

# KANSAS WORKS STATE BOARD

## ANNOTATED AGENDA

October 27, 2010 • 10 AM – 2 PM

Capitol Plaza Hotel • **Emerald Ballroom I & II**

1717 SW Topeka Boulevard

Topeka, KS 66612

- I. Call to Order .....Mike Fleming, Chair
- II. Approval of Minutes .....Mike Fleming, Chair
- III. Report from Executive Committee .....Mike Fleming, Chair
- IV. Report from Policy Committee .....Ed Berger
  - a. *Substantial changes (request motion to approve)*
    - i. *3-14 WIA Eligibility Determination and Documentation*
- V. Strategic Planning Committee Update .....Mike Fleming, Chair
- VI. Kansas EmployAbility .....Aimee Bradshaw, Kansas  
Commission on Disability  
Concerns
- VII. Worker Re-Entry Overview .....Kathie Harris, Kansas  
Department of Corrections
- VIII. Technical Education Authority Update .....Rita Johnson, Senior Director  
for Workforce Innovations
- IX. State's Update .....Caleb Asher
- X. Chair's Update .....Mike Fleming, Chair
- XI. Adjournment .....Mike Fleming, Chair

**Meeting Minutes**

July 27, 2010

**Call to Order**

The meeting was called to order by Chairman Mike Fleming. Mike thanked all members and guests for attending and led the Pledge of Allegiance.

**Introduction of New Board Member**

Mike introduced and welcomed Carol Perry, Vice President of Patient Services, Stormont Vail Health Care. Carol adds an additional health care member to the board.

**Approval of Minutes**

Mike entertained a motion for approval of the minutes from the April 27, 2010 meeting.

**Vern Jarboe made the motion to approve the minutes, which was seconded by Debra Zehr. The motion passed unanimously.**

**Strategic Planning Committee Update**

The Strategic Planning Committee met to discuss an action plan that aligns with the board's new goals. To highlight best practices it was decided the time allocated to local area reports should be redirected for sharing of best practices. Local area reports will continue to be provided in the packet. Members are encouraged to continue to review the reports. If there are questions, time may be utilized during the Chair's report to address them.

The Strategic Planning committee will convene sometime between now and the October meeting to look at how to achieve our goals.

**Report from the Policy Committee**

Candy Shively explained there were two policies to review and thanked members of the policy committee, staff from the Department of Commerce and representatives from local areas.

**3-20 Rapid Response Statewide Activities**

This policy was outdated and was changed to reflect current practice. It referenced the State Dislocated Worker unit, which no longer exists. Commerce now has a statewide coordinator for Rapid Response activities. There are also local area coordinators who manage Rapid Response activities. The policy now reflects the work and responsibilities of the statewide and local coordinators. Standard changes were also made. The policy was posted for public comment. No responses were received. The committee recommends the policy be approved.

**Ed Berger made the motion to approve the policy, which was seconded by Criss Mayfield. The motion passed unanimously.**

**3-31 Data Collection**

Policy 3-19 *Management Information Systems Manual* is more of a tool in the day-to-day operation of MIS than policy. Therefore, the policy-related items were pulled from 3-19 and placed into *3-31 Data Collection* and 3-19 was rescinded to be used as a reference manual. The MIS reference manual must still be updated. It is a work-in-progress.

During the course of reviewing this policy it was determined language should be added on pages 2 and 3 to clarify the modification process. No public comments were received during the public comment period. Vern Jarboe commented on local ad hoc reporting.

**Phillip Chappuie made the motion to approve the policy, which was seconded by Debra Zehr. The motion passed unanimously.**

### **Adult Basic Education Overview and Outcomes**

Dianne Glass provided a detailed overview of the Adult Basic Education program. She covered services and providers. Dianne stressed how young students are always educated on how difficult it is to pass the GED test and how an effort is made to get the students back into the high school setting. GED testing is fee-funded and does not cost the state of Kansas money.

Students unable to pass the test are placed in classes to increase knowledge. The population trend is shifting from young females to young males. The majority of students are under 25 years of age. There is also a population of older students over the age of 65. Almost half of the students are working and a number are working more than one job. There is also a large population of ESL students.

Kansas has the highest GED passing score in the nation. The score is high because Kansas needs everyone to go on to postsecondary education to fill the job vacancies in the state. Kansas ranks twelfth in the nation in graduating high school students, therefore the K-12 system is good. Eighty-three percent of adult education pre- and post-testers complete.

Data shows Kansas is losing students both in the urban and rural schools; however the shift is losing the urban students. Even though our system is good Kansas has a 20 percent dropout rate. A study is being done to attempt to find out where those students are going.

