applicants and registrants. Some of the items that are reviewed by the State WIOA EO Officer include:
 - a. The LWIAs develop a written confidentiality policy that specifically addresses medical information and staff has been trained/apprised of the policy;
 - b. Medical information is maintained in a separate locked container.
 - c. Medical information is available only to persons with a need to know as outlined in 32.15 (d) (1 - 4).
2. There are very limited circumstances under which recipients may disclose medical information, including the fact that the participant has a disability. These include the following:
 - a. Medical information may be disclosed to Supervisors and managers so that they can understand the limitations on activities that the participant or employee can perform and plan accordingly. They would also need disability information to arrange for reasonable accommodation;
 - b. First aid and emergency personnel need to be told about medical conditions that may require emergency treatment; and
 - c. Government officials who are investigating compliance with disability nondiscrimination laws should receive medical information if they request it.
3. Recipients must keep disability-related records confidential. This includes records containing information about the results of medical examinations. This means that recipients must keep this information separate from other information about each participant, whether this information is on paper or in an electronic format.

Integration


Chapter: 10 **Section:** 5.12

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

The State provides technical assistance and provides training to recipients to apprise them of their duty to serve individuals with disabilities in the most integrated setting appropriate to that individual.

Element Six - Data and Information Collection, 29 CFR 38.41- 38.45

Chapter: 10 **Section:** 6

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

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Element Six Introduction


Chapter: 10 **Section:** 6.1

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. Consistent with **29 CFR 37.41**, DCEO collects, maintains and is able to provide data and reports necessary to assist the CRC, State, and LWIA EO officers to monitor a recipient's performance and to identify instances or areas of discrimination. Policy Letter 00-06 (Attachment 6.1) addressed how the LWIAs and its sub-recipients are complying and will continue to comply with the requirements regarding data collection and maintenance. The Code of Federal Regulations names three key requirements for Data and Information Collection and Maintenance:
 - a. **Ensure a properly functioning data collection and maintenance system.** Each recipient must establish a properly functioning system that will collect data and information in accordance with WIOA regulations.
 - b. **Provide information to the Director of the CRC.** The CRC requires both regulatory and discretionary information be provided to verify that the recipient has complied with WIOA regulations.
 - c. **Maintain confidentiality of data.** All applicants for and recipients of WIOA funding have the responsibility to maintain the confidentiality of information that is collected.

Data Categories


Chapter: 10 **Section:** 6.2

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. Monitoring activities are critical to identifying discriminatory practices and largely depend on the existence of verifiable applicant and participant data. Data is collected and maintained by race, ethnicity, sex, age, and disability status. All applicant characteristics are collected at point of intake and/or service. Race/ethnicity categories are stipulated through Federal requirements and our data collection efforts reflect the following classifications:
 - a. White; Black or African-American;
 - b. Hispanic or Latino;
 - c. Native American; and
 - d. Asian/Pacific Islander
2. The information is used only for record keeping, reporting, determining applicant eligibility, and determining program compliance with nondiscrimination requirements for specified, targeted groups. The collection of data reflects the composition of the LWIA workforce at each geographical location, by race, national origin, sex and disability, and any other category that DCEO may require.

Illinois Workforce Development System (IWDS)


Chapter: 10 **Section:** 6.3

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. The Illinois Workforce Development System (IWDS) records and stores WIOA programmatic and demographic data in accordance with guidance from the Office of Employment and Training. IWDS is compliant with 29 CFR 38.42 in the collection of the required EO statistical data at the point in which the job seeker/client is “registered” or the person hired becomes an employee of the agency or its partnerships. Recipients are required to maintain statistical analysis records in accordance with 29 CFR 37.43. Procedures have been enacted for investigating and accessing any significant statistical disparity (Attachment 6.2).
2. A fundamental goal of IWDS is to provide case managers with a state-of-the art tool for managing their customers’ programs, by collecting data about the participant’s acceptance rates by race/ethnicity, sex, age, and disability status for those who apply for and receive services funded by WIOA programs. This includes evaluating client eligibility, recording assessment results, developing and implementing service plans, inserting case notes and exit outcomes. WIOA programs (Attachment 6.3) that are monitored include:
 - a. Adult;
 - b. Dislocated worker;
 - c. Youth programs;
 - d. Trade Adjustment Act (TAA);
 - e. Disability Employment Initiative (DEI);
 - f. Rapid Response;
 - g. Workforce Development (WDQI);
 - h. WIF Partners & Regional; and
 - i. National Emergency Grants (NEG).

