



Westchester-Putnam  
Workforce Board



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# POLICY BOOK

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# **Section I: Governance**

**Policy #:1-200-19**

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**SELF-SUFFICIENCY GUIDELINES FOR WIOA  
ADULT/ DISLOCATED WORKERS (DLW)**

Employed or unemployed Adult/DLW registrants with a family income 400% or less of the Federal Poverty rate for corresponding family size are considered to be lacking in self-sufficiency.

**Federal Poverty Rate Fiscal Year 2019**

*\*Source US Department of Health and Human Services*

<b>Family Size</b>	<b>Annual Income</b>
Family of 1	49,960
Family of 2	67,640
Family of 3	85,320
Family of 4	103,000
Family of 5	120,680

Individuals lacking self-sufficiency will be considered for training services. Individuals with a disability may be considered a family of one for income determination purposes.

**Definition of Family:** A family is defined as two or more persons related by whole blood, half blood or by or through legal sanction, who are living in a single residence, and are included in one or more of the following categories: husband, wife, dependent children, parent, stepparent, guardian, grandparent, uncle, aunt, sister, brother or other individuals related by blood, marriage, or decree of court.

**Definition of Income:**

- Money, wages and salaries before any deduction. Net receipts from self-employment
- Regular payments from social security, railroad retirement, strike benefits from union funds, workers compensation, and training stipends
- Alimony
- Military family allotments, or other regular support from an absent family member or someone not living in the household
- Pensions, whether private, or government employee (including military retirement pay). Regular insurance or annuity payments
- College or university grants, fellowships, and assistantships.
- Dividends, interest, net rental income, net royalties, and periodic receipts from estates or trusts

- Net gambling or lottery winnings.
- Unemployment compensation.

**Income does not include:**

- Up to 50% of Social Security Old Age Retirement benefits.
- Child support payments (including foster child care payments)
- Welfare payments

**References:** WIOA Sec. 134(d)(1)(A)(x)

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**Priority of Service  
(WIOA Adult and Dislocated Worker)**

**Policy Purpose:**

Priority of Service for intensive and training services is based on the following categories:

**Individuals Training Accounts**

Priority of Service for Training under Individual Training Accounts is based on the individual’s need for and the ability to benefit from training as documented by the customer’s application for training and other assessment results: i.e. comprehensive assessments.

*Priority of service for career and training services is based on the following categories:*

1. The first population to receive intensive and training services is veterans receiving public assistance who are low income (or their eligible spouses).
2. The second priority is for public assistance and low-income non-veterans.
3. The third priority is for veterans (or eligible spouses of veterans) who are not low-income or receiving public assistance.
4. The fourth priority is for those Adults who are deemed suitable for individualized career services and/or training service and who are not deemed veterans, low-income, receiving public assistance, or basic skills deficient. Preference will be granted to those individuals who are a member of one or more of the following populations:
  - Displaced Homemakers
  - Long Term Unemployed (6 months or more)
  - Single Parent (not eligible for Public Assistance)
  - Older individuals
  - Individuals with disabilities
  - Youth who have aged out of the foster care system
  - Family income below 50% of Median Income
  - Limited English Proficient
  - Individuals with connection to criminal justice system

Continue on next page

This category is further prioritized according a Point System

Priority Group	Points
1. Veteran's and spouses of Veterans	5
2. Family Income below 400% of Federal Poverty Rate	4
3. Long Term Unemployed (12 months or more)	3
4. Single Parent (not eligible for Public Assistance)	2

### Individuals Training Accounts

Priority of Service for Training under Individual Training Accounts is further based on the individual's need for/ability to benefit from training as documented by the customer's application for training and other assessment results: i.e. comprehensive assessments.

### Policy Definitions:

**Low Income:** A family's income that does not exceed families as those earning less than twice the federal poverty line and/or considered:

- Foster Child
- Homeless
- Receives or is eligible to receive free or reduced price lunch

**Public Assistance:** Customer receives or is a member of a family that receives (currently or in the past six months) one of the following:

- Temporary Assistance for Needy Families (TANF)
- Supplemental Nutritional Assistancess Program (SNAP)
- Supplemental Security Income (SSI)
- Other Public Assistance

**Deficient in Basic Skills** -individual a who is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society.

**References:** *Priority for WIOA Ad, WIOA §680.600 - Priority and Special Populations, TEGL 19-16 - WIOA Ad / DW Guidance, A 12-12.4 Veterans' Priority of Service, NY State Plan*



**Policy #:** 1.109-19

## Veterans' Priority of Service

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Priority of service is to be provided to all veterans and eligible spouses. Veterans and eligible spouses are given priority over non-covered persons for the receipt of employment, training, and placement services. A veteran or an eligible spouse either receives access to a service earlier in time than a non-covered person or, if the resource is limited, the veteran or eligible spouse receives access to the service instead of or before the non-covered person.

Priority of service for Classroom Training services and Workshop services applies to the selection procedure, as follows:

- First, 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.
- Second, priority of service applies up to the point at which an individual is both approved for funding and accepted or enrolled in a training class. Therefore, once a non-covered person has been 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.

### Eligibility

**Veteran/Covered Person:** A person who served active duty and was discharged or released with any status but dishonorable. This definition includes Federal activation of a Reserve Component, other than active duty for training.

1. **Active duty:** Full-time duty in the United States Armed Forces, other than active duty for training.
2. **Armed Forces:** The United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including their Reserve Component.
3. **Active Duty for Training:** Full-time duty in the Armed Forces performed by a Reserve Component (i.e. basic training, military job training, drill weekends, annual two-week drill, etc.)
4. **Reserve Component:** Generally, perform a minimum of 39 days of active duty for training annually and are also referred to as the Guard or Reserves:
  - The Army Reserve;
  - The Navy Reserve;
  - The Marine Corps Reserve;
    - The Air Force Reserve;

- The Coast Guard Reserve;
- The Army National Guard;
- The Air National Guard.

5. Eligible Spouse (must meet one qualification)

- a. A spouse of any veteran who died of a service-connected disability.
- b. A spouse of any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
  - Missing in action;
  - Captured in the line of duty by a hostile force;
  - Forcibly detained or interned in the line of duty by a foreign government or power;
  - A spouse of any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs.

**Procedure for Identification of Veterans at Intake**

Procedures are to be in place to identify veterans at intake. When a veteran, or eligible spouse, undergoes eligibility determination for enrollment., if a veteran or an eligible spouse, at the point of eligibility determination and enrollment, does not have documentation verifying his/her eligibility for priority of service, he/she is to be afforded access on a priority basis to all services provided by program staff (including intensive services) while awaiting verification. The only services that require prior verification of eligibility for priority of service are those that require a commitment of outside resources, such as classroom training.

**References:** WIOA Sec §134(c)(3)(E) - Priority for WIOA Ad, WIOA §680.600 - Priority and Special Populations ,TEGL 19-16 - WIOA Ad / DW Guidance, A 12-12.4 Veterans' Priority of Service, and NY State Plan

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## **Personally Identifiable Information (PII) and Personal, Private and Sensitive Information (PPSI)**

Personally Identifiable Information (PII) and Personal, Private and Sensitive Information (PII/PPSI) must be protected when transmitting, collecting, storing and/or disposing of information. This applies to the collection, storage and/or disposal in any format (hard copy or electronic) including, but not limited to, computer-based information systems such as the One-Stop Operating System (OSOS), and the Re-Employment Operating System (REOS), as well as hard copy documents, and digital media.

### **Definitions**

Personally Identifiable Information (PII) is information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual.

Personal, Private and Sensitive Information (PPSI) is any unclassified information whose loss, use, misuse, or unauthorized access to, or modification of, could adversely affect the interest or the conduct of State or Federal programs, or privacy to which individuals are entitled under the Privacy Act of 1974 or constitute an unwarranted invasion of personal privacy under the New York State Freedom of Information Law.

The US Department of Labor has defined two types of PII, protected PII and PPSI and non-sensitive PII.

Protected PII and PPSI is information that, if disclosed, could result in harm to the individual whose name or identity is linked to that information. Examples of protected PII include, but are not limited to, social security numbers (SSNs), credit card numbers, bank account numbers, home telephone numbers, ages, birthdates, marital status, spouse names, educational history, biometric identifiers (fingerprints, voiceprints, iris scans, etc.), medical history, financial information and computer passwords.

Non-sensitive PII is information that, if disclosed by itself, could not reasonably be expected to result in personal harm. It is stand-alone information that is not linked or closely associated with any protected or unprotected PII. Examples of non-sensitive PII include information such as first and last names, e-mail addresses, business addresses, business telephone numbers, general education credentials, gender, or race. Depending on the circumstances, a combination of these items could potentially be categorized as protected or sensitive PII.

### **Requirements**

#### **A. Accessing and Sharing PII/PPSI**

1. Before being granted access to PII/PPSI, the WPWDB must have data confidentiality policies and procedures in place. Local staff and other personnel must acknowledge their understanding of such policies, including safeguards with which they must comply in their

handling of PII/PPSI. It is important to note that improper disclosure may result in civil and criminal sanctions.

2. Access to any PII/PPSI must be restricted to only those employees who need PII/PPSI in their official capacity to perform duties in connection with the scope of work in the grant/contract agreement.
3. Local staff and service providers must not extract information from data supplied by their funding source for any purpose not stated in the grant or contract agreement.
4. PII/PPSI data obtained by local staff or service providers as a result of a United States Department of Labor (USDOL) or NYSDOL request must not be disclosed to anyone but the requesting agency. Exceptions to this may be made only as permitted by the requesting agency.
5. Members of the public seeking information under the Freedom of Information Law (FOIL) must be directed to the NYSDOL website and advised that they may file their FOIL request using the Electronic Request Form found on the Freedom of Information Law page.

#### **B. Security Protocols related to OSOS and REOS**

1. Security Coordinators: The WPWDB and the New York State Department of Labor (NYSDOL) assign Security Coordinators to enforce data security requirements related to the use of OSOS and REOS. Their contact information must be readily available in the Career Center.
2. Prior to gaining access to the OSOS and/or REOS, staff and service providers must comply with Workforce Development System Technical Advisory #17-7: Use of One- Stop Operating System and Re-Employment Operating System, which includes confidentiality agreements that must be completed appropriately by all WPWDB partners in order to gain access to these systems.
3. Staff, service providers and other personnel who will have access to sensitive, confidential, proprietary, and/or private data must be advised of the confidential nature of the information, the safeguards required to protect the information, and the fact that there are sanctions for noncompliance with such safeguards contained in Federal and State laws. To meet this requirement, all local staff, service providers and other personnel with access to OSOS and/or REOS data will take the online training, Cornerstones of Confidentiality, annually.

#### **C. Maintaining a Secure Environment**

1. To ensure that such PII/PPSI is not transmitted to unauthorized users, all PII/PPSI transmitted via e-mail or stored on CDs, thumb drives, etc., must be encrypted using a Federal Information Processing Standards (FIPS) 140-2-compliant and National Institute of Standards and Technology

(NIST) validated cryptographic module, and adhere to the New York State's Encryption Standard. For more information, visit <http://csrc.nist.gov/publications/fips/fips140-2/fips1402.pdf>.

2. Local staff and service providers must not e-mail unencrypted sensitive PII/PPSI to any entity.
3. All PII/PPSI data obtained through grants/contracts funded with federal monies shall be stored in an area that is physically safe from access by unauthorized persons at all times. Such data may only be processed using equipment and services approved by the WPWDB and NYSDOL.
4. Accessing, processing, and storing of PII/PPSI data on personally owned equipment, including but not limited to laptops, tablets, portable devices and personal computers, at off-site locations and non-grantee managed Information Technology services, (e.g., Yahoo mail), is strictly prohibited.
5. All PII/PPSI data must be processed in a manner that will protect the confidentiality of the records/documents and is designed to prevent unauthorized persons from retrieving such records by computer, remote terminal or any other means. Data may be downloaded to, or maintained on, mobile or portable devices only if the data are encrypted using NIST validated software products based on FIPS 140- 2 encryption. In addition, wage data may only be accessed from secure locations and those accessing it must adhere to New York State's Encryption Standard.
6. Local staff and service providers shall ensure that any PII/PPSI used during the performance of their grant/contract has been obtained in conformity with applicable federal and State laws governing the confidentiality of information.
7. Whenever possible, the OSOS ID number must be used for participant tracking instead of Social Security Numbers (SSN). If SSNs are to be used for tracking purposes, they must be stored or displayed in a way that is not attributable to a particular individual, such as using a truncated SSN. In addition, full SSNs should never be emailed, even when using encryption methods.
8. Two times each program year, local managers/supervisors must conduct and document an environmental assessment in Career Centers to determine whether local staff is maintaining a secure PII/PPSI environment (both physical and electronic/digital). Completed forms must be maintained by the Security Coordinator for three years.
9. Records containing PII/PPSI, whether hard copy or electronic, may not be left open and unattended.
10. Hard copy documents containing PII/PPSI must be maintained in locked cabinets when not in use.
11. Local staff and service providers must retain data received from USDOL funded grants only for the period of time required to use it for assessment and other purposes, or to satisfy applicable

local/ State/federal records retention requirements, if any. Thereafter, all data must be thoroughly and irretrievably destroyed.

**References:** TEGl 39-11 - Guidance on the Handling and Protection of PII,TA 18-5 - NYSDOL Policy on Securing and Protecting PII, and TA 17-7 - Use of OSOS

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**REPORTING INSTANCES OF SUSPECTED  
FRAUD, PROGRAM ABUSE  
AND CRIMINAL CONDUCT**

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All suspicions and complaints involving suspected or actual fraud, program abuse and criminal misconduct related to programs under the Workforce Innovation and Opportunity Act or any program involving State authorized funding must be documented and reported to the New York State Department of Labor.

In accordance with Workforce Development System Technical Advisory 12-15 dated November 7, 2012, an Incident Report documenting the allegations, suspicions or complaints should be submitted within three (3) business days from the time of discovery, suspicion or receipt of an allegation or complaint. Additionally, situations involving imminent health or safety concerns, or the imminent loss of funds exceeding an amount larger than \$50,000, are considered emergencies and must immediately be reported to NYSDOL. In the case of an emergency, the Incident Report must be submitted to NYSDOL no later than one (1) business day from the time of discovery or receipt of an allegation or complaint.

**References:** Technical Advisory 12-15

## INCIDENT REPORTING POLICY & PROCEDURE

<b>Policy #:</b> 1.112-19	
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### Purpose

The purpose of this policy is to provide procedures for reporting incidents including, but not limited to, criminal fraud, abuse or other criminal activity and noncriminal complaints, such as waste of funds in any program funded by the Westchester-Putnam Workforce Development Board (WPWDB); Career Center Network Programs (CCNP) and Partnerships. This policy applies to WPWDB; CCNP; Partnerships and any of its recipients of funds. Nothing in this procedure should preclude or discourage the reporting of criminal incidents to local authorities.

### Background

The Workforce Innovation and Opportunity Act (WIOA) require that information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately through the Department of Labor's (DOL) Incident Reporting System to the Federal Office of Inspector General (OIG) with a copy simultaneously provided to the (WPWDB.)

### Definitions:

The definitions that follow are provided as a guide in the identification of fraud, abuse, and other criminal activity. The words and phrases defined here are patterned after federal definitions applicable to WIOA programs, but apply to all WPWDB and CCNP and Partnership funded programs. Defined words appear in bold typeface throughout this policy. Since the definitions cannot address every possible activity, questions as to whether an activity is reportable under this policy should be referred to WPWDB's Executive Director, or his/her designee, for clarification and guidance.

**Avoidance of Conflict of Economic Interest** - An executive or employee of a federally-funded contract or an official of WPWDB; CCNP and Partnership funded programs will not solicit or accept money or any other consideration from a third person for the performance of an act reimbursed in whole or in part by WPWDB; CCNP and Partnership funded programs. Supplies materials, equipment or services purchased with contract funds will be used solely for purposes allowed by the applicable federal and state law and federal, state and WPWDB; CCNP and Partnership funded programs policies applicable under the corresponding source of funds.

**Conduct Business Involving Close Personal Friends and Associates** - No close personal friend or associate of any executive or employee will receive favorable treatment for enrollment in services provided by,



or employment with, WPWDB; CCNP and Partnership funded programs or any recipient.

**Conducting Business Involving Relatives** - No relative by blood, adoption or marriage of any executive or employee will receive favorable treatment for enrollment in services provided by, or employment with, any recipient. For the purpose of this policy, "relative by blood or marriage" shall include: wife, husband, daughter, son, mother, father, grandmother, grandfather, sister, sister-in-law, brother, brother-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent and stepchild.

**Contract** includes any agreement, subgrant, contract or similar authorization to provide goods or services under any WPWDB; CCNP and Partnership funded programs, whether funded by federal or state grant, contract, agreement, or otherwise.

**Contractor** includes any person or entity that receives funding from WPWDB; CCNP and Partnership funded programs as a recipient.

**Employee/Participant Misconduct** is defined as actions occurring during or outside of work hours that reflect negatively on WPWDB; CCNP and Partnership funded programs, a recipient, or any of their programs or purposes, and may include, but is not limited to: conflict of interest involving outside employment; business and professional activities; the receipt of gifts, fees, entertainment, and favors; misuse of federal, state or WPWDB; CCNP and Partnership funded programs property; misuse of official information; and other activities that might adversely affect the confidence of the public regarding the integrity of government.

**Employment of Former Westchester County and NY State Employees** - an assurance that any former Westchester County employees employed in a position that could have enabled such individuals to impact policy regarding or implementation of any program funded by a WPWDB; CCNP and Partnership funded programs contract will not be assigned to any part or phase of the activities conducted pursuant to the contract for a period of not less than two (2) years following the termination of such employment.

**Fraud** is any deceitful act or omission or willful device used with the intent to obtain some unjust advantage for one party or to cause an inconvenience or loss to another party. Types of fraud include embezzlement, forgery, theft, solicitation and receipt of bribes (kickbacks), and falsification of records and claims, including, but not limited to, employment-related matters such as payroll records, timesheets and program participant information (e.g., knowingly enrolling ineligible participants). Criminal fraud is a type of larceny and is punishable under both federal and state law as a felony. Civil fraud is subject to tort actions under civil laws.

**General Assurances** - Every reasonable course of action will be taken in order to maintain the integrity of an expenditure of public funds and to avoid any favoritism, questionable or improper conduct. Federal funds are administered in an impartial manner, free from personal, financial or political gains. Executive staff and employees, in administering WPWDB; CCNP and Partnership funded programs, will avoid situations which give rise to a suggestion that any decision was influenced by prejudice, bias, special interest or personal gain.

**Gross Mismanagement** is defined as actions, or situations arising out of management ineptitude or oversight, which lead to a major violation of contract provisions and/or which severely hamper accomplishment of program goals. These include situations that lead to waste of government resources and put into serious jeopardy future support for a particular project. This category includes, but is not limited to, unauditible records, unsupported costs, highly inaccurate fiscal and/or program reports, payroll discrepancies, payroll deductions not paid to the Internal Revenue Service of the State of New York, and the lack of internal control procedures.

**Recipient** is defined as an entity in receipt of federal or state funds from WPWDB; CCNP and Partnership funded program that does not receive its funds directly from the state or federal government, including, but not limited to, contracted service providers and grantees of WPWDB; CCNP and Partnership funded programs.

**Maintenance of Effort** is defined as:

1. No currently employed worker shall be displaced by any participant (including partial displacement such as reduction in the hours of non-overtime work, wages or employment benefits).
2. No participant shall be employed or job opening filled when:
  - a. Any other individual is on layoff from the same or any substantially equivalent job; or
  - b. The employer has terminated the employment of any regular employee or otherwise reduced its workforce with the intention of filling the vacancy so created by hiring a participant whose wages are subsidized by WPWDB; CCNP and Partnership funded programs including, but not limited to, WIOA funds.

**Misapplication of funds** is defined as any use of funds, AOSOSs, or property not authorized or provided for in an applicable contract. This category includes, but is not limited to, nepotism, political patronage, use of participants for political activity, intentional services to ineligible program participants, conflict of interest, failure to report income derived from WPWDB; CCNP and Partnership funded programs, violation of contract provisions, maintenance of effort violations, and the use of the WPWDB; CCNP and Partnership funded programs for purposes other than those permitted by the applicable funding source.

**Standard of Contract Violations** are defined as violations of the terms and conditions stipulated in an applicable federal, state or WPWDB; CCNP and Partnership funded program contract. The relevant stipulations in the contract may include, but will not necessarily be limited to, any failure to meet the following standards defined herein: General Assurances; Employment of Former Westchester County and NY State Employees; Conducting Business Involving Relatives; Conducting Business Involving Close Personal Friends and Associates; Avoidance of Conflict of Economic Interest; and Maintenance of Effort.

**Recipient** is defined as WPWDB; CCNP and Partnership funded program, as the local recipient of WIOA and other federal, state and private funds.