There are not enough seats or classrooms to serve the number of people needing adult education. Goals have been set to increase not only the number of participants, but also the number of GED recipients and the number continuing on to postsecondary schools. They will be educated in basic literacy skills, GED preparation, ESL and family literacy courses. [Presentation slides available in Attachment A]

### **The Link between small business and the Workforce System**

Deb Franklin, Regional Labor Force Analyst and Wired Project Director, presented information on small business relationships built with the workforce system through the Wichita-area WIRED grant. As we move through business cycles, period of recovery and on into expansion small businesses have historically been, and likely will be, the engine in the next business cycle for adding jobs.

Deb outlined the operations of the WIRED grant. The grant was a three year grant with the focus on composites and advanced materials. Deb described how a subsector of materials were completed within the grant that supported small business and how the workforce system worked with other collaborative partners in order to support the system going forward. A challenge faced beyond the silos and WIA limitations was the need to nurture businesses and to find a business that would take all of the steps and share the clients. Communication was the most important piece. Technical assistance and business support is needed. The WIRED grant was able to assist 250 businesses.

## **Understanding Labor Market Information**

Inayat Noormohmad shared information on current labor market conditions, trends of the past and going into the future. LMI staff sees themselves as partners with workforce development and wherever possible would like to deliver quality information to assist policymakers with decisions about workforce development.

The largest increases in the labor market are workers 65 and older. That group of workers increased over seven percent in one year. Participation in the workforce by that group is much higher than the national average. As Kansas recovers and expands, this conversation will be heard again. Our labor force participation rate is higher than the national average, which means we are maximizing the number of people who are in the state of Kansas in terms of labor force. In addition, 235,000 individuals will be retiring or hitting retirement age in the next ten years.

Data collected by LMIS includes employment, wages, labor demand, unemployment insurance, mass layoff, and safety data. Several reports are produced in each category. Short- and long-term data are also reviewed. There are many different sources that contribute to the data. Special studies are completed as requested.

It was asked if all the information discussed today is available on KS DOL's website. Not all is available, but that is being worked on and will occur soon.

## **Technical Education Authority Update**

Dr. Blake Flanders conveyed to the group the Technical Education Authority is seeing the same numbers that were presented by Dianne Glass and Inayat Noormohmad. There are large differences in salaries between types of training. The authority is looking at technical training that provides a good return on money spent and at changes in how to fund expensive programs that return high wages. Consideration is being given to incentive funding for high demand, high return programs. The Tech Ed Authority will shore up that funding model to present to the legislature.

The authority continues with program alignment and looking at a third party assessment industry-related credential for all students graduating a technical program.

In relation to the nursing initiative, there is a bit of flattening in the nursing field. The legislature asked the authority to increase nursing students by 260. We have increased nursing spots by 500, but will slow down due to budget concerns.

## **State Update**

There is a lot of grant activity right now. Kansas applied for the Affordable Care Act State Health Care Workforce Development planning grant. Should Kansas receive that \$150,000 for one year, it will allow staff to do research and better determine the true needs in primary care (nurse practitioners, doctors, etc.). If the grant is received it gives Kansas the opportunity to apply for a two-year 1.5 million dollar implementation grant.

Soon to be submitted is the Health Profession Opportunity grant. It will allow a number of partners to listen to the needs of the nursing-level industry to ensure the market is not flooded with too many individuals and make sure what is being done is truly needed. The grant comes through Health and Human Services and targets TANF participants and low-income. There is a potential for five million

dollars for each year of the five year grant. It could total twenty-five million. It is unsure if Kansas will go after all the money, but probably the three- to five-million dollar range. The grant is due August 5<sup>th</sup>.

Recently the state received an on-the-job training grant through National Emergency Grant funding. Staff worked closely with local partners across the state to see what need was there. The funding request was for much more than received. First and foremost the focus will be to help employers accelerate job creation. Employers are reluctant to add jobs coming out of the recession. The hope is this will help accelerate job creation. It also is a good to connect with small business and create opportunities. The expectation is to allocate one hundred thousand dollars to each local area in addition to some dollars held at the state level.

Kansas received a small grant through the National Governor's Association called *Keeping Kansas Competitive Increasing Postsecondary Credentials*. A Governor's forum will be held in Wichita in September tying our partners into postsecondary education.

Also received was the Veteran's Workforce Improvement Grant. The obvious focus is to do a better job of serving our veterans. There is a major green component within the grant that will tie into our energy grant.