Data Confidentiality

Chapter: 10 **Section:** 6.4

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. Included in the Department's Discrimination Complaint Procedures are the laws and regulations that govern the Department's use of personal information. These policies and procedures are in place to safeguard documentation pertaining to specific job seekers, program participants, enrollees, benefit claimants, employers, and agency/partnership employees. Data is accessible only to authorized personnel needing access to the systems providing direct services. IWDS collects demographic information, as required by USDOL, and reflects the composition of each LWIA's workforce by race, national origin, sex, and disability. This information is confidential and used for determining program compliance with nondiscrimination requirements.
2. DCEO mandates that all recipients financially assisted under Title I of the WIOA must have in place a written policy regarding who has access to medical information. Records, particularly those containing medical information, are stored in a manner that ensures their confidentiality. Only persons with a need to know will be privy to the information as outlined in 32.15 (d) (1), (2), (3), and (4). All non-medical records are kept in a separate place from records that contain medical information. Medical records might include insurance application forms as well as health certificates, and results from physical exams. Within each WIOA recipient grant agreement, records retention and right of inspection clauses are included. At the local level, each LWIA is required to provide a copy of its' written procedures, demonstrating data collection, access and maintenance to records meeting the requirements of 29 CFR 38.45. Each grant recipient and sub-recipient is accountable for all funds received and shall maintain for a minimum of three (3) years, following the date of submission by the Grantee of its final expenditure report, all books, records, and supporting documentation necessary to verify the expenditure and use of expended funds.
3. Asserted considerations of privacy or confidentiality are not a basis for withholding information from EOMC and will not bar EOMC staff from evaluating or seeking to enforce compliance. Grant applicants and recipients are ultimately responsible;
 - a. Records must be stored to ensure confidentiality;
 - b. Only staff who need to know should have access to records and information; and
 - c. Complainants and those who provide information must be protected against retaliation.

Complaint Logs


Chapter: 10 **Section:** 6.5

Effective Date: 2/14/2017

Expiration Date: Continuing

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Status: Current 

Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. DCEO maintains a confidential discrimination complaint log that includes:
 - a. Complainant name and address;
 - b. Grounds of the complaint;
 - c. Description of the complaint;
 - d. Date filed;
 - e. Disposition and date; and
 - f. Any other pertinent information.
2. As required, EOMC maintains the complaint log and actions taken on the complaints for a period of not less than three years from the date of the resolution of the complaint. WIOA regulations grant authority to the CRC Director to require additional information to determine compliance with EO rules:
 - a. Recipients must notify the CRC Director if an administrative action or lawsuit is filed against them alleging discrimination.
 - b. Applicants and recipients must let the CRC Director know the name of any federal agency that has conducted an investigation and found the applicant or recipient to be in noncompliance with civil rights procedures if that investigation was within two years prior to the time the WIOA application was filed.

Element Seven - Compliance Monitoring, 29 CFR 38.62 – 38.68


Chapter: 10 **Section:** 7

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

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Element Seven Introduction

Chapter: 10 **Section:** 7.1

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

Element Seven describes the compliance monitoring procedures that ensure DCEO's compliance with the requirements of Section 188 and 29 CFR 38. DCEO is responsible for monitoring all WIOA financially assisted programs for compliance with the nondiscrimination and equal opportunity provisions. Policy Letter 00-07 (Attachment 7.1) direct all LWIAs to establish procedures to monitor periodically all aspects of EO/ADA compliance with Section 188 and 29 CFR 38.

Monitoring Responsibilities


Chapter: 10 **Section:** 7.2

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. 29 CFR 37.62 requires detailed information for the EO monitoring process. DCEO meets the standards of periodic monitoring set forth by the CFR by providing monitoring information described by the following:
 - a. The procedure for reviewing recipients' policies and procedures to ensure that these policies and procedures do not violate the prohibitions outlined in section 188 of WIOA, specifically;
 - b. The written reports prepared for each review. These reports must provide, among other things, that the results of the monitoring activities will be made available to the recipient(s) through a monitoring corrective action letter;
 - c. The involvement of the State and LWIA EO Officer(s) in conducting reviews. Where individuals other than the State or LWIA EO Officers carry EO monitoring out, the narrative should provide the names, job titles, and the WIOA organizations in which these persons are employed;
 - d. The level of training provided, and by whom, to these individuals, and how does the State WIOA Officer coordinate the review efforts from start to finish; and
 - e. The procedure for determining which recipients are to be reviewed, the frequency of reviews of recipients, and the number of recipients to be reviewed per year.
2. Both the State and LWIAs share equal responsibility to monitor for compliance. The monitoring schedule is comprehensive, and it involves the State WIOA EO Officer, LWIA Executive Officers/Administrators, key management staff, LWIA EO Officers, and the assigned DRCs. The State's WIOA EOMC staff will visit each LWIA site once every three years. Additional visits may be scheduled if the situation warrants ensuring implementation of corrective measures.
3. DCEO imposes specific requirements upon itself as well as the LWIAs for complying with monitoring responsibilities. Each EO monitoring review must include a review of each recipient's collective EO/ADA internal control programs and operations to determine if:
 - a. The recipient is complying with its administrative obligations under Section 188 of WIOA. Examples of these administrative obligations include designating an EO Officer, Notice and Communications, reasonable accommodations, confidential information and record protection, tag lines, LEP Program, operability of current assistive technology, bulletin board maintenance, and contractual Assurances.

