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## **Alternative Training Programs Policy**

**EFFECTIVE DATE: July 1, 2015**

### **POLICY STATEMENT**

In order to open sector and other training to a wider and more diverse participant base, the Workforce Investment Board (WIB) developed an alternative training policy for special populations with multiple barriers to employment, to provide Vocational English as a Second Language (VESL), academic preparation, transitional work, and bridge programs for participants unable to qualify initially for Individual Training Accounts (ITA) and sector-based training. This policy will continue under the Workforce Development Board (WDB).

### **BACKGROUND**

In order to provide to special populations with multiple barriers to employment maximum opportunities to benefit from WIOA programs, alternatives to traditional ITA training programs may be employed.

For example, short-term pre-vocational services, including development of learning and communication skills, may be provided as “Career Services” and do not require the establishment of an ITA.

### **PROCEDURES**

In lieu of traditional ITA training, contracts for training may be authorized when:

- Such services are on-the-job training provided by an employer, or customized training.
- The Local WDB (LWDB) determines that there are an insufficient number of eligible providers of training services in the local area involved to accomplish the purposes of a system of individual training accounts.
- The Local Plan must describe the process to be used in selecting the providers under a contract for services.
- This process must include a public comment period for interested providers of at least 30 days.

The LWDB determines that there is a training services program of demonstrated effectiveness offered in the local area to serve targeted low-income special participant populations that face multiple barriers to employment. Special participant populations that face multiple barriers to employment include:

- Low-income individuals with substantial language or cultural barriers;
- Low-income individuals who are offenders;
- Low-income individuals who are homeless;
- Low-income individuals who are disabled; or

- Other low-income hard-to-serve populations with special needs as defined by the LWDB.

An eligible provider is:

- A community-based organization
- Another private organization.

The following criteria will be used to determine demonstrated effectiveness of training service programs:

- Financial stability of the organization;
- Demonstrated performance for the program organization and/or key staff;
- How the specific program relates to the workforce investment needs identified in the local plan; and
- How the use of the program supports WDB priorities.

Those training providers operating under the ITA exceptions still must qualify as eligible providers. To qualify:

- Appropriate service providers may be selected as long as the Local Workforce Investment Area takes into consideration the specific geographic and demographic factors where the program operates and the characteristics of the special population being served.
- The LWDB must require performance data for all WIOA Title I funded participants participating in any program of contracted training services.

(Adopted PY 06-07)

(Revised PY 15-16)

## **America's Job Center of California Branding Policy**

**EFFECTIVE DATE:** July 1, 2015

### **POLICY STATEMENT**

All Workforce Innovation and Opportunity Act (WIOA) funded, WorkSource and YouthSource operator contractors must adhere to the Workforce Development Board's (WDB) branding policy and the federal requirement regarding co-branding with the U.S. Department of Labor's (USDOL) American Jobs Center brand.

### **RATIONALE**

The WDB's branding policy will create and ensure a consistent image and public service identity to increase the public's awareness of the City's WorkSource and YouthSource networks. The policy will ensure the consistency and integrity of the WorkSource and YouthSource brands as they appear to the public and will also ensure compliance with Federal and State of California Workforce Investment Board's co-branding requirements.

### **PROCEDURES**

All Workforce Innovation and Opportunity Act (WIOA) funded WorkSource and YouthSource operator contractors must adhere to the Workforce Development Board's (WDB) branding policy covering the WorkSource and YouthSource brands and must co-brand with the U.S. Department of Labor's (USDOL) American Jobs Center brand.

All Adult/Dislocated Worker operator contractors shall adhere to the guidelines and protocols of implementing the WorkSource Center brand, as directed through their contractual obligations and any related directive(s).

All Youth operator contractors shall adhere to the guidelines and protocols of implementing the YouthSource Center brand, as directed through their contractual obligations and any related directive(s).

More specifically, all Adult/Dislocated Worker and Youth contractors shall adhere to the co-branding of "A proud partner of America's Job Center of California<sup>SM</sup> network" as directed by the USDOL Training and Employment Guidance Letter TEGl 36-11 issued on June 14, 2012 and the State of California Employment Development Department's Workforce Services Information Notice WSIN12-43 released on March 15, 2013.

All operator contractors shall ensure that logos, taglines and graphics of all collateral materials, websites, and signage utilized for WIOA programs conform to the Branding Toolkit and Style Guide, issued by the California Workforce Investment Board effective July 1, 2013.

In addition, for any visual materials created, (marketing collateral materials, training and recruitment flyers, articles, press/media releases, etc.), WorkSource and YouthSource operators must include the appropriate branding logo (WorkSource or YouthSource) and the City, the WIB, and the WDB and the Economic and Workforce Development Department logos.

**Revised Policies**

At all times (including all references, marketing collateral materials, training and recruitment flyers, articles, press/media releases, social media efforts, and external and internal signage, etc.), branding of the WorkSource and YouthSource Centers shall require naming which states the Center's designated geographical name first (required), with the operator's organization as secondary (optional). Examples: "Northwest Los Angeles WorkSource Center, operated by XYZ Contractor, Inc." or "Central Mid Los Angeles YouthSource Center, operated by ABC Youth Agency, Inc."

To the extent possible and feasible, WorkSource and YouthSource contractors are encouraged to utilize the brochure/flyer templates provided by the Economic and Workforce Development Department.

In addition, all contractors must adhere to the EEO requirements in terms of accessibility language on all websites, collateral materials and media outreach.

**REFERENCES**

USDOL Training and Employment Guidance Letter TEGL 36-11 (Issued June 14, 2012)

State of California Employment Development Department Workforce Services  
Information Notice WSIN12-43 (Released March 15, 2013)

Branding Toolkit and Style Guide, California Workforce Investment Board (Effective July 1, 2013)

(Adopted PY 13-14)

(Revised PY15-16)

**Assignment of WorkSource and YouthSource Center  
Agreements Policy**

**EFFECTIVE DATE: July 1, 2015**

**POLICY STATEMENT**

Contractors must inform the City of any facts that may materially affect their performance. Contractors shall not transfer their agreement to another entity without prior City approval. If there is a need to replace a contractor, specific procedures will be followed as described herein.

**PROCEDURES**

Contractors must provide the City 60 days advance written notice of any facts that may materially affect the performance of their agreements or impact the City's decision to continue an agreement with the Contractor. Among the items to be disclosed are negotiations leading to the sale, merger or acquisition of the Contractor. Contractor may not assign, delegate, or transfer their agreements, nor assign or transfer any right, interest or obligation in their agreements, including the right to payment, without prior written consent of the City.

When any City Workforce Innovation and Opportunity Act (WIOA) funded YouthSource or WorkSource Center operator proposes to assign their agreement to another organization due to sale, acquisition or merger, the Department shall submit to the Workforce Development Board (WDB) a recommendation as to whether or not to accept said assignment.

If the Department and/or WDB do not concur with the contractors request to assign their agreement; or when any City WIOA YouthSource or WorkSource Center operator:

- Proposes to assign their agreement to another organization for reasons not stated above,
- Fails to meet certification requirements, or
- Proposes termination of their agreement for any other reason,

The Department shall submit to the WDB a recommendation whether continue WorkSource Center or YouthSource operations at the specified location.

If the WDB agrees to continue operations at the specified location, the selection of the replacement operator shall be made by the Department from a list of procured, qualified organizations and shall be submitted to the WDB, City Council and Mayor for approval.

The Department shall, at all times, maintain a list of qualified replacement operators. Proposers to the WorkSource and YouthSource Request for Proposals (RFP) who attain a passing score shall be placed on the qualified operator replacement list for that proposal. The list shall be established for the same term as the underlying RFP.

(Adopted PY 11-12)

(Revised PY15-16)

## **Authorization to Work Verification Requirements**

**EFFECTIVE DATE:** July 1, 2015

### **POLICY STATEMENT**

This policy provides guidance to Adult and Youth contractors regarding the requirement to verify an individual's authorization to work prior to providing services.

### **BACKGROUND:**

Under California law, an individual must have authorization to work in the United States to be eligible to receive Wagner-Peyser Act (WPA) and/or Workforce Innovation and Opportunity Act (WIOA) employment services. Section 9601.5 of the California Unemployment Insurance Code requires *"each state or local government agency or community action agency, or any private organization contracting with a state or local government agency, that provides employment services, including, but not limited to, job training, retraining, or placement, shall verify an individual's legal status or authorization to work prior to providing services to that individual in accordance with procedures established under federal law."*

The federal procedures for verifying an individual's authorization to work are included in Title 8 CFR, Section 274a.2. This section specifies that the requirements published in the USCIS Form I-9, Employment Eligibility Verification, are to be used in verifying and documenting that an individual is authorized to work in the United States.

### **POLICY AND PROCEDURES**

WorkSource and YouthSource Center staff providing WPA and/or WIOA employment services must verify an individual's authorization to work in accordance with the requirements of the [USCIS Form I-9](#), Employment Eligibility Verification. As specified in the Form I-9, staff must accept as evidence of employment authorization, any of the documents listed on the last page of Form I-9. Individuals may present any List A document or a combination of a List B and a List C document. To view frequently asked questions regarding acceptable Form I-9 documents, see the State of California Employment Development Department (EDD) Workforce Services Directive 13-1 (WSD 13-1), Attachment 1, *Questions and Answers – Authorization to Work Verification*. To view representative images of acceptable Form I-9 documents, see WSD 13-1, Attachment 2, *Samples of Acceptable Documents for Authorization to Work Verification*.

The differences between the WPA and WIOA programs necessitate separate guidance for each program as provided below. However, whenever possible, EDD and partner agency management are encouraged to coordinate verification between the two programs to increase efficiency of the process and prevent participants from having to repeatedly present Form I-9 documents.

Staff must verify an individual's authorization to work prior to providing staff-assisted services. WorkSource and YouthSource Center Staff must verify an individual's authorization to work no later than the time of application for a WIOA funded program. Verification is not required for self-service or informational activities.

**REFERENCES**

Title 8 CFR, Section 274a.2

California Unemployment Insurance Code Section 9601.5

<http://www.uscis.gov/i-9-central/complete-correct-form-i-9>

Employment Development Department (EDD) Workforce Services Directive 13-1

(Adopted PY 14-15)

(Revised PY 15-16)



## **Certification Policy and Procedures**

**EFFECTIVE DATE:** July 1, 2015

### **POLICY STATEMENT**

Certification of WorkSource and YouthSource general contractors (henceforth known as contractors) by the Workforce Development Board (WDB) requires they be successful in meeting annual contract performance goals. Contractors shall also incorporate Malcolm Baldrige National Quality Award Criteria into their management practices to ensure success in the certification process.

### **PROCEDURES**

#### **Certification Guidelines**

- Contractors shall be certified by the WDB, on an annual basis, through a formal performance evaluation.
- The WDB shall not fund any organization as a contractor that is not certified.
- If a contractor has its certification revoked, their agreement with the City will be allowed to expire at the end of the program year (typically June 30), unless extenuating circumstances, as identified by the Department, support an earlier termination date. The intent of this guideline is to allow for the uninterrupted provision of services to customers that are actively participating in the program.
- Extenuating circumstances that could result in the immediate termination of an agreement may include, but are not limited to, poor performance or confirmed organizational findings of fraud and abuse.
- In the event a contractor fails to meet certification standards, Department staff shall prepare a report to the WDB regarding the impact of contract termination on the community, together with recommendations to either terminate services or identify a replacement center operator.
- A contractor may appeal the denial of certification. An Appeals Board shall be established in accordance with the Workforce Investment Board-Local Elected Official (WDB-LEO) agreement to hear such appeals.
- The Department shall present certification recommendations to the WDB Policy and Oversight and Executive Committees, prior to convening an appeals hearing.
- Replacement center operators shall be selected from a list of qualified organizations identified through a formal bid process or Department staff may assume center operations.
- A de-funded contractor will be removed from any existing list of qualified

replacement center operators and may only be reinstated through a future competitive bid process.

**Performance Evaluation (SOFA III)**

- Frequency - Evaluations will be conducted annually at the completion of the program year, evaluating results for the entire 12 months. Additionally, a Six Month progress report will be prepared.

Evaluation Categories – Contractors will be evaluated in four categories:

- Satisfaction
- Outcomes (Products and Services)
- Flow (Customers Served)
- Administrative Capability (Financial, Human Resources & Organizational Effectiveness)

Success Rates – Success rates for performance measures compare actual performance with performance goals. Generally, success rates are expressed as a percentage and are computed by dividing actual performance by the performance goal. In the past, success rates have been used to determine contractor performance for all measures except Customer Satisfaction measures and the Administrative Capability measure (for these measures a certain minimum score—a STAR level—was used to determine whether a Star could be earned.) The Department shall develop a methodology to compute success rates for the Customer Satisfaction and Administrative Capability measures.

Award Levels:

**Qualified Center:** Minimum levels of performance shall be established for all measures within the Performance Evaluation. A contractor whose performance meets or exceeds these minimums for all measures shall be deemed a Qualified Contractor.

**Star Performer:** Provided all of a contractor’s success rates within the performance evaluation are at minimum 90 percent of goal, a contractor whose average success rate for all measures within the performance evaluation meets or exceeds a certain level shall be deemed a Star Performer.

**Best in Category:** A contractor with the highest overall success rate for any of the four evaluation categories shall be recognized as follows (separate awards for adult and youth contractors):

- Best in Customer Satisfaction
- Best in Exceeding Customer Outcome Goals
- Best in Exceeding Number of Customers Served Goals (Flow)
- Best in Administrative Capability

Evaluation Results

The Star level(s) of performance shall be established to recognize exceptional performance. Evaluation results and certification recommendations will be compiled by the Department and presented to the appropriate WDB Committee(s) following the end of the program year.

- Recognition of Performance
- Certificates of Recognition – Qualified Contractors shall receive an annual certificate designating them a Qualified City of Los Angeles WorkSource or YouthSource Center.
- Star Performers and Best in Category performers will be formally recognized.<sup>1</sup>
- Incentive Awards - Star Performers may be eligible for incentive awards. An incentive award fund will be established by the WDB through the Annual Plan, contingent upon fund availability.

Contractors not meeting the Additional Requirement for Certification below will not be eligible for incentives.

- Corrective Action – A Contractor not deemed a Qualified Contractor shall provide a corrective action plan.

Revocation of Certification – A Contractor that fails to earn the Qualified Contractor designation for two consecutive annual evaluations or does not meet the Additional Requirement for Certification for two consecutive years may have its certification revoked.

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<sup>1</sup> If multiple Star Levels are established, formal recognition and incentive awards may be restricted to the highest Star Level.

**Performance Measures - Measures include, but are not limited to:**

**1. Satisfaction**

Measure	WorkSource	YouthSource
a. Customer Satisfaction (intercept/telephone)	X	X
b. Exiter Satisfaction (telephone)	X	

**2. Outcomes (Products & Services)**

a. Entered Employment Rate/Placed into Employment/Education	X	X
b. Average Earnings	X	
c. Retention Rate	X	
d. Attainment of a High School or College Diploma, GED, or Certificate.		X
e. Literacy & Numeracy Gains		X

**3. Flow (Customers Served)**

a. Number of Unduplicated Universal Access Customers Served	X	
b. Number of Enrolled and/or Exited Customers (including Hard to Serve Adults for WorkSource)	X	X
c. Percentage of Out-of-School Youth Served		X
d. Number of Employer Customers	X	
e. Total number of youth entering the YouthSource Center		X
f. Total number of youth receiving educational assessments from the PSA Counselor		X
g. As implemented by the LAUSD PSA Counselors, a system goal for the number of out-of-school youth meeting with PSA Counselors who return to school		X

**4. Administrative Capability/Annual Plan Priorities**

a. Assessment of contractor administrative practices related to work performance, timeliness, fiscal, communication, human resources and ethics.	X	X
b. Expenditure of a minimum 32% of funding on training (may include up to an amount equal to 10% of funding in approved leveraged resources)	X	
c. Minimum number of enrollments by December 31 (WorkSource: New Enrollments, YouthSource: Total Enrollments).	X	X

**5. Additional Requirement**

Contractor incorporation of Malcolm Baldrige National Quality Award criteria into their management practices	X	X
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\*Note these measures shall be used to evaluate PY 14-15 performance. Additional or revised measures may be established for PY 15-16 evaluations.

**Revised Policies**

This additional requirement within the Certification Policy is to ensure a focus on strategic planning, goals, and providing quality service.

STARS are not awarded for contractor performance in this category. Rather, contractors are required to achieve a California Awards for Performance Excellence (CAPE) award from the California Council for Excellence. A deadline for WorkSource and YouthSource contractors to submit a CAPE application will be issued using a schedule and award threshold as defined through WIOA Directive. New CAPE applicants must submit a Prospector application, while prior Prospector award recipients must submit a Eureka application.

Contractors not receiving the required CAPE award will be placed on probation and must achieve said award by the end of the following program year.

The WDB may establish an alternative to the CAPE award to measure performance excellence.

(Adopted PY 04-05)

(Revised PY 15-16)

## **Conflict of Interest Policy**

**EFFECTIVE DATE: July 1, 2015**

### **POLICY STATEMENT**

The City's Agreement(s) and Directives prohibit Contractors from allowing employees who work in a decision-making capacity from engaging in any activity, including participation in the selection, award, or administration of a sub-grant or contract where there is a conflict of interest, either real or perceived. Additionally, no employees shall be allowed to be members of its Board of Directors if the employee receives any financial benefit from the City Agreement.

### **BACKGROUND**

The Economic and Workforce Development Department (EWDD) is funded by several grant sources, each with different regulations related to prohibiting conflicts of interest. The City is required to apply conflict of interest laws cumulatively, meaning the strictest law is what controls a given situation.

All Contractors are required to ensure that none of its directors, officers, employees, or agents shall participate in selecting, or administering any sub-contract supported (in whole or in part) by City funds (regardless of source) where such person is a director, officer, employee or agent of the subcontractor; or where the selection of subcontractors is or has the appearance of being motivated by a desire for personal gain for themselves or others such as family business, etc.; or where such person knows or should have known that:

1. A member of such person's immediate family, or domestic partner or organization has a financial interest in the subcontract; or
2. The subcontractor is someone with whom such person has or is negotiating any prospective employment; or
3. The participation of such person would be prohibited by the California Political Reform Act, California Government Code §87100 et seq. if such person were a public officer, because such person would have a "financial or other interest" in the subcontract.
4. Definitions:
  - a. The term "immediate family" includes but is not limited to domestic partner and/or those persons related by blood or marriage, such as husband, wife, father, mother, brother, sister, son, daughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law.
  - b. The term "financial or other interest" includes but is not limited to:
    1. Any direct or indirect financial interest in the specific

- contract, including a commission or fee, a share of the proceeds, prospect of a promotion or of future employment, a profit, or any other form of financial reward.
2. Any of the following interests in the subcontractor ownership: partnership interest or other beneficial interest of five percent or more; ownership of five percent or more of the stock; employment in a managerial capacity; or membership on the board of directors or governing body.
  3. A subcontract is any agreement entered into by Contractor for the purchase of goods or services with any funds provided by this Agreement.