**Tort** is defined as damage, injury, or a wrongful act done willfully, negligently, or in circumstances involving strict liability, but not involving breach of contract, for which a civil suit can be brought.

## **POLICY**

All WPWDB; Career Center Network Partners ( CCNP) , funded program staff and all recipients of WPWDB; CCNP and Partnership funded programs shall: maintain a system of internal controls to ensure that resources are used consistent with laws, regulations and policies, and are safe-guarded against waste, loss and gross mismanagement of funds; alert WPWDB to the potential of fraud, abuse, criminal acts and/or torts in any WPWDB; CCNP and Partnership funded programs through conflict of interest, falsification of records or reports and misapplication of funds or other AOSOSs; avoid improper employment of former state and county employees, employee/participant misconduct and standard of conduct violations; and be aware of obligations to report activities contrary to these policies to Westchester-Putnam Workforce Development Board's Executive Director.

## **PROCEDURE**

WPWDB; CCNP and Partnership funded programs staff and recipients shall follow the following procedures to report all instances (or suspected instances) of violation of this policy:

Report any purported violation of this policy to Westchester-Putnam Workforce Development Board's Executive Director within one (2) work days (generally, forty eight (48) hours) of discovery of the act or upon reasonable belief of such acts arising by completing an Incident Report, in the form attached hereto, and delivering the completed Incident Report personally, electronically or by facsimile to:

Mr. Thom Kleiner, Executive Director  
Westchester-Putnam Workforce Development Board White Plains Career Center  
120 Bloomingdale Road White Plains, NY 10605  
(914) 995-3707

Report any allegations of an emergency nature immediately to WPWDB's Executive Director, followed by submission of an Incident Report as provided in Paragraph 1, above.

- a. Report and/or notify local law enforcement agencies immediately regarding all instances of criminal activity, followed by submission of an Incident Report as provided in Paragraph 1, above.
- b. In the case of alleged violations of this policy that involve programs, activities or services funded pursuant to the WIOA, WPWDB; CCNP and Partnership funded programs staff and any reporting recipient shall also submit a copy of the Incident Report to:

Ms. Karen Coleman, Director  
Division of Employment Workforce Solutions New York  
State Department of Labor Building12, Room 450  
State Office Building Campus  
Albany, NY 12240  
518-457-0380

A copy of the report should also be sent to the Office of the Inspector General (OIG) at [www.oig.dol.gov/hotnet1.htm](http://www.oig.dol.gov/hotnet1.htm), by telephone at (800) 347-3756, by facsimile to (202) 693-7020, or by mail to:

Office of Inspector General  
United States Department of Labor  
200 Constitution Avenue, N.W., Room S-5506  
Washington, D.C. 20210

Allegations considered to be of an emergency nature should be reported by telephone to the Compliance Resolution Unit Supervisor at (916) 653-0298 and by calling the OIG/DOL Hot Line at (800) 347-3756, followed immediately thereafter by a written Incident Report.

Whenever the entity reporting the allegation of an incident believes that immediate action to prevent further financial loss or other damage is necessary, or recovery of funds or property may be impeded if immediate action is not taken, the reporting entity has the responsibility to take any action it deems appropriate, including contacting the local law enforcement agency. Any immediate action taken or planned by the reporting entity must be reported to the Compliance Review Division when the Incident Report is submitted.

During an investigation, based upon a report of fraud or abuse, the DOL/OIG investigator or auditors may contact WPWDB; CCNP and Partnership funded program staff or a recipient regarding an incident of which WPWDB; CCNP and Partnership funded programs staff or the recipient was not previously aware. Upon learning of such an incident from federal sources, the notified entity should contact CRD to determine whether the latter is aware of the incident. If the notified entity is not aware of the allegations, but CRD is, then the latter will, where appropriate, inform the former of the specific allegations contained in the Incident Report.

Westchester-Putnam Workforce Development Board's Executive Director, or his designee, shall conduct such investigation as is deemed prudent to ensure that all Incident Reports are clear and concise and that all possible information has been gathered, including the amount of any monetary loss and all facts and/or circumstances known at the time of the Incident Report.

If any investigation confirms that a violation of this policy has occurred and that an employee of WPWDB; CCNP and Partnership funded program or a recipient is involved in such a violation, appropriate disciplinary or corrective action shall be instituted.

**ACTION:** Westchester-Putnam Workforce Development Board's Executive Director should insure that all affected WPWDB; CCNP and Partnership funded program staff and recipients are made aware of this policy.

**INQUIRIES:** If you have questions about the information contained in this Policy, you should contact SETA’s Human Resources Department Chief, at (916) 263-3658.

**SAMPLE INCIDENT REPORT**

<p>1. Type of report (check one) Initial Supplemental Final Other <i>[specify]</i></p>	<p>2. Type of incident (check one) Conduct violation Criminal violation Program violation</p>
<p>3. Allegation against (check one)</p> <p><input type="checkbox"/> Contractor</p> <p><input type="checkbox"/> Program Participant</p> <p><input type="checkbox"/> Other <i>[(specify), give name and position of employee(s), list telephone number, Social</i></p>	
<p>4. Location of incident</p> <p><i>[give complete name(s) and addresses of organizations(s) involved]</i></p>	
<p>5. Date and time of incident/discovery <i>[date, time]</i></p>	
<p>6. Source of complaint (check one)</p> <p><input type="checkbox"/> Audit Contractor</p> <p><input type="checkbox"/> Program Participant</p> <p><input type="checkbox"/> Public Investigative</p> <p><input type="checkbox"/> Law Enforcement Agency <i>[(specify)]</i></p> <p><input type="checkbox"/> Other <i>[(specify), give name and telephone number so additional information can be obtained.]</i></p>	
<p>7. Contacts with law enforcement agencies <i>[specify name(s) and agency contacted and results]</i></p>	
<p>8. Persons who can provide additional information <i>[(include custodian of records) name, position or job title, employment, local address (street, city and state) or organization, if employed and telephone number]</i></p>	
<p>9. Details of incident <i>[describe the incident]</i></p>	

<b>Policy #:</b> 1.408-19	
<b>Latest Revision Date</b> September 19, 2019	<b>Effective Date</b> September 30, 2019

**Workforce Innovation & Opportunity Act Local Level Grievance**

Any WIOA Title I program participant or other interested party adversely affected by a decision or action by the local workforce development system, including decisions by Career Center partners and services providers, has the right to file a grievance or complaint with the Westchester-Putnam Workforce Development Board (WPWDB) under Title 20 CFR Sections 683.600-683.610. It must be filed within thirty (30) days of the date the incident occurred.

Grievance: A written expression by a party alleging a violation of WIOA, regulations promulgated under WIOA, recipient grants, sub-agreements, or other specific agreements under WIOA. All complaints, amendments, and withdrawals shall be in writing. This policy is intended to resolve matters which concern actions arising in connection with the WIOA Title I grant program.

**Grievance Procedure**

**A. Form and Filing of Grievance or Complaint**

The official filing date of the grievance or complaint is the date the written grievance or complaint is received by the WPWDB, its service providers, Career Center partners, or sub-recipients. The filing of the grievance or complaint will be considered a request for a hearing, and the WPWDB shall issue a written decision within 60 days for the filing of the grievance or complaint.

The grievance or complaint must be writing, signed, and dated. For resolution purposes, the following information be obtained or provided for all complaints:

- Full name, telephone number, and mailing address of the complainant;
- Full name, telephone number, and mailing address of the respondent;
- A clear and concise statement of the facts and dates describing the alleged violation;
- The provisions of the WIOA, the WIOA regulations, grant, or other agreements under the WIOA, believed to have been violated;
- Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with the law, regulations, or contract; and
- The remedy sought by the complainant.

The absence of any of the requested information shall not be a basis for dismissing the grievance or complaint. A grievance or complaint may be amended to correct technical deficiencies at any time up

to the time of the hearing. The 30 day time period in which a grievance or complaint may be filed is not extended for grievances or complaints that are refiled with amendments.

Grievances or complaints may be withdrawn at any time prior to the issuance of the hearing officer's decision. The LWDB shall send a copy of the grievance or complaint to the respondent.

### **B. Informal Resolution**

The WPWDB shall notify the complainant and the respondent of the opportunity for an informal resolution. Respondents must make good faith efforts to resolve all grievances or complaints prior to the scheduled hearing. Failure on the part of either party in the grievance or complaint to exert good faith efforts shall not constitute a basis for dismissing the grievance or complaint, nor shall this be considered to be a part of the facts to be judged in the resolution process.

Where a complaint alleges a violation of WIOA Title I, grant or any agreements under WIOA, the LWDB must assure that every grievance or complaint not resolved informally or not withdrawn is given a hearing, regardless of the grievance or complaint's apparent merit or lack of merit.

When the complaint has been resolved through the informal resolution process, the LWDB shall attempt to contact the complainant and have him or her provide a written withdrawal of the complaint within 10 days of the receipt of the notice of resolution or impasse where a complainant decides not to proceed to an administrative hearing. The LWDB shall maintain copies of correspondence in the local office complaint file.

### **C. Notice of Hearing**

Hearings on any grievance or complaint shall be conducted within 30 days of filing of a grievance or complaint. The complainant and the respondent must be notified in writing of the hearing 10 days prior to the date of the hearing. The 10-day notice may be shortened with the written consent of both parties. The hearing notice shall be in writing and contain the following information:

- The date of the notice, name of the complainant, and the name of the party against whom the grievance or complaint is filed.
- The date, time, and place of the hearing before an impartial hearing officer.
- A statement of the alleged violations. These statements must accurately reflect the content of the grievance or complaint as submitted by the complainant. However, clarifying notes may be added to assure that the grievance or complaint is addressed accurately.
- The name, address, and telephone number of the contact person issuing the notice.

### **D. Conduct of Hearings**

An impartial hearing officer shall conduct the hearing. The WPWDB will seek impartial hearing officers from among the staff of legal offices or personnel departments of municipalities or counties that will



not be directly affected by, or will not implement the final resolution of, a specific grievance or complaint.

The hearing will be conducted in an informal manner with strict rules of evidence not being applicable and according to the procedures established by the LWDB. Both parties will have the right to present written and/or oral testimony and arguments; the right to call and question witnesses in support of their position; the right to examine records and documents relevant to the issues; and the right to be represented. The hearing will be recorded electronically or by a court reporter.

#### **E. Decision**

Not later than 60 days after the filing of the grievance or complaint, the hearing officer shall mail a written decision to both parties by first class mail. The hearing officer's decision shall contain the following information:

- The names of the parties involved;
- A statement of the alleged violation(s) and issues related to the alleged violation;
- A statement of the facts;
- The hearing officer's decision and the reasons for the decision;
- A statement of corrective action or remedies for violations, if any, to be taken; and
- Notice of the right of either party to request a review of the decision by the State Review Panel within 10 days of the receipt of the decision.

#### **F. Appeal**

If a complainant does not receive a decision at the LWDB level within 60 days of the filing of the grievance or complaint, or receives an adverse decision, the complainant then has the right to file an appeal with the State. The complainant may request a State hearing by submitting a written notice of appeal to:

Thom Kleiner, Director  
Westchester-Putnam Workforce Investment Board  
120 Bloomingdale Road, 2nd Floor  
White Plains, NY 10605  
914.995.3707  
Email: [tkleiner@westchestergov.com](mailto:tkleiner@westchestergov.com)

**GRIEVANCE FORM**

Filing Date: \_\_\_\_\_

Name of Complainant:

\_\_\_\_\_

Address:

\_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone#: \_\_\_\_\_

Name of Respondent:

\_\_\_\_\_

Address:

\_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Phone #: \_\_\_\_\_

\_\_\_\_\_

Statement of Facts/Complaint (including dates of alleged violation and how the law/regulations/contract was not complied with):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WIOA Regulation(s)/Agreement(s) believed to be violated:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Remedy Sought by Complainant:

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Complainant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Informal Resolution Sought:

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\_\_\_\_\_ I am satisfied with the Informal Resolution

\_\_\_\_\_ I am NOT satisfied with the Informal Resolution and wish to proceed with a Hearing

Complainant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

<b>Policy #:</b> 1.656-19	
<b>Effective Date</b> September 19, 2019	<b>Latest Revision Date</b> September 30, 2019

## Disruptive Customer

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### **Policy Purpose:**

The procedure for handling disruptive customers addresses three categories of behavior: physical, violent or harmful behavior; disruptive behavior; and violation of facility rules. There are mandatory actions that must be taken in response to each of these behaviors. The Career Center Network will follow the same procedures as set forth for NYSDOL-DEWS.

### **Procedures:**

#### **Physical, Violent, or Harmful Behavior:**

Violent behavior occurs when any customer commits or threatens to commit a physical assault, brandishes or wields a weapon, or exhibits any violent behavior (e.g. kicking furniture, hitting head on wall, damaging property, etc.) that causes or threatens physical injury or the fear of physical injury to staff or customers. Aggressive behavior, engaging in loud or boisterous speech suggesting retribution or violence, or engaging in unwanted physical touching or contact with staff or customers will also be treated as violent behavior. Violent behavior may also include threats of violence or bodily harm received by telephone or in writing.

#### **Disruptive Behavior:**

Behavior is classified as disruptive if it interferes with the normal operation of the Career Center system facility, making it difficult for staff to deliver, or customers to benefit from, the services that are available. Examples of disruptive behavior would include individuals who are loud or argumentative or who make harassing or derogatory comments to other customers or to staff. Repeated disruptive or disorderly conduct, exhibiting indecent behavior, violating an order of protection, or hacking into or introducing a virus into Career Center system computers may elevate the behavior to the level of violent or harmful behavior resulting in more serious penalties.

#### **Violation of Center Rules:**

Individuals who ignore or disobey the reasonable rules or guidelines that have been established to ensure effective and cost efficient operations at the local Career Center system site are also guilty of disruptive behavior. Examples of behavior that fall under this category are individuals who repeatedly spend too much time on computers while others are waiting; individuals who visit pornographic sites, chat rooms or other non-business related sites; individuals who overstay their time-limits on the

telephone or the computer (in offices that have such restrictions), individuals who conduct personal business on Resource Room computers, etc.

## **Response Procedures:**

### **A. Physical, Violent or Harmful Behavior:**

#### **1) Required Action:**

All physical assaults or threats of bodily harm to Career Center workers or customers are serious matters which should be reported to the police immediately. In any situation where there is a risk of bodily harm, building security (if available) should be immediately notified, and the police should be immediately called for assistance in removing the violent individual from the premises. Threats of violence or bodily harm received by telephone or in writing should be reported to the police. In the case of a telephone threat, any identifying information, including Caller ID, should be documented. In the event of threats made in writing, the documents received should be preserved as evidence.

#### **2) Notification to the Offender:**

Customers removed for violent behavior must be suspended from returning to any Career Center system location for a period of not less than six months. The time frame for the suspension may vary according to the severity of the incident. The NYSDOL Manager/Location Supervisor must consult with the Career Center Manager and the chief of the Bureau of Employment and Workforce Opportunities (BEWO) to determine the period of suspension to be imposed. The Bureau Chief will consult with the DEWS Director, Counsel's Office, and the Office of Special Investigations, as necessary, to determine the appropriate sanction and to establish conditions for the customer's return. In cases where criminal charges are justified, the period of suspension and right to résumé services must be determined in consultation with the NYSDOL Manager/Location Supervisor, Chief of BEWO, Career Center Manager, DEWS Director, Office of Special Investigations, and Counsel's Office. In most cases, if the police are called to intervene or investigate an incident, they will assist staff in determining whether criminal charges may be brought against the offender.

Consistent with the guidance provided in Appendix A, criminal charges may be justified when the following behavior occurs or at any time when decisive action is deemed necessary to prevent such acts:

- The incident involves a threat to the safety of staff or the public, such as banishing knives or other weapons; or physical attacks upon staff or members of the public;
- the incident involves indecent or offensive behavior;
- there are repeated incidents that disturb the operation of the office; or
- The incident involves a failure to obey a Court Order requiring that the individual remain away from the office.

## **B. Disruptive Behavior**

### **1) Required Action:**

- a. Employees who encounter unruly customers or customers who subject them to harassing or abusive treatment should advise customers to refrain from such actions and warn them that further such conduct could result in their removal from the premises. If customers continue to exhibit disruptive behavior, employees should contact their supervisor who will attempt to discuss and resolve the problem. Security staff should also be notified in offices where security is available.
- b. Staff should be alert to possible underlying reasons for a customer's disruptive behavior such as intoxication (alcohol or drugs), disabilities, mental health disorders, or other medical conditions that may result in specific disruptions. If the customer is receptive, the NYSDOL Manager/Location Supervisor or Career Center Manager should try to counsel the individual and refer him or her to an appropriate supportive service provider. There may be accommodations that can be made that will allow the customer to continue receiving services, yet minimize any negative impact on other customers. For example, disruptive behavior may be quelled by scheduling the customer to use the Resource Room when the office has a slow period if a high-activity environment causes the customer to become agitated or unable to focus.

### **2) Notification to the Offender:**

- a. A customer who is removed for disruptive behavior (e.g., who would not cease their behavior upon request, who had no apparent extenuating circumstance(s) prompting the behavior, or who refused referral for further assessment or assistance) should be suspended from returning to the premises for a period of not less than ten (10) business days. The customer should be immediately verbally notified of this suspension and advised that he or she will receive a written notification of the suspension in the mail.
- b. The NYSDOL Manager/Location Supervisor, after consultation with the next higher level of authority, will send the written notification to the disruptive customer. For example, in a center where: a NYSDOL Location Supervisor is stationed, the supervisor would seek review from the NYSDOL Manager; in a location with an on-site NYSDOL Manager, the Manager would seek review from the BEWO Chief. When sending this letter out, the NYSDOL Manager/Location Supervisor should copy the Career Center Manager, BEWO Chief and the Office of Special Investigations.
- c. A second occurrence of the offending behavior will result in a ninety (90) day suspension, with the customer having the right to request a hearing.
- d. Any subsequent occurrence of the behavior will result in a suspension for one year, with the customer having the right to a hearing

- e. Follow steps 2 (b) through 2 (d) concerning the hearing process as indicated under the *Notification to Offender* section under Part A of Procedures above, as appropriate.

**3) Action to be Taken if Offender Violates Suspension:**

Follow instructions under A. 3 above as appropriate.

**C. Violations of Career Center System Center Rules**

**Required Action:**

- 1) Any customer who violates a rule or policy of the Career Center should first be verbally notified of the violation and informed that any subsequent infraction will result in a loss of privileges (the privileges associated with the particular rule that is being violated; e.g. use of the computer, telephone, fax machine, etc.). Staff should document the verbal instructions given to the customer in OSOS.
- 2) In the event a customer is found to have a pattern of violating any rule (*i.e.*, has violated the rules two or more times), staff should inform the customer that his or her privileges will be suspended. Staff should ensure the customer closes out operations on the computer, if appropriate, and advise the customer that he or she will receive a written notice of suspension in the mail. The suspension period may range from five (5) to ten (10) business days.
- 3) Notification to the Offender:
  - a. The NYSDOL Manager/Location Supervisor, after consultation with the next higher level of authority, shall determine the appropriate suspension period (5 – 10 business days) and send the written notification to the disruptive customer. For example, in a center where a NYSDOL Location Supervisor is stationed, the supervisor would seek review from the NYSDOL Manager; in a location with an on-site NYSDOL Manager, the Manager would seek review from the BEWO Chief. When sending this letter out, the NYSDOL Manager/Location Supervisor should copy the Career Center Manager..
  - b. A third occurrence of the behavior resulting in the initial loss of privileges will result in a suspension for 90 days
  - c. Follow steps 2 (b) through 2 (d) concerning the hearing process as indicated under the *Notification to Offender* section under Part A of Procedures above, as appropriate.

**3) Action to Be Taken If Offender Violates Suspension:**

- a. If the offender reports to a Career center system location during the suspension period and attempts to access the service or privilege from which he/she has been suspended, staff

should advise the customer that he or she is currently suspended from using those specific privileges and direct him or her to alternative services if appropriate. For example, the individual may be restricted from using a Resource Room computer, but could use the Resource Room library.

- b. If the offender attempts to report to any Career center system location during a 90 day period of suspension from all Career Center services, follow the instructions under A. 3 above, as appropriate.

#### **D. Settlement**

- a. In cases where the offender has a right to appeal, and the offender does appeal a suspension of services, WPWDB Director shall have the sole authority to settle the matter with the offender, and avoid the time and expense of a hearing on the merits.
- b. Before settling a matter, Counsel's Office shall discuss the matter with the appropriate program officials.
- c. Such settlements shall be by stipulation with the offender, wherein the offender agrees that, in addition to complying with any specific requirements contained in the stipulation of settlement, if NYSDOL, in its sole discretion, finds that the offender subsequently violates the stipulation of settlement, the original period of the suspension shall automatically be imposed, and offender waives any right to appeal imposition of the penalty.