- b. The recipient is complying with its MOA responsibilities.
 - c. The recipient's programs and services are free of discrimination practices.
4. In order to make the above assessments ensuring nondiscrimination in EO operations, DCEO's periodic monitoring review includes:
 - a. Conducting EO monitoring/evaluation reviews
 - b. Evaluating policy development, communication, and training
 - c. Analyses by race/ethnicity, sex, age, and disability status to determine significant differences; and
 - d. Analyses of records, client interviews, and other appropriate methods to determine causes of differences.
5. Follow-up investigations are conducted when there are significant demographic analytical differences to determine whether the differences are due to discriminatory conduct or to some other factors. The use of record reviews, interviews, and other appropriate investigation techniques aid in the identification of the potential issues. When WIOA EO/ADA compliance violations are found, DCEO will use appropriate enforcement procedures.

Local Workforce Areas


Chapter: 10 **Section:** 7.3

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. The State of Illinois has twenty-two (22) LWIAs. There are thirty (30) workNet Centers (One-Stops) and 77 Affiliate Site locations. Each monitoring cycle will consist of at least eight (8) to ten (10) monitoring visits to LWIA's and their affiliates annually. In turn, each LWIA will monitor their sub-recipients annually and provide DCEO with their findings and corrective actions. Each LWIA is expected to monitor their workNet Centers and affiliates using a 3-year cycle similar to the method used by the State.
2. Monitoring tools used are as follows:
 - a. **Monitoring Instrument** (Attachment 7.2) - The procedures for monitoring are listed in the monitoring instrument per policy letters and the MOA;
 - b. **workNet Center Accessibility Checklist** (Attachment 7.3) - This checklist was comprised from relevant guidance referenced in the ADAAG and the Illinois Accessibility Code;
 - c. **Self-Evaluation Tool** (Attachment 7.4) - Official information provided to the State about the EO/ADA status in the LWIA. This instrument provides a terse view of the important checkpoints in the LWIA;
 - d. **DCEO Site Review Survey** (Attachment 7.5) - This tool measures staff effectiveness, training, and knowledge about the EO/ADA programs;
 - e. **Client Survey** (Attachment 7.6) - This is a marketing tool used to measure customer satisfaction. The tool is crafted to collect feedback information from clients or applicants;
 - f. **Sample Monitoring Visit Announcement Letter** (Attachment 7.7) - These letters are provided to the LWIA's Executive Directors and EO Officers to finalize important coordination matters (i.e. inspection dates, inspection team, purpose of the visit, areas to be inspected, to establish points of contacts, and to secure administrative details and set up entrance and exit briefings);
 - g. **Current Monitoring Schedule** (Attachment 7.8);
 - h. **List of WIOA Funded Programs Monitored** (Attachment 7.9); and
 - i. **Sample Findings Letter** (Attachment 7.10).
3. State and LWIA monitors will use similar monitoring tools and processes to identify problem areas, operational weaknesses, and to develop corrective actions plans. Follow-up visits may be scheduled as necessary to ensure

that the appropriate corrective actions were completed.

4. In demonstrating compliance with CRC regulations, it is necessary for an LWIA grant recipient who has received WIOA financial assistance from the State to show its adherence to policies, procedures, and systems contained in the State's WIOA MOA. Included in the documents section is the monitoring instrument used during on-site monitoring visits to acquire data from the LWIA recipients. The monitoring instrument is modeled after the nine elements of the WIOA Methods of Administration (MOA).
5. The monitoring instrument does not create new legal requirements or change current legal requirements, as its purpose is to facilitate an evaluation of the extent to which recipients are complying with the following administrative obligations:
 - a. Designation of Equal Opportunity Officers;
 - b. Notice and Communication;
 - c. Assurances, job training plans, contracts and policies and procedures;
 - d. Universal Access;
 - e. Data Collection and Record Keeping;
 - f. Section 504 of the Rehabilitation Act;
 - g. Data and Information Collection and Maintenance;
 - h. Complaint Processing Procedures; and
 - i. Corrective Actions and Sanctions
6. DCEO Accessibility Checklist is an extension of the monitoring instrument used to determine compliance with disability requirements found in 29 CFR Part 38 and Section 188. The Accessibility Checklist identifies the basic requirements under Section 188 of WIOA. It includes portions of the regulations that implement Section 504 of the Rehabilitation Act as applicable to LWIA grant recipients concerning the operation of their WIOA programs and activities.