The longitudinal data study grant is around 9.1 million dollars, which is not our grant, but Dept. of Education, Board of Regents and a number of us will be participating in the grant. The Workforce Data Quality grant from the Lumina Foundation will make up for what we cannot get done in the longitudinal study. Only twenty groups were asked to move on with the Lumina grant.

There is a lot of activity going on. We are trying to insure the activity is actually supporting the needs verses just saying we are working on a bunch of grants.

Joey Frederickson updated the board on the State Energy Sector and Partnership grant. Commerce received thirty project applications from companies and has approved twenty-four projects. We have projected 637 new workers will be trained with the funds along with 245 incumbent workers. Several training projects have been completed.

There are approximately twenty other companies Commerce staff are working with to assist in the application process—1.75 million was slated to increase training capacity. Part of that piece is a \$250,000 pool of funds called *Right Training, Right Now*. Ninety-three thousand dollars have been awarded—45,000 to Neosho County to do statewide training and 48,000 to Wichita Electrical Workers Joint Apprenticeship Training Committee to purchase mobile training equipment. The equipment will provide training to places where it would normally be inaccessible. In addition, five community colleges were all written into the grant as partners.

We have faced some challenges in awarding funding. All items that cost over \$5,000 and have a life of more than one year must have DOL approval. Also, it was learned purchases would have to go through the bidding process. Everything must be competitively bid.

The state plan was approved. The two waivers we were told would not be approved were actually extended thru 2011. This allows more flexibility. Otherwise, the plan remains the same until we receive reauthorization.

The older worker award ceremony will be held September 30<sup>th</sup>. Susan Weidenbach asked the board to assist in the nomination process.

Jeff Schroeder reported on the TANF summer youth program. In May, our waiver request was approved allowing the work readiness indicator to be the only area of performance for youth participating in subsidized youth employment activities. Fifty-eight youth are enrolled at this time.

### **Chairs Update**

Eddie Estes informed the board the Workforce Summit will be held in January. Ron Painter will be presenting and meeting with LWIBs. NAWB is moving its convention to the Hilton in Washington DC in 2012. Caleb has information regarding the EPA grants. There will be a meeting on those on the September 2<sup>nd</sup>.

The Department of Education created the Kansas Education commission. Please go to the website. It includes information on the new elementary and secondary education act for which we need to provide input.

Mike asked if any board member had visited their local area board or workforce center. Debra Zehr said she visited Wichita and found it to be a real eye opener. She has a better understanding and better thoughts on what this board should or could be. Debra encouraged everyone to visit the workforce centers.

Workforce Centers have changed so much in the last few years they are completely different. A number of the board members talked about using the workforce centers in their business. Mike encouraged everyone to visit.

The next meeting of the board will be held October 27, 2010 at the Capitol Plaza.

The meeting adjourned at 2:09 p.m.

## ATTENDANCE

BOARD MEMBERS	PRESENT
<b>Mike Fleming, Chair</b>	X
<b>Eddie Estes, Vice Chair</b>	X
<b>Ed Berger</b>	X
<b>Rod Blackburn</b>	E
<b>Phillip Chappuie</b>	X
<b>Tim Cotter</b>	X
<b>Blake Flanders</b>	X
<b>Jack Fowler</b>	E
<b>Jim Garner</b>	E
<b>Robert Giesen</b>	X
<b>Judy Gifford</b>	X
<b>Dianne Glass</b>	X
<b>Vernon Jarboe</b>	X
<b>Martin Kennedy</b>	E
<b>Doug Kinsinger</b>	E
<b>Patricia Kirkman</b>	E
<b>Larissa Long</b>	E
<b>Alise Martiny</b>	X
<b>Criss Mayfield</b>	X
<b>Tony Naylor</b>	X
<b>Carol Perry</b>	X
<b>Lynn Peterson</b>	X
<b>Brian Threadgold</b>	X
<b>Deb Shepard</b>	X
<b>Candace Shively</b>	X
<b>William R. Thornton</b>	X
<b>Debra Zehr</b>	X

X=Present  
 E=Excused Absence  
 U=Unexcused Absence

## ATTENDANCE

GUESTS
Inayat Noormohmad, Kansas Department of Labor
Deb Franklin, Wichita State University
Malcolm Toll, Student
Trent Howerton, Workforce Partnership, Local Area III
Kris Kitchen, Heartland Works, Local Area II
Maureen Toll, Salina Chamber of Commerce
Kerri Bacon, Kansas Commission of Disability Concerns
Renea Cavaness, <b>KANSASWORKS</b> , Local Area V
Jim Snyder, Silver Haired Legislature
Kelly Fuller, Workforce Alliance, Local Area IV
Jerry Atkinson, Southeast <b>KANSASWORKS</b>
Aimee Bradshaw, Kansas Commission on Disability Concerns
Angela Borland, Kansas Department of Labor
Areon Kelvington, United States Department of Labor, VETS