<b>Policy #:</b> 1.069-19	
<b>Effective Date</b>	<b>Latest Revision Date</b>
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## EQUAL OPPORTUNITY & NONDISCRIMINATION

Any person, either by him/herself or through a representative, who believes that either he or she or any specific class of individuals has been or is being subjected to discrimination prohibited by the nondiscrimination and EO provisions of WIOA, may file a written complaint. The discrimination may be on the basis of color, religion, sex, national origin, age, disability, political affiliation, or belief and against beneficiaries on the basis of citizenship/immigrant status to work in the United States, or participation in programs funded under WIOA Title I, or in connection with any WIOA Title I funded program or activity. If an individual chooses to do so, they may directly file a discrimination complaint with the NYS Division of Human Rights. A simultaneous complain may also be filed by the one of the Westchester-Putnam Career Centers on behalf of the WIOA applicant or participant with the Office of Civil Rights, United States Department of Labor, 201 Varick Street, New York, NY, 10013.

The LWDA EO Officer will provide individuals, who do not request assistance the necessary forms, addresses, or other information needed to file a discrimination complaint.

A discrimination complaint must be in writing, using either the *Complaint Information Form* (DL1-2014A) at <https://labor.ny.gov/equal-opportunity/how-to-file-a-discrimination-claim.shtm>, or any other written form and must include:

1. The complainant's name;
2. The complainant's address, or other means of contacting the complainant;
3. The identity of the respondent (respondent means the recipient, either an individual or entity the complainant alleges is responsible for the discrimination);

### **Confidentiality of the Complaint**

All parties, against whom the complaint is filed, will receive a copy of the complaint during the course of the investigation or ADR in order to allow the individual or entity the opportunity to respond to the allegations. The name of the complainant will only be released to the extent necessary to investigate and fairly determine the issues raised in the complaint.

### **Intimidation and Retaliation Prohibition**

It is prohibited to discharge, intimidate, retaliate, threaten, coerce, a contractor, staff or partner.

Retaliation occurs when an employer takes a materially adverse action because an individual has engaged in, or may engage in, activity in furtherance of the EEO laws the Commission enforces. The EEO anti-retaliation provisions ensure that individuals are free to raise complaints

of potential EEO violations or engage in other EEO activity without employers taking materially adverse actions in response.

### **CORRECTIVE ACTIONS AND SANCTIONS**

ADES has developed the following procedures for obtaining prompt corrective actions when instances of noncompliance with WIOA Section 188 or 29 CFR 38 are found, that include applying sanctions, when necessary.

#### **Technical and Discrimination Violations**

Corrective and remedial action must be sought when any deficiency is identified as a result of a monitoring review or an EO complaint. Deficiencies may include both technical violations and/ or discrimination violations.

- A.** Technical violations include deficiencies that do not include discrimination, and require written assurances from the state, Unemployment Insurance Administration, LWDAs, and
- B.** Westchester-Putnam Career Center Network partners. Technical violations may include, but are not limited to, failure to:
  - 1. Post the required “EO is the Law” notice;
  - 2. Include an “EO is the Law” notice/ poster in the WIOA Title I participant’s program file and/or electronic file; and
  - 3. Include a statement signed by the participant that acknowledges the Complaint and Grievance Procedures in writing.

**References:** NYS Guidance Workforce Development System Technical Advisory #06-3 Workforce Development System Technical Advisory #06-3.2 Workforce Development System Technical Advisory #15-12, 20CFR 652.216

<b>Policy #:</b> 1.690-19	
<b>Effective Date</b>	<b>Latest Revision Date</b>
September 19, 2019	September 30, 2019

**Functional Alignment-Staff Oversight and Supervision**

**Background:** Functional Alignment under the s Workforce innovation and Opportunity Act (WIOA), New York State Department of Labor (NYSDOL), and other partner staff to work collaboratively in the delivery of services available under multiple programs. Consequently, state and local staff may receive direction and assignments on a day-to-day basis by someone other than their local or state supervisor.

**Purpose:** To communicate the (NYSDOL) policy regarding the allowable roles of Division of Employment and Workforce Solutions (DEWS) Local Managers and other Career Center Managers and the One Stop System Operator in their supervision of Career Center staff..

**Policy:** Collaboration between the Career Center Managers/One Stop System Operator and the NYSDOL Local Manager is a priority. While it is recognized that one or the other may have a major responsibility for certain tasks within a functional team, neither supervisor can operate without the collaboration of and communication with the other. However, it is also recognized that the collaboration between the individuals must not include the sharing of information deemed by the NYSDOL policy or union contract to be confidential. This policy requires consistent communication between the Career Center Managers/One Stop System Operator and the NYSDOL Local Manager to avoid potential difficulties and to ensure efficiency and the best possible service to the customer.

**Responsibilities of NYSDOL Local Manager:** The NYSDOL Local Manager provides daily oversight to DOL staff. Each of the following managerial responsibilities is contractually mandated. The Career Center Managers/One Stop System Operator may provide feedback to the Local Manager or DOL staff, but the following may only be conveyed to DOL staff by the DOL Supervisor:

- Changes to permanent work schedule, including lunches and breaks;
- Approval of bi-weekly attendance records;
- Pre-approval for vacations, sick leaves, and personal leaves;
- Counseling and discipline;
- Performance evaluations/probation;
- Travel and travel expense approvals; and
- Approvals for contract negotiated training and in-service courses

**Responsibilities of One Stop System Operator:** The following are allowable activities in situations where a One Stop Operator may have responsibility for DOL employees.

- Scheduling and conducting regular Center staff meetings;
- Setting daily work assignments and work flow;
- Making temporary changes in meal/break periods to assure proper coverage;
- Setting Resource Room schedules/coverage; and

- Setting office coverage during vacations and unscheduled/emergency absences.

#### Collaborative Responsibilities of NYSDOL Local Manager and Career Center

Managers/One-Stop System Operator: All Managers are responsible for assuring that:

1. Staffing plans provide adequate office coverage at all times, including vacation periods, conferences, and holiday times (the staffing plan should be set up to allow equal percentages of both State and local staff opportunities for time off);
2. All staff is properly trained;
3. All staff understand and adhere to all internal security policies and procedures, both local and NYSDOL;
4. All staff present a positive image of the NYS Career Center System to customers; and
5. Consistent communication with staff occurs to initiate feedback and ideas for serving customers.

**References:** NYS Guidance Workforce Development System Technical Advisory #06-3 Workforce Development System Technical Advisory #06-3.2 Workforce Development System Technical Advisory #15-12, 20CFR 652.216

<b>Policy #:</b> 1.250-19	
<b>Effective Date</b>	<b>Latest Revision Date</b>
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## RAPID RESPONSE

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### Purpose

The New York State Department of Labor (NYSDOL) is responsible for the provision of Rapid Response (RR) services. The Westchester Putnam Workforce Development Board (WPWDB) maintains responsibility for ensuring compliance with federal and state requirements, implementation of program initiatives, and providing support, guidance, technical assistance and financial resources to the Career Center Staff.

### Policy

Rapid Response encompasses the strategies and activities necessary to plan for and respond to announcements of a business closure, layoff, or mass job dislocations due to natural or other disasters, and to deliver services to enable dislocated workers to transition to new employment as quickly as possible. The purpose of Rapid Response is to promote economic recovery by responding to layoffs and dislocations, minimizing the impact on workers, businesses, and communities

Rapid Response activities include, but are not limited to:

- Informational and direct re-employment services for workers, including but not limited to information and support for filing Reemployment Assistance (RA) benefits, information on the impacts of layoff on health coverage and other benefits, information on and referral to career services, re-employment-focused workshops and services, and training;
- Delivery of solutions to address the needs of businesses to transition, provided across the business lifecycle (expansion and contraction), including comprehensive business engagement and layoff aversion strategies and activities designed to prevent or minimize the duration of unemployment;
- Convening, brokering, and facilitating the connections, networks and partners to ensure the ability to provide assistance to dislocated workers and their families such as home heating assistance, legal aid, and financial advice; and
- Strategic planning, data gathering and analysis designed to anticipate, prepare for, and manage economic change.

### Required Rapid Response activities include:

- Layoff aversion activities

- Immediate contact with the employer, representatives of the affected workers, and the local community, including an assessment of and plans to address the:
  - Layoff plans and schedule of the employer;
  - Background and probable assistance needs of the affected workers;
  - Re-employment prospects for workers; and
  - Available resources to meet the short and long-term assistance needs of the affected workers
- The provision of information and access to RA benefits and programs, one-stop system services, employment and training activities, including information on the WIOA Dislocated Worker program, Trade Adjustment Assistance, Pell Grants, the GI Bill, and other resources.
- The delivery of other necessary services and resources including workshops, classes and job fairs to support re-employment efforts for the affected workers.
- Developing and maintaining partnerships with other appropriate Federal, State and local agencies and officials, employer associations, industry business councils, labor organizations, and other public and private organizations, in order to:
  - Conduct strategic planning to develop strategies to address dislocation events and ensure timely access to a broad range of necessary services.
  - Develop mechanisms for gathering and exchanging information and data relating to potential dislocations, resources available, and the customization of layoff aversion or rapid response activities, to ensure the ability to provide rapid response services as quickly as possible.
- Delivery of services to worker groups for which a petition for Trade Adjustment Assistance (TAA) has been filed.

## **LAYOFF AVERSION**

Consists of strategies and activities to prevent or minimize the duration of unemployment resulting from layoffs. Layoff aversion strategies and activities may include, but are not limited to:

- Providing assistance to employers in managing reductions in force, which may include early identification of firms at risk of layoff, assessment of the needs of and options for at-risk firms, and the delivery of services to address those needs.
- Ongoing engagement, partnership, and relationship-building activities with businesses in the community, in order to create an environment for successful layoff aversion efforts and to enable the provision of assistance to dislocated workers in obtaining reemployment as soon as possible.

- Establishing linkages with economic development entities including local business retention and expansion activities.
- Connecting businesses and workers to short-term, on-the-job, or customized training programs and apprenticeships before or after layoff to help facilitate rapid reemployment.

### **Career Center Staff Responsibilities**

The Regional Rapid Response Coordinator may request assistance from One-Stop management for staff to participate in Rapid Response events for purposes such as providing short term staffing assistance, reserved office space/equipment, etc.

The Career Center' Manger will share any workforce intelligence with the Regional Rapid Response Coordinator that may signal the need for Rapid Response services within their community. Additionally, One-Stop management will regularly communicate any status changes to the Regional Rapid Response Coordinator that occur at the local level, which may result in changes to planned Rapid Response services and activities.

### **Initial services provided through the Career Center will typically include:**

- Introduction to available One-Stop services, equipment and staff
- Initial Assessment (if an update is required or job seeker did not receive service from the Regional Rapid Response Team)
- Scheduling of subsequent workshops and services as appropriate
- Individualized employment referrals , if assessment determines that job seeker is job search ready
- Review of job seeker's resume for optimum matching results and submission to SMART (if not provided through Rapid Response services)

Inquiries: Inquiries regarding the Rapid Response Program should be directed to Richard Grossi at <mailto:Richard.Grossi@labor.ny.gov>.

### **Referral to WIOA**

Workers may then follow-up by scheduling an appointment with a WIOA case manager to determine if enrollment into the Dislocated Worker program would be a possibility based on their particular needs/goals and the program guidelines and capabilities. If determined eligible and enrolled into the Dislocated Worker program, services that may be provided could include: retraining or skills upgrade through a classroom setting or On-the-Job (OJT), supportive services to assist with participation in training, conducting job search and/or relocating out of the area to new employment.

**References: 20 CFR §682 (C) 300-370, Rapid Response Guidance Letter No. 1**

In the event of the termination of the relationship between the WPWDB and a sub-recipient, the sub-recipient is responsible for retention of their own records as well as the records of any subcontractors. If the sub-recipient is unable to retain records, the following records will be transferred to the WPWDB: all program related records, including contract related personnel records, reports, applicant and participant files, documentation and physical evidence, in addition to documents required by the contract.

Copies of records made by microfilming, photocopying, or similar methods may be substituted for original records if they are preserved with integrity and are admissible as evidence.

All records retained beyond the mandatory retention period are subject to audit and/or review.

### **Limitation of Public Access to Records**

Personal records of program registrants (including WIOA) will be private and confidential, and will not be disclosed to the public. Personal information may be made available to Career Center partners or service providers on a selective basis consistent with the registrant's signed "Release of Information" form. In addition, this information may be made available to persons or entities having responsibilities under WIOA including representatives of:

- The Department of Labor
- Westchester County
- The Governor
- WIOA Grant Recipients and Public Agencies
- Local Area Sub-recipients

The conditions under which information may be released or withheld are shown below:

- a. WIOA registrants will have access to all information concerning themselves as individuals unless the records or information are exempted from disclosure.
- b. The names of WPWDB staff and sub-recipient staff in positions funded by WIOA, in part or in whole, will be a matter of public record. Other information pertaining to these recipient or sub-recipient employees will be made available to the public in the same manner and to the same extent as such information is made available regarding staff in positions not funded by WIOA.

**References:** Public Law 113-128, WIOA Section 185(a), 29 CFR 200.333-337, Federal Register Vol 65 No 127 Rules and Regulations, Disclosure of Records under the Freedom of Information Act, 29 CFR 37.37, 29 CFR 97.42



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<b>Policy #: 1.128-19</b>	

## Record Retention and Public Access

### Background:

Workforce Innovation and Opportunity Act (WIOA) Title 1-B, requires Local Workforce Development Boards to maintain and retain records of all fiscal and program activities funded under the 2014 Act. Sub-recipients and sub-contractors funded under WIOA must abide by WIOA law, regulations, and guidance, all applicable Office of Management and Budget (OMB) Circulars, state regulations in laws and rules, Office of Financial (OFM) policies, and state WIOA policies. If funding is not WIOA, sub-recipient and/or subcontractor must follow record retention rules outlined in grant or funding agency.

### Policy:

This policy sets forth the following minimum timeframe requirements for records retention, and the extent to which such records may be made available to the public. Sub-recipients/sub-contractors must keep records that are sufficient to permit the preparation of reports required by the Westchester-Putnam Workforce Development Program (WPWDB) and the tracing of funds to a level of expenditure adequate to ensure that the funds were spent lawfully.

### Record Retention:

- Retain all records pertinent to the grant, grant agreements, interagency agreements, contracts or any other award, including financial, statistical, property, applicant or registrant records, and supporting documentation, for a period of at least three (3) years after submittal of the final expenditure report (closeout) for that funding period to the WPWDB.
- Retain all records of non-expendable property for a period of at least three (3) years after final disposition of property.
- Retain all records pertinent to applicants, registrants, eligible applicants/registrants, participants, ineligible applicants, wait listed applicants, employees, and applicants for employment for a period of not less than three (3) years from the point that the record is no longer included in reportable outcomes.
- Retain records regarding complaints and actions taken on the complaints for a period of not less than 3 years from the date of resolution of the complaint.
- After the files have been retained for the three (3) years, refer to your organization's guidelines for destroying confidential information.
- Retain all records beyond the required three (3) years if any litigation or audit is begun or a claim is instituted involving the grant or agreement covered by the records. The records shall be retained for an additional three (3) years after the litigation, audit, or claim has been resolved.

<b>Policy #:</b> 1.123-19	
<b>Effective Date</b> September 19, 2019	<b>Latest Revision Date</b> September 30, 2019

## Data Validation

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### Background

The U.S. Departments of Labor and Education released [TEGL 7-18, Guidance for Validating Jointly Required Performance Data Submitted under the Workforce Innovation and Opportunity Act \(WIOA\)](#) on December 19, 2018. This provides federal guidance about how states must establish procedures to ensure the information contained in the reports is valid and reliable. The purpose of this policy is to identify data issues at the soonest possible time to ensure data is corrected in time for the submission of reports and avoid inaccurate performance reporting. These policy and procedures outline how WPWDB's WIOA Title I and Title III programs ensure reported data is valid and reliable.

### Applicability

The following programs are subject to the data validation procedures:

WIOA Title I Adult  
WIOA Title I Dislocated Worker  
WIOA Title I Youth  
National Dislocated Worker Grants

### Procedures

WPWDB will review source documents against American One-Stop Operating System (AOSOS) and Participant file for Title I and Title III in accordance with the data elements outlined in [TEGL 7-18 Attachment 1](#). WPWDB conducts technical reviews of the participants file to ensure data transformation procedures are valid and reliable.

The sample selected for review must include a mixture of cases at various stages of the Universal Career Planning Process. The sample must include:

- Participants in Education or Training during the previous quarter;
- Active participants in the previous quarter;
- Participant exits in the previous quarter (1 quarter lag);
- Participant exits in the previous 4 quarters (2-4 quarter lag);
- Participants with a credential (active or up to 7 quarter lag); and

- Participants with a measurable skill gain (active within last quarter).

WPWDB will conduct data validation activities during annual on-site monitoring and quarterly desk reviews. WPWDB will conduct a technical review of the PIRL prior to submitting the PIRL each quarter.

### **Responsibilities**

The following entities have responsibilities in the administration of Title I and III data validation efforts.

WIOA Performance Advisory Committee:

- Provide overall guidance and technical assistance for data validation standards in accordance with federal guidance;
- Oversee technical review of the PIRL and AOSOS to ensure federal reports are properly completed;
- Notify DET-Information Technology Coordination Section (ITSC) of any AOSOS to PIRL data translation deficiencies;
- Lead technical assistance and training development efforts; and
- Design an annual assessment of the data validation procedures.

### **Local Program Liaison(s):**

- Conduct data validation for the Title I;
- Provide technical assistance for field staff; and
- Develop a procedure for determining the sample and the data validation results.

### **Local WDB Staff:**

Develop internal controls to ensure data reported into AOSOS is valid and reliable in accordance with this policy. Internal controls may include conducting routine case reviews, reviewing reports on any other activity that identifies incorrect data and implements corrections; and

Ensure access to source documents by state monitoring staff for review upon notification.

### **Local Job Service Staff:**

Develop internal controls to ensure data reported into AOSOS is valid and reliable in accordance with this policy. Internal controls may include conducting routine case reviews, reviewing reports or any other activity that identifies incorrect data and implements corrections; and

Ensure access to source documents by state monitoring staff for review upon notification.

### **Reporting and Frequency**

The WPWDB will conduct the data validation report during the annual on-site monitoring visit and

document the results in the local area's Consolidated Monitoring Report. Any documented deficiencies will be recorded with a date required for rectification consistent with the current monitoring correction timelines.

The Career Center Manger will also conduct quarterly desk reviews. Reports will indicate required corrective actions. LPLs will determine the required completion date for corrections consistent with the impacted data's utility in performance indicators.

### **Training**

WPWDB will offer annual data validation training each program year for local WDB and Career Center staff. Training initiatives may include providing further clarifications in [TEGL 7-18 Attachment 1, Source Documentation for WIOA Core Programs](#).

### **Compliance**

Failure to meet the required corrections by the identified completion date may cause:

- Notification to the WPWDB director and possible administrative actions;
- Issue of a monitoring "Finding;"
- Mandatory WPWDB on-site facilitated training on the required reporting for data elements.

**References:** WIOA Sec. 116(d)(5)

<b>Policy #:5.100-19</b>	
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## Property Management and Inventory

The following policy is established to ensure the proper management of all property obtained through Workforce Innovation and Opportunity Act (WIOA) funds, including property purchased with the Workforce Investment Act funds and transferred to WIOA. This policy does not apply to, real property (i.e., land and buildings).

Furniture, fixtures, software, or other “equipment” not considered an integral part of a building and with a unit acquisition cost of \$5,000 or less is not considered property and is to be classified as equipment.

### Property Management

To ensure an organized and consistent approach to the management of property, the WIOA Property Database will be used to record and track property purchases. This inventory system will guarantee that the following items are collected:

1. a description;
2. the serial and model number or other identification number
3. source of property, including grant or agreement number;
4. whether title rests with Westchester-Putnam Workforce Development Board (WPWDB) , Westchester County or federal government or other entity;
5. acquisition date and cost;
6. percent of federal participation in the project that purchased the equipment;
7. location, use, condition, and date the information was reported;
8. The date of disposal; and a unique identification number (WIOA tags issued by NYSDOL and Westchester County tags.)

All WIOA property purchased shall be inventoried and tagged that has a purchase or depreciated value of \$5,000 or more.

- In addition, property with a cost of \$300 or more will be tagged as supplies and included on the inventory list: Laptops and notebook computers, tablets and smart phones.

- The following property with costs of \$1,000 or more will also be tagged and included: cameras and projection equipment; desktop computers (PCs); televisions; and similar equipment.

Records will document who the item was issued to and its disposition. The Executive Director will obtain prior written approval from New York State Department of Labor (NYSDOL) for all equipment expenditures in excess of \$5,000 or more.

