

**Commonwealth of Virginia
Office of the Governor**

**Virginia Workforce Network (VWN)
Memorandum Conveying Policy Directive (WIA Policy 07-01)**

Date: February 14, 2007

From: Daniel LeBlanc, Senior Advisor to the Governor for Workforce
Patrick Gottschalk, Secretary of Commerce and Trade

To: Local Workforce Investment Board (WIB) Chairs; Commissioner of the
Virginia Employment Commission

Copy: WIB Staff Directors; VEC Assistant Commissioner for Field Operations

Subject: *VWN Directive 07-01: Co-Enrollment of Eligible Individuals in
Workforce Investment Act (WIA) Dislocated Worker and Trade
Adjustment Act (TAA) Programs and Services*

A. Statement of Need and Authority for Issuance of Directive:

Certain areas of the Commonwealth are experiencing increased levels of employment dislocations due in large part to recent closures or layoffs by Ford, Ford-related suppliers, Volvo Trucks, Pulaski Furniture and Dana Corporation, among others. It is critical that workforce development programs be coordinated and delivered within our publicly funded system in manner that is seamless to customers and responsive to their needs, particularly at such times when large numbers of Virginians are seeking assistance. In an environment where Federal funding is shrinking, or remaining at best at level-funding, resources of the various programs must be leveraged within the confines of Federal and State regulations to achieve optimum fund use and continuous service improvement.

Recent situations have illustrated the need for immediate attention in the form of state-level directive in the area of dislocated worker services under the local Workforce Investment Act (WIA) and Trade Adjustment Assistance (TAA) to the entities that administer the respective programs.

Section 2.2-2670 of the Code of Virginia states in part that the Governor's cabinet secretaries shall assist the Governor in ensuring the coordination and effectiveness of programs and providers comprising elements of the Virginia Workforce Network. At this section it is also established that the Governor, through his Senior Advisor for Workforce per Executive Order #25, is responsible for the implementation of the WIA. Section 2.2-204 provides responsibility for the Virginia Employment Commission, which administers the TAA program, to the Secretary of Commerce and Trade.

While this directive is specific to WIA and TAA at this time, it is indicative of the type of larger, system-wide policy reform that can be expected statewide as recent State Code provisions and the Governor's Workforce Development Strategic Plan are implemented.

B. Policy Statement:

- 1) Effective immediately, all dislocated workers who otherwise meet the program eligibility for the WIA Dislocated Worker programs administered by Virginia WIBs and who seek services shall be registered and enrolled into WIA by the one stop center staff through existing established procedures, regardless of whether or not it is known that the individual may also be eligible for Trade benefits and services. If the individual is subsequently determined Trade-eligible and receives a Trade letter of entitlement to certain Trade services, said individual will be co-enrolled in the Trade program by Trade staff at that time. Co-enrollment and coordination is expected to eliminate duplication of services and replication of cost, thereby making more cost efficient services available to meet participant need at the time it is needed. **It will also eliminate idle time for those who have been laid off but not yet been Trade-certified.**

Because potentially trade-affected workers meet the WIA definition of dislocated workers, these individuals can and should be receiving services through the WIA Title I dislocated worker program and other one-stop partner programs as appropriate prior to their certification of eligibility to apply for benefits and services under the Trade Act programs. This policy directive is intended to give both programs enough information to ensure coordination regardless of which program enrollment occurs first.

The Trade and WIA programs are complementary in nature and not intended to substitute for the other.

The VEC Trade representative shall notify the WIB staff and/or One Stop program operator first of any employer in the local area that has had a Trade petition certified by the U.S. Department of Labor (USDOL), and subsequently, provide a listing of the individuals laid-off in the local area that have received Trade certification and a Trade services' entitlement letter. This will ensure that those listed who have received WIA intensive service, including formal assessment, and training enrollment, can be co-enrolled in Trade. The Trade program will assume training cost responsibility going forward, but not reimburse or replace funds already expended, assuming all Trade requirements are first determined by VEC Trade employees as being met. (See Attachment 1 for more detailed Trade requirements).

- 2) If an individual has already been identified as Trade-eligible and/or is in receipt of their Trade entitlement letter, they shall be co-enrolled in the WIA dislocated worker program for receipt of intensive services, beginning with formal

assessment. Through case management and staff coordination, Trade will be responsible for training and then WIA and/or VEC Labor Exchange will handle post-training placement, with WIA case managers also ensuring required follow up services. This should not result in a participant being aware that they are being transferred from and among separate programs, but rather, be accomplished through case management, partner staff coordination and staff management and tracking of funding sources being used. Agreements between the VEC and WIBs should be developed, or modified where they already exist, to specify how this will occur. State-level technical assistance can be provided upon request.