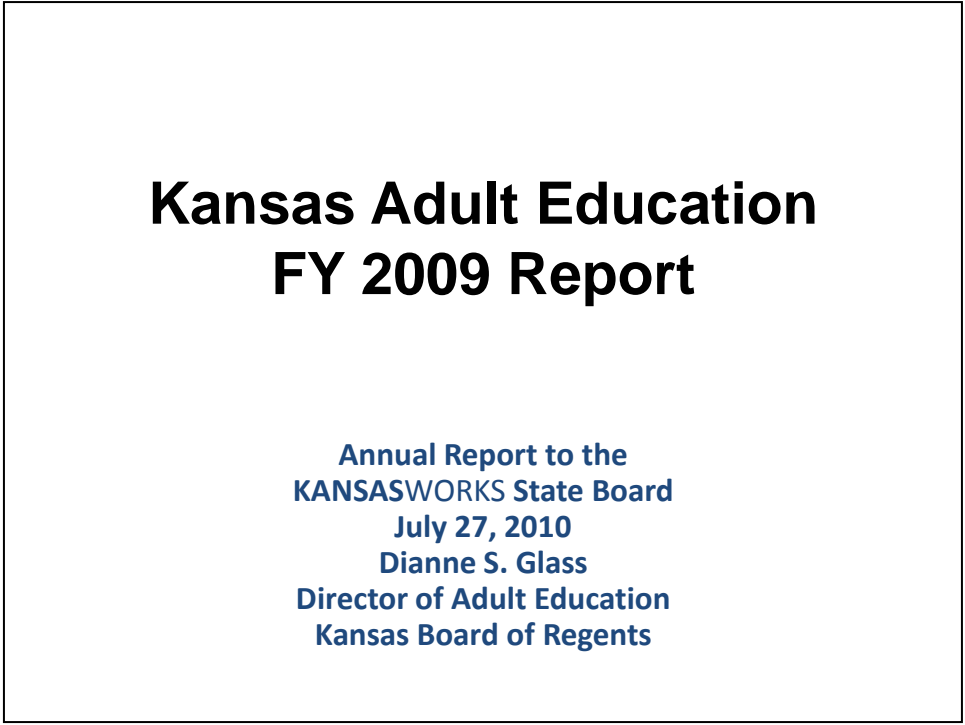
COMMERCE STAFF	
Bill Thompson	Loretta Shelley
Susan Weidenbach	Joseph Frederickson
Keith Meyers	Candace Molzhon
Ann Duffy	Susan Nickerson
Mike Beene	Shelly Jones
Caleb Asher	DeAnn Gideon
Cindy Nau	
Jeff Schroeder	

BOARD STAFF
Cindy Nau

Attachment A was removed to reduce file size.  
Full version will be available online upon approval of minutes or  
contact Cindy Nau at [cnau@kansascommerce.com](mailto:cnau@kansascommerce.com) for a copy.

**ATTACHMENT A**

**Double-click** on the below icon to access the PowerPoint presentation.



## **Public Workforce System and Adult Education Partnerships Workforce Investment Act - Title I and II**

Workforce Investment Act Title I (Employment and Training) and Title II (Adult Basic Education) share the same common goal: serving adults to enhance skills, both foundational and technical/occupational, so they may find and keep a quality, family-wage job. Title I and II also share the same federal performance measures and reporting requirements. Per WIA, the **KANSASWORKS** State Board (KWSB) is charged with the development and continuous improvement of comprehensive State performance measures to assess the effectiveness of the workforce investment activities in the State. To best fulfill this function, accomplish program goals and better serve individuals and Kansas, Title I AND Title II should provide a formal performance report to the KWSB for review and comment.

Employment and training services (Title IB) is administered through the Department of Commerce and Adult Basic Education (Title II) resides in the Board of Regents (KBOR) where both units will remain. The goal of effective integration into a comprehensive state plan will be improved by establishing a regular formal report from both services to the KWSB.

Title II reporting to the KWSB and the ensuing coordination would offer the following benefits:

- Better service to Kansas customers – learners and job seekers – with one intake, multiple connected services, and shared resources. Greater connections, visibility and leverage for Title II through reporting to an “external,” governor-appointed board.
- Better integration of two systems and reduced duplication of services
- Enhanced partnerships with shared responsibility for each other’s outcomes
- Increased number of participants served with true integration of Title I and II

The KWSB can assist the Adult Basic Education System with goals, outreach, funding procurement and other key operations. Working with Adult Education directors and KBOR leadership, a report-can be designed and integrated into the agenda for KWSB meetings. Adult Education will benefit from the perspectives and connections through the KWSB.