## **PROCEDURES**

The City will not execute any Agreements and/or Amendments with Contractors where an employee (an individual who is paid or receives any financial benefit from funds from the Agreement with the City), is a member of the Board of Directors. The Board minutes must reflect this requirement.

All Contractors/Sub-Contractors are required to notify the City immediately upon discovery that a potential conflict of interest situation exists or may come into existence due to upcoming contractual/business dealings prior to each year's execution of a new City Agreement or Amendment.

If an existing or pending conflict of interest situation(s) is not brought to the attention of the City prior to execution of the Agreement or Amendment, and subsequent audit or monitoring visits determine that a conflict of interest does exist, the City will **NOT** approve a Contractor/Sub-Contractor's request for waiver/exception of the conflict of interest. Further, the City will question and may disallow and all costs associated with the conflict of interest.

All exceptions/waivers to conflicts of interest that have been previously granted must be reviewed before execution of a new City funded Agreement or Amendment.

## **REFERENCES:**

WDS Directive No. 14-05 Policy on Conflict of Interest

§504 Conflict of Interest of EWDD Contracts

Political Reform Act – Gov. Code Section 87100 et seq Conflict of Interest

(Adopted PY14-15)

(Revised: PY 15-16)

## **Criminal Record Restrictions and Impact Based on Race and Nationality Policy**

**EFFECTIVE DATE:** July 1, 2015

### **POLICY**

This policy provides guidance for employers and agencies within the City of Los Angeles Workforce Development System regarding services to clients with criminal histories.

### **BACKGROUND**

In recent decades, the number of Americans who have had contact with the criminal justice system has drastically increased. In California, it is estimated that about one in four adults now has a criminal history record which often consists of an arrest that did not lead to conviction, a conviction without incarceration, or a conviction for a non-violent crime. Because of this increase, racial and ethnic disparities have arisen, which may be reflected in incarceration rates, as well as in other criminal history records. Federal and state programs have devoted significant resources to reducing barriers to employment of people with criminal records in an effort to also increase public safety.

### **POLICY AND PROCEDURES**

Employers and agencies within the City of Los Angeles Workforce Development System should be aware of federal antidiscrimination laws if they choose to rely on job applicants' criminal history records to help assess potential risk to employees, customers, and business assets. Hiring policies and practices that exclude individuals with criminal records may conflict with laws which prohibit intentional discrimination on the basis of race, national origin, or other protected groups, and policies or practices that have a disparate impact on these protected groups and cannot be justified as job related and consistent with business necessity.

Policies that exclude individuals from employment or other services based on the existence of a criminal history record, and do not take into account the age and nature of an offense, or the relationship of the record to the specific job duties, are likely to unjustifiably restrict the employment opportunities of individuals with conviction histories and, due to racial and ethnic disparities in the criminal justice system, are likely to violate federal antidiscrimination law.

Accordingly, employers and agencies should carefully consider their legal obligations before adopting such policies. Covered entities may also wish to direct employers to the Equal Employment Opportunity Commission (EEOC) website for Reentry Myth Buster [http://www.eeoc.gov/eeoc/interagency/reentry\\_council.cfm](http://www.eeoc.gov/eeoc/interagency/reentry_council.cfm) which clarifies that an arrest or conviction record will not automatically bar individuals from employment.

The nondiscrimination provisions that apply to the federally-assisted workforce system prohibit:

- Disparate treatment - intentionally treating members of protected groups differently based on their protected status.



**Revised Policies**

- Disparate impact - the use of policies or practices that are neutral on their face, but have a disproportionate impact on members of protected groups, and are not job related and consistent with business necessity.

Title VII of the Civil Rights Act of 1964, as amended applies to employers with 15 or more employees, and prohibits employment discrimination based on race, color, religion, sex, or national origin. Title VII also contains provisions that specifically address employment agency activities. Entities within the public workforce system like One-Stop Career Centers may be regarded as “employment agencies” under the law and are not permitted to:

- Print, publish, or cause to be printed, any job announcement that discriminates based on race, color, religion, sex, or national origin unless there is a bona fide occupational qualification for a preference based on religion, sex, or national origin.
- Refuse to refer an individual for employment or otherwise to discriminate against any individual based on race, color, religion, sex, or national origin.
- The EEOC, the federal agency that administers and enforces Title VII, has issued guidance on the use of arrest and conviction records in employment decisions (Attachment 2). Based on this guidance:

An employer’s neutral policy (e.g., excluding applicants from employment based on certain criminal conduct) may disproportionately impact some individuals protected.

(Adopted PY 14-15)

(Revised PY 15-16)

## **Customized Training Policy**

**EFFECTIVE DATE:** July 1, 2015

### **BACKGROUND**

The Workforce Innovation and Opportunity Act identifies Customized Training as training:

- (a) That is designed to meet the special requirements of an employer (including a group of employers);
- (b) That is conducted with a commitment by the employer to employ an individual upon successful completion of the training; and
- (c) For which the employer pays for a significant cost of the training, as determined by the Local Board in accordance with the factors identified in WIOA sec. 3(14).

### **POLICY**

Certified WorkSource Center contractors or Sector Intermediary Organizations may submit Customized Training proposals. Evaluation for Customized Trainings will be determined by the Economic and Workforce Development Department and will be evaluated based on the criteria outlined in the Sector Initiative Policy.

To be considered for customized training, proposals should include the following:

- Identify employer or industry group and obtain a written commitment by the participating employer(s) to hire a minimum of 80 percent of those participants that successfully complete the training
- Include Vocational English as a Second Language (VESL) component, when appropriate
- Include both a classroom and worksite training component (classroom training does not have to appear on the State ETPL).
- Include subsidies and/or needs based payments for time spent in classroom training.
- Be in a demand occupation and within a target training sector defined and/or allowed by the Workforce Investment Board (WIB), and identify a career ladder.
- Result in a wage at placement that meets or exceeds the City's Self-Sufficiency Standard and which includes medical benefits.
- Result in the attainment of an industry recognized certificate.
- Identify Placement and Retention Rates and Average Earnings (2nd & 3rd quarters after exit) that will assist the City in meeting its Department of Labor performance standards.
- Include a detailed line-item budget that identifies a minimum cash match or in-kind contribution by the participating employer(s) or industry group.

**Revised Policies**

- Demonstrate a regional approach by detailing the participation of other WorkSource Centers and their job seekers.

(Adopted PY 11-12)

(Revised PY 15-16)

## **Definition of Demand Occupations**

**EFFECTIVE DATE: July 1, 2015**

### **BACKGROUND**

Individual Training Account (ITA) training services made available to eligible adults and dislocated workers must be directly linked to the employment opportunities either in the local area or in another area to which the individual is willing to relocate. Local Workforce Development Areas therefore need to identify “demand occupations.” The demand occupations are subsequently used in determining programs of training services that lead to these employment opportunities. This policy provides guidance to local board staff, America’s Job Center/WorkSource Provider staff and One Stop Partners in selecting appropriate training programs for customers of the WIOA system.

### **POLICY**

A demand occupation is an occupation with current employment opportunities or that has potential for future growth in the local area that provides a self-sufficient wage and/or benefits - as defined in the Annual Plan. A job placement with a wage below the defined self-sufficiency level may be deemed satisfactory if the America’s Job Centers/WorkSource Centers (AJCC) can demonstrate that such placement provides a career track that allows the job seeker to attain self-sufficiency. This may be necessary in a challenging economic climate when many industries are static or show contraction.

The AJCC are responsible for monitoring jobseeker customers’ progress and ensuring that those customers are on career paths that lead to self-sufficiency. The AJCC are required to make readily available to their customers, information and options in regard to demand occupations and industry clusters.

To the fullest extent possible, the labor market information system of the Employment Development Department (EDD) must be utilized to determine demand occupations. This information is available online at: [www.labormarketinfo.edd.ca.gov](http://www.labormarketinfo.edd.ca.gov)

The following are additional sources defining Demand Occupations :

- Los Angeles Economic Development Corporation’s (LAEDC) economic research at [www.laedc.org](http://www.laedc.org) <http://www.laedc.org/>
- The U.S. Bureau of Labor Statistics website at [www.bls.gov](http://www.bls.gov) has available information on occupations, annual and hourly wages, career tracks, etc.
- The WDB may define targeted sectors as demand sectors.
- Other additional labor market resources may be used as long as the following information is presented: a) justification of any determination that a particular job is in a demand occupation, b) documentation of any steps taken in reaching that determination, and c) documentation in the file of the particular customer for whom such determination is made.

## **Definition of High School Dropout**

**EFFECTIVE DATE: JULY 1, 2015**

### **POLICY STATEMENT**

This policy provides clarification on the definition of high school dropout.

### **BACKGROUND**

Under the Workforce Innovation and Opportunity Act (WIOA), at least 75 percent of available youth funds are to be used for out-of-school youth. An out-of-school youth is defined as an individual who is between the ages of 16 and 24 not attending any school (as defined by State law and one or more of the following: a) an eligible youth who is a school dropout; or b) an eligible youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter; c) an eligible youth who has either graduated from high school or holds a GED a secondary school diploma or equivalent who is low-income and is either basic skills deficient or an English language learner; d) a youth or adult offender; e) a homeless individual, homeless child or youth, a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act, or in an out-of-home placement; f) an individual who is pregnant or parenting; g) a youth who is an individual with a disability; or h) a low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment. [WIOA Sec. 129 (B)]

The WIOA regulations allow the local Workforce Development Boards to further define “no longer attending school”.

### **High School Dropout:**

1. A youth who is chronically absent (as defined by LAUSD or other school district), meaning a youth who has missed 25 or more days of school year and who is at least 110 credits behind. *Refer to CDE Bulletin 3720.0 & LAUSD Attendance Manual and Policy & Procedures for Elementary, Secondary & Options Schools.*
2. A youth in the 12<sup>th</sup> grade, who lacks sufficient amount of credits to graduate with in the cohort year (as defined by LAUSD or other school district). *Refer to CDE Bulletin No. 2-74 and LAUSD Attendance Manual and Policy & Procedures for Elementary, Secondary & Options Schools.*
3. A youth attending an Adult education program, who is not enrolled in an adult education program leading to a High School diploma or equivalent. *Refer to CDE Bulletin No. 2-74, Bulletin No. 4926.2 and LAUSD Attendance Manual and Policy & Procedures for Elementary, Secondary & Options Schools*

**REFERENCES:**

WIOA Section 3: Definitions

Note: This policy is subject to further revision based on WIOA Final Rules.

(Adopted PY 14-15)

(Revised PY 15-16)

**Definition of Youth Barriers to Employment**

**EFFECTIVE DATE: July 1, 2015**

**POLICY STATEMENT**

This policy seeks to define and/or provide clarification of term “barrier to employment” as described in the Workforce Innovation and Opportunity Act (WIOA).

**BACKGROUND**

Per Section 2, of the Workforce Innovation and Opportunity Act, the goal for individuals in the U.S. particularly those individuals with barriers to employment is to increase access to and opportunities for employment, education, training and supportive services they need to succeed in the labor market.

An individual with a barrier to employment means a member of one or more of the following populations:

1. Displaced homemakers.
2. Low Income individuals.
3. Indians, Alaska Natives and Native Hawaiians
4. Individuals with disabilities, including youth who are individuals with disabilities.
5. Older individuals.
6. Ex-Offenders
7. Homeless individuals or homeless children and youths.
8. Youth who are in or have aged out of the foster care system
9. Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.
10. Eligible migrant and seasonal farmworkers.
11. Individuals within two years of exhausting lifetime eligibility under part A of the Social Security Act.
12. Single parents (including single parent women).
13. Long-term unemployed individuals.
14. Other groups as defined by the Governor determined to have barriers to employment.

**REFERENCES:**

WIOA Section 2: Purpose  
WIOA Section 3: Definitions

(Adopted PY 07-08)

(Revised PY 15-16)

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## **Guidelines for the Procurement of Services for EWDD**

**EFFECTIVE DATE: JULY 1, 2015**

### **POLICY STATEMENT**

The purpose of these procedures is to ensure that all Economic and Workforce Development Department (EWDD) administered program services are procured in accordance with established federal, state, and local guidelines, and that all procurement is conducted in an ethical, legal, consistent, and timely manner. These procedures shall serve as guidelines both for EWDD and for EWDD-funded contractors.

### **BACKGROUND**

Procurement provides EWDD with the mechanism to identify organizations that have the integrity, business ethics, financial, personnel and physical plant resources, demonstrated ability and the overall potential ability to deliver the services solicited by EWDD in a timely manner and at a reasonable price.

### **PROCEDURES**

#### **Management of Procurement**

Procurement shall be managed by EWDD's Procurement and Contract Development (PCD) staff. If procurement is conducted by other staff in EWDD, documents that are identified in the "Maintenance of Records" section of these Guidelines shall be submitted to PCD to be maintained in the Procurement Central Files.

#### **Authority to Procure**

City Council and Mayor approvals are required to conduct any procurement (with the exception of transactions of less than \$25,000 for which the EWDD General Manager has the authority to execute, and Workforce Innovation and Opportunity Act (WIOA) transactions of less than \$250,000 for which only Workforce Development Board (WDB) approval is required.)

A request to the City Council and the Mayor for approval to conduct procurement shall be prepared in the form of a Committee Transmittal Report.

The draft procurement document shall not be included with the transmittal.

#### **Method of Procurement**

Within the context of open competition, there are four methods by which agencies may procure goods and services (small purchase, sealed bids, competitive proposals, and non-competitive proposals). For a transaction of less than \$50,000, the small purchase method may be used. However, the sealed bid and competitive proposal may also be selected. For transactions of \$50,000 or more, the sealed bid or competitive proposal must be used.



Small Purchase Procurement – This method shall be used for the purchase of goods or services up to \$49,999:

<u>Anticipated Price</u>	<u>Required Action</u>
\$1 to \$9,999	Two documented quotations
\$10,000 to \$49,999	Three or more written quotations

Quotations must be solicited from vendors that can reasonably be expected to provide the goods or services needed. Such quotations should include vendor contact information, and a description of the goods or services being offered.

For small purchases between \$1 and \$9,999, two or more documented quotes must be obtained. A memorandum to file, signed by EWDD staff, that identifies the quotations by date, source, quantity, time of performance, and all other requirements of the goods and/or services sought shall serve as sufficient documentation.

For small purchases between \$10,000 and \$49,999, a Request for Quote (RFQ) must be used. The RFQ shall be provided in writing (including fax or e-mail) to the vendors and should specify the quantity, time frames, and all the requirements of the product or services being sought. Three or more written quotes must be obtained with this method. All responses shall be in writing. A memorandum to file that identifies the selection process, the written solicitation, and all written responses shall serve as sufficient documentation.

For all quotations, the lowest price estimate shall serve as the primary criteria for selection. If the selected proposers did not offer the lowest price, justification must be incorporated into the memorandum to file documenting the criteria for selection and the relevance of the criteria to the need and benefit.

Proper documentation for a small purchase includes:

- The reason for selecting the small purchase method.
- An estimate of the potential purchase price.
- A description of the goods or services being purchased, including the quantity and any additional criteria used to determine the procurement decision. A copy of the RFQ would suffice.
- All providers contacted/considered and the prices offered using current catalogs, price lists, prior sales receipts, or formal quotes depending on the amount of the purchase.
- Why the provider was selected, including how the provider met any additional criteria, and the price analysis.
- Copy of the purchase document (sales receipt, contract).

Sealed Bids – This method shall be used when the nature of the good or service to be purchased will be more than \$50,000 and can be precisely defined. Sealed bids shall be solicited publicly for a fixed-price contract through an Invitation for Bids (IFB). The IFB

will be publicly solicited or advertised through newspapers, local advertising and trade papers. The IFB defines the quantity, timeframes, and product requirements. Vendors are notified of the purchase requirements and submit a sealed bid to a specified location by a specified date and time. The bids are then opened at a specific date and time. A diligent effort should be made to secure at least three competitive bids. The responsible bidder (a bidder that can meet the technical requirements of the procurements), that submits the lowest bid is usually awarded the contract. Any bidder that falls outside of the parameters will normally have their bid rejected. Award of a firm fixed-price or fixed unit price contract by written notice is sent to the lowest responsible bidder. If only one bid is obtained and that bidder is deemed to be responsible, then the noncompetitive or sole source process may be used. Contract offers shall be made to the most responsible bidder whose bid conforms to all of the material terms and conditions of the IFB and is the lowest price.

Proper documentation for a sealed bid purchase includes:

- The reason for selecting the sealed bid method.
- An estimate of the potential purchase price.
- A copy of the IFB.
- Bids received.
- Determination of the responsibility of the bidder.
- Why the provider was selected.
- Copy of the award document.

#### IFB versus RFP

The IFB is used when there is a clear understanding of the project requirements, scope of work and technical specifications. The Request for Proposals (RFP) is used in cases where the specific requirements and technical specifications of a project are of a functional nature or unclear. The RFP then provides a guideline for potential offers' to use in preparing a bid/proposal.

Competitive Proposals – This method shall be used when the nature of the goods or services to be acquired cannot be defined as required by the sealed bid method; and specifically, when factors other than price are important in the selection decision; however procurements must be in excess of \$50,000. Competitive Proposals shall be managed through a RFP process with the objective to offer a fixed-price or cost-reimbursement type of contract.

The RFP must indicate the scope of work, the method for scoring the proposals, the deadline for receipt of proposals and the dispute process. A public notification of the RFP is normally given through an announcement in a local newspaper that covers the entire service area. A copy of the RFP is sent to anyone who requests it and to any prior bidders. A bidders' conference is usually held to allow interested parties to have any questions answered. Bidders' conferences also allow attendees to receive the same information. Bidders are required to submit their proposals to a specified location by a specified date and time. Each RFP is reviewed and evaluated as to the merits of the proposal. This review includes a cost analysis. There should be a documented

methodology for technical evaluation of each proposal. The review committee then makes a final recommendation as to which proposal(s) best meets the stated requirements. Careful documentation of the successful bidder selection should be maintained for reference. A public notice of intent to award is issued, and followed by the award, and the execution of the contract. If only one proposal is obtained and that proposal is deemed to be responsible, then the noncompetitive or sole source process may be used. This method is the most commonly used by EWDD.