Desk Reviews


Chapter: 10 **Section:** 7.4

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. Desk reviews begin with a self-evaluation prepared for EOMC by the LWIA EO Officer. Incomplete or incorrect responses to the self-evaluation will, at a minimum, prompt technical assistance and further monitoring. LWIA EO Officers submit self-evaluation reports prior to the on-site monitoring visit to assist DCEO EO monitors conducting their comprehensive review. In years where on-site monitoring is unscheduled, each LWIA submits an annual self-evaluation to the State WIOA EO Officer. Those evaluations are reviewed EOMC monitors assigned to the respective LWIA.
2. In addition to the self-evaluation, the desk review will include:
 - a. EO Appointment Letter
 - b. EO Job Description
 - c. Agency's Organizational Chart
 - d. Review of reports from previous non-discrimination program reports;
 - e. Review of discrimination complaint files;
 - f. Review of compliance monitoring reports prepared by the LWIA EO Officer;
 - g. Review of program accessibility self-evaluation and procedures to ensure compliance with requirements pertinent to individuals with disabilities; and
 - h. Review of facility accessibility surveys;
 - i. Website 508 Accessibility;
 - j. 5-Year Marketing Outreach Plans;
 - k. IWDS registration Data using the Standard Deviation Analysis Method; and
 - l. Review of IDES Census Demographic Data

On-Site Reviews


Chapter: 10 **Section:** 7.5

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. On-Site Reviews provide the opportunity to meet and discuss policies, procedures, or issues with top LWIA management and the EO Officer. It may be used to clarify information from the desk review. The primary contact during this phase of the review is the LWIA EO Officer. The site review consists of the following:
 - a. An entrance conference, to include discussion of the results of the desk review;
 - b. Policy and Procedures Review (i.e. EO Program staff training, Sexual Harassment, Complaints, Monitoring Procedures, LEP Program, Random sample of Applicant Files);
 - c. Site locations, points-of-contacts, and route coordination;
 - d. Website Accessibility
 - e. Staff surveys and interviews;
 - f. Customer surveys and interviews;
 - g. Facility-accessibility survey review and assessment;
 - h. Review of customer information materials, tag lines, bulletin boards, to include materials in alternative formats and languages other than English;
 - i. Review of community contact programs;
 - j. Complaint-file review;
 - k. Discussion of program intake and assessment processes, to include provisions to serve individuals with disabilities or who are non-English speaking (LEP Program & language cards);
 - l. Contracts and assurances boiler plate clauses and other similar agreements are reviewed to ensure that they are nondiscriminatory;
 - m. Review of EO role-related training and budgets for equal opportunity officers planned and accomplished to date; and
 - n. An exit conference, to include discussion of preliminary findings, if any.

-
2. If technical assistance is necessary, it may be done during the on-site visit as time permits or scheduled at a future date.

Local Monitoring

Chapter: 10 **Section:** 7.6

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

Each LWIA EO Officer, using the same monitoring process developed and used at the State level, monitors the activities of the Illinois workNet Center, satellite locations, and contractor activities to ensure EO/ADA compliance. The monitoring review process requires written reviews that are kept on file for three years. Statewide Report consistency is encouraged. DCEO developed monitoring tools that are useful to ensure a consistent statewide approach to monitoring for nondiscrimination and equal opportunity in the Illinois workNet system.

Monitoring Corrective Action Letter

Chapter: 10 **Section:** 7.7

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

DCEO monitors will prepare a monitoring corrective action letter (Attachment 7.10) that details the findings and deficiencies identified during the monitoring activities within ninety (90) days. LWIA Directors will be responsible for responding to the letter with a written response to the findings and corrective actions within sixty (60) days. In those situations where there are no findings identified, a “no finding” letter will be sent to the CEO, LWIB Chair and the LWIA Director.

Conducting Follow Up


Chapter: 10 **Section:** 7.8

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

Upon receipt of the monitoring report, the LWIA Director will respond to the corrective action identified as to how the LWIA is going to implement the corrective activities described in the monitoring review. This written response is sent to the State WIOA EO Officer for review and approval. If on-site follow-up monitoring determines the causes for the initial finding have not been appropriately corrected, technical assistance is offered, and further corrective actions are mandated. In the event if follow up activities are necessary, DCEO EO Compliance Monitors will schedule follow up visits to ensure that corrective actions have been implemented.