Leadership of KBOR and KWSB need to determine the details and level of the formal report:

1. Information only
2. Information with guidance and feedback from the KWSB
3. Coordinated state plan and full integration with joint accountability for shared measures

Kansas has made progress and is currently at Level 1. Suggest Level 2 is the next step with Level 3 as the ultimate goal.

**Kansas Department of Commerce**  
**Workforce ~~Development~~Services**  
**Policy and Procedures Manual**

**Policy Number:** #3-14-0~~2~~23 (This #~~2~~ replaces 3-14-0~~1~~2 WIA Eligibility Determination and Documentation)

**Originating Office:** Workforce ~~Development~~Services

**Subject:** WIA Eligibility Determination and Documentation

**Issued:** January -2, 2008

**Revised:** September 16, 2010 Policy Committee; October 27, 2010 KWSB

**Programs:** WIA Youth, Adult and Dislocated Worker

**Purpose:** To more clearly define ~~transmit policy update to include military spouses in~~ Dislocated Worker eligibility.

**Reference:** WIA Sections 101(10), 101(25), 101(37), 129(c)(5), 134(d)(3), 134 (d)(4)(A), and 188(a)(5), 189(h); 20 CFR Parts 663.110, 663.120, and 667.250; TEGL 17-05; TEGL 22-04 and TEGL 22-04, Change 1.

**Background:** This document defines and describes participant eligibility criteria for WIA--funded activities. State policy provides detailed guidance for WIA eligibility determination and documentation.

**Action:** This policy shall be utilized when determining if individuals are eligible to participate in WIA--funded activities. Local ~~A~~areas shall design forms for accurate eligibility determination and maintain documentation that supports the key elements of a participant's eligibility for WIA.

**Contact:** Questions should be directed to WIA Administrator, (785) 296-0607, TTY: 711, e-mail [workforcesvcs@kansasworks.com](mailto:workforcesvcs@kansasworks.com), Armand Corpolongo, (785) 296-7876, TTY (Hearing Impaired): (785) 296-3487, [acorpolongo@kansascommerce.com](mailto:acorpolongo@kansascommerce.com)

**Summary of Changes:** Includes numerous changes regarding documentation of eligibility and initial enrollment data. Deletes point of registration/participation instructions as this is included in Policy 3-17 re: State Performance Accountability System.

**Summary of Changes:** ~~Includes information on spouses in the Dislocated Worker eligibility section.~~

**Attachment:** None

# WIA Eligibility Determination and Documentation

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## WIA Eligibility Determination and Documentation

~~This policy contains five sections:~~

~~Section I — Definitions — provides definitions for terms used within this policy.~~

~~Section II — Participant Registration — provides policy for when an individual must be registered in the WIA program.~~

~~Section III — Eligibility Requirements — provides policy on how to determine eligibility for WIA programs.~~

~~Section IV — Eligibility Documentation — defines key elements for which the Local Areas must maintain documentation to support a participant's eligibility for WIA programs.~~

~~Section V — Acceptable Documentation — lists documentation that may be used to verify a participant's eligibility for registration in the WIA program.~~

### Section I

#### Definitions

**Basic Skills Deficient** - an individual who computes or solves problems, reads, writes or speaks English at or below grade level 8.9.

~~*[WIA, Title I, Section 101 (4), 2, 29 U.S.C. 281(4) (2008) and 20 CFR 664.205(a)(1)]*~~

**Family** - two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

1. A husband, wife, and dependent children.
2. A parent or guardian and dependent children.
3. A husband and wife.

~~*[WIA, Title I, Section 101 (15), 2, 29 U.S.C. § 281(15) (2008)]*~~

**Homeless Individual** - the terms ~~'homeless'~~ "homeless," ~~or "~~ homeless individual," or "homeless person" includes:

1. An individual who lacks a fixed, regular, and adequate nighttime residence; and
2. An individual who has a primary nighttime residence that is:
  - A. A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
  - B. An institution that provides a temporary residence for individuals intended to be institutionalized; or ~~a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings."~~

C. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings."

~~*[Section 103 of the Stewart B. McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302)] § 12102(1) (2009)]*~~

~~*[Section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302)]*~~

**Individual with a Disability** - ~~an individual who~~an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102))

1. Has Aa physical or mental impairment that substantially limits one or more of the major life activities of such individual;
2. Has Aa record of such an impairment; or
3. Being Is regarded as having such impairment.