Proper documentation for a competitive proposal purchase includes:

- The reason for selecting the competitive proposal method.
- An estimate of the potential purchase price.
- A copy of the RFP.
- Bidders' conference questions and answers.
- Bids received.
- The scoring criteria and the evaluation/scoring sheets for each proposal, including determination of the responsibility of the bidder and the cost analysis.
- Why the provider was selected.
- The public notice of intent to award.
- Copy of the award document.

Non-Competitive Proposals (sole source) – This method of procurement may be used only when the award of a contract is not feasible under Small Purchase Procedures, Sealed Bids or Competitive Proposals, and one of the following circumstances applies:

- The goods and/or services are available only from a single source; or
- The public exigency or emergency need for the goods and/or services is too immediate to undergo the competitive solicitation process, and the procurement is for a limited time only; or
- The awarding agency (e.g., State of California, U.S. Department of Housing and Urban Development, U.S. Department of Labor) authorizes the specific non-competitive procurement (upon a formal request for approval); or
- After the solicitation from a number of sources, the competition is determined inadequate.
- This method of procurement requires written justification for provider selection, a cost analysis and City Attorney approval. All of which must be carefully documented and maintained.

Proper documentation for a sole source purchase includes:

- The reason for selecting the sole source method, including why the procurement was infeasible under one of the other procurement methods and which of the additional sole source conditions the procurement met.

- An estimate of the potential purchase price.
- A copy of the RFQ/IFB/RFP.
- A determination of the responsibility of the bidder and the cost analysis.
- Why the provider was selected.
- Copy of the award document.

To the greatest extent possible, this method of procurement shall be avoided.

**Piggyback Method** – This method of procurement may be used when an organization has been procured by another federal, state, local agency, or City department within the past two years and EWDD seeks to contract with that organization for comparable services. In this instance, EWDD shall secure and retain copies of the other agency's procurement document, a detailed summary of the procurement process, elected official approval of the procurement process and selection. EWDD shall prepare written justification for such action and secure City Attorney approval.

EWDD may authorize a funded contractor to use a vendor that has been procured by the City without requiring a further procurement process.

**Request for Qualifications** – This method of procurement may be used when EWDD is seeking to establish a list of qualified organizations that provide highly specialized or technical services. Examples include grant writers or trainers. By establishing the list of qualified organizations, EWDD or its contractors may select to contract with one (1) or more of the organizations on an "as needed" basis.

### **Cost Analysis versus Price Analysis**

A cost or price analysis must be performed with the method and degree of analysis dependent on the facts surrounding the particular procurement situation. Cost analysis is the review and evaluation of each element of cost to determine reasonableness, allocability, and allowability.

As a starting point, grantees must make independent estimates before receiving bids or proposals. A cost analysis must be performed when the offeror is required to submit the elements of their estimated cost (e.g., under professional, consulting, and architectural engineering services contracts). A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurements, including contract modifications or change orders. A cost analysis may not be necessary if one can establish price reasonableness on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation. A price analysis will be used in all other circumstances to determine the reasonableness of the proposed contract price. Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices and similar indicia, together with discounts.

### **Competition**

To the greatest extent possible, procurement shall be conducted in a manner that provides full and open competition. The following are examples of requirements that are restrictive of competition and must be avoided:

- Placing unreasonable requirements on firms or organizations as conditions to qualify to do business.
- Requiring unnecessary experience or excessive bonding.
- Imposing non-competitive pricing practices between firms or organizations, or between affiliated companies or organizations.
- Granting non-competitive awards to consultants that are on retainer contracts.
- Organizational conflicts of interest.
- Specifying only “brand name” products.
- Imposing overly restrictive specifications.
- Imposing any arbitrary action in the procurement process.

### **Procurement Cycle**

Funding of an organization through any one of the procurement methods shall be for a period of three years, with an option to renew for up to two additional years.

#### **Development and Release of Procurement Document**

PCD shall designate a Procurement Coordinator for each procurement process. It shall be the responsibility of the Procurement Coordinator to ensure compliance with the procedures set forth herein, and to ensure that all procurement is conducted in a confidential manner.

A written justification shall be prepared for the file that justifies the procurement method to be utilized.

A determination shall be made and concurred with by the City Administrative Officer (CAO) and the Personnel Department that the services to be procured cannot be performed by City staff, in accordance with Charter Section 1022.

The Procurement Coordinator shall ensure that no conflict of interest exists for any individual, firm, or organization participating in the procurement process.

Guiding principles and a procurement schedule shall be presented to the appropriate Commission or Board for comment. Comment provided by the Community Action Board (CAB) where the Community Service Block Grant (CSBG) is the source of funds, or the Commission for Community and Family Services (CCFS) where the Community Development Block Grant (CDBG) is the source of funds is advisory only.

EWDD shall prepare estimates of the cost of services to be procured. This shall include, but not be limited to, conducting a survey of the cost of comparable services, and preparing a budget with an accompanying narrative that reflects EWDD’s best estimate of the cost of services to be procured.

Clear evaluation criteria and a standard proposal evaluation instrument shall be developed. At a minimum, all proposals shall be evaluated for Demonstrated Ability requiring two years of experience in providing comparable services to those solicited, Program Design, and Cost Reasonableness.

The criteria for Demonstrated Ability shall neither favor nor discriminate against existing

City contractors or entities that have not contracted with the City.

Develop a worksheet or checklist for determining the eligibility and responsiveness of each proposal.

Identify all expected outcomes and the database by which all planned participant activity and outcomes shall be documented and from which reports shall be generated.

EWDD shall make every effort to create a procurement document that can be completed and submitted electronically.

Submit the procurement document to the City Attorney for review and approval as to form and legality.

Brief the EWDD General Manager on the procurement document and associated schedule at the regularly scheduled department transmittal meeting.

Work with the EWDD Information and Technology Division to issue public notification through an announcement in a local public medium, the EWDD webpage, the City's Early Notification System, LA Business Assistance Virtual Network (BAVN), and other customary and reasonable means of notifying the public, advising of the release of the procurement document.

Email addresses of all parties that have downloaded the procurement document shall be retained and incorporated into a department services provider database maintained by PCD.

EWDD may request a Letter of Intent to Propose from potential proposers.

Advise all EWDD staff of the release of the procurement document together with instructions that staff is prohibited from assisting any proposer in the preparation of a proposal; from discussing the process and/or the merits of any potential proposer with any third party; and to forward any unattended procurement documents left in common areas to the Procurement Coordinator.

All procurement documents shall remain open for a minimum of three (3) weeks and for no longer than eight (8) weeks from the date of release.

Any modifications and amendments to a procurement process must be publically noticed and incorporated into the procurement document through a formal addendum.

A minimum of one (1) technical assistance session shall be conducted per procurement. The date, time and location of the technical assistance session shall be included in the procurement document.

All technical assistance questions from potential proposers shall be posed either at the technical assistance session or through e-mail communication, and all responses provided by EWDD shall be shared with all potential proposers.

### **Acceptance of Proposals**

One (1) week prior to the deadline for submission, all EWDD staff shall be advised of the proposal deadline and instructed to direct any proposers, attempting to submit proposals, immediately to the EWDD Front Desk staff (on the Sixth Floor) for formal receipt and to be date and time stamped.

Beginning one (1) hour prior to the deadline for the submission of proposals, as set forth



in the procurement document, PCD staff shall be stationed in the First Floor Lobby of the Garland Building to receive proposals. Such proposals shall immediately be stamped with the date and time of the receipt of each proposal.

Following the deadline for proposal submission, the Front Desk staff shall immediately deliver all date and time stamped proposals to the PCD Assistant General Manager or designated Procurement Coordinator.

Proposals not received by the deadline, as set forth in the procurement document, shall not be accepted.

### **Review of Proposals**

The Procurement Coordinator shall coordinate the review and evaluation of proposals, and assign staff responsibilities.

PCD staff shall prepare and maintain a log that identifies all proposers, funds requested, collaborators, services to be provided, area to be served, number of individuals to be served, proposed outcomes, and any other elements of the proposal that shall serve as the executive summary of all proposals received.

PCD staff shall conduct an eligibility and responsiveness review to determine if each proposer is eligible to apply, including whether the proposer has been debarred by the State of California and whether all sections of the proposal have been completed as identified on the proposal checklist.

PCD staff shall ensure that each proposer has complied with the City's BAVN and Business Inclusion Program (BIP) requirements.

PCD staff shall review the documentation that all subcontractors identified in a proposal have been competitively procured by the proposer prior to submission of the proposal.

PCD staff shall be responsible for the review and evaluation of the non-narrative sections of the "Demonstrated Ability" and "Cost Reasonableness" categories of the proposals, and for the coordination of training sessions for all reviewers.

To the greatest extent possible, the review and evaluation of all narrative sections of proposals shall be conducted by individuals, outside and independent of EWDD, who are experts in the subject matter of the procurement. All reviewers must be briefed on and agree to the Conflict of Interest requirements described in the Code of Conduct section of this policy.

Formal training sessions shall be conducted for all individuals who are to review proposals by the Procurement Coordinator in consultation with the City Attorney. Training materials shall include the procurement document, the evaluation instrument, and the conflict of interest declaration.

Reviewers shall be allowed up to two (2) weeks in which to review proposals assigned to them.

Review teams shall be comprised of at least two (2) reviewers with each to score proposals independent of one another.

Reviewers shall provide written comments that support their scores in each scoring category.

Each review team shall be assigned to review and evaluate multiple proposals that focus on specific communities, populations, or services. For example, a team would be assigned to review proposals submitted to serve the East Region while another team would review proposals submitted to serve the North Valley Region.

Consensus meetings for the review and evaluation of proposals shall be convened and facilitated by EWDD staff.

EWDD staff shall review all scores provided by the outside independent reviewers to ensure that there is consistency in the review of proposals and that consensus has truly been reached by the reviewers.

Copies of individual reviewer sheets shall be considered working documents.

The names of proposal reviewers shall be confidential as a means to protect reviewers from outside influence or retaliation in their review and evaluation of proposals. Under no circumstances are the names of proposal reviewers to be shared with the general public. EWDD is ultimately responsible for the final results.

To the greatest extent possible, and for existing EWDD contractors only, Demonstrated Ability shall be evaluated on the basis of past performance, as documented in records on file with EWDD.

To promote open competition, a performance exhibit shall be included in every procurement that allows non-City contractors to self-certify their Demonstrated Ability on performance measures that mirror those against which City contractors are evaluated. The self-certification shall include contact information of third parties that can verify the self-certified performance.

To the greatest extent possible, Cost Reasonableness shall be an objective, quantitative evaluation.

All proposed costs shall also be reviewed to determine that they are allowable, allocable and necessary in keeping with federal program procurement guidelines.

In conjunction of the Cost Reasonableness evaluation, reviewers shall conduct an analysis of the proposed contract price. This analysis shall include a comparison of each proposed contract price to: 1) all other proposals received; 2) current contract prices; 3) published market prices; 4) to EWDD's own cost estimate; and 5) various metrics such as the cost per individual served.

Proposed costs that cannot be accurately determined, as a result of errors and/or omissions in preparation of the proposed budget, shall not be considered reasonable and shall not be scored.

All proposed indirect costs shall be supported by a letter from the cognizant federal agency.

All proposed profit must be reviewed to determine that it is in accordance with Directives that are current for the proposed contract period.

To maintain the integrity of the process, a minimum of two (2) staff members shall review sections of proposals that cannot be reviewed by outside reviewers.

In the event that the EWDD Operations (OPS) notifies PCD of its intent to respond to a procurement issued by PCD, a clearly defined boundary must be established between



PCD as the administrator of the procurement and OPS as the proposer.

The following actions shall be taken:

The EWDD General Manager and the Assistant General Managers of Workforce Development and Finance and Administrative Services shall be notified in writing of such intent;

OPS staff shall be prohibited from participating, discussing, or inquiring of PCD staff in any way, regarding the development, review, and/or scoring of such proposal, with the exception of any publicly-held meeting of which the procurement and proposal are the subject; and

PCD staff and OPS staff, including the respective Assistant General Managers, are prohibited from engaging in any discussions regarding the procurement until the procurement review has been concluded and the scores have been formally released to the proposers and to the CCFS, CAB and/or the WIB.

In the event that a City Department notifies PCD of its intent to respond to a procurement issued by PCD, a clearly defined boundary must be established between PRE as the administrator of the procurement and the City Department as the proposer.

The following actions shall be taken:

The EWDD General Manager and the Assistant General Managers of Workforce Development and Finance and Administrative Services shall be notified in writing of such intent;

City Department staff shall be prohibited from participating, discussing, or inquiring of PCD staff in any way, regarding the development, review, and/or scoring of such proposal, with the exception of any publicly-held meeting of which the procurement and proposal are the subject.

PCD staff and City Department staff, including the respective Assistant General Managers, are prohibited from engaging in any discussions regarding the procurement until the procurement review has been concluded and the scores have been formally released to the proposers and to the CCFS, CAB and/or the WB.

To be considered for funding, a proposal must receive a score of at least 70 points. However, a score of 70 points, or more, shall not be a guarantee of funding. In addition, a high score does not necessarily guarantee funding.

EWDD shall reserve the right to determine that a procurement process has failed. The basis for failure may include: a lack of sufficient responses; and/or a lack of responses that meet the requirements of the procurement document.

In the event that EWDD determines that procurement has failed, EWDD shall notify all proposers of such determination in writing.

### **Release of Results and Funding Recommendations**

All proposers shall be notified in writing signed by the Assistant General Manager of Workforce Development of the outcome of the procurement.

Funding Recommendation Letters shall include: 1) the score awarded; 2) the amount of funds being recommended to the proposer; 3) the right to appeal the procurement

process, and 4) a caveat that the recommendations remain subject to approval by the appropriate Commission or Board, City Council and Mayor, and are contingent upon the availability of funds.

The results of the procurement may be concurrently released to the appropriate Commission or Board.

### **Presentation of Scores and Funding Recommendations to Board**

PCD shall present the results of the procurement, including the scoring, to the appropriate committee on the WB in a Funding Recommendation Report addressed to the relevant Board president.

A Funding Recommendation Report shall be prepared and submitted to the Executive Committee of the WB for its consideration. The Funding Recommendation Report shall provide:

- The summary of the facts pertaining to the procurement
- The purpose of the procurement
- When the procurement was conducted
- The number of proposals received
- The method of evaluating the proposals
- The meetings conducted with proposers
- The results of any appeals hearing(s)
- The results of the procurement may be concurrently released to the proposers.
- The relevant committee shall meet within a reasonable time following conclusion of the review process, and consider EWDD's recommendations.

### **Appeals Procedures**

Appeals shall be limited to issues arising from the procurement process.

All proposers shall be advised of their right to appeal the procurement process.

For all WIOA-funded procurements, the Appeals Board shall be established in accordance with the WIB/LEO (Local Elected Official) agreement.

For all CDBG-funded procurements, the Appeals Board shall be comprised of three (3) to five (5) members of the CCFS appointed by the CCFS Chair.

For all CSBG-funded procurements, the Appeals Board shall be comprised of three (3) to five (5) members of the CAB appointed by the CAB Chair.

For all jointly-funded procurements, the Appeals Board shall be comprised of a minimum of two (2) commissioners or board members from each body, as appointed by each Chair.

All Appeals Board members shall be provided with a copy of the procurement document, a copy of this document (Procurement Guidelines), a summary of facts regarding the specific procurement that includes a written summary of the procurement

process, and each written appeal together with a departmental response.

In the Appeals Hearing, appellants shall have five (5) minutes to make their oral presentation that shall be followed by a question and answer period not to exceed fifteen (15) minutes at the discretion of the Board.

At the conclusion of the Appeals Hearing, the Board shall take one (1) of the following actions:

- Uphold the score awarded by EWDD; or
- Sustain the appeal and remand the proposal to EWDD with direction.
- For WIOA funded programs, the Appeal's Board decision shall be considered final.
- For CDBG and CSBG programs, the Appeal's Board decision is subject to City Council and Mayoral approval.
- The results of the Appeals Hearing shall be compiled into a report and submitted to the executive committee of the appropriate commission or board.

#### **Approval of Funding Recommendations by Commission and/or Board**

Upon approval of the funding recommendations by the Executive Committee of the appropriate Commission or Board, EWDD shall prepare a Council Committee transmittal that outlines the procurement process and results.

In accordance with EWDD policy, all transmittals shall be executed by EWDD executive staff and the General Manager at the regularly scheduled transmittal meeting.

Transmittals that pertain to the use of WIA funds shall be jointly addressed to the Mayor and City Council and signed by both the EWDD General Manager and the WB Chair.

EWDD's PCD shall be provided a copy of the transmittal so that they can immediately identify the appropriate contract boiler plate to be used and assign temporary contract numbers.

Upon release of the Committee transmittal, PCD shall convene a meeting with EWDD OPS staff to determine how participant activity will be reported by contractors and tracked; how contractor performance is to be evaluated; and whether the SOFA Annual Evaluation Model shall be applied to the proposed contractor agreements.

At this meeting PCD shall also present to OPS a draft "Offer Sheet" to be issued to successful proposers. The Offer Sheet contains a summary of the services to be provided, the cost of such services, performance goals and the term of the agreement.

No proposer shall be recommended for funding if the State of California or the City of Los Angeles has established that there is a debt against a proposer that has not been repaid, or for which a repayment agreement has not been executed.

No proposer shall be recommended for funding that has been debarred, suspended or otherwise excluded from participation in federal assistance programs. All contracts shall include a self-certification by the contractor that it is not a debarred party. The federal government compiles a list of debarred parties. The federal list is published by the General Services Administration (GSA); and a copy of such information may be obtained by reviewing an online list of excluded parties at the Excluded Parties List

System (EPLS) website ([www.epls.gov](http://www.epls.gov)).

Notwithstanding a designation of being “high risk,” a proposer may be recommended for funding where there is documentation of the proposer’s demonstrated ability to perform under the agreement.

High Risk is defined as having a demonstrated history of unsatisfactory performance, financial instability, poor administrative practices, or failure to comply with the terms and conditions of previously awarded agreements.