Element Eight - Complaint Processing Procedures, 29 CFR 38.69 – 38.85


Chapter: 10 **Section:** 8

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

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Element Eight Introduction


Chapter: 10 **Section:** 8.1

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

DCEO's complaint processing procedure to advise LWIA customers and employees of their right to file a complaint is outlined in PY '00 EO/WIOA Policy Letter 00-08 (Attachment 8.1). The policy letter is consistent with **29 CFR Part 38.69 - 37.85**, and identifies the requirements by which recipients (those entities to which financial assistance under WIOA Title I is extended, either directly from the USDOL or through the Governor or another recipient) comply with complaint processing.

Recipients That Must Comply With Complaint Procedures


Chapter: 10 **Section:** 8.2

Effective Date: 2/14/2017

Expiration Date: Continuing

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Status: Current 

Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. As previously stated, a recipient is any entity that qualifies and receives financial assistance to provide WIOA programs or services. Illinois WorkNet Center partners are treated as recipients and are subject to the nondiscrimination and equal opportunity requirements based on their participation in the workNet Center delivery system. The list of recipients that must comply with EOMC's complaint procedures include, but is not limited to:
 - a. State-level agencies that administer WIOA funds;
 - b. State Employment Security Agencies (UI);
 - c. State and Local Workforce Investment Boards;
 - d. LWIA Grant recipients;
 - e. workNet Center operators and partners;
 - f. Providers of services, and benefits;
 - g. On-the-job (OJT) employers;
 - h. Job Corps contractors and center operators (excluding federally operated centers); and
 - i. Placement agencies, including Job Corps contractors that perform these functions.

Key Elements of the Complaint


Chapter: 10 **Section:** 8.3

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. 29 CFR 38.70 outlines specific elements that must be apparent in the recipient's complaint processing procedures. The procedures must include the following elements as described in Attachment 8.2--see the References tab:
 - a. **Initial written notice including:**
 - 1) Acknowledgment of the written complaint
 - 2) Notice to the complainant of his or her right to be represented in the complaint process
 - b. **Written statement of issues including:**
 - 1) List of the issues raised in the complaint
 - 2) Statement whether the recipient accepts the issue for investigation or rejects the issue and the reasons for each rejection
 - c. **Process for investigation or fact-finding:**
 - 1) The choice to use customary process rests with the complainant
 - d. **Alternative Dispute Resolution (ADR) Process:**
 - 1) Choice for the complainant to use ADR or the customary process
 - 2) Provision for any party to file a complaint with the CRC Director if ADR agreement is breached
 - e. **Written Notice of Final Action including:**
 - 1) The recipient's decision and explanation (investigation or fact-finding) or of the way the parties resolved the issue if using ADR;
 - 2) A notice stating that if the complainant is dissatisfied with the recipient's resolution of the complaint, he or she has the right to file a complaint with CRC within 30 days;
 - 3) Notice of final Action (90 days); and
 - 4) Record keeping.

Jurisdiction


Chapter: 10 **Section:** 8.4

Effective Date: 2/14/2017

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. Any person, or any specific class of individuals, who believes that they have been or are being subjected to discrimination on the basis of race, color, national origin, religion, sex, age, disability, political affiliation or belief and, for participants only, citizenship may file a complaint under WIOA. Examples of typical complainants include, but are not limited to:
 - a. Applicants and/or registrants for aid, benefits, services, or training;
 - b. Eligible applicants/registrants;
 - c. Participants;
 - d. Employees;
 - e. Applicants for employment;
 - f. Service providers who may be attributed a racial, national origin, or other characteristic entitled to protection under WIOA; and
 - g. Eligible service providers.
2. Complainants may file a written complaint either on their own or through a representative. These complaints can take one of three forms: individual, class action, or third party. An individual complaint occurs when an individual alleging he had been personally subjected to discrimination. A class action complaint occurs when one or more individuals file the complaint. This action is not only on behalf of themselves, but also on behalf of a group of similarly situated individuals. Class action complainants must have "standing" by being a member adversely affected class and have been injured by the alleged discrimination. In addition, all individuals included in the complaint must provide a signed consent document. Class action secures a remedy that eliminates the following:
 - a. Discrimination against person(s) named in the complaint;
 - b. Discrimination against other injured parties, regardless of whether they have been individually named in the complaint; or
 - c. Discrimination caused by a practice or policy.

3. Lastly, EOMC accepts third party complaints when an authorized representative of injured individual (s), alleges discrimination against another group or individual after being subjected to discrimination. The complainant may file a discrimination charge if an organization, such as the NAACP, provides the necessary contact information for the injured party.