C. Policy Implementation Guidance:

1) Core Services

Rapid response activities can count as a WIA core service. Documentation of participation in a rapid response event should be provided to all participants who attend such events. This additional information helps expedite the eligibility for WIA Dislocated Worker services as well as the co-enrollment process with the Trade program. One stop staff shall not wait for the completion of the Trade petition investigation before serving the potentially Trade-certified worker, because the petition investigation may take up to 40 days for DOL to complete, with another 5 weeks after employer certification for workers eligibility to be determined. Individuals who have lost their job or received notice of a pending lay off, are first and foremost dislocated workers and should be served as such.

At a minimum, the following should be provided, along with standard core services provided at the one stop center:

- Explanation of services outlining the potential program services and benefits, as well as a review of the State and local demand occupations, other labor market information and the WIA eligible training provider list.
- Perform an initial assessment, i.e., information gained through methods such as interviews, observations, surveys, etc., of knowledge, skills, and abilities. All individuals should be informed that such assessments are a necessity in order to protect their eligibility for future benefits of certain programs.
- Identify availability of suitable employment. (“Suitable employment” means, with respect to a worker, work of substantially equal or higher skill level than the worker’s past adversely affected employment. For Trade, it also means wages for such work at not less than that 80 percent of the worker’s average weekly wage).

After initial assessment, background information, labor market information, and identification of whether suitable employment is available, the one-stop must follow their normal procedures for processing participants for services, which includes job search services.

Final

2) Co-enrollment in partner programs and Intensive Services

Co-enrollment in all appropriate One-Stop programs allows the Trade certified worker to fully benefit from all programs, case management and supportive services. If a Trade-certified worker is trained utilizing Trade program funds and placed in employment using One-stop resources; inclusive of Employment Services, Trade, Adult Education, Older Workers, Rehabilitative Services, Department of Social Services and WIA Dislocated Worker program services and any other program available at the one-stop that can assist reemployment, all will receive credit for the successful outcome.

Here are key points to remember.

- *Trade-certified workers **are** dislocated workers.*
- *All dislocated workers receive core services, including Rapid Response services and initial assessments.*
- *The overall goal is to provide early intervention services that lead to rapid reemployment.*
- *All dislocated workers covered under a filed Trade petition may have received Rapid Response services and Employment Services (ES) as part of core services, and WIA Intensive services.*

Critical WIA Intensive Service Components

- Individual Employment Plan
- Comprehensive Assessment

Some examples of assessment tools are:

- Test of Adult Basic Education (TABE);
- Comprehensive Adult Student Assessment System (CASAS);
- Work Keys
- Career Scope
- Career Occupational Preference System (COPS); and
- other vocational skill assessment tools and interest inventories.

- Supportive Services

3) Training Services

If an individual is not yet Trade certified/enrolled in Trade with an entitlement letter, training shall be provided through existing local WIA policies and with the understanding of the parameters Trade utilizes in approving training. Standard procedures such as ITAs, OJTs, Customized Training or other allowable means should be considered when placing participants in training. Once the Trade enrollment process is complete, Trade shall assume funding responsibility for training. (See Attachment 1 for Trade-specific

Final

training requirements).

VEC Trade program staff shall be responsible for ensuring that Trade training contracts are developed with WIA eligible training providers for individuals that have started training under WIA funding and will be continuing with Trade.

4) Follow-up service during and after training

At this point, individuals will have been co-enrolled in WIA and Trade. Effective case management will allow not only quality service to the customer, but will allow both programs to benefit from resultant performance. WIA's tiered mix of services and case management are elements not common to the Trade program. Because the Trade and Dislocated Worker population have the same characteristics, there is no reason to believe that WIA or Trade performance will regress if the same service strategies are employed in a co-enrollment environment. Continued implementation of the common performance measures for all programs administered by the US Department of Labor, which includes both WIA and Trade, should also alleviate any performance-related concerns. If it does become necessary, the State will consider the renegotiation of WIA performance, provided there is evidence that all elements of this policy have been followed locally. The following may be helpful guidance in regard to effective follow up.