In the event a high-risk proposer is recommended for funding, special conditions shall be imposed and set forth in the agreement with the City. Such special conditions shall include:

- Compensation to the contractor solely on a cost-reimbursement basis with no opportunity for the receipt of advance payments for services performed.
- Requiring the contractor to subcontract with a third party to perform those duties and responsibilities that the contractor has a demonstrated inability to perform, or to secure technical assistance.
- Increased monitoring by the City and/or increased reporting by the contractor.
- Requiring prior approvals of personnel and other actions.

The contractors shall be advised of any special conditions included in the agreement prior to the execution of the agreement with the City, and the reasons for the imposition of such special conditions. The process for requesting the reconsideration or termination of such special conditions shall be set forth in the agreement.

### **City Council and Mayor Approval**

Upon approval by the City Council and Mayor of EWDD’s funding recommendations under the procurement, PCD shall notify all proposers in writing of the final results of the procurement.

The letter shall include an offer to contract, a.k.a. the Offer Sheet, to the successful proposers.

The letter shall include a request that the successful proposer accept, in writing, the terms set forth in the Offer Sheet within five (5) days of receipt. If the successful proposer does not accept the terms, the proposer may request a meeting to negotiate the outstanding terms.

### **Contract Negotiations and Execution**

OPS is responsible for all contract negotiations and contract execution, in accordance with EWDD’s Contracting Procedures.

### **Maintenance of Records**

EWDD shall maintain records documenting each procurement, including:

- A copy of the procurement document.
- The rationale for the method of procurement.
- The cost analysis.

- The guiding principles for the procurement as approved by the CCFS, CAB or WIB.
- Research materials, meeting notes and other materials that were part of the development of the procurement.
- The Committee transmittal and Council Action authorizing the release of the procurement document.
- The scoring instrument.
- A description of the scoring methodology.
- The public notice of release of the procurement.
- Technical assistance questions and answers.
- Copies of proposals.
- Copies of the letters notifying the proposers of their scores.
- A copy of the report to the CCFS, CAB or WIB seeking approval of the scores awarded.
- A copy of the material provided to the Appeals Board.
- Copies of the letters notifying the proposers of the Appeals Boards' action(s) and their funding recommendations.
- A copy of the report to the CCFS, CAB or WIB advising of the Appeals Boards' actions(s) and requesting approval of the funding recommendations.
- A copy of the transmittal to the Mayor documenting the procurement process and requesting approval of the proposal results.
- A copy of the final City Council and Mayor action.
- Copies of letters with contract Offer Sheets to the proposers notifying them of the City Council and Mayor approved action.

Such records shall be documented and placed in a location that is accessible for monitoring and auditing purposes. While all procurement actions should be electronically filed, at least one (1) hard copy of the above listed procurement documents shall be retained.

Records shall be retained for a minimum of five (5) years following termination of the agreement and after final disposition of pending matters. Pending matters include audits, litigation, and other business associated with the procurement process. EWDD shall consult with the City Attorney prior to the destruction of any records.

### **Public Records Requests**

Requests to review scoring instruments, the scores of other proposals, time and date stamp logs, or any other documents that are part of the procurement process must be submitted in writing in accordance with the California Public Records Act. The Communications Group of EWDD shall be notified any such request. EWDD shall seek City Attorney guidance prior to responding to any such requests.

## **Code of Conduct**

No staff of the Economic and Workforce Development Department (EWDD) who works in a decision-making capacity shall engage in any activity, including the participation in the selection, award, or administration of a sub-grant or contract where there is a conflict of interest, either real or perceived. A conflict of interest would arise where the EWDD staff member, any member of that person's immediate family, domestic partner, or organization that employs, or is about to employ, a member of the staff member's immediate family has a financial or other interest in the firm or organization competing for an award under an EWDD procurement.

The term "immediate family" includes those persons related by blood or marriage, such as husband, wife, father, mother, brother, sister, son, daughter, father-in-law, mother-in-law, brother-in-law, son-in-law and daughter-in-law.

The term "financial or other interest" includes:

- Any direct or indirect financial interest in a specific contract including a commission or fee, a share of the proceeds, the prospect of a promotion or of future employment, a profit, or any other form of financial gain.
- Any of the following interests in the subcontractor ownership: a partnership interest or other beneficial interest of five (5) percent or more; the ownership of five (5) percent or more of stock; employment in a managerial capacity; or membership on the board of directors or governing body.

No EWDD staff member shall solicit or accept gratuities, favors, or anything of monetary value from proposers, contractors, potential contractors or parties to sub-agreements.

All Strategic Planning and Research section staff members that are assigned to participate in a procurement process shall participate in the City's bi-annual ethics training.

## **Request for Proposals Format**

The following shall serve as a general guideline for the content of a RFP document.

- Cover Page – The cover page should identify the funding source, program, issuance date, submission deadline, anticipated term of contracts, submission address, and information on technical assistance.
- Table of Contents
- Background – The background shall include a discussion of EWDD as the administrative entity for the RFP, a brief overview of the solicitation and the purpose.
- RFP Specifications and Information – This section shall include a discussion of the contract term, eligibility requirements, source of funds and funding request amounts, a preliminary schedule, the proposer's conference, deadline for submission, proposal review process, proposal award, and appeals process.

Scope of Work – This section shall include a discussion of the scope of the work

solicited.

Evaluation Criteria – This section shall include an overview of the major proposal evaluation categories and maximum points possible for award.

Proposal Package – This section shall include a description of the narrative responses to be prepared by the proposer, general proposal preparation guidelines, and the Proposal Contents Checklist. The Checklist is a form that identifies all documents that are to be submitted in order for a proposal to be considered responsive.

General RFP Information – This section shall include a discussion of general proposal conditions including but not limited to:

- Standard Provisions for City contracts
- Costs Incurred by Proposers
- Best Offer
- Alternatives
- Proposal Errors
- Waiver of Minor Administrative Irregularities
- Optional Materials/Services
- Accuracy and Completeness
- Withdrawal of Proposals
- Addendum
- Multiple Proposals
- General City Reservations
- Pre-Award Negotiations
- Contract Negotiations and Execution of Contracts
- Standing of Proposer
- Contractor Responsibility Ordinance
- Proprietary Interests of the City
- Equal Benefits Ordinance
- Living Wage and Service Contractor Work Retention Ordinance
- Slavery Disclosure Ordinance
- Americans with Disabilities Act
- Child Support Assignment Orders
- Assurances
- First Source Hiring Ordinance



- Contractor Participation in Evaluating Future Proposals

This section shall also include a discussion of documents required to be submitted with the proposal including but not limited to:

- Articles of Incorporation and By-Laws
- Resolution of Executorial Authority
- Bidder Certification City Ethics Commission (CEC) Forms
- Certification Regarding American Disabilities Act
- Business Inclusion Program Outreach
- Nonprofit Status Documentation from the Internal Revenue Service
- City Business Tax Registration Certificate
- Contractor Responsibility Ordinance (CRO) Questionnaire
- Equal Benefit Ordinance (EBO)
- Living Wage Ordinance (LWO)

This section shall also include a discussion of contract execution and other contracting requirements including but not limited to:

- Insurance Certificates
- Secretary of State Documentation
- Corporate Documents
- City Business License Number
- Proof of IRS Number
- Certifications
- Affirmative Action Plan
- Collaboration
- Contracting Method/Payment for Services
- Program Income
- Contract Cost
- Records Retention
- Security Clearance and TB Testing
- Governing Law
- Commitment to Carryout All Contractor Responsibilities.
- Incorporation of Proposal into Contract
- Inability to Provide Services
- Breach of Contract



- Amendments/Modifications/Change Orders
- Prime Contractor
- Subcontractors/Joint Ventures
- Copies of Subcontractor Agreements
- Supplier Performance Feedback Meeting
- Periodic Independent Audit
- Financial Audit
- Contractor Evaluation Ordinance
- Independent Audit
- Conflict of Interest
- Business Inclusion Program (BIP) Requirements
- On-line Document Submission
- Proposer Signature Declaration
- Contractor Evaluation

In drafting a Request for Proposals EWDD staff shall use the most recently released RFP as an exemplar. Given that City contracting requirements are subject to revision, the exemplar is to be reviewed by the City Attorney to ensure that it is current and accurate.

(Adopted PY 12-13)

(Revised PY 15-16)

## **High-Growth Sector Initiative Policy**

**EFFECTIVE DATE: July 1, 2015**

### **POLICY STATEMENT**

The goal of this strategy is to develop industry sector expertise within the WorkSource Centers (WSC) in order to fully utilize sector-based employment strategies that lead to career pathways for program participants. A sector strategy is a dual customer approach because it meets the needs of employers while taking into consideration the needs of job-seekers. This strategy offers effective ways to create pathways to sustainable careers through job placements linked to post-secondary education and career ladders with opportunities for growth.

### **BACKGROUND**

The Workforce Investment Board (WIB) identified and prioritized several industry sectors regionally in Los Angeles based on economic trends and indicators of growth industries that have the ability to create opportunities to meet the employment needs of businesses to help produce better employment outcomes. These sectors have included: Advanced/Clean Manufacturing, Construction, Financial Services, Green Technology, Healthcare, Hospitality/Entertainment, Logistics, Security, Utilities.

### **PROCEDURES**

As part of the WSC redesign, individual WSCs are required to formally incorporate the High-Demand Industry Occupation strategies adopted by the WIB into the WSC program design. Individual WSCs are required to specialize in a specific sector as approved by the Economic and Workforce Development Department (EWDD). WorkSource Centers specializing in a specific sector are expected to implement program designs that are inclusive of all city residents and businesses representing the specific sector. WSCs will collaborate with regional and system WSCs in the implementation of Sector Strategies.

The Workforce Development Board (WDB) may prioritize additional sectors as long as it can be demonstrated through current labor market data that new initiatives meet the criteria for sector initiatives.

(Adopted PY 10-11)

(Revised PY 15-16)

## **Incident Reporting**

**EFFECTIVE DATE: July 1, 2015**

### **POLICY STATEMENT**

The City of Los Angeles, Economic and Workforce Development Department (EWDD) has developed a procedure whereby upon being notified or finding any suspected incidents of Workforce Investment Act (WIA)/Workforce Investment Opportunity Act (WIOA) related fraud, abuse, or other criminal activity, EWDD notifies the Compliance Review Division (CRD) of the Employment Development Department (EDD) and the Department of Labor's (DOL) Office of Inspector General (OIG).

### **BACKGROUND**

Per Title 20 CFR Section 667.505 and 667.630, information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately through DOL's Incident Reporting System to the OIG with a copy simultaneously provided to the Employment and Training Administration (ETA). Complaints of gross waste of funds, may also be reported through DOL's Incident Reporting System.

EDD Directive Number WSD12-18 remains in effect and applicable to WIOA funding until revised by EDD.

### **POLICY**

#### First Tier Reporting

As per EDD Directive number WSD12-18 (in effect till revised), all subrecipients that receive WIA/WIOA funds shall promptly report to the CRO and OIG, all allegations of WIA/WIOA-related fraud, abuse, and other criminal activity.

"Each subrecipient shall establish appropriate internal procedures to prevent and detect fraud, abuse, and criminal activity. These procedures must include a reporting process to ensure that the CRO and OIG are notified immediately of any allegations of WIA/WIOA-related fraud, abuse, or criminal activity. Internal procedures must be in writing and include the designation of a person on the subrecipients' staff who will be responsible for such notifications."

The City of Los Angeles, Economic and Workforce Development Department (EWDD) is a subrecipient referenced in EDD Directive WSD12-18 and maintains internal procedures in writing, to gather, respond/report and resolve complaints and/or any allegations of WIA/WIOA-related fraud, abuse, or criminal activity. EWDD enforces EDD Directive number WSD12-18 by requiring subrecipient contractors to comply with required reporting.

#### Second Tier Reporting

EWDD issued WDS Directive No. 15-12; Incident Reporting, dated February 27, 2015, which provides procedures for reporting incidents, including but not limited to criminal fraud, criminal abuse or other criminal activity, and noncriminal complaints, such as waste of WIA/WIOA funds, to the Compliance Review Division (CRD) of the Employment Development Department (EDD) and the Department of Labor's (DOL)

Office of Inspector General (OIG).

The City's Contractors are advised by EWDD that all recipients of WIA/WIOA funds have the responsibility to be alert for, and report, any suspected fraud, abuse, or other criminal activity, or non-criminal activity, including gross waste of funds, mismanagement, and dangers to the public health or safety. In addition, all "lower tier subrecipients", (i.e. Workforce Development System Contractors) have the responsibility to the Office of Inspector General (OIG), the Employment Development Department (EDD) and Compliance Resolution Unit, and their funding agency, e.g., City of Los Angeles LWIA/LWDA, to report all suspected incidents of WIA/WIOA related fraud, abuse, or other criminal activity immediately or within one workday of detection or discovery of information alleging fraud, abuse or criminal activity involving WIA/WIOA funds.

Additionally, Contractors are required to bring WDS Directive No. 15-12 to the attention of all WorkSource/OneSource Center staff by providing a copy of the directive to all staff funded by WIA/WIOA and for them to also acknowledge receipt of the Directive by signing an acknowledgement receipt (See Exhibit I - Below).

**PROCEDURES**

Upon receiving information reporting suspected incidents of WIA/WIOA related fraud, abuse or other criminal activity, report the finding(s) as follows to:

**Report submission information:**

To the State of California Employment Development Department:  
Compliance Review Unit  
Program Review Branch  
Employment Development Department (EDD)  
722 Capitol Mall, MIC-22  
P.O. Box 826880  
Sacramento, CA 94280-001  
ATTENTION: Jessie Mar, Chief  
Compliance Review Office

And, to the OIG (Choose one of the following methods) at its Web Site:

[www.org.dol.gov/hotlinecontact.htm](http://www.org.dol.gov/hotlinecontact.htm)

Or by mail to:  
Office of Inspector General  
Complaints Analysis Office  
United States Department of Labor  
200 Constitution Avenue, N.W., Room S-5506  
Washington, D.C. 20210  
Telephone: 1(800)347-3756  
FAX: 1(202)693-7020

And, to the Economic and Workforce Development Department:  
Equal Employment Opportunity Section  
1200 W. 7<sup>th</sup> Street, 6<sup>th</sup> Floor  
Los Angeles, CA 90017  
Attn: Maureen Brown, EO Compliance Officer  
Telephone: 1-213-744-7272

Allegations considered to be of an emergency nature may be reported by telephone to the Compliance Resolution Unit Supervisor at 1-916-653-0298 and by calling the OIG Hotline at 1-800-327-3756 and followed immediately thereafter by a written report.

**REFERENCES:**

Title 20 Code of Federal Regulations (CFR) Sections 667.505 and 667.630  
EDD Directive Number WSD12-18 dated June 12, 2013

**Attachments:**

Exhibit I – Acknowledgement of Responsibility to Report All Suspected or Proven WIA/WIOA Related Fraud, Abuse or other Criminal Activity, or Non-Criminal Activity

(Approved PY14-15)

(Revised PY 15-16)

**EXHIBIT I – Incident Reporting**

**ACKNOWLEDGEMENT OF RESPONSIBILITY TO REPORT ALL SUSPECTED OR PROVEN WIA/WIOA RELATED FRAUD, ABUSE, OR OTHER CRIMINAL ACTIVITY, OR NON-CRIMINAL ACTIVITY.**

I, \_\_\_\_\_, understand that as an employee  
Name (Print)

who is being paid with Workforce Investment Act (WIA)/Workforce Investment Opportunity Act (WIOA) funding, I have the responsibility to report all suspected or proven WIA/WIOA related fraud, abuse, or other criminal activity, or non-criminal activity including gross waste of funds, mismanagement, and dangers to the public health or safety immediately, or within one working day of detection of the incident, to the Office of the Inspector General of the U.S. Department of Labor, Compliance Review Unit of the State Employment Development Department, Workforce Development System, EWDD and declare that I have received a copy of the Economic Development Department, WDS Directive No. 15-12 (dated February 24, 2015) regarding Incident Reporting.

Signature: \_\_\_\_\_ Date Signed \_\_\_\_\_

WorkSource/OneSource Center: \_\_\_\_\_

## **Individual Training Accounts (ITA) Policy**

**EFFECTIVE DATE:** July 1, 2015

### **POLICY**

This policy provides guidance regarding the requirements for establishing an ITA.

### **BACKGROUND**

Per the Workforce Innovation and Opportunity Act (WIOA) Regulations, Individual Training Accounts (ITA) may be established on behalf of customers to purchase classroom-training services from the State approved, Eligible Training Providers List (ETPL). A One-Stop center may issue an Individual Training Account (ITA) to fund training for adults and dislocated workers who after an interview, evaluation, or assessment, and after career planning have been determined by the one-stop operator or one-stop partner, as appropriate, to be in need of training to obtain employment or remain employed. The individual can then compare the offerings on the ETPL, and, with the advice of One-Stop staff, select the most appropriate training program. In this way, the ETPL helps to provide customer choice, while also supporting quality training programs. (EDD RWIAD06-15)

With the exception of certain types of customized and On-the-Job training, and the alternatives to traditional ITA training programs described in the Alternative Training Programs Policy, only training providers through their training programs listed on the ETPL are eligible to receive WIA funds to train adults and dislocated workers. This list is available on the Internet at: [www.caljobs.ca.gov](http://www.caljobs.ca.gov)

### **PROCEDURES**

ITAs may be established for City of Los Angeles WIA/WIOA customers only if the conditions set herein are met:

- The customer is unemployed or employed at a wage that is below the level of self-sufficiency consistent with the adopted policy of self-sufficiency approved by the Workforce Development Board (WDB).
- The customer was determined unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services.
- The customer was determined to be in need of training services to obtain or retain employment that leads to self-sufficiency or wages comparable to or higher than wages from previous employment.
- The customer was determined to have the skills and qualifications to successfully participate in the selected program of training services.
- The customer has been unable to secure other financial assistance to cover the cost of training, including Pell Grants.
  - Registered participants ineligible for Pell Grant assistance will not be

denied access to training.