Information Required for a Complaint


Chapter: 10 **Section:** 8.5

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Expiration Date: Continuing

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. A complaint must be filed in writing using the complaint form developed by the State or the CRC's Complaint Information Form and must contain standard information as described in 29 CFR 38.70:
 - a. Complainant's contact information;
 - b. The identity of the respondent or entity alleged to have discriminated;
 - c. Correct jurisdiction;
 - d. Timeliness of filing (180 days of the alleged incident filing timeframe); and
 - e. A signature from the complainant or their authorized representative.
2. It is important that the allegations be described in sufficient detail to determine the apparent merit of the complaint covered by EOMC's jurisdiction. This means that the allegation of discrimination, or complaint, if proven true, would violate WIOA regulations. There is no apparent merit if the allegation of discrimination does not reference a basis prohibited under Section 188 of WIOA. Once the complainant demonstrates apparent merit, EOMC then establishes:
 - a. **Written Notification**
 - 1) A Notice of Receipt will be issued within five (5) working days from the date of receipt of a written complaint. Should the complaint be accepted or rejected for jurisdictional reasons, EOMC will send the complainant a Written Notice of Lack of Jurisdiction including:
 - a) The reason(s) for the determination;
 - b) Notice that the complainant has a right to file a complaint with the CRC within 30 days of receiving the Written Notice of Lack of Jurisdiction.
 - b. **90-day Processing Timeframe**
 - 1) Within 90 days of receipt of the complaint, EOMC will either issue:
 - a) A Written Notice of Lack of Jurisdiction; or
 - b) Refer the complainant to another federal grant-making agency for investigation where there is dual jurisdiction; or
 - c) Issue a Written Notice of Final Action.

c. Notice of Complaint Processing Procedures

All Illinois workNet Centers, affiliates, contractors, and partners may access EOMC's complaint processing procedures (Attachment 8.2--see the References tab) on DCEO's website. Applicants receive a copy and are required to sign a statement indicating they understand the complaint processing procedures. Recipients may receive alternate formats to all handouts upon request. In addition, DCEO's web site provides a link to resources that will tell recipients what to do if they experience discrimination.

Roles and Responsibilities

Chapter: 10 **Section:** 8.6

Effective Date: 2/14/2017

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

The State WIOA EO Officer has overall responsibility for developing and implementing complaint procedures, as well as ensuring appropriate complaint processing training to LWIA EO Officers. The State WIOA EO Officer provides oversight, monitoring and technical consultation for the processing of all discrimination complaints regarding WIOA Title I services, including provision of the ADR required under 29 CFR Part 38.85.

Responsibilities for LWIA EO Officers


Chapter: 10 **Section:** 8.7

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. The responsibilities of the local EO Officers include:
 - a. Adopting, publicizing and implementing the state discrimination process in their area in accordance with these regulations;
 - b. Assisting customers in filing a complaint;
 - c. Providing oversight and monitoring for logging, tracking, reporting and processing of all discrimination complaints filed regarding WIOA Title I services;
 - d. Providing EO guidance to local intake services for discrimination complaints to determine if the complaint is covered by 29 CFR Part 38, resolving jurisdictional issues, and, if appropriate, routing the complaint to the appropriate entity for processing;
 - e. Monitoring the activities of the recipient to ensure that nondiscrimination and equal opportunity obligations are not being violated, and to review written policies to ensure that those policies are nondiscriminatory;
 - f. The LWIA EO Officer confers with the State WIOA EO Officer promptly upon receipt of the complaint, prior to determining jurisdiction over the matter; and
 - g. Conducting the fact-finding, facilitating mediation as appropriate, and issuing Notices of Final Action in complaints filed at the local level.

Record Keeping


Chapter: 10 **Section:** 8.8

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. As previously stated in Element Six, both the LWIA EO Officer and the State WIOA EO Officer shall maintain records regarding complaints and actions taken for three years from the date of resolution of the complaint. All complaints will be annotated on a Complaint Log (Attachment 8.3). The complaint log instructions detail what information is gathered (Attachment 8.4), such as:
 - a. The date the complaint was received;
 - b. The name and address of the complainant; category of complainant (i.e., employee, applicant, participant, client or organization);
 - c. Status of the complaint;
 - d. Was this a DOL Funded Program;
 - e. Date of alleged discrimination;
 - f. The basis/ issue(s) of complaint;
 - g. The name and address of the respondent; category of respondent (service provider, administrative entity, grant recipient or private employer);
 - h. Is the complainant a WIOA recipient;
 - i. Disposition of Complaint;
 - j. Date and results of determination; and
 - k. Was ADR used? (Yes/No)

Alternative Dispute Resolution (ADR)


Chapter: 10 **Section:** 8.9

Effective Date: 2/14/2017

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

ADR consists of a variety of approaches and techniques for dispute resolution that include coaching, facilitation, mediation, and arbitration. Each ADR technique provides an opportunity to discuss and consider possible solutions with the assistance of a neutral third party. The Notice of Receipt contains information instructing the complainant of ADR and the options available. If the complainant selects ADR, and the method proves unsuccessful in mitigating their complaint, the complainant can select another technique of ADR. Should a situation arise that necessitates a third party dispute professional, the Office of Equal Opportunity Monitoring and Compliance will contract with an appropriate service vendor to conduct the ADR activity.