A physical inventory of all property will be conducted annually. Any discrepancies found during a physical inventory shall be reported to the Executive Director and investigated.

Any damaged, stolen, or missing serialized property on inventory must be reported to the Fiscal Director within ten days (10) of the finding. For missing and stolen property the local police department should be notified and a police report filed. Additionally, any lost, damaged or theft of WIOA equipment valued at \$5,000 or more should be investigated and reported to the Director, Westchester County and NYSDOL within ten days of the occurrence.

#### **Procedures for Recording New Inventoried Property**

1. All invoices must be reviewed to determine if the item purchased should be inventoried, using the criteria detailed above. The individual approving the invoice for payment is responsible for making this determination when approving the invoice.
2. The Property Manager or designee will tag the item, checking that the serial number, item description, manufacture, etc. matches the Report.

#### **Property Disposition**

When acquiring replacement equipment, the equipment to be replaced may be used as a trade-in or sold. When selling property, the proceeds shall be used to offset the cost of the replacement property. The replacement property must be for a like item. Proper sales procedures must be established to ensure the highest possible return. When acquiring replacement equipment, the approval for the trade-in or selling of property must be obtained in writing from the Executive Director.

For the disposition of non-expendable property with an acquisition cost of \$5,000 or more, instructions on disposition will be obtained from the Department that made the initial purchase. For the disposition of non-expendable property with a unit acquisition cost of under \$5,000 the following guidelines apply:

1. Item must be assessed to be of no further use, and
2. It must be determined if it is on WIOA inventory.

### **Property without Market Value**

Both inventoried and non-inventoried property need to be assessed by the designee in charge of the fiscal unit as to whether the property has any potential continued use/market value. If the item is judged to be without value, then it must be rendered inoperable before disposal.

### **Property with Market Value**

If the property is judged to still have value, there are two options for disposal:

- 1) The property may be donated to a non-profit agency that has a mission similar to that of the WPWDB
- 2) The property can be sold. Any sale of property must be advertised to the public. If the property is on WIOA inventory any proceeds from the sale are to be credited to existing grants. If the property is not inventoried, proceeds will be credited to the general account.
- 3) If property is to be sold, the WPWDB must ensure all personally identifiable information is destroyed and rendered inaccessible prior to releasing WPWDB's possession of said property.

### **Property Disposal Verification**

The disposal of property should be verified:

1. If the item is on WIOA inventory, a Property Disposal Verification form should be completed.
2. For non-inventoried property, a memo listing the item and the manner of disposal (i.e. transferred, destroyed, donated, or sold) should be noted.

The Property Disposal Verification form or memo must be signed by the Director and one other employee who has witnessed the disposal of the property.

Regardless of the nature of disposal, all inventoried WIOA property that is disposed of shall be deleted from inventory. The completed Property Disposal memo will be maintained by the by the WPWDB.

### **Property Transfer WIA to WIOA**

All WIA property on inventory with a depreciated value over \$5,000 must be transferred to WIOA and inventoried. WIA property not transferred should be disposed of in a manner consistent with local or state policy as appropriate.

**References:** 2 CFR Part 200 Subpart D; Post Federal Reward Requirements: Property Standards, 2 CFR Part 200 Subpart F; Audit Requirements: Management Decisions, Appendix XI to Part 200-

Compliance Supplement, Federal Register Vol. 65, No. 124, Resource Sharing for Workforce Investment Act One-Stop Centers



<b>Policy #:</b> 5.502-19	
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**BUDGET MODIFICATIONS POLICY**

**Annual Workforce Innovation and Opportunity Act Budget**

The Local Workforce Development Board is responsible for developing a budget for the purpose of carrying out the duties of the board, subject to chief elected official approval. The Local Workforce Development Board shall oversee the development of the master budget, and any modifications thereto, which creates a framework for the annual plan.

**Sub-recipient Contract Budgets**

The sub-recipient may at any time during the term of the Contract request a modification of budget lines. In no case may a total contract amount be increased. Requests for modifications must be in writing and specifying the changes sought and the reason for the changes. The request shall be reviewed by the program staff, in terms of the appropriate laws, regulations, and program goals. Budget lines may be modified through a letter of agreement modification. The letter of agreement modification includes a letter that describes the modification elements requested, the modification elements approved, and a justification explaining the reasoning that supports the elements that are approved for change.

**References:** OMB §200.302, §200.303, §200.308; WIOA §683.220;

## **Section II: Training Services**

**Policy #:1.100-19**

**Last Revision Date**

*September 19, 2019*

**Effective Date**

*September 30, 2019*

**Individual Training Account (ITA)**

The Westchester-Putnam Workforce Development Board will use WIOA Title I funding (Adult and Dislocated Worker) towards training to upskill, enhance and/or support eligible jobseekers in entering and/or maintaining employment. Youth between the ages 18-24 must be co-enrolled as adults.

1. A comprehensive assessment service must be provided to all eligible customers prior to issuing an ITA.
2. An eligible individual is one whose comprehensive assessment identifies a skills gap and identifies a training program to remediate the skills gap.
3. Staff who have responsibility for providing comprehensive assessment services also have the authority to develop and submit an ITA for funding approval.
4. Approval of ITAs is based on the participant's comprehensive assessment, (including education, skills and work history), in accordance with local occupational demand as reflected on the Priority Occupation list.

**References:** WIOA §680.300-680.350 - ITAs for WIOA Adult /DW, §681.550 - ITAs for WIOA Youth, TA 09-2.1 - NYSDOL ITA Approval Policy

<b>Policy #:1.102-19</b>	
<b>Last Revision Date</b> September 19, 2019	<b>Effective Date</b> September 30, 2019

**Maximum Funding Of Individual Training Accounts (ITA)**

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**1. WIOA Adults and Dislocated Workers**

- Maximum individual training account will not exceed \$3,000.
- Request for individual training account exceeding \$3,001 to \$4,000 will be granted only when:
  - The customer meets eligibility for priority of service.
  - Training is in a demand occupation.
- Request for individual training account *exceeding* \$4,000 will be granted only when
  - The customer meets eligibility for priority of service.
  - If training is in a demand occupation.
  - Approval is granted by the Board.

When Books, Supplies, Testing, Certification/Licensing, etc. are needed or required and is not included in the total amount of the ITA, customers meeting the priority of service eligibility.

Exemption: Customers enrolled in Career Pathways or enrolled in non-WIOA grant programs may receive ITA's exceeding \$3,000 limit.

**2. Trade Act**

Maximum amounts for TAA approved training plans to provide individual classroom training are as follows:

- \$20,000 for a training plan of up to 130 weeks; and
- \$10,000 for a training plan of up to 52 weeks.

**3. Reimbursement of expenses:** The training provider will be reimbursed upon submission approved ITA voucher and invoice.

**4. Out-of-pocket expenses paid by the Customer:**

- The customer will be reimbursed for expenses paid for books, supplies, testing, certification/licensing paid after approval of ITA is received
- To the career pathways policy and removing the following from the career pathways policy "The Westchester Putnam Workforce Development Board prohibits payments for tuition fees, uniforms, books, and equipment directly

to the customer. Cost for these items may be included in tuition costs, where applicable”.

**References:** WIOA §680.300-680.350 - ITAs for WIOA Ad/DW, §681.550 - ITAs for WIOA Youth, and TA 09-2.1 - NYSDOL ITA Approval Policy

<b>Policy #:</b> 1.062-19	
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## ELIGIBLE TRAINING PROVIDERS (ETPL) POLICY

This policy is intended to govern the Westchester-Putnam Workforce Development Board (WPWDB) in making determinations for the Eligible Training Provider List. The New York State Eligible Training Provider List (ETPL) was established in compliance with Title 1 of the Workforce Innovation & Opportunity Act of 2014 (WIOA). The purpose of the ETPL is to present a broad and diverse selection of training choices to support employment goals of individuals. Inclusion on the ETPL, in itself, does not guarantee that WIOA funds are available for enrollment in an eligible offering. Training Providers are not guaranteed referrals. The availability of WIOA funding for enrollment is based on many factors including assessment of an individual's employment needs.

### Procedure

Applying to become a training provider:

1. Training Providers apply for local approval to the ETPL by the WPDB through the New York State Department of Labor's online system at <http://applications.labor.ny.gov/ETPL/>.
2. Providers must complete all required sections of the application and submit the completed application for review by WPWDB designated staff.
3. Providers must enter into a contractual agreement with Westchester County.
4. Approved Training Providers may request approval for additional offerings through the on-line process at: <http://applications.labor.ny.gov/ETPL/> and on the Westchester Putnam online site (WPOS) website at <https://westchesterputnamonestop.com/providers/>.
5. Training Providers located outside of WPWDB must be approved by their local WDB prior to consideration for approval to be included on the Outside Provider List for WPWDB.

Training Providers agree to accept Individual Training Accounts (ITA) and provide training services for eligible WIOA participants enrolling in approved offerings where admission and offering placement requirements of the Training Provider have been met.

### Initial eligibility

Initial eligibility is based on the training provider/offering's authority or authorization to operate as determined by the LWDB (OWA).

- a. Period of Initial Eligibility: 12 months from the date the training provider/course offering is first approved for listing on the ETPL.
- b. Training Providers Eligible to Receive Funding: An institution of higher education that provides a program that leads to a recognized postsecondary credential; an entity that carries out programs under the National Apprenticeship Act; or another public or private provider of a program of training services, including community-based organizations, joint labor-management organizations, and eligible providers of adult education and literacy activities under Title II if activities are provided in combination with one or more of the following training services:
  - c. Occupational skills training;
  - d. On-the-job training (OJT);
  - e. Incumbent worker training;
  - f. Programs that combine workplace training and related instruction, which may include cooperative education programs;
  - g. Training programs operated by the private sector;
  - h. Skill upgrading or retraining; or
  - i. Entrepreneurial training.

Courses: Approved providers are not required to list their entire course catalog on the New York State ETPL. A single course offering (can be generic) should be submitted to gain entry to the ETPL with additional course offerings added when a WIOA participant wishes to enroll in a specific course.

WIOA Funding: Inclusion of a provider on the ETPL does not entitle or assure that the provider will receive funding from a LWDB (OWA). Course offerings being funded must provide training for an occupation identified by the LWDB as an in-demand occupation in the Local Workforce Development Area (LWDA). Training providers not listed on the ETPL may receive WIOA training funds if the training is considered on-the-job training, customized training, incumbent worker training or transitional employment.

### **Subsequent Eligibility**

WIOA requires an annual re-determination of ITA program eligibility through a Subsequent Eligibility process.

### **Instructions/Actions for Training Providers**

Training Providers are responsible for updating the period of eligibility on an offering is due. Training providers should visit the WPOS website and log on with their username and password to submit the performance and outcome information for the offering within 30 days. Failure to do so will result in the removal of the offering from the WPOS. The performance and outcome information will be reviewed by the WDB for approval under a period of Subsequent Eligibility. Training Providers will be notified of the result of the review within 90 days.

*NOTE: Training providers should maintain up-to-date information on the ETPL and WPOS websites at all times.*

Phone numbers, contact names and email addresses, offering costs, etc., must be kept current. Information regarding compliance with the appropriate oversight agency or entity (i.e., Department of State, Division of Criminal Justice, etc.) must be reviewed and updated by providers at the time of subsequent eligibility. A valid license (or continuous operation letter) must be current.

**References:** WIOA §680.300-680.350 - ITAs for WIOA Ad/DW, §681.550 - ITAs for WIOA Youth, TA 09-2.1 - NYSDOL ITA Approval Policy



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## COORDINATION OF FUNDING WITH OTHER SOURCES

To ensure WIOA participants have access to the maximum financial resources available for training and support services, WIOA service providers shall encourage and assist participants, when appropriate, to apply for Pell Grants, other education-related forms of financial aid and other sources of funds.

All available sources of funds (excluding loans) shall be considered to cover the full education and education related costs for training and support services. A resource plan shall be developed for each participant that will identify and track the exact mix of funds used to pay for training and supportive services.

WIOA funds will not be used to pay for training or services already covered by other sources. Training agreements, particularly with Pell-eligible institutions, should ensure:

- The institution cannot bill or be paid twice for the same expenses;
- Costs paid for by WIOA and by the Pell Grant are clearly identified and documented, and
- Access is guaranteed to the WIOA participant's financial aid records (such as the Student Aid Report (SAR)).

### Coordination with Pell

Section 134 (3) (B) (i) of the Workforce Innovation and Opportunity Act emphasizes that:

WIOA training funds shall be limited to participants who are unable to obtain grant assistance from other sources to pay for their training or require assistance beyond what is available from other sources to pay for their training. Notwithstanding section 479B of the Higher Education Act of 1965 (20 U.S.C. 1087uu) ... provision of such training services shall be limited to individuals who— (I) are unable to obtain other grant assistance for such services, including Federal Pell Grants established under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.); or (II) require assistance beyond the assistance made available under other grant assistance programs, including Federal Pell Grants. (ii) Training services may be provided while an application for a Federal Pell Grant is pending, except that if such individual is subsequently awarded a Federal Pell Grant, appropriate reimbursement shall be made to the local area from such Federal Pell Grant.

### Coordination with Trade Act as per Technical Advisory No. 04-6.5

If the total cost of training exceeds the combined total funds available through employer contributions, school scholarships, TAP, other funding sources that can only be used for tuition, and

the TAA/TGAA programs, the training program can be approved only if other funding streams, such as but not limited to WIOA, ACCES or Pell are available to fully-fund the program.

**References:** Section 134 (3) (B) (i), TA 04-6.5

**Policy #: 1.103-19**

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**EMPLOYMENT WHILE IN INDIVIDUALIZED  
CAREER OR TRAINING (RECEIVING AN ITA)  
SERVICE**

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**1. Individualized Career Services - Adult**

Customers who are receiving Individualized Career Services and subsequently obtain employment or increased wages of current employment to an amount when combined with other family members' income which would exceed the approved family self-sufficiency level, will no longer be eligible for Individualized Career Services. Individuals with a disability may be considered a family of one for income determination purposes.

If a customer exceeds the family self-sufficiency level, continuation of services may be granted if the customer and counselor agree that continuation of Individualized Career Services is necessary to gain the skills required to obtain and/or retain employment.

**2. Individualized Career Services – Dislocated Worker**

Customers who are receiving Individualized Career Services, and subsequently obtain employment or increase wages of current employment to an amount that exceeds 75% of the individual's previous wage at dislocation will no longer be eligible for these services.

If the customer exceeds this amount, continuation of services may be granted under the following circumstances:

- Customer's total family income is less than the self-sufficiency level. (Individuals with a disability may be considered a family of one for income determination purposes) or
- Customer and counselor determine that continuation of Individualized Career Services is necessary in order to gain the skills required to obtain and/or retain employment.

**3. Training Services (Receiving an ITA) - Adult**

Customers who are enrolled in training services and subsequently obtain employment or increase wage of original employment to an amount when combined with other family members' income which would exceed the approved family self-sufficiency level, will no longer be eligible to continue. Individuals with a disability may be considered a family of one for income determination purposes.

If combined family income exceeds the self-sufficiency level, continuation in training services may be considered only under the following circumstances:

- Customer has attended training beyond the refund period of specific course as stated in the contractual agreement, school catalog or school's Enrollment Agreement or,

- An employer indicates in writing that customer will either be hired or shall remain employed contingent on completion of said training program.

#### **4. Training Services (*Receiving an ITA*)– Dislocated Worker**

Customers who are enrolled in training services, and subsequently obtain employment or increase wages of current employment to an amount which exceeds 75% of the Individual's previous wage at dislocation, will no longer be eligible for these services.

If customer exceeds this amount, continuation of training services may be granted under the following circumstances:

- Customer's combined family income is less than the self-sufficiency level. (Individuals with a disability may be considered a family of one for income determination purposes, or
- Customer has attended beyond the refund period of the specific course as stated in the contractual agreement, school catalog or school's Enrollment Agreement, or
- An employer indicates in writing that customer will either be hired or shall remain employed contingent on completion of said training program.

**References:** WIOA §680.300-680.350 - ITAs for WIOA Ad/DW, §681.550 - ITAs for WIOA , WPWDB Policy #1-200-19

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**FUNDING OF INDIVIDUAL TRAINING  
ACCOUNTS FOR RESIDENTS OF OTHER  
WORKFORCE DEVELOPMENT AREAS**

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The policy of the WPWDB is to adopt a cap on the amount of Individual Training Account for residents of other Workforce Development Areas, which will match the policy set forth by that Workforce Development Board but will not exceed the local cap. If funding is limited, priority will be given to the customers who live or work in Westchester and Putnam counties, and high priority customers.

**References:** WIOA §§ 122 and 134, Pub. L. 113-128

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## Individual Training Accounts (ITA) Appeal

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The customer must submit a request for an appeal within 30 business days, in writing to the WPWDB Executive Director. The WPWDB Executive Director must render a decision in writing within 15 business days.

### ITA Procedure for Customers

*Approval of ITAs is based on the participant's comprehensive assessment, (including education, skills and work history); in accordance with local occupational demand as reflected on the Priority Occupation list.*

If a customer is denied a request for ITA from the Career Center for a specific training program:

- The Executive Director informs the Career Center Manager, who then informs the counselor.
- The counselor will provide the customer with reasons for the denial (lack of eligibility, lack of appropriateness based on assessment, not a priority occupation, not an approved program, etc.)
- The counselor will provide the customer with the grievance procedure.
- The customer may grieve the decision through a meeting with the WPWDB Director. During this meeting, the customer will advocate for approval, and provide justification for reconsideration of said decision. Prior to this meeting, the WB Director will review documentation and discuss the reasons for denial with the assigned counselor. Based on information obtained from this meeting, the WPWDB Director will either affirm or reverse the decision. If the decision remains and the customer request an additional appeal, the customer will be eligible to meet with the WPWDB Director. Information obtained from this meeting, along with all relevant documentation, will be shared with the Workforce Development Board Executive Committee, for a final decision.
- Based on information from the services (program) provider the customer and the committee, the WPWDB Director can affirm the previous decision or override it with feedback /vote.

A grievance with your training provider(s), worksite, One Stop Career Center(s) or satellite(s) you are expected to use the normal grievance procedure of that agency.

If you are unable to resolve the grievance at your location, you may contact your case manager at the Westchester-Putnam Local Workforce Development Area. If your grievance is still unresolved, it must be presented in writing to the Westchester-Putnam Local Workforce Development Area Grievance Officer:

Thom Kleiner, Director  
Westchester-Putnam Workforce Investment Board  
120 Bloomingdale Road, 2nd Floor  
White Plains, NY 10605  
914.995.3707  
Email: [tkleiner@westchestergov.com](mailto:tkleiner@westchestergov.com)

You are entitled to a hearing within 30 days of filing and a decision no later than 60 days after filing a grievance. Generally, complaints shall be made within one year of the alleged occurrence. There may be exceptions to this policy for special circumstances as deemed by the Governor, except for complaints alleging fraud or criminal activity.

If you are not satisfied with the decision made by the Grievance Officer, you may appeal and request that your grievance and decision be reviewed by the Director of the Workforce Development Board, who may be reached at the same address as the Grievance Officer, or who may be reached by phone at 914.995.3910.

If you remain dissatisfied with the decision of the Workforce Development Board Director, you may call the Deputy Commissioner for Workforce Development at 518-457-0380 and/or your submit appeal to:

Ms. Karen Coleman, Deputy Commissioner for Workforce Development  
Division of Employment & Workforce Solutions, New York State Dept. of Labor, Building 12, Room 450  
State Office Building Campus, Albany, NY 12240  
For further information on the grievance and/or appeal process, please contact the Grievance Officer,

Mr. Thom Kleiner at the address or phone number listed above.

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Customer Signature

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Date

**Latest Revision Date**

September 19, 2019

**Effective Date**

September 30, 2019

## Customized Training (CT)

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Under Section 134 (d) (4) of WIOA, up to 20% of Adult and DW funds may be used to provide for the federal share of the cost of providing Incumbent Worker Training.

Customized Training relates to the introduction of new technology, product or services that an existing and/or new employee is required to learn in order to perform the job or to upgrade to a new job that requires new skills, workplace literacy or factors to be determined by the Westchester-Putnam Workforce Development Board (WPWDB). The WPWDB will utilize local funds to provide businesses with funding that will offset the cost of training existing/incumbent workers and/or new employees. Customized Training may be based on an individual, or employer or a group of employers. Eligible businesses in the local area may receive up to 50% reimbursement for the cost for training for the identified employee(s). Customized Training must occur at a physical business location in New York State and employer must pay no less than 50% of the cost of training. Training may be based on an individual, employer or a group of employers. Third party training providers must be procured as required by the Workforce Innovation and Opportunity Act (WIOA) and 29 CFR 97.36 or 29 CFR 95.40-48.

### Procedure:

The training should, wherever possible, allow the participant to gain industry-recognized training experience, and ultimately should lead to an increase in wages.