- A participant may enroll in a WIOA-subsidized training while his/her application for a Pell Grant is pending as long as the WorkSource Centers operator has made arrangements with the training provider and the participant regarding allocation of the Pell Grant. The training provider must reimburse the WorkSource Centers operator for the amount the Pell Grant subsequently awarded to customer. Reimbursement is not required from the portion of Pell Grant assistance disbursed to the WIOA participant for education-related expenses.
- An ITA may be provided to individuals who require assistance beyond that made available under other grant assistance programs, including Federal Pell Grants.
- The customer has not participated in WIA or WIOA funded ITA training for 24 months following their last date of attendance in, or completion of, a prior WIA or WIOA funded training through the City of Los Angeles.
- The customer has been unable to identify and/or enroll in a comparable course offered by local public educational institution.
- The customer has selected a training course or combination of courses from the ETPL in consultation with a case manager and consistent with customer's Individual Employment Plan (IEP).
- The training must lead to employment in a demand or growth occupation with a defined career ladder.<sup>2</sup> The determination of demand or growth occupations must be consistent with the Annual Plan's policy regarding the definition of demand occupations and utilize to the fullest extent possible the labor market information system of the EDD (Ref WIA EDD Directive WIAD06-17, [http://www.edd.ca.gov/Jobs\\_and\\_Training/pubs/wiad06-17.pdf](http://www.edd.ca.gov/Jobs_and_Training/pubs/wiad06-17.pdf)).
- The training must result in a wage at placement, which meets or exceeds the City's Living Wage standard, with the goal of attaining self-sufficiency.
- The training must result in the attainment of an industry-recognized certificate, if available, or the attainment of skills of a generally accepted standard.

### **Other Conditions**

- Any customer who has met the aforementioned conditions must be referred to the training provider of choice unless the program has exhausted training funds for the program year. The program year approved budget shall reflect the training funds available.

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<sup>2</sup> This is consistent with the WDB approved Customized Training Policy.



- A one-stop operator or one-stop partner is not required to conduct a new interview, evaluation, or assessment of a participant if the one-stop operator or one-stop partner determines that it is appropriate to use a recent interview, evaluation, or assessment of the participant conducted pursuant to another education or training program.
- An individual is not required to receive career services prior to receiving training services.
- All classroom training providers are required to be on the ETPL regardless of whether or not they issue a certificate.
- Supportive services and needs based payments must be provided consistent with the WDB approved policy on Supportive Services and Needs Based Payments; unless, through a financial needs assessment, it has been determined that the customer is ineligible for such support or has sufficient resources to remain in training. The assessment should be documented and be part of the IEP and placed in individual participant folder.
- EDD Directive WIAD06-17 requires a policy on the amount and duration of an ITA, based on the market rate for local training programs. Therefore, this policy establishes that no customer shall be referred to a course offering with a total tuition of greater than \$7,500 or duration longer than twelve months without prior City approval. Customers may, however, use other sources of funds to cover those costs that exceed \$7,500. The customer's file should show the leveraging of funds for the customer covering either the full training or payment in excess of \$7,500 in training fees.
- Notwithstanding the leveraging of funds, in cases where there is a viable reason to subsidize a training costing in excess of \$7,500 and/or provide training longer than twelve months in duration the service provider shall obtain prior City approval.
- In such cases, this policy prohibits the issuance of a training voucher prior to the approval of the City; therefore, it is the sole responsibility of the service provider to submit its written request, indicating the reasons for the exemption(s), in a timely manner so as not to impede the registration of the WIA/WIOA customer in the course of choice consistent with his/her employment plan (IEP).
- Priority for ITAs funded through the adult and dislocated worker programs must be given first to WIOA qualified job seekers who are Veterans and/or their eligible spouses (EDD Directive WSD08-10m [http://www.edd.ca.gov/Jobs\\_and\\_Training/pubs/wsd08-10.pdf](http://www.edd.ca.gov/Jobs_and_Training/pubs/wsd08-10.pdf)), then to recipients of public assistance or those whose income falls below the higher of either the Lower Living Standard Income Level (LLSIL) or the Poverty Guidelines.
- The City reserves the right to prohibit the referral of customers to schools that have poor performance records in serving City customers.
- Training institutions, not on the ETPL, may generally provide training under 15 percent statewide projects and with 25 percent dislocated worker funds, excluding rapid response funding. However, the training institution must meet

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state licensing requirements, such as those governed by the Bureau of Private Postsecondary and Vocational Education.

- Any revisions to the ITA policy after an Annual Plan has been released for the program year shall be issued through a City Directive. The City's WDB adopted policies and City Directives on ITA shall not be inconsistent with those requirements mandated by DOL and EDD.
- A copy of this approved policy, together with a complete explanation of the limited funds available, should be shared with potential ITA customers before training services are provided.

(Adopted PY 12-13)

(Revised PY 15-16)

## **Industry-Certified Training Policy**

**EFFECTIVE DATE: July 1, 2015**

### **POLICY**

All classroom vocational training provided to enrolled WIOA participants shall lead to an industry recognized certificate. EWDD may withhold payment for any classroom vocational trainings that do not comply with this requirement.

### **PROCEDURES**

For the purpose of this policy, EWDD shall apply the definition of 'Certificate' provided in the Department of Labor, Employment and Training Administration (DOL/ETA) Training and Employment Guidance Letter (TEGL) 17-05 below:

(<http://wdr.doleta.gov/directives/attach/TEGL17-05.pdf>):

Certificate – A certificate is awarded in recognition of an individual's attainment of measurable technical or occupational skills necessary to gain employment or advance within an occupation. These technical or occupational skills are based on standards developed or endorsed by employers. Certificates awarded by workforce investment boards are not included in this definition. Work readiness certificates are also not included in this definition. A certificate is awarded in recognition of an individual's attainment of technical or occupational skills by:

- A state educational agency or a state agency responsible for administering vocational and technical education within a state.
- An institution of higher education described in Section 102 of the Higher Education Act (20 USC 1002) that is qualified to participate in the student financial assistance programs authorized by Title IV of that Act. This includes community colleges, proprietary schools, and all other institutions of higher education that are eligible to participate in federal student financial aid programs.
- A professional, industry, or employer organization (e.g., National Institute for Automotive Service Excellence certification, National Institute for Metalworking Skills, Inc., Machining Level I credential) or a product manufacturer or developer (e.g., Microsoft Certified Database Administrator, Certified Novell Engineer, Sun Certified Java Programmer) using a valid and reliable assessment of an individual's knowledge, skills, and abilities.
- A registered apprenticeship program.
- A public regulatory agency, upon an individual's fulfillment of educational, work experience, or skill requirements that are legally necessary for an individual to use an occupational or professional title or to practice an occupation or profession (e.g., FAA aviation mechanic certification, state certified asbestos inspector).
- A program that has been approved by the Department of Veterans Affairs to offer education benefits to veterans and other eligible persons.
- Job Corps centers that issue certificates.

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- An institution of higher education that is formally controlled, or has been formally sanctioned, or chartered, by the governing body of an Indian tribe or tribes.

(Adopted PY 11-12)

(Revised PY 15-16)

## **Limited English Proficient Policy**

**EFFECTIVE DATE: July 1, 2015**

### **POLICY STATEMENT**

This policy provides guidance and sets standards for the City of Los Angeles Workforce Development System<sup>3</sup> and other agencies serving LEP individuals to ensure meaningful and timely access to Workforce Innovation and Opportunity Act (WIOA) funded programs and services.

For this purpose, no one will be denied access to information, services, or resources throughout the Workforce Development System because of their limited proficiency in the English language, or be subjected to unreasonable delays in the receipt of such services. A person can qualify as LEP if they are an adult or out of school youth, who has a limited ability to read, write, speak, or understand English, and a) whose native language is a language other than English; or b) who lives in a family or community environment where a language other than English is the dominant language.

### **BACKGROUND**

The WIOA requires nondiscrimination on the basis of national origin in programs receiving Federal financial assistance. Denial of equal access to federally funded programs and activities based on national origin, including Limited English Proficient (LEP) is strictly prohibited. This policy is pursuant to Section 188 of WIOA; Title VI of the Civil Rights Act of 1964; Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency;" the Dymally-Alatorre Bilingual Services Act; and the U.S. Department of Labor (DOL) Training and Employment Guidance Letter 26-02.

### **POLICY**

Language Assistance Plan

The Workforce Development System through its WorkSource and YouthSource Centers must develop a language assistance plan that is annually updated and submitted to the City as part of the Request for Contract Renewal (RFCR). The contents of the Language Assistance Plan must at a minimum consist of the following elements;

- Limited English Proficiency Language Assessment Survey
  - LEP client policy
  - Current demographics showing the number of LEP individuals requiring language assistance during the prior program year
  - Description of language assistance tools (e.g. "I Speak" Identification Cards)
  - List of vital documents available for dissemination to LEP persons
  - Updated information identifying staff who are bi-lingual or multi-lingual
- The Centers have two primary ways to provide language services: Oral interpretation, either in person or via a telephone interpretation service, and

<sup>3</sup> Workforce Development System includes the WorkSource Centers and the YouthSource Youth Opportunity System

written translation. The correct mix of language assistance services should be based demographic data reflected in the LEP Assessment and on what is both necessary and reasonable.

### LEP Assessment

As the first key to ensuring meaningful access, each agency in the Workforce Development System will conduct a thorough annual assessment of the languages spoken by customers and potential customers in the communities it serves. In addition to identifying the current LEP makeup of the service areas, the Workforce Development System will also examine a) whether existing LEP resources and tools are adequate and, b) what improvements are needed to outreach to LEP populations that might be underserved relative to their proportion in the service area. This analysis and review of services will be made part of the annual Request for Contract Renewal (RFCR) package.

For the Workforce Development System to properly assess the significant LEP population, the Workforce Investment Board (WIB) promotes the use of the DOL's four factors to determine the language needs of an area<sup>4</sup>:

- The number or proportion of LEP persons served or encountered in the eligible service population--the greater the number or proportion of LEP persons in a language group, the more language services needed;
- The frequency with which LEP individuals come in contact with the program--higher frequency requires more services;
- The nature and importance of the program, activity, or service provided by the recipient; and
- The resources available to the recipient and costs--larger recipients with larger budgets must provide a higher level of language services

In assessing the first factor, consider any temporary but significant changes in the community's demographics. For example, in some communities, the population swells during peak vacation periods or seasonal influx for agricultural or manufacturing employment purposes.

The second factor, frequency of contact, should be considered in the light of areas or neighborhoods that may have concentration of LEP individuals. In such cases, even if the overall number of LEP persons in the area is low, the frequency of contact may be higher.

The third factor should be taken in the light of how the services available in the area impact the lives of its target population. The more important the program, or the greater the possible consequences of the contact for LEP individuals, the more likely the language assistance services will be necessary.

The fourth factor should be considered in promoting service quality and service integration that provide a seamless system with a responsive and comprehensive array of services.

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<sup>4</sup> Department of Labor, Civil Rights Center, Federal Register, issued May 29, 2003, p.32294-32295.

### Translation of Vital Documents

The language assistance plan should incorporate a plan to translate “vital” written materials into the languages that were identified through the LEP assessment. DOL has acknowledged the difficulty in identifying vital documents. However, the federal register states that “meaningful access” must be granted to all individuals. Thus, vital documents could include:

- Applications to participate in a Workforce Innovation and Opportunity Act (WIOA) program, activity, or services
- Written tests that do not assess English language competency, but test the competency for a particular license, job, or skill for which English language proficiency is not required
- Consent and compliance forms
- List of partners at a Center and services provided
- Letter containing important information regarding participation in a program or activity
- Notices pertaining to the reduction, denial, or termination of services or benefits and of the right to appeal such actions
- Notices that require a response from beneficiaries
- Information on the right to file complaints of discrimination
- Information on the provision of services to individuals with disabilities
- State wage, hour, safety, health enforcement, and information materials
- Notices advising LEP persons of the availability of free language assistance
- Other marketing and outreach information

Additionally, all translated documents must be reviewed for accuracy. Even though certified translators are not required, the Workforce Development System should have mechanisms in place to verify the accuracy of the translated document.

### Interpreter Requirements

At a minimum all interpreters used by the Workforce Development System must meet the following requirements:

- Demonstrated proficiency in both English and another language
- Fundamental knowledge in both languages of any specialized terms or concepts peculiar to the Center’s program or activity
- Sensitivity to the LEP person’s culture
- Demonstrated ability to convey information in both languages accurately; and if possible, use staff trained in the skills and ethics of interpreting

There may be cases where interpretation services are offered to the LEP person and these are declined. In such cases the LEP person may request the use of a family member or friend as an alternative. It is then appropriate for the Center to use this person to assist in the provision of services. However, the use of such a person should not compromise the effectiveness of services or breach confidentiality. In these cases, the Center should have a competent bilingual staff member observe the communication and interpretation to ensure the accuracy of the information being translated. The

Center must also document in the LEP person's file: the offer of an interpreter, the refusal of free language assistance services, and the witnessing of the communication using "Interpreter Services Statement" form.

Consistent with U.S. DOL's federal register guidance, the WIB has adopted the following hierarchy of methods to meet LEP needs as needed:

- Ensuring the Workforce Development System hire multilingual staff
- Paid interpreters that are on staff
- Paid outside interpreters
- Use telephone interpreter lines
- Community volunteers-trained in both interpretation and in WIA/WIOA programs
- Not using children, family members, friends, and/or strangers as interpreters except in an emergency circumstances or when the LEP person decides to use them after being advised of free and competent interpreters being available.

#### LEP Customer Flow

After the Center identifies an LEP customer's primary language through a language needs assessment, this information should be documented in the case files preferably using a language identification form such as the Oral and Written Language Designation Form. The choice of whether to use the LEP individual's primary language for oral or written communication is the customer's choice.

The Workforce Development System will serve LEP individuals in their service delivery areas and ensure that LEP customers are offered meaningful and equal access to WIOA services. Each Center must be able to describe and document how LEP customers receive services. This will be subject to review by the City's LEP Coordinator and reported to the WIB.

Furthermore, as the WIB develops new sector initiatives and other training programs, Vocational English As a Second Language (VESL) training should be incorporated in these programs to increase LEP customer participation. The WDB is committed to designing programs to ensure that limited English speakers are included in skills training as well as bridge programs as described in a WDB policy on Training and Supportive Services. Moreover, the Workforce Development System shall leverage resources to increase training opportunities in other languages where available.

#### Monitoring and Oversight

Both Workforce Development System and City staffs will be responsible for monitoring the quality of services to LEP persons.

The Workforce Development System must annually evaluate its language assistance plan to keep information current on the LEP makeup of its service area, the communication needs of LEP customers, whether assistance offered is meeting the needs of such persons, whether staff is knowledgeable about policies and procedures and how to implement them, and whether sources of, and arrangements for, assistance are still current and viable. Oversight of the plan should include obtaining the LEP persons' feedback in these areas.



Monitoring and evaluation of the Workforce Development System for compliance with Civil Rights legislation will be incorporated in the regular monitoring processes.

The City's evaluation of the Workforce Development System's efforts in serving LEP customers will be measured through the DOL 4-factor analysis and through the following activities:

- Outreach and enrollment activities
- Surveys of customers, clients, and advocates to determine customer satisfaction
- Periodic assessment of current data and local demographics
- Review of the effectiveness of agency policies and practices describing services to LEP individuals
- Review staff capacity by determining in-house linguistic resources, recruiting and hiring bilingual or multi-lingual employees and promote continuing education to enhance staff ability to serve LEP clients
- Review of the agency's protocol in receiving and responding to complaints by customers.

#### **REFERENCES**

- Section 188 of the Workforce Innovation and Opportunity Act of 1998
- Federal Register Part IV (Volume 68, Number 103) Civil Rights Center; Enforcement of Title VI of the Civil Rights Act of 1964; Policy Guidance on the Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons; Notice (May 29, 2003)
- Dymally-Alatorre Bilingual Services Act, California Government Code Section 7290-7299.8
- Employment Development Department WIA Directive, Subject: Limited English Proficiency (May 12, 2005)
- Department of Labor Training and Employment Guidance Letter 26-02
- Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency"

(Adopted PY 02-03)

(Revised PY 15-16)

## **On-the-Job Training Policy**

**EFFECTIVE DATE: July 1, 2015**

### **POLICY STATEMENT**

This Policy provides a definition and information related to On-The-Job-Training based on information provided by the Workforce Investment and Opportunity Act (WIOA).

### **BACKGROUND**

#### **Definition:**

The Workforce Innovation and Opportunity Act (WIOA) Section 3. Definitions (44), defines on-the-job training (OJT) as:

Training by an employer that is provided to a paid participant while engaged in productive work in a job that:

- “Provides knowledge or skills essential to the full and adequate performance of the job;
- Is made available through a program that provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, for the extraordinary costs or providing the training and additional supervision related to training; \*
- Is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.”

In considering this definition, four key concepts should be noted:

- OJT is a training program;
- The trainee is referred to and hired by an employer;
- Productive work is defined by the employer and performed by the individual; and
- The work and required training are related to knowledge or skills that are essential to performing the job.

Subject to the approval of EWDD oversight, OJT length of training may vary based on the complexity of job, participant barriers to employment, funding allowances, etc. Length of training must be appropriate to the occupation for which the participant is being trained, taking into account the content of the training, prior work experience of the participant, and the service strategy of the participant.\*\*

### **PROCEDURES**

#### **OJT Participants**

While the sequence of services is eliminated under WIOA, training should still be made available to individuals only after an interview, assessment or evaluation determines that the individual requires training to obtain employment or remain employed

An appropriate OJT participant:

- Has received an objective assessment and has completed the Individual Employment Plan (IEP) documents supporting the need for OJT as the best option for obtaining secure employment; and
- Is not already been hired in the same or similar job (except for skills upgrades); and
- Will not work for their previous employer unless the OJT is for the purpose of skills upgrade.

Before developing an IEP for each OJT enrollee, the participating WorkSource center will work with the participating employer to identify needed, job-specific skills:

### **Employer Requirements**

OJT is provided under an agreement with an employer in the public, private non-profit, or private sector. Prescreening will be conducted prior to an agreement to ascertain the employer meets the standards set forth in the OJT Agreement, and the employer can provide both training and long-term employment to the OJT participant.

### **Waivers for OJT**

#### **Waiver permitting an Increase in Employer Reimbursement for On-the-Job training – WIA Directive Number WSD 13-8**

The DOL granted California a waiver of WIA Section 101(31)(B) to permit an increase in employer reimbursement for on-the-job training through a sliding scale based on the size of the business. WIA Directive Number WSD 13-8, dated January 8, 2014 provides the detail of the waiver which is **granted through June 30, 2017**. Under this waiver, the following reimbursement amounts are permitted:

- Up to 90 percent for employers with 50 or fewer employees;
- Up to 75 percent for employers 51-250 employees; and
- Up to 50 percent for employers with more than 250 employees.

#### **Waiver of Employer Reimbursement for OJT for Long Term Unemployed, Veterans, and Individuals with Disabilities – WIA Directive Number WSDD-114**

The DOL granted California a waiver of the required 50 percent employer contribution for OJT to permit the use of a sliding scale for the employer contribution based on the length of the participant's unemployment. This waiver also reduces the required 50 percent employer contribution for OJT for veterans and individuals with disabilities.