~~*[Section 3 of the Americans with Disabilities Amendments Act of 2008 (42 U.S.C. § 12102(1) (2008)] [WIA, Title I, Section 101 (17) and Section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)]*~~

**Lower Living Standard Income Level** - income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary based on the most recent lower living family budget issued by the Secretary.

~~*[WIA, Title I, Section 101 (24), 29 U.S.C. § 2801(24) (2008)] [WIA, Title I, Section 101 (24)]*~~

**Military Spouse** – An individual who is married to an active duty service member including National Guard or Reserve personnel on active duty. The surviving spouse of an active duty service member who lost his/her life while on active duty service in Afghanistan, Iraq or other combat-related areas.

~~*[WIA, Title I, Section 101 (27), 2801 U.S.C. § 2801 (2008) TEGl 22-04 and 22-04, Change 1]*~~

**Offender** - any adult or juvenile:

1. Who is or has been subject to any stage of the criminal justice process, for whom services under this Act may be beneficial; or
2. Who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

~~*[WIA, Title I, Section 101 (27), 2801 U.S.C. § 2801 (2008)]*~~

~~*[WIA, Title I, Section 101 (27)]*~~

**Underemployed** - an individual who is working part time but desires full time employment, or who is working in employment not commensurate with the individual's demonstrated level of educational and/ or skill achievement.

*[The state has implemented the definition of underemployed at 20 CFR 668.150 to define the requirements for underemployed as related to the Adult and Youth programs.]*

**Veteran** - An individual who served in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable, which may include National Guard or Reserve personnel.

[TEGL 22-04 and 22-04, Change 1WIA, Title I, Section 101 (27), 2801 U.S.C. § 2801 (2008)]

## **Section II**

### **Point of Participation**

#### **~~WIA Point of Participation for Adults, Dislocated Workers and Youth~~**

~~All job seekers who are determined WIA eligible and meet both Conditions 1, 2 AND 3, below, are considered a participant in WIA.~~

~~Condition 1— Individual provides a social security number or identification number in lieu of a social security number and is given the opportunity to provide basic demographic information on age, race, ethnicity and disability status~~

~~Condition 2— Individual Received any service beyond eligibility determination.~~

~~Condition 3— Service Provided with WIA Funds~~

~~WIA funds were used to provide:~~

~~For Adult and Dislocated Workers: core, intensive or training service that the individual received~~

~~For Youth: any service that the individual received.~~

~~Example: In a One-stop environment, if an individual received only Wagner-Peyser funded core services or TANF-funded case management, and did not receive any WIA funded core, intensive or training service, that individual would NOT be registered for WIA. However, an individual who has received WIA funded core, intensive or training services or WIA funded youth service would be registered for WIA even if they would also receive non-WIA funded partner services. This includes service received either at a physical location or electronically that are either fully or partially funded by WIA funds.~~

~~—  
Inclusion in WIA Performance Accountability System~~

~~—  
Adults and Dislocated Workers~~

~~Who needs to be reported in the common measures participant counts?~~

~~Policy requires the state to report, in the appropriate participant counts, all individuals who have been determined eligible and receive a service, including self-service and informational activities, in either a physical location (One-Stop Career Center or affiliate site) or remotely through electronic technologies.~~

~~Who needs to be included in the performance measures calculations?~~

All participants who receive a core, intensive, or training service who exit the program are to be included in performance measures calculations, except that Section 136 of WIA expressly excludes WIA Adult and Dislocated Worker program participants who only receive self-service or informational activities from performance calculations.

#### Self-Service and Informational Activities

According to 20 CFR 666.140(a)(2), self-service and informational activities are those core services that are made available and accessible to the general public; that are designed to inform and educate individuals about the labor market, their employment strengths and weaknesses, and the range of services appropriate to their situation; and that do not require significant staff involvement with the individual in terms of resources or time. The state interprets the critical terms above as follows:

Self-service occurs when participants serve themselves in accessing workforce investment system information and activities in either a physical location, such as a One-Stop Career Center resource room or partner agency, or remotely via the use of electronic technologies.

Informational activities in a workforce investment setting may include both self-services and staff-assisted core services that are designed to inform and educate a participant about the labor market and to enable a participant to identify his or her individual employment strengths, weaknesses, and the range of services appropriate for the individual. The exception is core services that require significant staff involvement (see below).