Incumbent Worker Training needs to take into account the following factors:

- The characteristics of the participants in the program;
- The relationship of the training to the competitiveness of a participant and the employer; and
- Other factors including but not limited to ,the number of employees participating in the training, wage and benefit levels of those employees (both pre and post participation earning) and the existence of other training and advancement opportunities provided by the employer

Employers are required to pay for a significant cost of the training for those participants in incumbent worker training; this can be done through both cash and/or in-kind payments. The wages paid to participants, while in training, may be considered as a source of matching funds. Under section 134 (d)(4)(D) of WIOA, the minimum amount of employer share depends on the size of the employer:

- At least 10% of the cost, for employers with 50 or fewer employees. At least 25% of the cost, for employers with 51 to 100 employees
- At least 50% of the cost, for employers with more than 100 employees

In accordance with WIOA Section 181(d), incumbent worker funds may not be used:



- For any business, or part of a business, that has relocated, until 120 days after the date on which the business commences operations at the new location,
- If the relocation of the business, or part of a business, results in a loss of employment for any employee of the business at the original location and the original location is within the United States.

**References:** *CFR 680.170, CFR 681.600, WIOA Sec. 188(a)(2) and (3), CFR 680.830 CFR 683.270 WIOA Sec. 129(c)(2)(C), CFR 680.840 CFR 683.280, WIOA 134(c)(2)(A):188(a)(2), and Training and Employment Guidance Letter (TEGL) 03-15 US DOL Wage and Hour Division – [www.dol.gov/whd/](http://www.dol.gov/whd/)*

<b>Policy #:</b> 2.204-19	
<b>Latest Revision Date</b> September 19, 2019	<b>Effective Date</b> September 30, 2019

## WIOA Adult & Dislocated Worker On-the Job Training (OJT)

### Purpose

To provide policy direction and guidance for the implementation of on-the job training (OJT) for WIOA eligible Adults and Dislocated Workers.

### Policy

An OJT opportunity may be provided as an individualized career service to enrolled Adults and Dislocated Workers who have met the priority of service requirements.

OJT allows an employer to hire a new employee, who is engaged in productive work while receiving training. The WPWDB will reimburse up to 50% of the wage to compensate the employer for the cost of providing the training and additional supervision related to the training. OJT is limited in duration as appropriate to the occupation for which the new hire/employee is being trained, as well as the prior work experience of the new hire/employee.

**Qualifying Businesses:** Includes private sector, for-profit, and not-for-profits. Funds cannot be used to support OJT opportunities with public/government entities.

### OJT Requirements:

- OJT must occur at a physical business location in New York State
- OJT must apply to a full time permanent employment job opportunity for (30 hours or more per week) (Consultants, per Diem and/or seasonal opportunities not applicable).
- Position(s) must pay NYS minimum wage per hour for Westchester-Putnam workforce development area.
- Employees cannot not be independent contractors or contracted employees
- OJT does not apply for seasonal positions or positions based on the addition of commission or tips to a sub-minimum wage base salary.

### Eligible Participants (New Hire/Employee):

- Must be enrolled as a WIOA Dislocated Worker or Adult customer with the Westchester One-Stop Career Center
- Be long-term unemployed (unemployed for 27 weeks or more)

- No procurement is necessary
- Funds cannot be applied to seasonal, part-time, consultants or per diem staff.

**OJT Funding/Duration Limits:** OJT voucher are subject to duration of 3-6 months. The amount of funding depends on the skill gap assessment.

**OJT Monitoring:**

OJT is defined as “a planned, structured learning experience that takes place in the workplace for a limited period of time for a specific skill set(s) which contributes to the enhancement of adequately performing ones job duties”.

The worksite may be in the private-for-profit sector, the non- profit sector, or the public sector.

An OJT is not designed to replace an existing employee or position. Wages are provided by the WIOA service provider and paid directly to the participant developing an employer/employee relationship between the service provider and the OJT participant. Labor standards apply in any OJT where an employee/employer relationship exists, as defined by the Fair Labor Standards Act. Employers are not monetarily compensated.

**Policy Guidelines**

- A planned and structured learning experience that will contribute to the achievement of the participant’s employment goals through a measurable training component.
- Designed to assist individuals to establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment.
- A contractual agreement must be signed by the employer on record prior to the start of the OJT.
- The employer will be issued an approval voucher for each OJT participant and will contain the job description, training plan, wage reimbursement rate, duration and budget.
- An OJT voucher may be modified. All modifications must be in writing and signed by all parties prior to the effective date of the modification.
- Verbal modifications of an OJT Voucher are not valid.

**OJT Monitoring:**

- WIOA program staff must ensure regular and on-going monitoring and oversight of the OJT. Monitoring may include pre-site visits, on-site visits and phone/email communication with
- the employer/trainer and participant to review the participant’s progress in meeting training plan objectives. Any deviations from the OJT agreement should be dealt with promptly.

- The OJT participant's training and payroll records may be reviewed by Federal, State and local fiscal and program monitors. These entities will have the right to access, examine and inspect any site where any phase of the OJT program is being conducted. The service provider will maintain its records and accounts in such a way as to facilitate the audit.

**References:** WIOA §680.700-680.740 - WIOA OJT Regulations and TA 10-15.2 - NYSDOL OJT Policy

<b>Policy #:2.207-19</b>	
<b>Latest Revision Date</b>	<b>Effective Date</b>
September 19, 2019	September 30, 2019

## **Business Sector Customized Training (BSCT)**

### **Purpose**

In accordance with WIOA Regulations 20 CFR § 680.760, Customized training is training:

- That is designed to meet the special requirements of an employer ( CIWT), including a group of employers ( BST);
- That is conducted with a commitment by the employer to employ an individual upon successful completion of the training, or in the case of those who are currently employed, to continue to employ participants after successful completion of the training program; and
- For which the employer contributes a portion of the cost of training.

### **Policy**

Industry-sector customized training includes collaboration among three (3) or more businesses in the same and/or varied industries designed to meet/address the skill requirements for existing or newly hired employees of those participating employers. Training is usually provided in partnership with an education or industry training provider. Participating employers are required to contribute a minimum of 50% towards the total cost of a classroom training project. The employer contribution may be in the form of cash, wages of trainees while they are engaged in the classroom training, rental space or the employer's share of other training costs.

**Qualified Business:** Private sector, for-profit and not-for profit.

*(Funds cannot be used to support Business Sector Customized Training opportunities with public/government entities)*

### **Customized training requirements:**

- Customized Training must occur at a physical business location in New York State,
- Employer must pay no less than 50% of the cost of training,
- Training must be tailored to the needs of at least three businesses in a sector,
- One of the three businesses must be the lead agent for the application, administration of training, contractual and fiscal requirements, and
- Third party training providers must be procured as required by the Workforce Innovation and Opportunity Act (WIOA) and 29 CFR 97.36 or 29 CFR 95.40-48.

### **ELIGIBLE PARTICIPANTS/WORKERS:**

- Full-time existing employees and/or newly hired employees of participating businesses,
- New employees and existing employees must meet WIOA eligibility requirements, and
- Wage of participating employees cannot exceed 400% of the Federal Poverty Guidelines.

*\*Funds cannot be applied to seasonal, part-time, consultants or per diem staff.*

### **Employer Commitment**

WIOA funded BSCT requires an employer to pay no less than 50% of the cost of training. Commitment must be included with the employer's request for customized training. Participating employers must commit to employ, or in the case of those who are currently employed, to continue to employ participants after successful completion of the program.

### **Award:**

The maximum award is \$50,000.00 per business sector applicant (a group of 3 or more businesses.)

### **Procedures**

#### **Participant/Eligibility:**

WIOA funded CIWTs to provide training to those individuals who have been determined eligible for adult or dislocated worker training services. CIWT is generally used for retraining existing employees and is generally classroom based and may be provided by in-house staff or a third party for the employer.

Training for an individual who is currently employed may be provided when: the employee is not earning a self-sufficient wage, as determined by the WPWDB, and the training relates to the introduction of new technologies, introduction of new production or service procedures, upgrade to new jobs that require additional skills, workplace literacy, or other appropriate training approved by the WPWDB Director.

#### **Pre-Award Review:**

All businesses seeking to receive funding must complete an online application and Responsibility Questionnaire to be evaluated as a responsible training provider. A review will include New York Department of State's Division of Corporations, Federal OSHA records, and NYSDOL records.

The following information must be complete for customized training funding considerations under WIOA.

1. Name and address of requesting organization, business, or agency.

- a. Contact official, title, and telephone number (include fax number and e-mail address)
  - b. Cost of the proposed training.
  - c. Total cost of the training
2. Total WIOA funds requested
3. Total employer contribution (describe in detail)
4. Description of proposed training
  - a. Need for training
  - b. Occupational demand for trained individuals
  - c. Type of training to be provided
  - d. Length of proposed training
  - e. Target group for training
  - f. Number of individuals to receive training
5. Training Plan
  - a. Objectives of the training
  - b. Specific skills to be learned
  - c. Method of Instruction
  - d. Measurement of objectives and skill attainment for trainees
  - e. Qualifications of training staff
  - f. Employer involvement and commitment
  - g. Curriculum design meeting needs of the employer
6. Commitment of the employer to employ participants who successfully complete the training.
  - a. Provide an itemized budget.

### **Customized Incumbent Worker Training Agreement**

A Customized Training agreement must be executed prior to the commencement of training. Customized training agreements must include policies, procedures, definitions as required by Westchester County and State Policies; requirements for selection of participants, job descriptions; and training outlines justifying the length of training. Participant wages must be specified in the application, and the contract must provide for an increase in wages. If the training is not to be provided by in-house staff, the provider must be identified.

**References:** *References: CFR 680.170, CFR 681.600, WIOA Sec. 188(a)(2) and (3), CFR 680.830 CFR 683.270 WIOA Sec. 129(c)(2)(C), CFR 680.840. CFR 683.280, WIOA 134(c)(2)(A):188(a)(2), and Training and Employment Guidance Letter (TEGL) 03-15, US DOL Wage and Hour Division – [www.dol.gov/whd/](http://www.dol.gov/whd/)*

# **Section III: Adult and Dislocated Worker**



<b>Policy #:</b> 2.217-19	
<b>Effective Date</b> September 19, 2019	<b>Latest Revision Date</b> September 30, 2019

**ADULT AND DISLOCATED WORK EXPERIENCE  
(AD-WEX)**

**I. ADULTS AND DISLOCATED WORKERS**

Work Experience is a planned, structured learning experience that takes place at a worksite for a limited period of time that is based upon the needs of the participant. A work experience worksite may be in the private for-profit sector, the non-profit sector or the public sector. Work Experience is an authorized career services activity for WIOA Adults and Dislocated Workers.

Note: See 3.302-19 for Youth Work Experience Policy for instructions specific to the WIOA Title I youth program.

WIOA Work Experience may be full-time or part-time depending upon the needs of the participant. Work Experience shall be designed to enhance the employability of individuals through the development of good work habits and basic work skills.

Work Experience shall be limited to persons needing assistance in becoming accustomed to basic work requirements, including basic work skills, or those needing to explore new career options due to recent layoffs or declining job growth in their current or most recent employment. Work Experience may be used as a Situational Assessment. A Situational Assessment provides a participant with the opportunity to explore different work interests and try out their skills and abilities in a work setting. In addition, it allows the program staff and the participant to jointly determine the social aspects, work culture, and physical and communication requirements of the worksite. This determination provides valuable information on the job supports needed by the participant to achieve a successful job match.

Work Experience participation creates an employer/employee relationship. Normally, the WIOA service provider establishing the worksite is considered the employer and pays the participant’s wages along with necessary taxes and workers’ compensation costs. In some cases, the worksite employer can be considered the employer who would then be responsible for the payment of wages, taxes and workers’ compensation. In these situations, the service provider reimburses the worksite employer through an invoice process. Regardless of who is considered the employer, the activity must comply with all applicable employment laws and regulations as noted in Section B.

**B. Employment Law & Work Experience Requirements**

Because an employer/employee relationship is established, Work Experience placements must:

- Comply with the Fair Labor Standards Act in regards to wages paid, hours worked and child labor regulations.
- Complete an I-9 in accordance with the Immigration Reform and Control Act
- Provide Workers Compensation coverage
- Withhold Social Security, Federal Income and New York State Income taxes

**Exclusions:** New York state law excludes work-training programs such as WIOA work experience from the definition of employment for purposes of unemployment insurance compensation (UI). Therefore, Work Experience wages are not subject to payment of UI taxes by the employer and WEX participants do not earn wage credits during their participation.

### **C. Participant Wages, Benefits, Hours of Work and Duration of Assignment**

Work Experience Wages - Work Experience participants shall be paid an hourly wage for hours worked which may be in ¼ hour increments. Wages are considered a work-training or educational allowance.

### **D. Wage Rate. Each participant will receive a wage based on:**

- a. Applicable federal and state minimum wage; or
- b. At the same rates as trainees or employees who are in similar occupations, and who have similar training, experience and skills within that worksite, whichever is higher (WIOA 181(a)(1)(A)).

### **Tax Withholding**

Work Experience wages are subject to withholding for Social Security, Federal Income Tax, and Connecticut State Income Tax. Therefore, participants must complete a W-4 and the employer must issue a W-2. Transportation and/or supportive services, if paid, are over and above wages and are not subject to tax deduction.

### **Injury**

Providers are to ensure that each WEX participant is covered by State Workers' Compensation Insurance or adequate injury insurance.

### **Hours of Work**

Work Experience participants can only be paid for the actual hours worked. Participants may not be paid when they are out sick, on vacation or for holidays regardless of the worksite policy regarding holiday pay. Full-time participation is defined as working 32-40 hours per week, or the same number of hours worked by regular employees at the worksite, not to exceed 40 hours per week. Neither overtime work nor overtime pay are allowable.

### **Part-time Work Experience**

Is encouraged for; older workers, the disabled, single parents with small children, or individuals in other similar circumstances.

### **Duration of WEX Assignment**

Work Experience is to be for a limited time that is reasonable in duration. The length of the Work Experience assignment is based on the needs of the participant and purpose of placing that participant in a WEX. Factors such as prior work experience and occupational interests should be taken into consideration. Generally, a WEX assignment should not exceed 600 hours and may be shorter than that depending upon the participant.

**References:** WIOA 181(a)(1)(A)

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## TRANSITIONAL EMPLOYMENT POLICY

WIOA allows local areas to allocate up to 10 percent of Title I - Adult and Dislocated Worker funds to transitional jobs for individuals with barriers to employment. Transitional jobs are defined as time-limited subsidized work experiences that help individuals who are chronically unemployed and have barriers to employment establish a work history and develop skills to access unsubsidized employment and progress in the workplace. The Workforce Innovation and Opportunity and Innovation Act (WIOA) inclusion of transitional jobs will allow Westchester-Putnam Workforce Development Board to add this model to their portfolio of services. 20 CFR 680.190

Per TEGL 19-16 Transitional Jobs are considered an Individualized Career Service.

Many job seekers, particularly those who face barriers to employment, require an array of work-based training and employment strategies to become gainfully employed. WIOA encourages a comprehensive set of supports that involve public and private partners to help individuals earn secondary and postsecondary credentials and transition into jobs.

Transitional Jobs are defined as “time-limited, wage-paid work experiences that are subsidized for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history.” By design, transitional jobs programs make work pay by allowing participants to earn wages while learning the norms and behaviors of work, gaining on-the-job success, increasing stability at a job, and increasing soft and hard job skills. As recipients of real wages, workers in transitional jobs should be classified as employees rather than independent contractors or trainees and should be subject to protections such as wage and hour laws, minimum wage laws, unemployment insurance, and workers compensation.

This service must be combined with career and supportive services. These jobs must be designed to establish a work history for the individual, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment. Unlike on-the-job training (OJT), there is no requirement that the employer retains the individual upon completion of the transitional job; however, retention, where appropriate, is preferred for the benefit of the worker and employer.

Under section 134(d)(5) of WIOA and 20 CFR 680.195 of the Final Rule, Local WDBs may use up to 10 percent of their combined total of adult and dislocated worker funds to provide transitional jobs to individuals. For example, if a local area receives \$1.5 million in adult funds and \$1.0 million in DW funds, the Local WDB may use up to \$250,000 (10% of the total) for transitional jobs.

If the WPWDB uses transitional jobs as part of its service delivery strategy, it must adopt policies and identify appropriate employers (public, private or nonprofit). Additionally, these policies must include plans on the amount of reimbursements for the jobs (up to 100 percent of the wage), what supportive services must be included, and the limits on the duration of the transitional job.

WPWDB choose to use transitional jobs as a strategy, policies must be develop for defining and identifying individuals who are "chronically unemployed" or "have an inconsistent work history". The Department encourages targeting individuals who are long-term unemployed, formerly incarcerated individuals, and individuals who are currently receiving or have exhausted TANF benefits when developing these policies. Additionally, the Department encourages utilizing job readiness training in combination with transitional jobs, if determined appropriate by the Local WDB.

- A. Each local WDB will establish a policy for “best practice design” before initiating their respective program.
- B. The work-site agreement that at minimum contains
  - 1. Conditions
  - 2. Responsibilities
  - 3. Training Outline
  - 4. Union Concurrence information

**References:** 20 CFR §682 (C) 300-370, TEGL 19-16

**Policy #: 2.203-19**

## Career Pathways' Program

***Last Revision Date***

***Effective Date***

*September 19, 2019*

*September 30, 2019*

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WIOA requires local workforce boards to convene their education partners to develop and implement career pathways. Section 3(7) of WIOA includes the first-ever federal definition of a set of core activities that are required in career pathways.

Career Pathways leads participants toward careers with increased earning opportunities by providing industry recognized credentials, certificates, licensures, and /or degrees. Career Pathways is a series of organized steps with multiple entry and exit points that may include several courses and /or programs that links education and occupational training to subsequent employment through a continuum of educational and training instruction combined with intensive case-management, career readiness, career exploration, retention, and follow-up. Career Pathways requires a commitment up to two years.

**Eligible customer** must meet one or more of the following categories:

- Adult
- Dislocated Worker
- Disadvantaged Youth
- Displaced homemaker
- Formerly incarcerated and or individuals involved with the criminal justice system
- Eligible Veterans and Spouses of Eligible Veterans
- Public Assistance Recipients
- Incumbent Worker

**Customers are required to:**

- Attend a Career Center orientation.
- Met with an employment counselor.
- Developed and commit to a career action plan with a career coach and is documented in OSOS.
- Commits to obtaining either part-time/full-time employment while training for a credential, certificates, licensures, and or degrees. Employment does not have to be in field of study during entry level training under Career Pathways. However, additional trainings associated with a customer's individual career plans employment must be obtained in the industry associated with training.
- Must commit to the completion of courses, classes, and/ or programs required to successfully complete and obtain industry recognized credentials.

- Must apply for federal grants and aid including Pell Grants. These resources need to be exhausted and or limited.
- Agrees to providing the career coach with supporting documentation to verify enrollment and progress in training/education programs, award of financial aid, obtainment of credential, certificate, licensure, and or degree, and employment ( most 2 recent paystubs and an employment verification letter).
- Agrees maintaining communication with career coach at least 1x per month or more frequently if required.

### **Benefits to Career Pathways**

1. Maximize future employment and education opportunities for customers.
2. Increase customer’s awareness of sector based careers, education, and training.
3. Strengthen the planning process by developing an Individual Career Plan.
4. Support customer’s transition between postsecondary education and employment.
5. Align training with employer needs.
6. Provide strong academic skills and real-world problem solving skills.
7. Career Pathways may be funded through a variety of federal, state, and local resources.

WIOA funds are intended to provide training services in instances when there is no grant assistance, or insufficient assistance from other sources such as, but not limited to: Temporary Assistance for Needy Families (TANF), Title IV Programs such as Federal Pell Grants, Academic Competitiveness Grants, Federal Supplemental Educational Opportunity Grants, or Federal Work-Study, GI Bill ,or other Federal financial aid available to military veterans, and state-funded grants.

An individual may select training that costs for more than the \$3,000 WIOA maximum amount set by the WPWDB, when other sources of funds are available to supplement the ITA. Career Coaches must consider and document in the participant’s files the availability of other sources of grants, excluding loans, to pay for training costs so that WIOA funds are used to supplement, but not supplant, other sources.

The use of WIOA funds to make payments towards a personal loan of an otherwise eligible participant is prohibited. However, the mere existence of a federal loan, regardless of the status, must not impact ITA eligibility determinations.

The Westchester Putnam Workforce Development Board prohibits payments for tuition fees, uniforms, books, and equipment directly to the customer. Cost for these items may be included in tuition costs, where applicable.

### **Career Pathways ITA Continued Funding**

Continued funding of a Career Pathway’s ITA is contingent on:

1. Availability of WIOA/Federal funding, within the two year commitment,
2. The participant's satisfactory progress in school,
3. The participant's hourly wages exceeds \$26.00 per hour.