**This waiver is approved through June 30, 2016.** Under this waiver, the following reimbursement amounts are permitted:

- Up to 75 percent employer reimbursement where OJT is provided to individuals unemployed between 16-51 weeks.
- Up to 90 percent employer reimbursement where OJT is provided to individuals unemployed for 52 weeks or more.
- Up to 90 percent employer reimbursement where OJT is provided to veterans or individuals with disabilities.

For those unemployed for less than 16 weeks, local areas may use the OJT sliding scale based on the size of a business as outlined in Workforce Services Directive WSD13-8. Otherwise, the current statutory reimbursement requirement of 50 percent employer contribution will continue to apply.

**Please note. Since *CalJOBS<sup>SM</sup>* can only track unemployment for up to 26 weeks, local areas utilizing the waiver for individuals unemployed for 52 weeks or more must include documentation in the participant's file that verifies the individual's length of unemployment. Self-attestation, case notes, or a copy of the Notice of Unemployment Insurance Award (*DE 429Z*) are all acceptable forms of documentation.**

## **REFERENCES**

OJT will be in compliance with the following regulations till repealed or amended:  
20 CFR 663.240, 20 CFR 663.245, 20 CFR 663.250, 20 CFR 663.310, 20 CFR 663.700  
20 CFR 664.460(d), 20 CFR 664.700(c), WIA section 101(31)(B),101(31)(c), WIOA Sections 116, 185(d) and 189(i)(3)(B), City WIA Directives 03-15, 06-14, WSD Directive Number 13-8, WSDD-114 and all applicable state labor laws and city ordinances, including the City's living wage regulations.

(Approved PY 11-12)

(Revised PY 15-16)

\*In alignment with current State waivers, the City may adopt a sliding scale for employer reimbursement based on the size of the employers' workforce. Special grants, i.e. National Emergency Grants (NEG), non-formula WIA funding, may allow a sliding scale for employer reimbursement based on employer size and/or a participant's skills gap.

\*\* Special grants, i.e. NEGs (non-formula WIA) may limit OJT training to six months.

## **Rapid Response Services Policy**

**EFFECTIVE DATE: July 1, 2015**

### **BACKGROUND:**

The City's rapid response strategy is designed to provide assistance to employers and employees affected by industry declines, economic dislocations, and natural disasters by quickly maximizing public and private resources. Through linkages with the U.S. Department of Labor (DOL), various divisions of State of California Employment Development Department (EDD), City of Los Angeles WorkSource Center system, and other public and private partners, the City's deployment of its Rapid Response Coordinators (RRC) mitigate the disruption of layoffs by providing affected workers with early intervention, information on private resources and public assistance, and information on economic opportunities that can lead to them quickly reentering the job market. The RRC also provides assistance to employers by exploring human resource solutions that offer alternatives to layoffs, and referrals to other business service needs.

This strategy complies with the State's required activity which directs the Local Area to provide a "rapid response" to Worker Adjustment Retraining Notifications (WARNs) that are issued by employers whenever there are impending business closures and/or worker layoffs of fifty or more individuals. The RRC, however, responds to all layoffs, plant closures, and/or hour reductions regardless of the number of affected employees (Non-WARNs).

### **POLICY**

City of Los Angeles Rapid Response Coordinators (RRCs) will contact affected employers within 48 hours of WARN or Non-WARN notification. RRCs will coordinate with EDD (Workforce Services & Unemployment Benefits), Department of Labor, City of Los Angeles WorkSource System, Labor Unions, and other relevant partners to schedule a planning meeting, orientations, and any other services requested by the affected employer and employees at times and dates convenient to them. In addition, Rapid Response Coordinators will:

- Provide WorkSource Centers (WSCs) who attend a Rapid Response Orientation with copies of the Rapid Response Questionnaires (forms collecting basic contact, employment & education information, and service needs) completed by affected workers (within 48 hours), along with a copy of the sign-in sheet for verification of a "business service" rendered. If more than one WSC attends, the Questionnaires will be divided in equal numbers. [Note: For WSCs to count their participation in this process towards meeting their goal of 70 businesses to be served during the program year, WSCs are to have an established relationship with the employer prior to the layoff and be the entity that referred the affected employer to the Rapid Response Unit.]
- Provide a Rapid Response roster with contact information of all individuals completing a Questionnaire who live within their designated zip codes on a quarterly basis (City & County zip codes have been pre-assigned to each WSC based on location).

**Revised Policies**

- As needed, provide talking points to the WSC representative participating in the RR Orientation to ensure the message is clear and consistent throughout the presentations, and provide any other technical assistance as requested by the WSC in support of services to Dislocated Workers (DWs) (provided resources are available to meet request).
- Provide WSCs with “Rapid Response Re-employment Tool Kits” to give to every DW who attended a Rapid Response Orientation. The “Tool Kit” is a flash drive preloaded with information and resources and is intended to serve as an incentive for the DWs to stay focused on their job search while ensuring that they visit a WSC as soon as possible to start on “the road to reemployment.” The flash drive also gives each DW entering the WorkSource System the capacity to safely store all job search related information they will be using, and quickly and remotely modify files as needed.
- Provide postage-paid WorkSource Center Visit Feedback cards to be given to each DW who attended a Rapid Response Orientation. Cards are intended to provide the Rapid Response Unit with successes and challenges encountered at each of the WSCs.
- Partner with WSC to ensure the best available services are provided to the Dislocated Workers and promote each of the City’s WSCs cadre of services available to DWs and their families beyond the WIA required activities.
- Attend WSC staff meetings when “Dislocated Workers” is a topic on the agenda and at intervals visit the WSC to observe client flow and WSC’s processes.

WORKSOURCE CENTERS (WSCs) form an integral partnership with the City and are key to the effectiveness of its rapid response strategy. The WSCs shall support rapid response activity by sharing pertinent information with the RRC assigned to their facility, participating in rapid response activities, and by engaging workers who may potentially be laid-off or dislocated workers who have been recently separated from employment. WSCs are to notify their designated RRC of impending layoffs, plant closures, or hourly reductions for workers as this information becomes available. Further, the WSCs are required to:

- Participate in Rapid Response Planning Meetings and/or Orientations to present the WorkSource System, upon confirmation with the employer, and as requested by the RRC. In addition, participate, as needed in other Dislocated Worker-related Rapid Response activities (such as Job Fairs, workshops, etc.).
- Contact potential DWs within 48 hours of having received copies of the questionnaires collected during a Rapid Response Orientation by the RRC.
- Contact the individuals appearing on the quarterly rosters (generated by zip codes) and report their status within 2 weeks of receipt (e.g. employed, unemployed, retired, name of WSC visited, etc.). Individuals who are contacted and express a need for dislocated worker services shall be assessed for eligibility and enrolled in the DW program.

- Track the number of DWs visiting the City's WorkSource System following a Rapid Response Orientation by disseminating and logging the issuance of "Rapid Response Reemployment Tool Kits" and postage-paid "WorkSource Center Visit Feedback Cards" provided to each WSC by the RRC. WSCs are to provide a copy of the log to the RRC on a monthly basis, and the original log when the sheet is complete.
- Provide the RRC, WSC-specific promotional flyers, etc., they want to be made available at all Orientations regardless of the session location (RRCs can provide further outreach as participants in each Rapid Response Orientation come from the Greater L.A. area)
- Designate a key staff member to act as their Rapid Response Liaison (RRL) who will be responsible for coordinating services and maintaining on-going communication with the RRC. Also, notify the Rapid Response Unit Manager of Liaison changes to schedule Rapid Response training for the new staff within 14 working days of change.
- Track RR Orientation participants who become employed as a result of on-site recruitment or other WSC activities and Report to the RRC all participants employed within thirty days from the official layoff date. Provide the following information:
  - Participant Name
  - Name of the employer participant was laid off from
  - Layoff Date
  - Name of New Employer
  - Hire Date
  - Employment verification (such as correspondence on new employer letterhead or new employer direct email to WSC indicating the hire date; or Dislocated Worker earnings statement; etc.)
- Partner with the City's Layoff Aversion Provider (Economic & Workforce Development Corporation of Los Angeles County – LAEDC) as needed to maximize available resources to meet business needs.

(Adopted PY 13-14)

(Revised PY 15-16)



**Resource Sharing Agreement**

**EFFECTIVE DATE: July 1, 2015**

**POLICY**

The Workforce Innovation and Opportunity Act (WIOA) requires that an agreement(s) be executed between the operators of the WorkSource Center / America’s Job Center of California (WorkSource/AJCC) and the co-located partners at each site, with the objective to ensure that the costs of operating a WorkSource/AJCC are shared between the partners. Examples of such costs are rent, utilities, security, telecommunications, supplies, and equipment.

**BACKGROUND**

At the inception of the Workforce Investment Act (WIA), the precursor to WIOA, the City of Los Angeles executed a Memorandum of Understanding (MOU) with partners mandated by WIA. This original MOU did not address the issue of cost sharing. To ensure compliance, the original document, also known as the umbrella MOU, was amended to address resource sharing. The amended MOU provides guidance for determining the expected contribution of America’s Job Centers of California<sup>SM</sup> / WorkSource Centers (AJCCs/WSCs) co-located partners through language that establishes the method, or formula, by which the AJCCs/WSCs and their partners can calculate the “fair share” that each partner should contribute. Partners of the One-Stop system must contribute a fair share of the operating costs proportionate to the use of services at the One-Stop by individuals attributable to the partner’s program.

Contributions may be provided on a cash or in-kind basis and may include goods, services, personnel, and/or payment for space usage. Since most partners cannot bring actual cash to the table, the MOU uses an approach whereby the Full Time Equivalent (FTE) of partner staff (personnel) hours at each AJCC/WSC is used as the basis for calculating a partner’s fair share contribution. The document being used to capture this information is the Resource Sharing Agreement (RSA).

**POLICY**

The City conducted training on September 24, 2012, to inform the AJCC/WSC operators on how to create a “shared costs budget” to be used in the creation and negotiation of each AJCC/WSCs RSA. Each AJCC/WSC will be required to have an RSA for each program year, which begins July 1, and ends June 30. Similar to the budget process, whereby each agency submits a preliminary budget in their RFCR but then can submit their first official budget for approval in July or August of each year once funding amounts are confirmed, each agency will need to submit their signed RSA when they submit their budget(s) for first approval.

The logic behind this is that once funding amounts are confirmed, agencies will be able to prepare their “shared costs budget” portion of the RSA as they do their WIOA budget calculations, since partner contributions should be figured into each agency’s annual WIOA budget. The partner contributions will be reflected in the RSA, and may be used as a comparison tool for analysts when approving the Formula WIOA budgets.

(REV PY 15-16)

(Adopted PY 13-14)



## **Selective Service Registration**

**EFFECTIVE DATE:** July 1, 2015

### **POLICY**

All programs and services established or receiving assistance under WIOA must comply with the Selective Service registration requirements. These requirements apply to both formula and discretionary grants awarded by the Employment and Training Administration under WIOA. They do not apply to programs funded or solely authorized by the Wagner-Peyser Act.

### **BACKGROUND:**

Only those males who are subject to, and have complied with, the registration requirements of the Military Selective Service Act are eligible for participation in WIOA funded programs and services. Section 189(h) of the WIOA requires the Secretary of Labor to ensure that each individual participating in any WIA program, or receiving any assistance under the Act, has not violated the requirements of Section 3 of the Military Selective Service Act. This section requires that every male citizen and every other male residing in the United States must register with Selective Service between their 18th and 26th birthday. This section also requires the Director of the Selective Service System and the Secretary of Labor to cooperate in carrying out these provisions.

### **PROCEDURES:**

#### **Selective Service Registration Requirements**

Males born on or after January 1, 1960, are required to register with the Selective Service within 30 days of their 18th birthday and up to, but not including their 26th birthday.

This includes males who are:

- Citizens of the U.S.;
- Veterans discharged before their 26th birthday;
- Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees who take up residency in the U.S. prior to their 26th birthday; and/or
- Dual nationals regardless of whether they live in the U.S.

For U.S. citizens, Selective Service registration is not required if the male falls within one of the following categories:

- Males who are serving in the military on full-time active duty;
- Males attending the service academies;
- Disabled males who were continually confined to a residence, hospital or institution;

- Males who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday; and/or
- Veterans discharged after their 26th birthday.

For non-U.S. citizens, Selective Service registration is not required if the male falls within one of the following categories:

Non-U.S. male who entered the U.S. for the first time after his 26th birthday. Acceptable forms of supporting documentation include:

- 1Date of entry stamp in his passport;
- I-94 with date of entry stamp on it; or
- Letter from the U.S. Citizenship and Immigration Services indicating the date the male entered the U.S. (shown along with documentation establishing the male's age).

Non-U.S. male who entered the U.S. illegally after his 26th birthday. He must provide proof that he was not living in the U.S. from age 18 through 25.

Non-U.S. male on a valid non-immigrant visa.

NOTE: The requirement for transsexual, transgendered, and intersex individuals to register with the Selective Service depends upon the gender recorded on their birth certificate. If an individual is recorded as a male, that individual would need to register for the Selective Service regardless of their present sexual identity (e.g. sex change from male to female). However, if that individual's birth certificate is later changed to reflect a female identity, that individual would not be required to register.

This list of Selective Service registration requirements is not exhaustive; however, additional information regarding these requirements can be found on the Selective Service website at [www.sss.gov](http://www.sss.gov). This website also provides a quick reference chart listing who must register at [www.sss.gov/PDFs/WhoMustRegisterChart.pdf](http://www.sss.gov/PDFs/WhoMustRegisterChart.pdf).

### **Acceptable Documentation**

In order to be eligible to receive WIOA-funded services, all males born on or after January 1, 1960, must present documentation showing compliance with the Selective Service registration requirement. Acceptable documentation to determine a person's eligibility for WIOA programs include:

- Selective Service Acknowledgement letter
- Form DD-214 "Report of Separation," (use only if veteran was discharged after his 26th birthday)
- Screen printout of the Selective Service Verification site:

<https://www.sss.gov/regver/wfverification.aspx> For males who already registered, this website can be used to confirm their Selective Service number as well as the date of registration, by entering a last name, social security number, and date of birth.

- Selective Service Registration Card
- Selective Service Verification Form (Form 3A) and/or
- Stamped Post Office Receipt of Registration

#### Registration Requirements for Males Under 26

Before being enrolled in WIOA-funded services, all males who are not registered with the Selective Service and have not reached their 26th birthday must register through the Selective Service website at [www.sss.gov](http://www.sss.gov). If a male turns 18 while participating in WIOA-funded services, registration with Selective Service must be completed no later than 30 days after he becomes 18 in order to continue to receive WIOA-funded services. If a male under the age of 26 refuses to register with Selective Service, WIOA-funded services must be suspended until he registers.

#### Non-Registration by Males 26 and Older

Grantees, subgrantees or contractors, funded or authorized by WIOA, must establish a policy for those potential participants who are 26 or older that failed to register with the Selective Service. This policy may request either a Status Information Letter from a potential participant before making a determination of knowing and willful failure to register; or (2) initiate the process to determine if the potential participant's failure was knowing and willful without first requesting a Status Information Letter. The second option may be preferable for entities that have time limits for enrolling participants (e.g. individuals recently released from incarceration).

Before enrolling in WIOA-funded services, all males 26 and older must provide either:

- Documentation showing they were not required to register; or
- If they were required to register, documentation establishing that their failure to register was not knowing or willful.

Individuals who did not register for the Selective Service or who cannot provide any of the documentation listed in the "Acceptable Documentation" section of this directive must obtain a Status Information Letter from the Selective Service indicating whether they are required to register. The Request for the Status Information Letter form can be accessed at [www.sss.gov/PDFs/infoform.pdf](http://www.sss.gov/PDFs/infoform.pdf) and the instructions can be accessed at [www.sss.gov/PDFs/instructions.pdf](http://www.sss.gov/PDFs/instructions.pdf). The individual will need to describe, in detail, the circumstances that prevented him from registering (e.g., hospitalization, incarceration, military service) and provide documentation of those circumstances. The documentation should be specific as to the dates of the circumstances.

#### Status Information Letter

If the Status Information Letter indicates that an individual was not required to register for the Selective Service, then he is eligible to enroll in a WIOA-funded service. If the Status Information Letter indicates that the individual was required to register and did not register, he is presumed to be disqualified from participation in WIOA-funded activities and services until it can be determined that his failure to register was not knowing and willful. All costs associated with grant-funded services provided to non-

eligible individuals may be disallowed.

An individual may obtain a Status Information Letter from the Selective Service if he:

- Believes he was not required to register; or
- Did register but cannot provide the appropriate documentation.

### **How to Determine “Knowing and Willful” Failure to Register**

(Documentation and Model Questions)

If the individual was required but failed to register with the Selective Service, as determined by the Status Information Letter or by his own acknowledgement, the individual may only receive services if he establishes by a preponderance of the evidence that the failure to register was not knowing and willful. The grantee, subgrantee or contractor that enrolls individuals in WIOA-funded activities, and is thereby authorized to approve the use of WIOA grant funds, is the entity responsible for evaluating the evidence presented by the individual and determining whether the failure to register was knowing and willful.

#### Documentation

Evidence presented may include the individual's written explanation and supporting documentation of his circumstances at the time of the required registration and the reason(s) for failure to register. The individual should be encouraged to offer as much evidence and in as much detail as possible to support his case. The following are examples of documentation that may be of assistance in making a determination in these cases:

- Service in Armed Forces. Evidence that a male has served honorably in the U.S. Armed Forces such as a Form DD-214 or his Honorable Discharge Certificate. These documents serve as evidence that his failure to register was not knowing and willful.
- Third Party Affidavits. Affidavits from parents, teachers, employers, doctors and others concerning reasons for not registering may help grantees in making determinations in cases regarding willful and knowing failure to register.

#### Model Questions

In order to establish consistency regarding the implementation of the requirement, local areas should consider the following questions as a model when determining whether a failure to register is knowing and willful.

In determining whether the failure was “knowing,” authorized organizations should ask:

- Was the individual aware of the requirement to register?
- If the individual knew about the requirement to register, was he misinformed about the applicability of the requirement to him (e.g. veterans who were

discharged before their 26th birthday were occasionally told that they did not need to register)?