After the participant begins training activities, Workforce Center staff must coordinate follow up with the participant on a regular basis. A good time to assess progress is when the participant comes to the one stop center to sign for supportive service items. One stop center staff may use the following criteria to evaluate the trainee's progress:

- *Is the participant progressing in his or her class work?*
- *How are the participant's grades?*
- *Does the participant need other supportive services?*
- *What else can the Workforce Center staff member do to assist the participant?*

Note: Individual training accounts (ITAs) are the primary training vehicle. For exceptions such as OJT and customized training, the employer must be identified and skill requirements must be known. The employer plays a major role in identifying the skills required for the job and the program is responsible for evaluating each participant's skill level as it pertains to that job and the length it will take to complete the such training. The employer plays a major role in development and approval of the training or curriculum that will be utilized under customized training agreements. Trade regulations as summarized at Attachment 1 must also be adhered when using any of the training options.

Supportive Services: Continue WIA and partner-funded supportive services after the participant successfully completes the training, if appropriate. Participants often need supportive services until they get a job and start receiving paychecks. (Review the WIB's supportive services policy for details.) Cross training of staff and coordination among programs is imperative because there will be numerous things that other programs can do

Final

that a case manager of a particular program may not be aware of in their normal daily routine.

Job Development: Identify available positions in your workforce area with the help of job developers and business service unit staff where applicable. This can create a good job match between the employer and the job seeker. Coordinate the employer's requirements with the newly obtained skills and credentials of the job seeker to create a win-win situation for both of your customers—the employer and the job seeker. OJT is considered a particularly valuable resource for participants. A creative BSU representative may find that employers are more willing to establish an ongoing OJT program if short-term prevocational skills training, remedial education, or intensive dual language training precedes the OJT.

Job Readiness: Provide job readiness workshops that include topics such as interviewing skills, dressing for success, or resume writing.

Gather Performance Information: After the participant finds employment, continue regular contact to gather additional information. Enter all information into VWNIS and the Trade MIS.

D. Term of Policy Directive

This policy shall be in place until such time as it is repealed or replaced by either a future administrative directive or a Virginia Workforce Council policy.

E. Additional Resources

Guidance from USDOL promoting the seamless integration and coordination of services provided under the Trade Act programs -- TAA with the provisions of WIA of 1998:
<http://www.doleta.gov/tradeact/directives/TEGL5-00.cfm>

Frequently asked questions from USDOL Dislocated Worker Service Integration Forums:
<http://www.doleta.gov/faq.cfm>

Common Performance Measures Policy for the Employment and Training Administration (ETA)'s Performance Accountability System:
http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2195

Attachment 1 – Trade-specific regulations regarding training

BEFORE, any kind of training is approved by Trade and funding is made available, the following issues MUST be fully explored, discussed between the partners and results documented (**20 CFR §617 – Trade Adjustment Assistance for Workers Subpart C – Reemployment Services** 617.22 Approval of training.)

- The individual requesting training MUST be deemed as unlikely to return to their former occupation or industry. They must not have transferable work skills or the potential to find similar/suitable employment in the local or commuting area.
- The local labor market must indicate a need/growth for the type of occupation that the training applied for will yield.
- The local labor market must indicate that entry level/average wages in the occupation trained for will net suitable employment for the trainee upon completion. (i) This means that, for that worker, given the job market conditions expected to exist at the time of the completion of the training program, there is fairly and objectively considered, a reasonable expectation that the worker will find a job, using the skills and education acquired while in training, after completion of the training.
- The trainee must have the financial means to support themselves if UI/TRA benefits are scheduled to exhaust before the scheduled training completion date.
- The applicant must have the ability and aptitude to successfully complete the training.
- Available at a reasonable cost means that training may not be approved at one provider when, all costs being considered, training substantially similar in quality, content and results can be obtained from another provider at a lower total cost within a similar time frame. It also means that training may not be approved when the costs of the training are unreasonably high in comparison with the average costs of training other workers in similar occupations at other providers.. In determining reasonable cost a training program shall include tuition and related expenses (books, tools, academic fees, travel or transportation expenses, and subsistence expenses)
- Length of training. The maximum duration for any approvable training program is 104 weeks and 130 weeks if remedial (not development) is needed
- The training shall be of suitable duration to achieve the desired skill level in the shortest possible time
- Training Maximum Caps per trainee is \$10,000 for Petitions filed after October 1, 2004 with an exception clause of an additional 25% for training in industries and occupations defined as “high growth”. (include method to support the high growth determination definition) Maximum ceiling for these “high growth” training cost would

Final

be \$12,500. (a training program shall include tuition and related expenses such as, books, tools, academic fees, travel or transportation expenses, and subsistence expenses)

- Travel reimbursement is approved for 36 or more miles from residence to training facility. Documented by Internet search engine such as MapQuest, Rand McNally etc.