Career Coaches will review the participant's training progress and ITA expenses quarterly or more frequently depending on the training institution's schedule. An individual's progress will be considered satisfactory upon earning:

1. A grade point average that does not fall below 2.0 for two consecutive terms; or
2. A grade point average sufficient to graduate from, or receive certification in, the individual's approved area of study; or
3. Sufficient credit hours to finish the approved course of study within the timeframe established under the approved training plan.
4. In the case of self-paced or ungraded learning programs, satisfactory progress means participating in classes and passing certification examinations within the timeframe established under the approved training plan.

Career Coaches must receive training progress reports (i.e. transcripts) from the participants and or the eligible training provider on a monthly basis.

Career Coaches must develop a service strategy with participants to overcome the barriers impacting progress. WIOA ITA funding may be terminated if participants do not maintain academic satisfactory progress.

Funding is also contingent upon maintaining employment. Employment is not required to be in field of study during entry level training under Career Pathways. However, additional trainings associated with the customer's individual career plans must be obtained in the industry associated with the training.

*See applicable Policy #:1.100-19 Individual Training Account (ITA) for customers enrolled in Career Pathways.*

**References:** WIOA §680.300-680.350 - ITAs for WIOA Adult /DW, §681.550 - ITAs for WIOA Youth, TA 09-2.1 - NYSDOL ITA Approval Policy



<b>Policy #:</b> 1.105-19	
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## Supportive Services and Need-Related Payments

**Policy Purpose:** The policy for determining customer eligibility for Needs Based Supportive Services while customer is in an approved training program.

The Workforce Innovation and Opportunity Act of 2014 (WIOA) defines supportive services for adults and dislocated workers as services such as transportation and needs-related payments which are necessary to enable individuals to participate (or continue to participate) in activities authorized under WIOA and which are not available through other programs.

Transportation Assistance and Needs-Related Payments shall be provided to eligible participants, as described below.

Under the Needs Based Supportive Services Policy, eligible participants may receive up to the maximum amount allowed per federal and or state grants towards transportation, child care and needs-related payments (such as uniforms, equipment/tools, and testing and other) for participation and completion of the required job readiness boot camp and /r training that leads to a degree, certification, or license.

- The following criteria must be met:
  - a. Customer must be enrolled in the program meeting all eligibility criteria
  - b. It has demonstrated by the Career Coach that the customer will be unable to attend, completed, obtain or retain suitable employment without such services.
  - c. Training must be directly linked to local employment opportunities as indicated on the Hudson Valley Demand Occupational List and/or on an Occupational Demand Analysis providing supportive evidence of the demand.
  - d. Trainee is unable to obtain supportive services through other programs providing such services (such as Social Services, community based organizations, faith based organizations and others).
  - e. All activities and services must be documented in the Career Center Operating System (OSOS)
  - f. Funds may not exceed a total of \$500 when combined with any Individual Training Account (ITA) funds. Request exceeding \$500 will require Board approval.

### Staff requirements:

- a. Designated Career Center and /or partner staff will be responsible determining customer's need for Supportive Services

- b. Designated Career Center and/ or partner staff will be responsible for documenting (such as receipts, customer’s signature of receipt of Supportive Services funds; and monitoring the delivery of Supportive Services (such as attendance and participation at required job readiness boot camp, training, internship and employment.
- c. The WPWDB Executive Director can revise the above policy on a case-by-case basis if it meets the additional needs of the customers, however, the maximum and or cap must be adhered to. Each exception must be approved in writing and kept in the customer’s file and documented in OSOS.
- d. Justification for Supportive Services must be clearly documented in the customer’s individual service strategy.

**Customer Requirements: Provide documentation of need**

- Provide attendance report for job readiness boot camp and/ or training
- Report any changes in his or her training and /or employment status

**Other Supportive Services**

The following Supportive Services may be provided to individuals who are participating in training services, and are unable to obtain supportive services through other programs. Receipt of these services is contingent on individuals meeting eligibility criteria for the career and training service. Services may only be provided if they enable individuals to participate (or continue to participate) in activities authorized under WIOA Title IB. The costs of the following items are allowable if required for participation in WIOA programs, or to obtain or retain employment.

- Certification exams and fees license fees
- Application fees for finger printing
- Evaluation of foreign credentials (not to include expedited mailing charges), job related tools, supplies and ,equipment
- Uniforms, protective shoes or books

**Eligible Participants**

Category	Criteria
Adult	<ul style="list-style-type: none"> <li>• Unemployed, and</li> <li>• do not qualify for, or have ceased to qualify for, Unemployment Insurance</li> </ul>
Dislocated Workers	<ul style="list-style-type: none"> <li>• Unemployed, and</li> <li>• have ceased to qualify, or did not qualify, for UI and TAA; and</li> <li>• were enrolled in a WIOA approved training program by the end of the 13th week after the most recent layoff that resulted in Dislocated Worker Status, or, if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed six months.</li> </ul>

**CHILD AND DEPENDENT CARE, STIPENDS** and **HOUSING ASSISTANCE** shall not be funded under this policy. Participants requiring these services shall be referred to other resources, including, but not limited to, the Westchester County Department of Social Services.

**References:** WIOA §680.900-680.970 - Supportive Services Adult/DW, WIOA §681.570 - Supportive Services for Youth, and TEGL 19-16 - for Adult/DW Guidance

<b>Policy #:</b> 2.210-19	
<b>Effective Date</b>	<b>Latest Revision Date</b>
March 28, 2019	September 30, 2019

**Adult / DW WIOA Program Follow-Up**

Follow-up services must be provided to all WIOA Adult / DW for duration of not less than duration of 3 months after the completion of participation. The types and duration of services must be based on the needs of the individual. A follow-up service provides support and guidance after placement to facilitate:

1. Sustained employment and educational achievement; and
2. Advancement along a job and/or educational ladder; and
3. Personal development.

A follow-up service should include more than just a contact attempted or made for securing documentation for the case file in order to report a performance outcome. Regular contact with the participant to ensure successfully continue in their placement of employment or post-secondary education may be a sufficient follow-up service as long as the case manager has assessed whether the participant needs anything beyond the regular contact and determined they do not need additional services.

If a case manager learns from communication with the participant that he/she is, at that time, not in need of additional services or assistance, case managers must fully document the details of that conversation in the case file. This would include documenting the questions that led the case manager to assess the participant is not in need of services or assistance, such as those pertaining to whether or not a youth is in need of transportation, child care, appropriate work attire, support or mentoring to retain employment or remain in education, health and/or mental health services, or any other services or assistance that can help a youth achieve goals outlined in his/her Income Service Stagey (ISS).

The requirement for follow-up services of not less than twelve months must be included in all Youth Program Requests for Proposals and Youth Program Contracts. The Youth Program Unit shall review case files to ensure follow-up services occur for a minimum of 3 months following exit.

<b>References:</b> TEGL 19-16 - WIOA Ad / DW Guidance
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## **Section IV: Youth Services**

<b>Policy #:</b> 3.307-19	
<b>Effective Date</b>	<b>Latest Revision Date</b>
March 28, 2019	September 30, 2019

## Basic Skills Deficiency Policy (Youth)

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A youth is considered Basic Skills deficient when he/she:

1. Has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or
2. Is unable to compute or solve problems, or read, write, or speak English at a level necessary to function on the job, in the individual's [family](#), or in society.

A youth must be Test for Adult Basic Education (TABE) tested to determine whether he/she is Basic Skills deficient

<b>References:</b> WIOA §681.290
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<b>Policy #:</b> 3.301-19	
<b>Effective Date</b>	<b>Latest Revision Date</b>
March 28, 2019	September 30, 2019

## Youth Who Need Additional Assistance

This policy provides guidance on the criteria for youth qualifying for program services through the "requires additional assistance" to enter or complete an educational program or to secure or hold employment" eligibility category. Specific guidelines and requirements are left to the local workforce boards to determine what qualifies as a need for additional assistance. This allows youth to be eligible based on their need for increased support to achieve their educational and/ or employment goals.

The policy established must be reasonable, quantifiable, & based on evidence that specific characteristics of the youth identified objectively requires additional assistance.

### **Policy:**

The Westchester-Putnam Workforce Development Board (WPWDB) program staff held its monthly WIOA- WDAY meeting on January 25, 2019, with all year round WIOA youth contractors. Case managers were able to list the reasons why they use the term "Youth in Need of Additional Assistance". All terms were compiled with the understanding that the WPWDB will make the final determination in incorporating these terms into policy.

The WPWDB defines "an individual who requires additional assistance to enter or complete an educational program or to secure or hold employment" for a low income youth as one:

- Have not held a job for longer than three (3) months, or has been terminated from employment within six (6) months of application.
- Have experienced a recent traumatic event within two (2) years of application or is a victim of abuse, or resides in an abusive environment, as documented by school official or professionals.
- Has a substance abuse, mental health, and lack of family support issues.
- Has a lack of necessary resources to communicate, i.e. phone, computer, internet.
- Resides in a high intensity gang involved area
- Lack of motivation, resources, and skills necessary to find employment
- Immigration, undocumented, new to country
- Does not meet criteria to be considered "Homeless" but needs assistance with housing.

TEGL 8-15 requires a 5% cap of total enrollment on In-School youth using the “requires additional assistance” however there is no limitations on using the “requires additional assistance” criterion for Out-Of-School youth.

**References:** Workforce Innovation and Opportunity Act Section 129 (a) (3) (B), 20 CFR Sec. 681.300, 20 CFR Sec. 681.310, and TEGL 08-15.



<b>Policy #:</b> 3.309-19	
<b>Effective Date</b>	<b>Latest Revision Date</b>
September 19, 2019	September 30, 2019

**WIOA INDIVIDUAL SERVICE STRATEGY (ISS) POLICY**

**Purpose:**

The policy established by the Westchester-Putnam Workforce Development Board addresses the standards for assessment and the development of the Individual Service Strategy (ISS) document under the Workforce Innovation and Opportunity Act (WIOA) for all youth enrolled in the WIOA Workforce Academy for Youth (WDAY) program. The policy and (ISS) document shared with all contractors. This document is subject to revision as additional guidance can be provided by the United States Department of Labor.

**Background:**

The Workforce Innovation and Opportunity Act (WIOA) requires that each youth participant be provided an objective assessment of their academic levels, skill levels and service needs which assessment shall include a review of basic skills, occupational skills, prior work experience, employability, interests and aptitudes (including interest and aptitudes for non-traditional jobs) supportive service needs and developmental needs for the purpose of identifying appropriate services and career pathways for each participant [WIOA Sec. 129 (c) (I) (A)].

WIOA requires all local areas provide youth participants with an Individual Service Strategy (ISS) that is directly linked to one or more indicators of performance and shall identify career pathways that include education and employment goals.

**Youth with Disabilities**

In assessing basic skills, local programs must use assessment instruments that are valid and appropriate for the target population, and must provide reasonable accommodations in the assessment process, if necessary, for youth with disabilities [20 CFR 681.290(c)]

**Policy**

Upon enrollment in the WIOA WDAY program, an ISS must be developed with each youth and it is required to keep a hard copy in the participant’s file. The ISS is a living document and as changes and updates are made, the plan must be signed by the case manager and youth where applicable.

**Procedure**

The information gathered in the ISS assists with developing the plan for youth to ensure appropriate service delivery. For each participant, the ISS will identify and document the following:

- Basic Skills Assessment

- Supportive Services Needed
- Work History
- Goal Mapping Strategies
- Work Experience
- 14 WIOA Service Elements
- Education/Employment
- Occupational Skills Training
- Career Pathways
- Referral Services

**References:** WIOA Sec. 129 (c) (I) (A)], 20 CFR 681.290(c)

<b>Policy #:</b> 3.302-19	
<b>Effective Date</b>	<b>Latest Revision Date</b>
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## Youth Work Experience Policy (Y-WEX)

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As per WIOA §129(c)(4), at least 20% of all WIOA youth funds must be used for paid and unpaid work experience programming. WIOA encourages youth service providers to enroll youth in paid work experience whenever possible. Youth participants in work experience must have an up-to-date Individual Service Strategy (ISS) reflecting the need for work experience.

**Eligibility:** Active youth enrolled in the WIOA Youth program.

Participation in a Work Experience opportunity is contingent on the continued availability of funding.

### Required Paperwork for Work Experience

1. Comments are to be entered into OSOS and copies maintained in paper file
2. Career Zone needs to be completed and verified (staff must review Career Zone screens to determine that modules were completed before entering comment into OSOS);
3. Individual Service Strategy (ISS) with Action Steps that match the career area of the work experience;
4. Knowledge, skills and abilities agreement;
5. Proof of youth choice;
6. Signed agreement with youth stating the circumstances of the work experience and the potential earnings with clear steps to reach their goal and complete the work experience;
7. Signed worksite agreement;
8. Job description;
9. Youth under the age 18 needs to provide original working papers that are kept on site while the youth is working. In addition, weekly time sheets, employer evaluations and sign in sheets for all training, workshops and activities that are part of the work experience must be maintained.

### Types of Work Experience (paid and Unpaid)

- a. On-the-Job Training Opportunities,
- b. Summer Employment,
- c. Internships,
- d. Job Shadowing as well as qualified pre-apprenticeship programs.

Paid and Unpaid Work Experience must pair academic and occupational education.

### **Educational Component**

1. Occurs concurrently or sequentially;
2. Educator must be competent to train (if part of an ITA, educator must be on the ETPL list);
3. May take place inside or outside the workplace Occupation Component ;
4. May be paid or unpaid;
5. Must use labor market data when the youth is paid to determine the correct rate of pay unless youth is receiving a stipend and not wages;
6. Occupation must be on the regional demand occupation list- to align with the skill needs of industries in the regional economy;
7. Summer Youth Employment opportunities are encouraged Length of Work Experience: The time frame of the work experience should be tailored to the youth's needs/goals as expressed in the ISS and should match the number of hours required within the field of study if applicable and should be compatible with on the work environment and type of work being performed.

### **Time Guidelines**

- a. On-the Job Training - should not exceed 910 hours or 26 weeks;
- b. Summer Youth Employment- should not exceed 210 hours or 6 weeks;
- c. Internships - should not exceed 210 hours or 6 weeks;
- d. Job Shadowing - should not exceed 140 hours or 4 weeks.

If a youth must exceed these hours, prior written approval must be obtained from the WPWDB staff overseeing the WIOA Youth program.

### **Rate of Pay**

Youth must be paid the same wage as a current employee of the workplace within the same title/role/length of experience. Youth must (at least) be paid the NYS minimum wage. If a youth is to be paid more than the NYS minimum wage prior WPWDB staff written approval must be obtained. Salary, hours and work conditions must be in accordance with Federal and State Labor Laws.

## Eligible Sites

Work Experience sites should be vetted by program staff and follow NYS Laws governing the Employment of Minors. If a youth is already working at a job site, the youth is not eligible to receive a WIOA funded work experience program unless it is for a new position that requires additional skills.

A Work Experience opportunity cannot be used to replace an existing employee or position.

Allowable Work Experience Expenditures include the following:

1. Wages/stipends paid for participation in a work experience;
2. Staff time working to identify and develop a work experience opportunity, including staff time spent working with employers to identify and develop the work experience;
3. Staff time working with employers to ensure a successful work experience, including staff time spent managing the work experience;
4. Staff time spent evaluating the work experience;
5. Participant work experience orientation sessions;
6. Employer work experience orientation sessions;
7. Classroom training or the required academic education component directly related to the work experience;
8. Incentive payments directly tied to the completion of work experience; and
9. Employability skills/job readiness training to prepare youth for a work experience.

**References:** WIOA sec 129(c)(2)(C) Federal Register Vol 81, No 161- 681.600, 681.590, 681.480, 681.590 TEN 17-15 Career Pathways TEGL 8-15 Costs that Count Towards Work Experience Plus additional guidance as it comes down from USDOL and/or NYSDOL

<b>Policy #:</b> 3.303-19	
<b>Effective Date</b>	<b>Latest Revision Date</b>
March 28, 2019	March 19, 2019

## YOUTH INDIVIDUAL TRAINING ACCOUNT (ITA)

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### Eligible Youth:

A youth case manager must complete an initial assessment and an Individual Employment Plan (IEP) and enter the findings in OSOS prior to recommending training. The training must be in a demand occupation and part of the youth's IEP.

### ITA Cap Amount:

The WPWDB has set the Individual Training Account cap at \$3,000 per eligible youth within a given program year.

A youth may be approved for funding for a course/program that costs less than \$3,000.

1. The remaining funds are not held for the customer to use for another course/program nor at a later date within the same program year.
2. Youth that fall under one or more of the *Priority of Service* definition may receive funding over the \$3k cap, and/ or are approved under Career Pathways.
3. All requests for ITA funding over the cap must be approved by the WPWDB. See Policy #1.102-19 Maximum Funding of Individual Training Accounts (ITA).

When a request for training is denied, the youth must be given the reason for the denial in writing so that he/she could appeal the decision to the Workforce Board Director. See Policy #: 1.108-19 ITA Appeal Policy.

**References:** WIOA §680.300-680.350 - ITAs for WIOA Ad/DW, §681.550 - ITAs for WIOA Youth, and TA 09-2.1 - NYSDOL ITA Approval Policy

<b>Policy #: 1.118-19</b>	
<b>Effective Date</b> March 28, 2019	<b>Latest Revision Date</b> March 31, 2019

## Youth Supportive Services Policy

Supportive services for youth are defined as services such as transportation, child care, and dependent care that are necessary to enable an individual to participate in activities authorized under Title I.

Supportive services for youth may include:

- a) Linkages to community services
- b) Assistance with transportation
- c) Assistance with child care and dependent care
- d) Assistance with housing
- e) Referrals to medical services
- f) Assistance with uniforms or other appropriate work attire and work-related tools, including such items as eye glasses and protective eye gear

Supportive services may be provided to youth based on specific need as determined the allowable and appropriate by the program services contractor(s). The program services contractor must have a plan in place for each youth in need of supportive services. Participant case notes in OSOS and in the youth's hard copy file must document the form of supportive services provided and the date of issuance. The program services contractor(s) must maintain accurate documentation of all supportive services provided to participants.

### **ELIGIBILITY**

The supportive services listed above may only be provided to individuals who are:

- 1) The youth must be employable. Barriers to employment must be addressed during the initial assessment to determine if the program services contractor(s) is able to address all the barriers prior to enrolling the youth.
- 2) Participating in programs with activities authorized under WIOA; and
- 3) Unable to obtain supportive services through other programs providing such services

### **PAYMENT OF SUPPORTIVE SERVICES**

Supportive service funding must be budgeted annually by the Title I program services contractor(s). Payments of supportive services will be managed through the Title I program services contractor, and payments will be made directly to the provider of the supportive services. All supportive services

payment(s) in excess of \$500 must first receive approval from the WPWDB director, or in his absence, the program manager.

Needs-related payments will be made directly to the participant. The WPWDB will ensure that a line item for the administration of supportive services and needs-related payments is included in the program service contractor's budget.

## **DOCUMENTATION**

Program service providers are required to maintain documentation sufficient to satisfy the requirements of this policy. At a minimum this includes:

- 1) Determination of participant's request for supportive services and/or training reimbursement items or goods in case notes or from stating the reason services are necessary;
- 2) Case notes in OSOS and the youth's hard copy file determining that program contractor(s) have attempted to use other resources before WIOA supportive services dollars are authorized;
- 3) Determination of program services contractor's approval of participant requests in case notes or form;
- 4) Records of payments, including date of receipt, the amount of payment, check/voucher number, validated by signature of the participant;
- 5) If applicable, bus ticket logs signed by the participant and the case manager;
- 6) Supporting documents such as payroll receipts, redeemed checks or vouchers paying for the goods or services, travel log;
- 7) In the case of daycare services, documentation of other resources explored. The WPWDB will ensure that internal controls are in place that result in equitable treatment, maximize the allocations, and ensure coordination with, and referral of participants to, other community resources.

WPWDB or its program oversight staff has the authority to grant exceptions to participants on a case-by-case basis if additional supportive services allocation would significantly benefit the individual in job retention, wage progression, or training completion in order to achieve job retention or wage progression.

When additional grant funding outside of WIOA formula funding has been received and budgeted in the local workforce development area that allows for supportive services to be paid as part of the grant, the limitation on the maximum amount to be paid per participant can be lifted.

Non-WIOA funded programs may have different support service guidelines than those listed above.

In these instances, grant guidelines should be followed. The WPWDB will regularly monitor its program service contractors with regard to the delivery of supportive services and needs-related payments to



participants through review of documentation in participant files, the system of record (OSOS), as well as financial records and documentation.