#### Clarification of Significant Staff Involvement

Significant staff involvement is fundamental to determining if a participant will be considered in performance calculations. The critical distinction is determining when a participant has received a level of service that requires significant staff involvement. Significant staff involvement in a workforce investment setting is any assistance provided by staff beyond the informational activities described above regardless of the length of time involved in providing such assistance. Significant staff involvement includes a staff member's assessment of a participant's skills, education, or career objectives in order to achieve any of the following:

- Assist participants in deciding on appropriate next steps in the search for employment, training, and related services, including job referral;
- Assist participants in assessing their personal barriers to employment; or
- Assist participants in accessing other related services necessary to enhance their employability and individual employment related needs.

A participant who receives this level of service has received a service that involves a significant level of staff involvement; therefore, this participant would be included in the performance measures calculation.

On the other hand, when a staff member provides a participant with readily available information that does not require an assessment by the staff member of the participant's skills, education, or career objectives, the participant is a recipient of informational activities. This includes information such as labor market trends, the unemployment rate, information on businesses that are hiring or reducing their workforce, information on high-growth industries, and occupations that are in demand. A participant is also a recipient of informational activities when a staff member provides the participant with information and instructions on how to access the variety of other services available in the One-Stop Career Center, including the tools in the resource room.

A participant who only receives this level of service has not received a service that involves a significant level of staff involvement; therefore, he/she is a participant who would be excluded from the performance measures calculation.

#### Inclusion of Participants in Performance Calculations by Program

~~Although the WIA Adult and Dislocated Worker program participants who access or receive only self-service or informational services are excluded in the WIA performance calculations, these participants should be included in the Wagner-Peyser Act reporting and performance calculations to the degree that Wagner-Peyser Act funds contributed to the core employment and workforce information services received.~~

~~In accordance with policy principles articulated in TEGL 17-05, if a participant is served by a specific funding stream, he/she will be counted as a participant in that funding stream's reporting system and/or performance calculations. For example, Wagner-Peyser Act funds are often used to support and maintain One-Stop Career Center operations, electronic tools, job banks, and workforce information services. In these situations, it would be appropriate to include participants who accessed or received Wagner-Peyser Act-funded services in the Wagner-Peyser Act performance accountability system. Where WIA program funds are used in similar ways, participants who receive self-service or informational activities would only be included in the WIA participant and services counts, but would not be counted in the WIA performance measures.~~

#### ~~Youth~~

~~All Youth who receive WIA Title I services beyond eligibility determination will be included in the performance accountability system.~~

DRAFT

## Section III

### Program Eligibility Requirements

#### Selective Service Eligibility

Males who are subject to, ~~and but~~ have not complied with, the registration requirements of the Military Selective Service Act (MSSA), as amended, are not eligible for participation in WIA-funded programs and services. Section ~~189(h), 29 U.S.C. § 2939 (9) (2006) of WIA and 20 CFR Part 667.250 of the Regulations~~ ~~189(h) of WIA and 20 CFR Part 667.250 of the Regulations~~ require the Secretary of Labor to insure that each individual participating in any WIA program, or receiving any assistance under the Act, has not violated the requirement of the MSSA (50 ~~App.~~ U.S.C. ~~§~~ ~~App~~ 453(a) and(b)). This requires that every male citizen, and every other male residing in the United States, who is 18 through 25 years of age must be registered with the Selective Service System (SSS). There are exceptions, which include obvious disqualifying handicaps, individuals who have been honorably discharged from the armed services, aliens entering the United States on or after 26 years of age, etc. A determination must be made as to whether or not the requirement for selective service registration has been fully met. Local ~~A~~ areas have the responsibility for deciding and determining whether services should be provided. This determination must be made on a case-by-case basis. A non-registrant may not be denied any ~~F~~ federal benefit if he can demonstrate that his failure to register was not knowing or not willful.

For more information about requirements for Selective Service registration refer to the Selective Service Registration policy contained in the State Policy #2-03-00 or visit the Selective Service Web site at <http://www.sss.gov/>.

#### Citizenship / Work Authorization Eligibility

~~There is no statutory or regulatory requirement that program participants be citizens and nationals of the United States or be lawfully admitted permanent resident aliens, refugees, asylees, parolees, and other immigrants authorized by the Attorney General to work in the United States.~~ USDOL interprets the statutory requirements at ~~S~~ section 188(a)(5) of ~~the Act~~ WIA as a non-discrimination provision, not an eligibility provision. Thus, WIA does not forbid the state or local areas from servicing individuals outside of the designated categories.

~~As The purpose of Title I of the Workforce Investment Act WIA is “to provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the Nation.” which will improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and enhancement of the Nation’s economy;~~

~~However,~~ a participant’s ability to legally participate in the workforce is essential. ~~Therefore, workforce activities~~ training services funded under Title IB of ~~the Workforce Investment Act~~ WIA in Kansas are limited to those individuals who are citizens and nationals of the United States or lawfully admitted permanent resident aliens, refugees, asylees, parolees and other immigrants authorized by the Attorney General to work in the United States.