Due Process

Chapter: 10 **Section:** 8.10

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. Upon receiving and processing the complaint, EOMC provides written notice to all parties who have a legitimate interest in the complaint. Regulations require that an “impartial” decision-maker investigate and process complaints. All parties receive due process during the investigative process including:
 - a. Representation
 - b. Present evidence
 - c. Question others who present evidence
 - d. File with CRC when they are not satisfied with an agency’s decision
 - e. Decisions should be made strictly based on evidence gathered (no outside factors will be taken into consideration)

Fact Finding/Investigation

Chapter: 10 **Section:** 8.11

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. Both State and LWIA investigators gather information relating to the alleged discriminatory actions during the fact-finding process, including:
 - a. Discussions with the complainant in order to record all elements of the complaint;
 - b. Interviews with any witnesses or others who have knowledge of the issue involved;
 - c. Review of written and electronic files and records which pertain to the complainant and the alleged discrimination; and
 - d. Interviews with the respondent.

Notice of Final Action


Chapter: 10 **Section:** 8.12

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. The Complainant receives a written Notice of Final Action within 90 days of the receipt of a complaint. If the investigating authority finds reasonable cause to believe that the respondent has violated the nondiscrimination and equal opportunity provisions of WIOA, the Notice of Final Action shall include:
 - a. The specific findings of the investigation;
 - b. An explanation of the reasons underlying the decision;
 - c. A description of the way the parties resolved the issue;
 - d. The corrective action and timeline; and
 - e. Notice that the complainant has the right to file a complaint with the Civil Rights Center Director within 30 days of the issuance date of the Notice of Final Action if the complainant is dissatisfied.

Retaliation


Chapter: 10 **Section:** 8.13

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. DCEO has a zero tolerance policy that prohibits retaliation, intimidation, or reprisal during the course of any protected activity in the course of complaint investigations. Individuals have the right to file complaints if they believe they have been subjected to intimidation, coercion, or other threatening behavior because they:
 - a. Filed or threatened to file a complaint;
 - b. Opposed a practice prohibited by the non-discrimination and equal opportunity provisions of WIOA; or
 - c. Exercised any rights and privileges, including furnishing information to, or assisting in any manner, an investigation, review, hearing, or any other activity related to the provisions under 29 CFR 38.
2. In general, EOMC maintains confidentiality regarding the identity of individuals who file complaints, supply information, oppose discriminatory actions or behaviors, or participate in investigations.

Element Nine - Corrective Actions/Sanctions, 29 CFR 38.90 – 38.100


Chapter: 10 **Section:** 9

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

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Element Nine Introduction


Chapter: 10 **Section:** 9.1

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

Recipients determined to be in violation of the nondiscrimination portions of the Workforce Investment Act as a result of a discrimination complaint, monitoring reviews or both, are required to take prompt corrective and/or remedial action. Element Nine demonstrates DCEO's compliance in applying appropriate corrective action and/or sanctions as instructed in Policy Letter 00-09 (Attachment 9.1) pertaining to **29 CFR 37.90 (b) (1) (2)(3)**.

Corrective Actions

Chapter: 10 **Section:** 9.2

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

A corrective action is required from a recipient when there is probable cause to believe a violation of the nondiscrimination and equal opportunity requirements of WIOA has occurred. A violation is a failure to comply with WIOA regulation and may range in seriousness from an infraction, or a technical violation, to a more significant discrimination violation. DCEO recognizes two different types of violations that if identified, must require corrective actions.

Technical Violation


Chapter: 10 **Section:** 9.3

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

Technical violations are based on a strict adherence contained within the implementation of the nondiscrimination provisions of 29 CFR Part 38 and to the policy, rules and procedures predicated from all applicable Federal and State laws. For example, a technical violation involving the failure to include tag lines in a communication would result in a corrective action to re-issue the communication with the tag lines included.

Whole Relief


Chapter: 10 **Section:** 9.4

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Discrimination violations tend to be more serious breaches of regulations and may require more investigation than technical violations. To correct a discrimination violation, the appropriate corrective action shall include provisions to make "whole relief." Make-whole relief retroactively provides the victim(s) with whole or full monetary compensation or program services that may have been wrongly denied because of the discriminatory practice by bringing the person to the condition they would be in if, the discrimination had not occurred. Such relief might involve back pay, front pay, retroactive benefits, training, or any service discriminatorily denied.