**References:** §683.220 - Internal Controls, OMB Subpart D-Post Federal Award Requirements , and WIOA §683.220 - Internal Controls

<b>Policy #:</b> 3.305-19	
<b>Effective Date</b>	<b>Latest Revision Date</b>
March 28, 2019	March 31, 2019

## Youth Incentive Payments

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### Youth Incentives as Allowable Expenditures:

TEGL No. 8-15 provides discussion of allowable expenditures that may be counted toward the work experience expenditure requirement and articulates that program expenditures on the work experience program element can be more than just wages paid to youth in work experience. Allowable work experience expenditures may include incentive payments directly tied to the completion of work experience. In this case, a youth could be rewarded by receiving a stipend for completing his/her work experience assignment. For youth participants, work experience, GED and follow-up services are classified as Career Services and incentive expenditures for these activities would follow the activity.

A youth could receive an incentive payment for successfully completing the GED (TASC), Occupational Skills Training, entering employment and quarterly employment retention which would be part of the follow-up services.

Incentive expenditures for participants in training would be classified as training expenditures.

### Documenting Incentive Payments:

All incentive payments with supporting documentation for the achievement must be fully documented in the participant's case file.

Youth contractor must keep a record of the youth incentive disbursements.

### Unallowable Incentive Payments:

As stated in TEGL 21-16, all incentive payments paid with WIOA funds must be in compliance with outlined Cost Principles in 2 CFR part 200. This TEGL emphasizes that "incentives must not include entertainment, such as movie or sporting event tickets or gift cards to movie theaters or other venues whose sole purpose is entertainment." Additionally, the following are other unallowable uses of WIOA funds for incentive payments:

1. Recruitment or referrals;
2. Rewards for submitting eligibility documentation;
3. Possession of a credential attained prior to enrollment; and

customer, and a decision will be made as to appropriate follow-up services and preferred method of contact.

Follow up services are defined as appropriate if they are suitable to the customers' needs regarding content, service method, frequency and are in accordance with the agreed to Individual Employment Plan (IEP).

**Contact/Frequency:** In providing follow up services, staff must contact the customer or (if customer cannot be reached) one or more of the additional individuals identified by the customer to discuss customer's progress in employment. This contact must be made during the second and fourth quarter after customer exits the program, via phone, US mail, email, in-person, text message, or through social media. If the customer contacts staff, this will count as follow-up and should be entered in OSOS as a follow-up service.

**References:** TEGL 19-16 - WIOA Ad / DW Guidance

<b>Policy #:3.306-19</b>	
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## Youth Follow-up

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WIOA requires that no less than 12 months of follow-up services be offered to all youth.

Follow-up will be seen as an extension of the program during which staff help participants create their own solutions to the challenges they continue to face as they transition to employment, the military, post-secondary education, apprenticeship or long-term occupational skills training.

The intensity of follow-up contacts varies based on the needs of each individual and appropriate services to help in facing challenges that arise up on the job, in college, or in occupational skill training will be provided.

Follow-up services should help each participant complete the training and/or maintain employment and should provide a continuous link to the workforce system as a whole, including referral networks and partner programs. A consistent message in each follow-up contact will ensure participants are aware the partner services available to support them, even after follow-up ends. Minimum contacts are included in this policy, but that even a successful contact is not a service and should not be entered into the data management system as such. Follow-up services will be provided based on individual needs identified by the youth or staff and agreed upon by both the youth and staff. As with services provided before the exit, follow-up services must be based on each youth's needs. Youth must be made aware that follow-up is part of the commitment they make in joining the program; the message will be positive in tone and show the individual the benefit of follow-up.

Follow-up contacts must be meaningful and youth-centered; they may not simply be a contact to obtain needed data, therefore a phone call or text to see if the youth is employed or in school is not sufficient.

Effective follow-up contacts, at a minimum, should include open ended questions to help pro-actively identify the need for follow-up services.

**Follow-up services must at a minimum:**

- a. Be integrated into the program design and be seen as having as much value as all other program components;
- b. Assist youth in overcoming barriers that may interfere with the achievement of their career objectives;
- c. Provide proactive and reactive interventions to encourage youth retention in education or employment;

- d. Provide intense and on-going job retention support for both the participant and Youth follow-up;
- e. Facilitate communication and problem resolution;
- f. Provide immediate intervention for both participant and employer as needs are identified;
- g. Link the youth to partners and referral network services to support advancement to better jobs or postsecondary education and training;
- h. Help troubleshoot employment and personal issues; and
- i. Occur frequently enough to address any issues the youth is currently facing. Frequency of Contacts Follow-up services must be documented into the Data Management System for all customers. Information must be entered at the following intervals:
  - a. First Quarter
  - b. Second Quarter “Performance Quarter”
  - c. Third Quarter
  - d. Fourth Quarter “Retention Quarter.” The Contractor will follow procedures in the Contract for all customers, as appropriate.
- j. Documentation Follow-up expectations and responsibilities must be clearly documented in the ISS. Contacts and services must be documented in the ISS, and in OSOS, that is, case notes will include narrative regarding all contacts and services.
- k. The WIOA Youth subcontractor is responsible for developing processes supporting successful outcomes, including but not limited to:
  1. Building follow-up into the service strategy from the very beginning and ensuring youth agree to participate in follow-up services and understand the benefits of continued contact.
  2. Developing a written exit strategy based on the youth’s individual needs before he/she exits the program.
  3. Maintaining regular and meaningful contact with youth.
  4. Providing services as needed.

**References:** §681.580 - Youth Follow-Up Services and TEGL 21-16 - WIOA Youth Guidance

<b>Policy #:3.300-19</b>	
<b>Latest Revision</b> September 19, 2019	<b>Effective Date</b> September 30, 2019

## Youth Program Quality and Compliance

- Forms Individual Record Review
- Verification of Data in Case Management and Reporting System
- Worksite Evaluation Sheet

*This form is used to ascertain that all health and safety provisions are met, that there is an adequate amount of work for youth enrollees, that there is adequate supervision and procedures are in place for time and attendance. This form should be used prior to placing youths at the site.*

- WIOA Youth Subcontractor Monitoring Report

Participant Interview Form (In-School)

Participant Interview Form (Out-of-School)

*Participant interviews are to be used by the monitor when visiting the youth at the program site. Their purpose is to determine youth are engaged in appropriate activities and gaining skills in accordance with the individual plan.*

- Worksite Review/Supervisor's Review Form

*The Worksite Review Form is to be completed by the monitor when reviewing the site to see that are youth is properly supervised, and gainfully occupied.*

*The Supervisor's Review Form is to be used by the monitor to determine that the site supervisor has been told what the responsibilities are for the program, and to make sure that procedures are in place for alternative supervision when necessary.*

**References:** TEGL 21-16 - WIOA Youth Guidance

<b>Policy #:</b> 3.304-19	
<b>Effective Date</b>	<b>Latest Revision Date</b>
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## UNSATISFACTORY YOUTH PROVIDERS

Youth providers that are determined to be unsatisfactory, as a result of program and performance monitoring and/or fiscal monitoring, will be addressed as follows:

Significant monitoring findings, which must be reported to the Workforce Development Board and NSYDOL, will be communicated promptly. A corrective action report will be sent to the sub-recipient outlining the areas of non-compliance. The sub-recipient will then be instructed to correct the infraction within a 15-day period from the date of notification. If the sub-recipient needs additional time to take corrective action, or believes that the findings were unfounded, an appeal may be made no later than 7 business days from the date of notification. If an appeal does not occur, a monitor will return to the site to check whether or not corrective action was implemented, no later than 21 days from the date of notification. All follow-up information will be recorded and attached to the original monitoring report.

After corrective action has been completed, an original and follow up reports will be filed. Voluntary compliance agreements will be in writing; address each cited violation, specify the corrective remedial action to be taken within a stated amount of time; and provide assurance that continued violations will not occur. If corrective action has not been taken, this finding will be recorded and brought to the attention of the staff in charge of fiscal operations. A meeting with the sub-recipients will be scheduled to discuss the feasibility and cooperation of the agency in resolving the problems as well as the consequences if corrective action is not taken. Possible consequences would include the termination of the present contract and/or disallowance of future contracts. A notice of intent to revoke approval would be transmitted.

**References:** WIOA §683.220 - Internal Controls

# **Section V: Monitoring Guidance**



<b>Policy #: 1.115-19</b>	
<b>Effective Date</b>	<b>Latest Revision Date</b>
September 19, 2019	September 30, 2019

## Sub-Recipient Monitoring

The Westchester-Putnam Development Board (WPWDB), and the Chief Local Elected Official (CLEO), is jointly responsible for monitoring and oversight. The WPWDB will monitor programs, make evaluations, and present findings to the WPWDB and the CLEO. The WPWDB Director will hold meetings to review monitoring reports.

The Workforce Development Board’s Monitoring procedures are established in accordance with Workforce Innovation and Opportunity Act regulations, federal State and local laws and regulations, and WPWDB goals and objectives with regard to program quality and customer satisfaction. The Workforce Development Board will take necessary corrective action to improve the operation of its WIOA Program based on performance and quality monitoring.

This guidance discusses the following monitoring policies and procedures:

1. Sub-recipients –Included are the following sections:
  - A. Policies for Monitoring of Sub-recipients
  - B. Procedures for Monitoring of Sub-recipients
    - i. Procedures for Fiscal Monitoring of Sub-recipients
    - ii. Procedures for Program Compliance and Quality Monitoring
    - iii. EEO Monitoring Procedures. See Policy #:1.069-19 Equal Opportunity & Nondiscrimination Policy.
2. Youth Worksites – All worksites operate according to signed worksite agreements. Some worksite placements are made by sub-recipients and some are made by coordinating community agencies

### A. Policies for Monitoring of Sub-recipients

Monitoring will be based on the project description as detailed in each contract, including the performance benchmarks. A written evaluation will be kept on file. Significant findings with regard to program appropriateness, quality, and achievement of goals, as well as findings with regard to matters of compliance will be discussed with grant operators, and direction will be given.

Sub-recipient performance and accountability contract reviews will be conducted on a quarterly basis, financial management reviews will be conducted on an annual basis, and desk reviews of sub-recipient

expenditure reports will be conducted on a monthly basis. New sub- recipients, or sub-recipients with past records of noncompliance (or problems with corrective action) will be monitored for financial management no later than the end of the second quarter (or no later than the end of the first half of the contract, as appropriate) to verify the adequacy of the fiscal system and controls, and to provide technical assistance as needed. Fiscal monitoring for sub-recipients with satisfactory records of past performance will be conducted during the fourth quarter.

**Monitoring will be conducted to determine that:**

1. Program expenditures have been made in accordance with the approved project budget, and within the cost limitations specified in the Act and the regulations.

Youth Program contracts include cost category budgets for the services described in the original application narrative. Claims submitted are evaluated to assure that the costs are allowable expenses under the approved contract budget, and that proper backup is provided. Copies of payroll registers and/or cancelled checks will be examined. The claims are then sent to the Westchester County Finance Department, which further audits the claims to determine that each item has sufficient documentation, when expensed, to substantiate reimbursement from Westchester County.

In addition to these procedures, a desk review will be completed for each sub- recipient on a quarterly basis, or following payment of claims. The forms to be used for this review are described in the following section on Procedures. Expenditures will be verified against the contact budget.

During the on-site review, the Fiscal Unit will verify costs for both Non-Personal Expenses and Payroll Expenses.

2. Activities are in compliance provisions of the Act, the regulations, maintenance of effort provisions, fraud and abuse regulations, with federal and State nondiscrimination and Equal Opportunity provisions, and other applicable laws and regulations. This is evaluated through the use of on-site reviews, interviews, and desk reviews.
3. The procurement, receipt and payment for goods and services received from sub- recipients comply with laws, regulations, and the provisions of contracts and agreements. The Fiscal Unit will examine procurement and purchases to determine that they are in compliance with OMB Circulars A-87, A-21 or A-122. Youth sub-recipients are required to demonstrate that all purchases are made through the use of an established procurement system, which must be available for audit and inspection by the DET Fiscal Unit. (Community Based Organizations with no formal procurement system in place are advised to use the procurement list established by the local school district to purchase supplies and secure transportation.)

4. Sub-recipients have adequate financial management and organizational controls. The Fiscal Unit will conduct on-site monitoring to determine that the books of account are auditable, administrative and internal accounting controls are adequate to safeguard program AOSOSs, the accounting system accounts for program funds, financial reports fairly present accrued program expenditures, and budgetary procedures are adequate to control expenditures.

The Fiscal Unit has developed a preliminary questionnaire to be utilized prior to monitoring visits. This questionnaire addresses financial management and organizational controls. This questionnaire will be sent to the subrecipient, in preparation for the on-site review, and subsequently discussed at the review. In addition, during the on-site review, forms to be completed will include "Listing of Persons Performing Fiscal Functions" and "Cash Receipt Analysis."

5. Sub-recipients have adequate administrative controls for maintaining records. Administrative controls are monitored based on the timely filing of reports, including placement and termination information and achievement of program goals in accordance with each participant's employment plan, on-going case notes, bi-weekly attendance summary sheets, for those in work experience.
6. Activities are in compliance with the Comprehensive Five-Year Plan under Title I of WIOA, and with the program plan specified in the approved proposal.

Evaluation of activities to determine compliance with the plan will be based on site visits. Monitoring reports will note that program activities are meaningful, appropriate under the contract, and meet the stated goals and objectives. Staffing will be evaluated to determine that it agrees with the contract budget. Specific evaluation forms will be used for sub-recipient program sites that include work experience components. The Worksite evaluation sheet is used to ascertain that all health and safety provisions are met, that there is an adequate amount of work for youth enrollees, that there is adequate supervision and procedures are in place for time and attendance. The participant interview form is used by the monitor when visiting the youth at the worksite. Its purpose is to determine that youth are appropriately employed and learning skills on the job.

7. Adequacy of participant assessments and individual service strategies. WPWDB Youth Program staff reviews completed assessments and service strategies to determine that the sub-recipient adequately tested and assessed each WIOA youth participant for academic and occupational skills, prior work experience, employability, interests, aptitudes, and service needs.
8. Program activities are resulting in the achievement of program goals as established within each contract.
9. The achievement of program goals is evaluated on the basis of the negotiated benchmarks, which are included in the youth program contracts.

10. Programs are resulting in quality services and benefits received by participants. This is determined through the use of the Participant Interview Form and/or the Customer Satisfaction instruments.

### **Corrective Action/Sanctions**

Significant compliance findings must be reported to the Workforce Development Board. When findings can be resolved within the local area, and do not require higher authority, a corrective action report is sent to the sub-recipient outlining those areas of non-compliance.

The sub-recipient is then instructed to correct the infraction(s) within a fifteen (15) day period from the date of notification. If the sub-recipient needs additional time to take corrective action, or believes that the findings were unfounded, an appeal may be made no later than seven (7) business day from the date of notification. If an appeal does not occur, a monitor will return to the site to check whether or not corrective action was implemented, no later than twenty-one (21) days from the date of notification.

All follow-up information will be recorded and attached to the original monitoring report. If corrective action has been taken, the original and follow-up reports will be filed. Voluntary compliance agreements will be in writing; address each cited violation; specify the corrective remedial action to be taken within a stated amount of time; and provide assurance that continued violations (including discrimination) will not occur. If corrective action has not been taken, this finding will be recorded and brought to the attention of the Fiscal Director.

A meeting with the sub-recipient will be scheduled to discuss the feasibility and cooperation of the agency in resolving the problems(s) as well as the consequences if corrective action is not taken. Possible consequences would include termination of the present contract and/or disallowance of future contracts. A notice of intent to revoke approval would be transmitted.

Significant monitoring findings with regard to program appropriateness, quality, and achievement of program goals, as well as benefits to participants and customer satisfaction are addressed in the planning process for continuing and future programs.

## **B. Plan and Procedures for Monitoring of Sub-recipients**

1. Procedures for Fiscal Monitoring of Sub-recipients
2. Procedures for Program Compliance and Performance Monitoring

### **1. Fiscal Monitoring Procedures**

Fiscal Monitoring will include periodic Desk Reviews, as well as on-site financial reviews. Reviews

will include an Entry and Exit Conference, and a 90-day follow-up visit in the event of any identified weaknesses. The monitor will arrange for the review of sub-recipient records at a time that is mutually convenient.

**a. Log of sub-recipient audit information**

Maintain a log on sub-recipient audit information, to include the date of the audit, report issues, and corrective action/resolution.

1. Determination of sub-recipients who are subject to OMB Circular A-133 audits, or program-specific audits.

Sub-recipients that have expended \$500,000 or more in federal awards in any fiscal year are required to conduct a Single Audit. (Under certain circumstances, auditees may elect to have a program-specific audit.)

In the third quarter of the WIOA program year, a sub-recipient log will be generated, identifying all sub-recipients who received funding during the current fiscal year. An A-133 Certification letter will be sent to all sub-recipients identified on the log, requesting information on funding levels and audit requirements.

2. Tracking whether required audits have been conducted and reports issued.

A control log will be maintained to properly track reports for sub-recipients subject to Single Audit requirements. Audit reports must be collected within the required timeframes, i.e., within nine months from the end of the audit period or 30 days after the receipt of the audit report by the sub-recipient.

Reminder notices will be sent to sub-recipients on a scheduled basis as per the control log. The reminder notice will request that the sub-recipients notify the Town of any extensions granted, and the revised audit report due date.

3. Review of audit reports and follow-up on any required corrective action.

Audit reports will be reviewed by the Department of Intergovernmental Affairs' Division of Employment and Training. Included will be a review of corrective action requirements, and follow-up requirements and sanctions with regard to any WIOOA-funded program activities. Requests for corrective action will be sent to the sub-recipient, as appropriate. Follow-up will be conducted to verify that corrective action has taken place.

4. The Single Audit Log will include:

- a. Agency Name
- b. Contract Period
- c. WIOA Program Grant Amount

- d. Contractor Received Less than \$750,000 in Federal Funds
- e. Contractor Received More than \$750,000 in Federal Funds
- f. Contractor Fiscal year
- g. Date Audit Report Due
- h. Extension of Due Date
- i. Revised Due Date
- j. Date Report Received
- k. Corrective Action Required on WIOA Programs
- l. Letter Sent Requesting Corrective Action
- m. Follow-up Conducted
- n. Corrective Action in Compliance

**b. Scheduling of desk reviews and on-site reviews**

Schedule financial management reviews on an annual basis, and desk reviews of sub-recipient expenditure reports on a monthly basis. Note that in accordance with policies, new sub-recipients, or sub-recipients with past records of noncompliance (or problems with corrective action) should be monitored no later than the end of the second quarter (or no later than the end of the first half of the contract, as appropriate) to verify the adequacy of the fiscal system and controls, and to provide technical assistance as needed. Monitoring for sub-recipients with satisfactory records of past performance should be conducted during the fourth quarter.

**c. Desk Reviews**

Conduct a formal desk review for each sub-recipient on a monthly basis, or when the claim is submitted for payment.

**d. Arrangements for On-site Review and Entrance Conference**

Monitor should contact sub-recipient to arrange an on-site review date, (and an entrance conference) at the convenience of the sub-recipient. While the entrance conference is not always necessary, the decision to have an entrance conference should be a mutual one between the sub-recipient and the monitor. If the decision is made to hold an entrance conference, utilize the top half of the form provided by NYSDOL (Attachment F-4 "Entrance Conference/Exit Conference.")

**e. On-site Review**

- Use the most recent desk review in the preparation of the monitoring report.
- Complete the following forms during the review "Audit Questions Form" (Attachment F-3)
- "Listing of Persons Performing Fiscal Functions" (Attachment F-5) "Cash Receipt Analysis" (Attachment F-6)

- “Comparison of Voucher Expenses to Amount per Books” (Attachment F-7)

**f. Exit Conference**

An Exit Conference should be held at the end of every review visit. Sub-recipient’s Executive Director and appropriate staff should be invited to attend. Fiscal monitor will create a record of the meeting, (using Attachment F-4). Subjects to be discussed at the Exit Conference may include, but are not limited to:

- Findings disclosed during the review action taken to resolve prior findings.
- Required corrective action and timeframes

**g. Technical assistance to be provided by the monitor; timeframes for the issuance of written report, monitoring report.**

When the on-site monitoring review has been completed and the work papers have been fully prepared, a report must be written reflecting the purpose and scope of the review. The report should clearly identify all findings and required corrective action including any necessary adjustments to the related financial reports.

Formal monitoring reports will be issued to the contractors within 30 days of the completion of monitoring. The monitor will notify the Fiscal Office Supervisor of any significant findings resulting from the review that may have a material impact on the financial reports submitted to the NYSDOL. The Fiscal Office Supervisor will be responsible to forward these findings to the NYSDOL when deemed necessary because they may represent a violation of WIOA statutory and regulatory requirements.

**h. Retention of documents**

Monitoring documents will be retained for three years following the date on which the expenditure report containing the final expenditures charged to the Program Year allotment. Documents will be made available for review by the LWDB, NYSDOL, and Federal officials.