- On which date did the individual first learn that he was required to register?
- Where did the individual live when he was between the ages of 18 and 26?
- Does the status information letter indicate that Selective Service sent letters to the individual at that address and did not receive a response?
- In determining whether the failure was “willful,” authorized organizations should ask:
  - Was the failure to register done deliberately and intentionally?
  - Did the individual have the mental capacity to choose whether or not to register and decided not to register?
  - What actions, if any, did the individual take when he learned of the requirement to register?

Finally, a participant’s claim of ignorance (e.g. “I did not know...”) regarding Selective Service registration requirements should not suffice as enough evidence to make a determination if his failure was knowing and willful. Ask him for more evidence to support his claim.

### **Results of Findings**

If an authorized organization determines that an individual’s failure to register with the Selective Service was not knowing and willful and the individual is otherwise eligible, services may be provided. However, if the authorized organization determines that evidence shows that the individual’s failure to register was knowing and willful, WIOA services must be denied. Individuals denied services must be advised of available WIOA grievance procedures. Authorized organizations must keep documentation related to evidence presented in determinations on Selective Service.

(Adopted PY 14-15)

(Revised PY 15-16)

**Self-Sufficiency Policy**

**EFFECTIVE DATE: July 1, 2015**

**BACKGROUND**

Training services are available for individuals who, after interview, evaluation or assessment, and case management are determined to be unlikely or unable to obtain or retain employment that leads to self-sufficiency or higher wages from previous employment through career services alone. Since there are different local conditions that should be considered in the determination of self-sufficiency levels, the federal regulations provide maximum flexibility to states and local areas, requiring only that self-sufficiency means employment that pays at least the lower living standard income level (LLSIL).

**Establishing Self-Sufficiency Income Bases**

In previous years, the WIB had set its self-sufficiency income bases (SSIB) at different levels for adults versus dislocated workers, and employed a formula that included the Federal Poverty Line. This method had been found not to be an accurate measure of working families’ actual income needs.

Starting in Program Year 2005-2006 the WIB had set the SSIB at the same levels for adults and dislocated workers and had employed the SSIB set forth in the Self-Sufficiency Standard for Los Angeles County, CA 2003 by Dr. Diana Pearce, University of Washington, Wider Opportunities for Women and the National Economic Development and Law Center. The data provided by the above report was extensive, but unwieldy; providing some 156 different self-sufficient wages based on various family sizes and children’s ages.

Beginning July 1, 2011, the SSIB has been based on the “Basic Family Wage” income levels for Los Angeles County enumerated in the report from the California Budget Project, *Making Ends Meet: How Much Does It Cost to Raise a Family in California*. This report estimates typical costs of housing and utilities, child care, transportation, food, health coverage, payroll and income taxes, and miscellaneous expenses for four hypothetical families: a single adult, a single working parent with children, a two parent family with children and one working parent, and two working parents with children.

As of December 2013 the Basic Family Wage levels for Los Angeles County were:

	<u>Monthly</u>	<u>Annual</u>
Single Adult	\$2,737	\$32,844
Single Parent Family	\$6,462	\$77,546
Two Parent Family (One Working)	\$5,198	\$62,382
Two Working Parent Family (combined income)	\$6,963	\$83,561

By limiting the SSIB to four scenarios, the eligibility determination process is simplified, providing better customer service to employed customers.

**PROCEDURES**

Until updated, centers shall use the above table to determine self-sufficiency of WIOA customers.

**Distribution of Self-Sufficiency Income Bases**

Updates to the self-sufficiency income bases for the City of Los Angeles WorkSource System will be distributed via Directive.

(Adopted PY 11-12)

(Revised PY 15-16)

## **Services and Referrals to Victims of Human Trafficking Policy**

**EFFECTIVE DATE: July 1, 2015**

### **POLICY**

Employment is an essential step in integrating victims of trafficking into society.

### **BACKGROUND:**

Trafficking in persons affects millions of individuals worldwide. Individuals may be lured into trafficking networks through false promises of good working conditions and high pay as domestic, factory and farm workers, childcare workers, wait staff, sales clerks, models, or other occupations. Others are kidnapped. Many victims of trafficking may remain undetected because strategies used by the perpetrators isolate victims and prevent them from coming forward. Additionally, many victims of trafficking do not self-identify and may be unaware of resources and services that are available to assist them. The DOL plays a role in the U.S. Government's efforts to combat human trafficking. These methods include:

- Identifying and seeking restitution for unpaid labor performed by victims of trafficking;
- Providing training and employment services to victims of trafficking who qualify for those services, and helping them to become self-sufficient;
- Funding research and technical assistance to combat the worst forms of child labor overseas; and
- Maintaining lists of goods, including their countries of origin that are made using forced labor or forced child labor.

### **POLICY AND PROCEDURES:**

America's Job Center/WorkSource Center staff are being asked to review and recognize the characteristics of human trafficking, and refer those individuals to the proper authorities and resources, provide employment and training services, and offer information and referral to other wraparound services or law enforcement.

### **Definitions:**

Section 103(8) of the TVPA defines the term 'severe forms of trafficking in persons' as:

- Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Employment is an essential step in integrating victims of trafficking into society, and therefore, America's Job Center/WorkSource Center Staff is reminded that they can



assist trafficking victims in the following ways, as applicable:

**Recognize the characteristics of victims of trafficking and refer individuals to proper authorities and resources:**

Many victims of trafficking do not self-identify. It is important for America's Job Center/WorkSource Center staff to recognize the characteristics of potential victims of trafficking and refer them to the proper authorities and resources. The following are ways in which to identify potential victims of trafficking:

- The potential victim does not possess identification and/or travel documents.
- The potential victim appears to be coached on what to say to law enforcement and immigration officials.
- The potential victim was recruited for one purpose and forced to engage in some other job.
- The potential victim's salary appears to be being garnished to pay off a smuggling fee. (Note: Paying off a smuggling fee alone is not considered trafficking.)
- The potential victim appears to have been forced to perform sexual acts.
- The potential victim does not appear to have freedom of movement.
- The potential victim and/or his or her family have been threatened with harm if the victim attempts to escape.
- The potential victim has been threatened with deportation or law enforcement action.
- The potential victim has been harmed or deprived of food, water, sleep, medical care, and/or other life necessities.
- The potential victim cannot freely contact friends or family.
- The potential victim is a juvenile engaged in commercial sex.
- The potential victim is not allowed to socialize or attend religious services

For information about hotlines that frontline staff can call to get help for potential victims, refer to the U.S. Department of State's trafficking hotline list at <http://www.state.gov/j/tip/id/domestic/>

If an individual is under immediate threat or states that they are in danger, staff should call 911.

**Provide employment and training services:**

United States citizens or lawful residents who are victims of trafficking can receive the same America's Job Center/WorkSource Center services that are provided to the general public under WIOA. Specifically, Section 188(a)(5) of the WIOA further prohibits discrimination against certain non-citizens and indicates that participation in programs, activities, and receiving funds shall be available to citizens and nationals of the U.S., lawfully admitted permanent resident aliens, refugees, and parolees, and other immigrants authorized by the Attorney General to work in the U.S. Also, this is

discussed under Section 107(b) of the TVPA where it is indicated that certain foreign nationals are also eligible for WIOA services. This includes:

- Victims of a severe form of trafficking in persons, or
- Individuals granted a nonimmigrant “T” visa.

The T nonimmigrant Status (T visa) is available to individuals who are, or have been victims of human trafficking, and protects these victims of human trafficking by allowing them to remain in the U.S. to assist in an investigation or prosecution of human trafficking. Additional information about T visas and the Department of Health and Human Services (HHS) certification process can be found in TEGL 19-01 Change 1. Individuals who are granted T visas from the Department of Homeland Security are also eligible for WIOA I services.

For purposes of being eligible for WIOA services, as a victim of a severe form of trafficking:

- Individuals 18 years of age or older must have been subjected to an act or practice described in the definition of “severe forms of trafficking in persons” and have received a letter of certification issued by the HHS 22 U.S.C. § 7105(b)(1).
- Children under 18 years old who have been subjected to a severe form of trafficking need not be certified by HHS to be eligible for services; instead, HHS issues Letters of Eligibility to victimized children of trafficking. As with any participant, they must meet all applicable program eligibility requirements to receive WIOA services.

Employment and training services for victims of trafficking should follow the same procedures and case management processes as given to other America’s Job Center/WorkSource Center customers. However, in the case of victims of trafficking, services may need to be tailored and adapted to match the particular needs of this population. For instance, victims of trafficking may have Limited English Proficiency (LEP), criminal records (e.g. prostitution), or limited resumes.

Victims of trafficking who have LEP will likely require referrals to courses in English as a Second Language (ESL) in order to enhance job readiness. America’s Job Center/WorkSource Center staff should work with local training providers and community colleges to find ESL course offerings, as needed. The TEGL 26-02 (“Publication of Revised Guidance Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons”) and TEN 14-05 (“Release of On-Line Training Resources and Census Data on Limited English Proficiency Individuals in Local Workforce Areas and a translatable Glossary of Workforce Terms”) provide some resources and guidance on working with LEP persons.

**Offer information and referral to other wraparound services and/or law enforcement:**

In most cases, victims of trafficking will approach America’s Job Center/WorkSource Centers toward the end of their rehabilitation process and will have already been working with other nonprofit organizations and governmental agencies.

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In the event that the victim has not yet received services, it is important for America's Job Center/WorkSource Center staff to be aware and utilize local resources and service providers, particularly non-profit organizations that provide services to trafficking victims. Service providers for trafficking victims can also refer or accompany their clients to the nearest America's Job Center/WorkSource Center when they are ready for employment and training services.

A description of available services for victims of trafficking offered either directly by federal agencies or provided by local service providers with funding from the U.S. Government can be found in the "Services Available to Victims of Human Trafficking A Resource Guide for Service Providers" at <http://www.acf.hhs.gov/programs/orr/resource/services-available-to-victims-of-human-trafficking>

If no local service providers are known, the National Human Trafficking Resource Center (NHTRC) at 1-888-3737-888 can help determine best steps for assisting the individual.

(Adopted PY 14-15)

(Rev PY 15-16)

## **Supportive Services/Needs Based and Incentives Payment Policy**

**EFFECTIVE DATE: July 1, 2015**

### **POLICY STATEMENT**

This policy provides guidance to the City of Los Angeles One-Stop Operators in providing supportive services that are necessary to enable WIOA eligible individuals who cannot afford to pay for such services to participate in authorized Workforce Innovation and Opportunity Act (WIOA) activities

#### **Definition:**

Supportive services are customer services that are necessary to enable WIOA eligible individuals, who cannot afford to pay for such services, to participate in authorized WIOA activities. For Youth participants such activities must correspond to the Ten WIOA Elements for Youth Programs. Examples of such services include but are not limited to:

- Child care and dependent care for dependents of customer
- Clothing - Adequate clothing to allow customer to wear appropriate work attire while participating in WIOA activities and during job interviews
- Housing - Temporary shelter, housing assistance and referral services
- Linkages to community services - Alcohol/drug/gang intervention counseling, drop-out prevention, pregnancy prevention, money management, tutoring or other purposes
- Referrals to medical services - Referral services to appropriate medical service providers
- Transportation - Expenses for commuting to and from WIOA activities such as public transportation fare, carpool arrangement or gas for personal auto
- Other - Services which are consistent with these policies and when justification is maintained in the customer's file. Examples include, but are not limited to, the following: uniforms or work-related tools, including such items as eye glasses and protective eye gear which may be needed for participating in WIOA activities and/or employment, materials for individuals with disabilities, meals, and needs related payments.

#### **BACKGROUND**

WIOA regulations allow Workforce Development Boards to establish limits on the provision of supportive services or provide the WorkSource Centers and YouthSource Centers with the authority to establish such limits, including a maximum amount funding and maximum length of time for supportive services (including needs based payments) to be available to customers. Procedures may also be established to allow WorkSource Centers and YouthSource Centers to grant exceptions to the limits established under this provision.

Additionally, WIOA regulations mandate that post-employment follow-up services must be made available for a minimum of 12 months after registered customers are placed into unsubsidized employment. Follow-up services may include supportive services, provided the services are clearly documented in a registered customer's case file.

## **I. Supportive Services**

### **Supportive Services Policy**

- Supportive services may be provided only when necessary for enabling an individual to participate in WIOA activities and may be made available at any level of service.
- Follow-up services, which may include supportive services, must be provided to all youth participants for a minimum duration of 12 months.
- Supportive services may only be provided to customers who cannot obtain supportive services through other programs or partner agencies providing such services.
- No funding limit is placed on supportive service costs with the exception of needs based payments (see below), however, the costs must be reasonable, necessary, and allowable under federal guidelines.
- Supportive services may be received throughout the period that the customer is enrolled in WIOA and up to a maximum of 12 months after exiting (excluding needs based payments).
- Supportive services must be documented in a customer's file and include a needs assessment and justification for supportive services, amount of planned funding, and verification that services were received.
- Documentation of supportive services must include a receipt in the customer's case file to validate that services were received and to ensure that payments are made for authorized WIA services. Gasoline receipts, for customers using a personal automobile to commute to and from WIA activities, must be obtained to verify that the expenses are necessary, reasonable and allowable.

## **II. Needs Based Payments**

Needs-based payments are supportive services in the form of monetary assistance necessary to enable individuals to participate in an eligible WIOA activity. Needs-based payments are provided through cash assistance or arrangement with another human resource agency.

### **Needs Based Payments Policy**

- Needs based payments may be provided to participants in the WIOA Adult or Dislocated Worker programs during the entire length of time that a customer utilizes a WIOA training program or unpaid work experience, but may not be continued after the customer exits the program. Needs based payments may be provided to WIOA Youth participants at any level of the provision of WIA Youth services during the entire length of time that a Youth participant remains in the

WIOA Youth program. Needs-based payments are not an allowable post-employment/post-exit follow-up service.

- Needs based payments must be documented in a customer's file and include justification for services, amount of planned funding, and verification that services were received.
- Eligibility for needs based payments:
  - Adults must be unemployed, not qualify for UI or have ceased to qualify for UI for the purpose of enabling individuals to participate in programs of training services under WIOA.
  - Dislocated workers must be unemployed and not be qualified, or have ceased to qualify for UI for the purpose of enabling individuals to participate in programs of training services under WIOA.
  - In addition, a Dislocated Worker may be eligible to receive needs-related payments, only if such worker was enrolled in training services:
    - By the end of the 13<sup>th</sup> week after the most recent layoff that resulted in a determination of the workers eligibility for employment and training activities for dislocated worker; or
    - If later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months.
  - All WIOA Youth participants may receive need-based payments. An urgent need for such payments must be demonstrated and documented in the participant's file.
- Limits on payments
  - For adults, establish that the maximum is the current minimum wage for every hour of documented participation in WIOA classroom training. Payment may not exceed the applicable weekly level of the UI.
  - For dislocated workers, payments must not exceed the greater of the following two levels:
    - For customers who were eligible for UI as a result of a qualifying dislocation, payment may not exceed the applicable weekly level of the UI. Payment is based on every hour of documented participation in WIOA classroom training.
    - For customers who did not qualify for UI as a result of a qualifying layoff, the weekly payment may not exceed the poverty level for an equivalent period. Payment is based on every hour of documented participant in WIOA classroom training.
  - c. For Youth, the maximum needs-based payment is \$1,200 per

participant per year.

- A participant may not receive needs-based payments for either post-employment or post exit follow-up services as he/she is no longer participating in an eligible WIA activity, but may still receive all other support services for up to 12 months after exiting the program.

### **III. Incentive payments (Youth Only)**

Incentive payments are funds paid to WIA Youth participants in the form of cash based on attendance, successful performance, or completion of a WIA activity that leads to attainment of a goal as identified in the participant's Individual Service Strategy. Such payments are intended to provide participants with an incentive to remain in the activity or be a reward for good performance.

### **PROCEDURES**

At the start of each fiscal year, which runs from July 1 through June 30, agencies are required to submit a Budget/Expenditure Plan that lists the total amount set aside for Supportive Services.

Monthly Expenditure Reports are due to the Financial Management Division (FMD) of the EWDD no later than the 15<sup>th</sup> of the month for support services provided in the prior month. Agencies need to include those support services provided, as well as those support services leveraged and report them accordingly on to the Non-SB 734 Leverage Resources Form.

A copy of the Non-SB 734 Leverage Resources Form should reflect support services provided to Adult and Dislocated Worker participants. The form should include, participants name, grant code, description of support services and amount.

Two copies of each form need to be submitted each month. One copy of each form needs to be submitted to FMD, and one copy of each form needs to be submitted to your assigned budget/program analyst. FMD does allow invoices to be e-mailed prior to the actual signed copy submission, so if e-mailing FMD, copy your analyst. If the agency only submits hard copies, one copy needs to be sent to the analyst.

FMD will compile the data and make that information available to the Planning Group for use in the agency's annual performance evaluation. This information will also be made available to the Operations Division to help program analysts track their agency's progress throughout the program year. Failure to conform to this requirement may adversely affect an agency's performance results.

### **REFERENCES**

SB 734 (DeSaulnier), Chapter 498, Statutes of 2011

EWDD (formerly CDD) Workforce Development System Directive 12-23

(Adopted PY 04-05)

(Revised PY 15-16)



## **Training Expenditure Requirement Policy**

**EFFECTIVE DATE:** July 1, 2015

### **POLICY**

This policy establishes certain requirements for the amount of formula funding that must be expended on training activities as defined by WIOA.

### **BACKGROUND**

State Senate Bill SB 734 imposed new training expenditure requirements on local boards carrying out WIA funded programs. Beginning Program Year (PY) 2012-13, local boards were required to spend at least 25 percent of their adult and dislocated worker WIA formula fund allocations on workforce training services (this minimum training expenditure requirement does not apply to the youth WIOA formula fund allocations). A portion of the minimum training expenditure requirement (an amount of up to 10 percent of the adult and dislocated worker formula fund allocation) may be met by applying designated leveraged resources (as defined in this policy) used for training services. The State has indicated that these requirements will apply to WIOA funded programs as well.

### **PROCEDURES**

In order to apply toward the minimum training expenditure requirement, formula funds and leveraged resources must be expended on enrolled participants. Additionally, these funds must be spent on training services as defined in Title 20 CFR Section 663.508:

- A program of training services is one or more courses or classes, or a structured regimen, that upon successful completion, leads to: (1) a certificate, associate degree, or baccalaureate degree; or (2) the skills or competencies needed for a specific job or jobs, an occupation, occupational group, or generally, for many types of jobs or occupations, as recognized by employers and determined prior to training.