Violation Compensation


Chapter: 10 **Section:** 9.5

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1. Corrective action procedures include the execution of a written agreement or assurance documenting that the violation has been or will be corrected in a time frame that demonstrates that the corrective action will be completed as soon as possible. The procedures must also include the steps to be taken to ensure that the violation is not repeated. Federal funds may not be used to provide make-whole or any other form of monetary relief. The recipient is obliged to find another financial source, such as local tax dollars, to compensate the victim.
2. Both technical and discriminatory violations require corrective actions to be taken in a timely manner, and addressed in an appropriate and reasonable manner. An appropriate corrective or remedial action is designed to completely correct each violation. DCEO will seek corrective action from an LWIA in the following circumstances:
 - a. Technical deficiencies such as a failure to follow through on written assurances or a barrier to universal access causing a disparate impact in services;
 - b. Assessment of the circumstances surrounding a complaint and/or grievance, and/or the use of desk audits, on-site reviews, investigation, or other fact-finding tools in conjunction with the assessment process, reveals barriers to equal opportunity or access to WIOA services; and
 - c. Refusals to implement voluntary corrective action, submit requested data or documentation, or provide access to premises or records during a compliance review.

Conciliation Agreements


Chapter: 10 **Section:** 9.6

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1. When it is not possible to immediately carry out or complete a corrective action, a conciliation agreement is required. Examples of this situation include, but are not limited to instance involving:
 - a. Correcting and republishing a brochure to include appropriate language regarding access for individuals with disabilities;
 - b. Developing and delivering an EO training program; or
 - c. Providing whole relief to an individual or group of participants.
2. The conciliation agreement must follow the guidelines listed below:
 - a. The agreement must be in writing and describe the violation(s)
 - b. Specify the time frame for the applied corrective or remedial action
 - c. Be sufficient in scope to avoid reoccurrence
 - d. Institute periodic reporting on the status and allow for enforcement procedures
3. The State WIOA EO Officer and/or Local EO officer must follow up to ensure that Prospective Relief Plans and Conciliation Agreements are fulfilled.

Sanctions


Chapter: 10 **Section:** 9.7

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Tags: Disability, EO, MOA, Nondiscrimination, Equal Employment Opportunity

1. When a recipient does not have the capacity to correct a violation(s), or when it's clear that the recipient has failed or refuses to do so, DCEO is required to respond by imposing sanctions (Attachment 9.2). EOMC has procedures in place to impose sanctions when all attempts to provide assistance to effect voluntary correction of a violation have failed, or when it is apparent that the recipient fails or refuses to correct the violation within the timeframe established. DCEO reserves the right to take enforcement proceedings as approved by the Director of DCEO when corrective actions are not carried out to comply with WIOA regulations include suspension, termination, and denial of funding. DCEO explicitly considers sanctions as the actions enforced through judicial process when a recipient refuses or fails to carry out corrective actions.
2. Due to either findings of discrimination as part of a complaint investigation, or compliance review, written notifications shall be issued to recipients of their noncompliance. Supportive documentation will indicate findings and methods to accomplish voluntary compliance in a corrective-action plan. The State WIOA EO Officer works with the non-compliant entity to establish necessary schedules to correct the violation. In the case of a finding of discrimination, the corrective-action plan must provide for whole relief. The State WIOA EO Officer may make recommendations for sanctions to the DCEO Director when the recipient does not comply with the established action plan.

Trade Adjustment Assistance

Chapter: 11 **Section:**

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Tags: TAA

Purpose

The Trade Adjustment Assistance Program (TAA or Trade Program) is a federal entitlement program that assists U.S. Workers who have lost or may lose their jobs as a result of foreign trade. This program seeks to provide adversely affected workers with opportunities to obtain the skills, credentials, resources, and support necessary to become reemployed including job training, income support, job search and relocation allowances, a tax credit to help pay the costs of health insurance, and a wage subsidy to workers 50 years of age and older.

The Trade Act of 1974, P.L. 93-618, has been amended four times since its enactment in January 1975 and has resulted in major changes to the Trade Adjustment Assistance for Workers program (TAA).

Chapter 11 discusses the Trade Adjustment Assistance Program, including participant eligibility, operating instructions, grant administration and reporting, performance reporting and submission procedures for the Workforce Investment Act Standardized Record Data (WIASRD), and performance measures.

General

Chapter: 11 **Section:** 1

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Tags: TAA

Illinois' policy on the Trade Adjustment Assistance program is contained in numerous policy letters, notices, and the operating procedures manual. These documents are being revised into a comprehensive ePolicy Chapter covering all of the Trade Programs, as amended. Until that process is completed, please refer to the appropriate documents listed in the Attachments and Notices tabs.

ALL of the forms and instructions necessary to provide customers of the TAA, TGAAA, TAAEA, and TAARA Trade Programs with information on the benefits and services available to them respective to the petition for which they are certified can be accessed through the URL link available in the References tab.

Additional information on Trade Related Reporting & Services can also be found through the link available in the References tab.