Youth service and adult and dislocated worker core and intensive services shall be limited to:

- A. Citizens, nationals and other individuals authorized to work in the United States, or
- B. Those seeking authorization to work in the United States.

## **Adult Eligibility**

To be eligible for the Adult Program an individual must be 18 years of age or older on the date of registration [20 CFR Part 663.110]. ~~In the event that funds allocated to the Local Area for adult employment and training activities are limited, priority for intensive and training services funded with Title I adult funds must be given to recipients of public assistance as defined in WIA Section 101(37) and other low income individuals as defined in WIA Section 101(25). Since funding is generally limited, each Local Area is required to provide a description in their Local Plan of the criteria used to determine whether funds allocated to the area for adult employment and training activities under WIA are limited, and the process by which any priority for services will be applied (refer to WIA Section 134(d)(4)(g)(iv)(IV)).~~

## **Dislocated Worker Eligibility**

To be eligible for the Dislocated Worker Program an individual must meet any one of the following ~~four~~five definitions:

### **1. Terminated or Laid Off**

- A. Has been terminated or laid off, or has received a notice of termination (without cause) or layoff from employment; AND
- B. Is eligible for or has exhausted entitlement to unemployment compensation; OR has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that was not covered under a ~~S~~state unemployment compensation law; AND
- C. Is unlikely to return to a previous industry or occupation.

~~NOTE~~ote: must meet all three conditions above.

### **2. Plant Closure or Substantial Layoff**

- A. Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff~~;~~ at a plant, facility~~;~~ or enterprise; OR
- B. Is employed at a facility where the employer has made a general announcement that such facility will close within 180 days; OR
- C. For purposes of eligibility to receive services other than training services described in WIA Section 134(d)(4)(A), intensive services described in WIA Section 134(d)(3), or supportive services is employed at a facility at which the employer has made a general announcement that such facility will close.

~~NOTE~~: this definition provides for the provision of core services only when a date of closure is not specified or is expected to occur in more than 180 days.

### 3. Self-Employed

- A. Self-employed (including employment as a farmer, rancher, or fisherman), but unemployed as a result of a natural disaster, or "general economic conditions" in the community where the individual resides. The Local Workforce Investment Board (-LWIB)- must establish a definition for "general economic conditions."
- B. Self-employed farmer, rancher or family member who derived 50%-percent or more of ~~their~~ his/her income from farming or ranching and is losing, or has lost, ~~the~~ his primary source of income as a result of economic conditions over a period of two years or via a natural disaster.

### 4. Displaced Homemaker

A displaced homemaker is an individual who has been providing unpaid services to family members in the home and who has been dependent on the income of another family member, but is no longer supported by that income; AND is unemployed or underemployed and is experiencing difficulty obtaining or upgrading employment. (20 CRF Part 663.120, WIA Section 101(10), 2801 U.S.C. 2801(10) (2008)).

The definition of "displaced homemaker" includes only those individuals who were dependent on a family member's income. Those individuals who have been dependent on public assistance may be served in the adult program. To be considered "dependent on the income of another family member," at least 50 percent% of the individual's support must come from a family member. "No longer supported by that income," means any reason for that loss of income, not just in the case of legal separation, divorce or death.

### 5. Veteran

Being discharged (under honorable circumstances) either voluntarily or involuntarily terminates an employment relationship between an individual and the military and thus falls within the scope of the termination component of the WIA definition of dislocated worker. The separating military personnel must also satisfy the other criteria for dislocated worker eligibility. Additionally, under the priority of service provisions of the Jobs for Veterans Act, separating service members who, upon discharge, meet the eligibility criteria for dislocated workers would be afforded priority over individuals who are not veterans.

## Dislocated Worker Eligibility for Spouses

### *Military Spouses:*

As outlined in TEGL No. 22-04 and TEGL 22-04, Change No. 1, a military spouse who leaves his/her job to follow his/her spouse to a new duty assignment can be served with WIA Dislocated Worker formula grant funds in certain circumstances. When the spouse is unable to continue an employment relationship due to the service member's permanent change of military station, or the military spouse loses employment as a result of the spouse's discharge from the military, then the cessation of employment can be considered to meet the termination component of the WIA definition of dislocated worker (WIA Section 101(9)(A)(i), 29 U.S.C. 2801 (2008)). As provided in TEGL No. 22-04 and TEGL 22-04, Change No. 1, military spouses in such

























































































































