**2. Procedures for Program Compliance and Performance Monitoring**

**A. Scheduling of monitoring**

*Youth Eligibility Review* – Eligibility review will be ongoing, as applications are received.

Participant Case File Monitoring, including verification of data in case management and reporting system; and verification that the activities of case managers and participants are appropriate and accurately reflected in participant case files and in OSOS – For the programs with a summer component, this will be conducted during July/August. For the year-round programs, this will be conducted no later than the end of the first quarter for

new subcontractors and prior to the end of the year for subcontractors with no previous record of non-compliance.

**B. Youth Individual Record Review**

*Eligibility Review*

Town of Oyster Bay sub-recipients submit folders for review by Youth staff. Youth staff verifies completeness of files and eligibility for WIOA services. In cases of missing documentation, sub-recipients are contacted to update or complete files prior to participant's WIOA registration. All Youth folders are maintained on site at Town of Oyster Bay.

*Participant Case File Monitoring*

For additional verification, a random sample of Youth files is reviewed utilizing the "Individual Record Review."

**C. Verification of Data in Case Management and Reporting System.**

Participant data reported in OSOS is compared to the data in the participant files through the use of the "Verification of Data in Case Management Reporting System" form. Corrective action will be taken where indicated to resolve discrepancies.

**D. Verification that the activities of case managers and participants are appropriate and accurately reflected in participant case files and OSOS.**

This monitoring will be done on-site. Written monitoring reports will be prepared based on site visits. A series of forms will also be completed as appropriate. A list of forms follows this section. Included are descriptions for the use of each form.

**E. Corrective Action**

Analysis will also be conducted, and reports written, based on contractor performance against benchmarks, and Youth Program performance standard results. Corrective action will be requested where indicated. (See Corrective Action/ Sanctions above)

**References:** OMB Subpart D-Post Federal Award Requirements ,WIOA §683.220 - Internal Controls,§683.410 - Subrecipient Oversight Responsibility, TA 04-19 - Local Monitoring and Oversight Responsibility, and WIOA Sec 107(d)(8) - LWDB Oversight Responsibility



The following representation shall be inserted in every contract or shall accompany any claim or request for payment to be made as a result of a procurement made pursuant to this policy:

\_\_\_\_\_ (Name) (hereinafter the “Vendor”, “Consultant”, etc.) represents and warrants that it has not employed or retained any person other than a bona fide full-time salaried employee working solely for the (“Vendor”, “Consultant”, etc.) to solicit or secure a contract with the County of Westchester for the goods or services specified herein and that it has not paid or agreed to pay any person (other than payments of fixed salary to a bona fide full time salaried employee working solely for the (“Vendor”, “Consultant”, etc.) any fee, commission, percentage, gift or other consideration, contingent upon or resulting from the award or making of such contract.

**References:** OMB §200.302(b)(4), §200.310, §200.311, §200.312, §200.313, §200.314, §200.315, §200.316, Subpart E - Cost Principles ; WIOA §683.220, §683.240; TA 17-3 (Renovation Costs and Equipment Acquisitions); Westchester County Procurement Policy

**Policy #:5.500-19**

**Effective Date**

September 19, 2019

**Latest Revision Date**

September 30, 2019

## **WIOA Youth Program Monitoring**

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### **I. CONTRACTOR PROGRAMS:**

1. The WPWDB will assign program staff to monitor and make on site visits to contractors on a quarterly basis including Putnam.
2. During the first site visit of the contract period the appropriate WPWDB staff will complete a full Monitoring Report. This will form the basis for on-going quarterly visits.
3. On subsequent visits, the WPWDB staff will select one or two areas from the Monitoring Report to review. File review of any new registrants will be always included in the review.
4. Any areas requiring corrective action should be fully explained in WPWDB's staff full Monitoring Report to the Contractor after the review.
5. Any areas that had been noted for corrective action in a previous review should be examined for compliance with WIOA regulations and contract requirements.
6. WPWDB staff will make at least one visit to each worksite used in providing services to Youth to ensure compliance with contract requirements.
7. WPWDB will provide a brief report of each site review for the WPWDB Director who will include any pertinent information in his report to the Board.

### **II. Fiscal Monitoring**

1. The WPWDB Fiscal Officer and/or designee will make site visits to Westchester and Putnam contractors on a semi-annual basis. The Fiscal Officer and/or designee will seek to ensure that each contractor abides by the terms of the contract and WPWDB Regulations.
2. During the site visit, the Fiscal Officer and/or designee will:
  - Review the documentation supporting the expenditures schedule for all expenses charged to the program. All expenditures must be within WPWDB guidelines.

- Review the payroll records for all personnel assigned to the program, noting any incidence of personnel assigned to additional programs. The payroll must be in proportion to the time the employee spends on the program.
- Provide technical assistance to the contractors to enable them to correctly document all billing for the program.
- Review the attendance records of all aspects of the program and match to billing vouchers.
- Examine any area that required corrective action noted on a previous monitoring visit.
- Prepare a report to the contractor indicating any required corrective action that has been accomplished and any new areas that will require corrective action.
- The Fiscal Officer and/or designee will provide a brief report to the WPWDB Coordinator that will be included in the report to the Board.

**References:** 29 CFR Part 95, Section 95.41-47, and 29 CFR Part 97

<b>Policy #:5.100-19</b>	
<b>Effective Date</b> September 19, 2019	<b>Latest Revision Date</b> September 30, 2019

**PROCUREMENT POLICY**

The Westchester-Putnam Workforce Development Board (WPWDB) is in accordance with the Westchester County Procurement Policy. Westchester County of Department of Social Services issues all procurement of goods or services requests on the behalf of WPWDB.

**Section 1 Statement of Purpose**

This internal policy is intended to ensure, to the extent practicable, that Goods and Services procured by the County of Westchester including procurements on behalf of any County district therein, which are not required by law to be procured pursuant to competitive bidding, must be procured in a manner which:

- i. Encourages the prudent and economical use of public monies in the best interest of the taxpayers of Westchester County; and
- ii. Facilitates the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and
- iii. Guards against favoritism, improvidence, extravagance, fraud and corruption.

**Section 2 Determination Required**

Prior to commencing any procurement of goods and services (other than procurements to be awarded pursuant to competitive bidding), the procuring officer shall prepare a written statement setting forth the basis for:

- i. The determination that competitive bidding is not required for such procurement; and if applicable
- ii. Any determination that such procurement is not subject to any requirements set forth in this policy. Such written statements shall be maintained by the procuring officer in the procurement file.
- iii. Guards against favoritism, improvidence, extravagance, fraud and corruption.
- iv. An analysis of least/rental versus purchase alternatives to determine which approach is most economical. Leasing may be preferable to purchase depending on administrative requirements. Leasing with an option to purchase may be preferable to straight leasing. Lease-purchase items will be treated as

nonexpendable personal property (equipment) and prior approval will be requested from New York State Department of Labor (NYSDOL) Labor total acquisition cost is at \$5,000 or more. These purchases will be tagged, reported and disposed of in accordance *WPWDB Policy 5-100-19 Property Management and Inventory*.

### **Section 3      Application**

- (a) This policy shall apply to all procurement by the County of goods and services commenced on or after the date of adoption of this policy, except the following:
- i. procurements made pursuant to General Municipal Law §103, General Municipal Law §104, General Municipal Law 120-w, State Finance Law §175-b, Correction Law §186 or Chapter 836 of the Laws of Westchester County;
  - ii. procurements made for the services of a licensed architect, professional engineer or land surveyor licensed and registered in the State of New York pursuant to the Westchester County Administrative Code §277.81 – §277.121;
  - iii. transactions or contracts with the United States of America, any State and any political subdivision, agency or instrumentality thereof;
  - iv. contracts for advertising-including public notices;
  - v. procurements of insurance or surety bonds;
  - vi. procurements of title insurance or title examination services;
  - vii. contracts for the services of expert witnesses for use in, or in anticipation of, an adjudicatory proceeding or litigation;
  - viii. contracts for medical or health-related services and contracts with healthcare workers, or agencies engaging healthcare workers, including dentists, home health and personal care aides, occupational, speech and physical therapists, nurses, nurses' assistants, medical and laboratory technicians, diagnosticians, social workers, psychiatric workers and veterinarians;
  - ix. contracts with teachers, lecturers and other educational professionals or experts;
  - x. procurements for the services of lawyers, other than those specified in (xv.) below, accountants, auditors, financial advisors and except for those specified in (ii) above, licensed architects, professional engineers or land surveyors licensed and registered in the State of New York, provided that the County complies with the procedures specified in Section 7;
  - xi. any procurement made pursuant to procurement procedures provided for under any other Federal or State law applicable to such procurement;

- xii. procurements which involve the expenditure of Federal or State assistance where and to the extent that Federal or State law, rules or regulations conflict with the provisions of this policy;
- xiii. any procurement for the purpose of entering into a contract or contracts with not-for-profit organizations for the support, enhancement or preservation of cultural resources and the arts;
- xiv. any procurement for the purpose of entering into a contract or contracts with not-for-profit organizations for the purposes of providing aid, care and support to persons in need of public assistance; and
- xv. contracts for the engagement of attorneys for representation in civil litigation which are approved by an Act of the County Board in accordance with §297.31 of the Laws of Westchester County;
- xvi. contracts with recipients for the disbursements of grants or loans under the Community Development Block Grant Program;
- xvii. any procurement for the purpose of entering into a contract or contracts with persons to provide care, treatment, counseling, referral or rehabilitative or preventative services to the mentally ill, mentally retarded, developmentally disabled and those suffering from the disease of alcoholism or substance abuse;
- xviii. any procurement for the purpose of entering into a contract or contracts with persons for the creation and support of recreation projects, youth service projects and other appropriate programs and services for the prevention of delinquency and youth crime and the advancement of the moral, physical, mental and social wellbeing of the youth of Westchester County;
- xix. any procurement for the purpose of entering into a contract with persons to provide direct services to senior citizens including care, counseling, referral, case management, social and nutritional support and other essential outreach services;
- xx. contracts with banks and financial institutions licensed or chartered to do business in the State of New York for the deposit of funds, including Trust Fund Agreements, Escrow Agreements and other fiduciary services provided that such agreements shall be consistent with (i) the requirements of applicable laws; and (ii) any policies now or hereafter established by the Board of Legislators relating to such Agreements;
- xxi. any procurement for which the Board of Acquisition and Contract determines, by resolution passed prior to commencing such procurement, that compliance with this policy would not be in the interest of the County.
- xxii. This policy shall not apply to real property leases, licenses and concessions.

#### **Section 4. Definitions**

- (a) The “Bureau” shall mean the Bureau of Purchase and Supply.
- (b) “Person” shall mean any natural person, business, partnership, corporation, association or other organization, entity or group of individuals.
- (c) “Procuring officer” shall mean the head of the department or the individual or individuals authorized by the head(s) of the department(s) undertaking the procurement and with respect to those matters delegated to the Bureau of Purchase Supply pursuant to §161.11(a) of the Laws of Westchester County, the Purchasing Agent.

**Section 5. Procurements below \$75,000.00**

- (a) For a procurement of goods or services reasonably expected to cost less than \$20,000.00, the procuring officer shall exercise sound business judgment and shall endeavor, to the extent time permits, to solicit written or oral quotations from no fewer than three persons customarily providing such goods or services and, if deemed appropriate, to inquire as to the qualifications and experience of such persons. If oral quotations are obtained, the procuring officer shall record the names and addresses of all persons from who quotations were sought, the names of the individuals submitting quotations and the date and amount of each quotation.
- (b) For a procurement of goods or services reasonably expected to cost less than \$75,000.00, but a least \$20,000.00, the procuring officer shall solicit written quotations from no fewer than three persons customarily providing such goods or services and, if deemed appropriate, shall inquire as to the qualifications and experience of such persons. The procuring officer shall record the names and addresses of all persons from which such written quotations were sought and shall keep copies of all such written quotations received.
- (c) The procuring officer shall consider the quotations offered, if applicable, evaluate each offeror’s qualifications and experience and determine the most advantageous offer. Except as otherwise provided in Section 8, the procuring officer shall then, recommend in writing to the Board of Acquisition and Contract, approval of a contract with the offeror making the most advantageous offer. If the procuring officer recommends an offeror who did not offer the lowest net cost or, if net revenue is projected, the greatest net revenue, the procuring officer shall, in such recommendation, explain why the proposed contract award furthers the purposes of this policy.

**Section 6. Competitive Proposal Procedures**

- (a) A procurement of goods or services reasonably expected to cost \$75,000.00 or more shall conform to the procedures set forth in this Section.
- (b) The procuring officer shall solicit proposals through a request for proposals. The request for proposals shall include:
  - (i) the time and date for receipt of proposals, the address of the office to which the proposals are to be delivered, the maximum time for proposal acceptance by the County; and

- (ii) The description of the required goods or services.
- (iii) The basis on which the selection will be made, which may be either (a) that the proposer meets specified qualification criteria and has proposed the lowest net cost or, if net revenue is projected, the greatest net revenue, or in the alternative (b) that the proposer has offered the most advantageous proposal, based on specified evaluation criteria.
- (c) The procuring officer shall open proposals and distribute copies thereof together persons, if any, designated to assist in the evaluation of the proposals.
- (d) The procuring officer shall reject any proposal which does not conform in all material respects to the request for proposals and any proposal from a proposer which does not meet minimum evaluation criteria, if any, established.
- (e) After evaluation of all proposals (except those rejected under (d) above), the procuring officer shall rank, in order of preference, all proposers based on either (i) lowest net cost or, if net revenue is projected, the greatest net revenue or (ii) on the evaluation criteria specified in the request for proposals, whichever method shall have been specified in the request for proposals. The procuring officer shall summarize and record in writing the evaluation of such proposals.
- (f) The procuring officer, with the assistance of the Law Department and such other County Departments as may be appropriate, shall negotiate the essential terms and conditions of a contract with the first ranked proposer (i) at compensation (or, if applicable, with revenue to the County) as set forth in the proposer's response to the Request for Proposals, or (ii) if such ranking is based on qualification criteria specified in the Request for Proposals, at compensation which the procuring officer determines is fair and reasonable to the County. In making such determination, the procuring officer shall take into account all relevant factors, including, but not limited to the estimated value of the goods or services to be rendered, the scope, complexity and nature thereof.
- (g) Should the procuring officer be unable to negotiate a satisfactory contract with the first ranked proposer, negotiations with that proposer should be formally terminated. The procuring officer should then undertake negotiations with the second ranked proposer. Failing accord with the second ranked proposer, the procuring officer should terminate negotiations and then undertake negotiations with the third ranked proposer.
- (h) Should the procuring officer be unable to negotiate a satisfactory agreement with the first ranked proposer, s/he shall (i) continue negotiations with additional proposers in rank order until an agreement is reached, or (ii) terminate the procurement process.
  - (i) After reaching agreement with a proposer and except as otherwise provided in Section 7, the procuring officer shall then recommend in writing to the Board of Acquisition and Contract approval of a contract with the selected proposer. In such recommendation the procuring officer shall state the top-ranked proposals in order of preference and shall, if the recommendation is for a proposer who did not offer the lowest net cost or, if net revenue is



projected, the greatest net revenue, explain why the proposed contract award is a prudent and economic use of public monies in the best interest of the County.

#### **Section 7. Professional Service Procurements**

- (a) For any procurement specified in Section 3(a)(x), the procuring officer shall solicit quotations, statements or other information regarding their experience, qualifications and capability to perform the proposed services from no fewer than three persons customarily performing such services. If the procurement is expected to cost \$20,000.00 or more, such quotations, statements or information shall be in writing and if more than \$75,000.00, a request for qualifications or a request for proposals shall be issued and qualification statements or proposals shall be received. The procuring officer shall recommend in writing to the Board of Acquisition and Contract approval of a contract with the person whose quotation or proposal is determined by the procuring officer to be the most advantageous to the County.
- (b) If oral quotations or statements are obtained, the procuring officer shall record the names and addresses of all persons from whom quotations or statements were sought, the names of the individuals submitting quotations or statements and the date and a summary of each quotation or statement.

#### **Section 8. Bureau and Medical Center Procurements**

- (a) With respect to procurements for the purchase, rental, maintenance or repair of supplies, materials and equipment and services incidental thereto, other than those for the Department of Hospitals and the Bureau of Purchase and Supply shall be responsible for such procurement as provided in §161.11(a) of the Westchester County Charter. Any procurement made by the Bureau of Purchase and Supply which is not required to be competitively bid or procured pursuant to any alternative procedures specified in Chapter 836 of the Law of Westchester County (Purchasing Act) shall be procured by the Bureau of Purchase and Supply in accordance with the requirements of this policy, except that the award of all such contracts shall be made, if at all, by the Purchasing Agent in accordance with the requirements of applicable law, including Chapter 161 and Chapter 836 of the Laws of Westchester County.

After the procuring officer has made a determination of the most advantageous offer or proposal in accordance with the procedures contained in this policy, the Purchasing Agent may award a contract to the person making such offer or proposal, subject to subsection (c) below.

- (b) With respect to procurements for the purchase, rental, maintenance or repair of supplies, materials and equipment and services incidental thereto for the Department of Hospitals, the Commissioner of Hospitals or his duly authorized designee shall be responsible for such procurement as provided in §161.11(a) of the Westchester County Charter. After the procuring officer has made a determination of the most advantageous offer or proposal in accordance with the procedures contained in this policy, the Commissioner of Hospitals or his duly authorized designee may award a contract to the person making such offer or proposal, subject to subsection (c) below.

- (c) If the procuring officer determines that an award should be made to a person who did not offer the lowest net cost or, if net revenue is projected, the greatest net revenue, the procuring officer shall make a written determination of why the proposed contract award furthers the purposes of this policy. The procuring officer, in addition to and not in limitation of any other recordkeeping requirements specified in this policy, shall maintain a separate file, available for inspection, containing copies of all such written determinations.

#### **Section 9. Sole Source Procurements**

- (a) A procuring officer may recommend to the Board of Acquisition and Contract a contract when, after reasonable investigation, the procuring officer determines in writing that only one practicable source for the required goods or service exists.
- (b) The procuring officer shall record all sole source procurements, specifying each contractor's name, the amount and type of each contract, a description of the goods or services procured under each contract and the basis for the determination that the contractor was the only practicable source for the required supply or service.

#### **Section 10. Accelerated Procurements**

- When, due to circumstances which cannot reasonably be avoided, the time required to comply with a requirement of this policy could be construed to affect or endanger the health, safety or wellbeing of persons or their property, the procuring officer may make an accelerated procurement without following that requirement. The procuring officer, in any recommendation for the award of a contract on an accelerated procurement basis, shall first explain the reasons and circumstances requiring such accelerated procurement.
- (a) When, due to circumstances which cannot reasonably be avoided, the time required to comply with a requirement of this policy could be construed to affect or endanger the health, safety or wellbeing of persons or their property, the procuring officer may make an accelerated procurement without following that requirement. The procuring officer, in any recommendation for the award of a contract on an accelerated procurement basis, shall first explain the reasons and circumstances requiring such accelerated procurement.
  - (b) The procuring officer shall keep a record of each accelerated procurement, specifying each contractor's name, the amount and type of each contract, a description of the goods or service procured under each contract and the basis for determining the need for an accelerated procurement.

#### **Section 11. Procurement Records**

The procuring officer shall maintain a procurement file for each procurement containing, as applicable, a copy of the request for proposals or request for qualifications, copies of responses from all vendors, including proposals, qualification statements or other materials, a copy of any recommendation made and proposed resolution submitted to the Board of Acquisition and Contract.

#### **Section 12. Required Representation**

The contract act and any determination or record required in this policy to be made in writing.

The following representation shall be inserted in every contract or shall accompany any claim or request for payment to be made as a result of a procurement made pursuant to this policy:

\_\_\_\_\_ (Name) (hereinafter the “Vendor”, “Consultant”, etc.) represents and warrants that it has not employed or retained any person other than a bona fide full-time salaried employee working solely for the (“Vendor”, “Consultant”, etc.) to solicit or secure a contract with the County of Westchester for the goods or services specified herein and that it has not paid or agreed to pay any person (other than payments of fixed salary to a bona fide full time salaried employee working solely for the (“Vendor”, “Consultant”, etc.) any fee, commission, percentage, gift or other consideration, contingent upon or resulting from the award or making of such contract.

**References:** OMB §200.302(b)(4), §200.310, §200.311, §200.312, §200.313, §200.314, §200.315, §200.316, Subpart E - Cost Principles ; WIOA §683.220, §683.240; TA 17-3 (Renovation Costs and Equipment Acquisitions); Westchester County Procurement Policy

Equal Opportunity Employer/ Program/Auxiliary aids and services are available upon request for individuals with disabilities.

Programa y Empleador con Igualdad de Oportunidades, Asistencia y servicios para individuos con incapacidades estan disponibles al solicitarlos