For this expenditure requirement, training services may include:

- Occupational skills training, including training for nontraditional employment
- On-the-job training
- Programs that combine workplace training with related instruction, which may include cooperative education programs
- Training programs operated by the private sector
- Skill upgrading and retraining
- Entrepreneurial training
- Job readiness training
- Job readiness training includes services that teach skills needed to be successful in the workplace, rather than skills needed to get into the workplace. For



example, job readiness training teaches skills such as office communication, punctuality, and how to conduct oneself with supervisors and co-workers; however, it does not teach skills such as job searching, interviewing, or resume writing.

- Adult education and literacy activities provided in conjunction with one or more of the other training services listed above
- Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training

Additionally, services that met the requirements specified in Title 20 CFR Section 663.300:

This section established that the list of training services in WIA Section 134(d)(4)(D) was not exhaustive. Additional training services may be applied toward the minimum training expenditure requirement if they meet the five requirements below:

- Must be specific to the training the participant is receiving;
- Must be necessary in order to participate in and graduate from the training;
- Must be required for every student in the training;
- Must benefit the individual only if they are in the approved training; and
- Must be documented in writing by the training provider as required. (Acceptable documentation includes a supply list for the course, an email from the training provider, or any other documentation that verifies the items are required for the course.)

Services that meet these criteria include, but are not limited to, books, licenses, tools, equipment, safety gear, drug testing, testing fees, certification fees, student association fees, and uniforms.

Services that do not meet these criteria include, but are not limited to, groceries, child care, dependent care, transportation, parking, housing, clothing, health care, financial counseling, and needs-related payments.

With the exception of certain types of customized and On-the-Job training, and the alternatives to traditional ITA training programs described in the Alternative Training Programs Policy, only training providers through their training programs listed on the ETPL are eligible to receive WIOA funds to train adults and dislocated workers.

Formula funds and leveraged resources spent on WIOA Career Services may not be applied toward the minimum training expenditure requirement. Only resources spent to provide “training services” as defined above to WIOA participants may be applied.

### **Leveraged Resources**

Local boards and contractors may apply leveraged resources used for training services toward meeting a portion of their minimum training expenditure requirement (an amount of up to 10 percent of their adult and dislocated worker formula fund allocation). Local boards and contractors may apply only the following leveraged funds as part of the 10 percent credit:

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- Federal Pell Grants established under Title IV of the Higher Education Act of 1965
- Public programs authorized by the Workforce Investment Act of 1998 (e.g., Job Corps, Migrant Seasonal Farm Worker, Rapid Response, WIA Title II Adult Education and Literacy, national and state WIA discretionary grants, etc.)
- Trade adjustment assistance
- Department of Labor National Emergency Grants
- Match funds from employers, industry, and industry associations (including the employer paid portion of on-the-job training)
- Match funds from joint labor-management trusts
- Employment training panel grants

**Adult WorkSource Requirements**

Training services are primarily provided through the Adult WorkSource Centers. As such, certain requirements must be imposed upon the centers to ensure the local area meets its goals for training expenditures. Specifically, Adult WorkSource Centers must expend an amount equal to or greater than 32 percent of their adult and dislocated worker WIOA formula fund allocations on workforce training services as defined in this policy. A portion of the minimum training expenditure requirement (an amount of up to 10 percent of the adult and dislocated worker formula fund allocation) may be met by applying designated leveraged resources (as defined in this policy) used for training services. Only the training services included in the State's requirements will be counted towards each Adult WorkSource Center's goal. It should be noted that the State does not include supportive services as a training expense for this requirement.

(Adopted PY 12-13)

(Revised PY 15-16)

## **Veterans Gold Card Participation**

**EFFECTIVE DATE:** July 1, 2015

### **POLICY**

WorkSource Center staff will guide eligible veterans to “Gold Card” services.

### **BACKGROUND**

On August 5, 2011 the President directed the Department of Labor to launch a new initiative called the Veterans Gold Card Initiative. This initiative enables post 9/11 Veterans to receive customized priority job search services through One Stop Career Centers. Veterans are provided Gold Card Certificates through the Transition Assistance Program and through the E-benefits portal administered by the Department of Veterans Affairs and Department of Defense (a central access point to online benefits and relates services). Veterans are also able to download the Gold Card by visiting [www.whitehouse.gov/vets](http://www.whitehouse.gov/vets). The Gold Card will entitle post 9/11 veterans to a range of priority services at their local One Stop Career Centers. Including;

- Six months of personalized case-management services provided by Disabled Veterans Outreach Specialist, Local Veterans Employment Representatives and other One Stop Staff.
- Career guidance through group and individual counseling to help veterans make training and career decisions.
- Provision of labor market, occupational, and skills transferability information to inform education and training decision.
- Explanation of GI Bill benefits.
- Referral to job banks, job portals, and job openings.
- Referrals to employers and registered apprenticeship sponsors.
- Referrals to training opportunities.
- Assessment, including interviews, testing, employment preparation, and direct placement.

### **PROCEDURES**

The procedures for guiding veterans to these services are as follows:

- Intake staff shall inform veterans inquiring about Gold Card services, or who may be Gold Card eligible, of the available enhanced services described above.
- Intake staff will determine veteran status as they currently do, but will have to determine post-9/11 status. Local staff may be able to make this determination using their existing process or may have to add a verification step. If a new step is required, local EDD staff and their partners will determine how to best accommodate this change.

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- If determined eligible, the veteran will be scheduled for an initial appointment with an EDD Disabled Veterans' Outreach Program (DVOP) specialist, EDD Local Veterans' Employment Representative (LVER) staff, or One-Stop Career Center staff that will provide the enhanced services. LVER staff will also continue to provide employer outreach services.

Veterans will meet with their assigned case manager (CM) (who may be a DVOP, LVER or other staff in the One-Stop Career Center) to complete appropriate enrollment documents in order to receive Gold Card services. The CM will provide the appropriate assessment and career guidance necessary to prepare an EDP with the client. Based on the individual client needs, the CM will provide the veteran with appropriate services, such as resume development, referral to training, and job referrals. The final step during the initial meeting will be to confirm an appointment date and time for a follow-up meeting within 30 days. At the conclusion of the meeting, the CM will create the case management record for annotating pertinent information on the veteran's occupational goals that will then be used for employer outreach to develop job opportunities. The CM is encouraged to utilize the services and expertise of other staff to deliver the necessary services. The CM will provide follow-up services at least once every thirty days for Gold Card clients until they're employed or for at least six months if the veteran remains unemployed.

All EDD and One-Stop Career Center staff should familiarize themselves with the expectations for the provision of Gold Card services.

(Adopted PY 14-15)

(Revised 15-16)

## **WDB Support of Grant Applications**

**EFFECTIVE DATE:** July 1, 2015

### **POLICY STATEMENT**

This policy serves as a guide for organizations requesting letters of support from the City of Los Angeles Workforce Development Board (WDB) that require a signature from either the WDB Executive Director and/or the EWDD General Manager. Additionally, it will provide specific parameters the WDB will utilize in making determinations to provide those letters.

### **BACKGROUND**

The City of Los Angeles WDB receives requests for letters of support for various workforce-related grant applications. At times, the City may be submitting competing grant applications with an organization(s) requesting a letter; or it could be that multiple organizations are seeking the same grant opportunities and related support. This policy is intended to set parameters in determining under which circumstances WDB letters of support, as well as the level of commitment, should be provided.

### **PROCEDURES:**

A Requestor must request the support letter to the RDU staff by written correspondence (via email) a minimum of five business days in advance for a signed support letter by the WDB Executive Director and/or EWDD General Manager. The requestor must detail and demonstrate the intent to collaborate with the WDB and WDB supported organizations (i.e. Workforce Development System, YouthSource, Business Source), as appropriate. In addition, the request must include the following information:

- Grantor Agency, Program Name and Nature of the Grant
- Time period of Grant (including an evaluation period)
- Intention for collaboration with the WDB
- Proposed funding amount
- Proposed Grant partners
- Program Design
- Program Abstract or Executive Summary

The Resource Development Unit (RDU) will be responsible for processing and tracking letters of support. As such, advanced notice is required (a minimum of five business days) in order to allow staff sufficient time to review the request, coordinate with WDB staff to ensure the proposal is in alignment with the WDB's mission upon the receipt and review of the required grant abstract or executive summary, and to obtain the necessary approvals to release the letter of support.

Unless otherwise requested, the WDB staff will use a support letter template with minor modifications related to the specific grant. If the requestor provides a template for support letter, the WDB Executive Director will review it and make a determination to

employ provided language or edit as appropriate.

The WDB will provide letters of support to organizations submitting workforce-related grant applications, (including occasions when the City may be submitting competing applications only under the following circumstances:

- If the City is included as a partner in the proposal with an intent to enter into a formal MOU reflecting the partner roles/responsibilities; The proposer is a current contractor within the City's Workforce Development System;
- If the proposer is not a current contractor, then the proposed program design should reflect integration with the City's Workforce Development System.

As a supporter of and/or partner in the proposer's grant application, the WDB will request successful awardees to report back regarding the status of the grant and proposed program.

(Adopted PY 12-13)

(Revised PY 15-16)

## **Work Experience Policy**

**EFFECTIVE DATE: July 1, 2015**

### **POLICY STATEMENT**

The City encourages the use of Work Experience, which is a planned, structured learning experience that takes place in a workplace for a limited period of time. It may be paid or unpaid, and located in the private, nonprofit, or public sectors. The City recommends that work experience be paid, and that work experience be provided to individuals lacking a significant work history. Participation in work experience should be linked to achievement of a necessary skill level, limited in duration, combined with other activities, and based on a service strategy particular to each client. The Workforce Development System providers shall ensure that paid work experience does not result in the loss of public benefits. The City currently has a standard Work Experience Training Agreement, and this document should be used for all WIOA-funded Work Experience activities.

### **BACKGROUND**

Work Experience is designed to provide specific behavioral and occupational skills appropriate for the workplace. . It primarily functions as a workplace-values activity, as opposed to a training activity, which is for the acquisition of specific occupational or job skills.

Work experience should be designed to promote the development of good work habits and basic work skills. When combined with other services, work experience should be provided concurrently or sequentially to these services to increase the basic education and/or occupational skills of the customer (as detailed in the adult Individual Employment Plan [IEP] or youth Individual Service Strategy [ISS]). Work experience may be combined with community service or conservation service corps programs.

Transitional Employment (TE) is an allowable activity. TE is designed to ensure that the people most in need of employment assistance transition to full participation in the labor market, is an allowable use of Work Experience. Labor standards apply to any work experience where there is an employee-employer relationship, as defined by the Fair Labor Standards Act.

### **PROCEDURES**

#### **Orientation**

The contractor must conduct an Orientation to both the participant and the worksite training provider before the start of the Work Experience or Internship program. This should include a visit to the actual job site, a review of the tasks and/or skills to be gained during the training, a discussion of the wages and benefits to be paid to the participant, and a review of the other conditions within the Worksite Training Agreement, including reimbursement to the employer and the submission of progress reports by the employer.

#### **Work-Based Training Payments**

Individuals participating in work experience or limited internships may receive work-

based training payments, which may be in the form of wages.

### **Benefits and Working Conditions**

In the development and conduct of work experience and internships, contractors must ensure that participants are not assigned to work for employers that do not comply with applicable labor laws, including wage and hour provisions, occupational health and safety provisions, and child labor laws. To the extent applicable, worker's compensation benefits should be available with respect to injuries suffered by participants while on the job.

Participants shall not be required to work, be trained, or receive services in buildings or surroundings or under working conditions which are unsanitary, hazardous, or dangerous to the participant's health and/or safety. A participant employed or trained for inherently dangerous occupations shall be assigned to work in accordance with reasonable safety practices.

### **Monitoring Responsibilities**

Monthly on-site monitoring of the work experience and internships is the responsibility of the contractor and shall be done by a person other than the designated staff who developed the work experience/internship agreement. The contractor must ensure that the following requirements are met:

- Participant receives the training/services/skills as specified in the training outline/plan of the Worksite Training Agreement.
- Participant acknowledges training and services received as reported on the invoices submitted for training wages, if applicable.
- Participant and employer receive copies of the executed worksite training agreement prior to the start of the work experience.
- Worksite supervisor shall prepare and submit a progress report, which has been discussed and signed by the participant, at least once monthly, or as negotiated with the worksite supervisor by the contractor staff.

### **Completion of Work Experience**

Worksite training provider certifies in writing that the participant has completed the work experience and has acquired the skills necessary for competency in the field they were trained for.

The contractor shall issue a certificate of completion to the participant upon completion. A copy of the certificate shall be placed in the client file together with all the paperwork connected with the training.

### **References:**

DOLETA TEGL No. 3-14 (July 30, 2014)

U.S. DOL The Workforce Innovation and Opportunity Act Overview (July 22, 2014)

EWDD Work Experience Guidelines

(Revised PY 15-16)



## **WorkSource Center Customer Flow**

**EFFECTIVE DATE:** July 1, 2015

### **POLICY STATEMENT**

The WorkSource Centers will ensure that customers are able to access self-directed services and, if determined eligible under WIOA, are able to access Career Services. In conjunction with the customer, each WorkSource Center (through its Integrated Services teams, which are comprised of WorkSource Center, Employment Development Department, and other strategic partner staff) shall consider the entire array of career and training services available under WIOA when determining which services to provide.

### **BACKGROUND**

The Workforce Investment Act (WIA) provided three levels of services: core, intensive, and training, with service at one level a prerequisite for moving to the next level. The Workforce Innovation & Opportunities Act (WIOA) eliminates the sequence of service provision required under WIA. The new legislation combines “core” and “intensive services” into a new category called “career services.” The consolidation of services provides One-Stop centers the flexibility to move customers directly into training services based on assessed need. This policy modifies the WorkSource Center Customer Flow to reflect the new legislation as well as the City’s implementation of an Integrated Services Delivery (ISD) model.

### **PROCEDURES**

#### WorkSource Customer Flow:

How a customer moves through levels of service will vary, based on jobseeker needs, informed choice, availability of funds and resources. Determination of necessary career and training services shall be determined through individual assessments completed by ISD teams and shall not be predicated on receiving prior services.

Both mandatory and voluntary partners shall participate at the WorkSource Centers to provide the services that are required as mandated by law. The career services to be provided by each partner shall be outlined in a memorandum of understanding, which will include cost and resource sharing. Access to career services shall be seamless as a result of a well-designed integrated service strategy, and includes all the partners of a WorkSource Centers.

#### Welcome Team:

Each WSC shall establish a “Welcome Team” whose core functions will include:

- Greeting and orienting customers to WSC programs and services;
- Conducting initial jobseeker skills and needs assessment to determine appropriate services;
- Referring jobseekers to:
- Jobs.LA registration for self-directed services and/or

- WSC Orientation and Enrollment (if determined eligible under WIOA)
- Collect data for Jobs.LA.org registrations;

#### JobsLA.org Enrollment

All WSC program participants seeking services at a WSC, whether self-directed or staff-assisted, must be directed to complete a JobsLA.org workforce portal registration. When fully implemented, JobsLA.org will provide WSC participants access to online employment services, including labor market information, job placement and training services. JobsLA.org should be used to provide self-directed services previously reported under Universal Access activities. Participants that do not wish to create a JobsLA registration will have limited access to WSC services, consisting primarily of Resource Room activities.

#### WSC Services & WIOA Registration

When jobseekers require WSC “career services” provided by WIOA-funded staff, the individuals receiving services must be registered into WIOA. The Welcome Team staff shall refer jobseekers to the following career services:

- WSC Orientations;
- Initial Assessment;
- WSC workshops, which may include: job clubs; resume preparation; interview techniques; and job search skills;

Following the “initial assessment,” the Welcome Team staff will determine whether the jobseeker is ready for employment or if additional skill development is necessary. If determined as requiring additional skills development, the customer will be referred to the Skills Team. If determined, job-ready the customer will be referred to the Employment Team.

#### Skills Team

The Skills Team will conduct a comprehensive skills and career assessment to identify skills, aptitudes, interests, barriers to employment and supportive service needs. An Individual Employment Plan will be developed for each jobseeker that will identify career services and/or training required to secure gainful employment. Career and training services may include basic skills remediation; computer training; vocational training and/or on-the-job training.

#### Employment Team

The Employment Team will provide assistance with job placement, career counseling and coaching, job retention and supporting services to job seeking customers and to provide skilled, qualified applicants to local business and employers.

Below is a list of self-directed, career and training services for reference.

Self Service (JobsLA.org registration required)	Career Services (registration required)		Training Services (registration required)
Determination of Eligibility to receive Assistance under Title IB	Staff assisted job search & placement assistance, career counseling	Comprehensive & specialized assessment, e.g. diagnostic testing, interviewing	Occupational skills training
Outreach, intake (which may include WPRS referrals) & orientation to One Stop Center	Follow-up services, including counseling regarding the workplace	Full development of individual employment plan	On the Job Training
Initial assessment of skill levels, aptitudes, abilities & need for additional assistance	Staff assisted job referrals (such as testing & background checks)	Group counseling	Workplace training & cooperative education programs
Employment statistics: Information, job listings, job skill requirements for job listings, & info on demand occupations	Staff assisted job development (working with employer & job seeker)	Individual counseling & career planning	Private sector training programs
Performance info on Eligible training provider	Staff assisted workshops and job clubs	Case Management	Skill upgrading & retraining
Performance info on the local One-Stop System		Short-term pre-vocational services	Entrepreneurial training
Info on filing for Unemployment Ins. Self- determined eligibility			Adult Education in combination w/training
Information on, referral to, supportive services		Follow-up services after employment	Job readiness training
Assistance in establishing eligibility for welfare-to-work activities and for other training and education programs			Customized training
Resource room			
Internet browsing (job info and training search)			
Internet accounts			
Initial development of employment plan			
Talent referrals (informational, e.g. talent scouts, labor exchange referrals of resumes without further screening)			
Workshops and job clubs			

## **JobsLA Participant Reporting Policy**

**EFFECTIVE DATE: July 1, 2015**

### **POLICY STATEMENT**

All WIOA-funded contractors are required to report individual participant data via CalJOBS<sup>SM</sup> through the JobsLA.org portal. The City of Los Angeles requires daily data entry to ensure that the single common record is maintained according to federal requirements. Data cannot be modified more than 30 days in arrears.

### **BACKGROUND**

The State of California Employment Development Department (EDD) is required by federal regulations to submit accurate participant reports and validated individual participant data to the Department of Labor (DOL) on a quarterly and annual basis.

### **PROCEDURES**

- Participant data should be entered/updated daily. Notwithstanding daily entry, all WIOA funded agencies must enter WIOA individual participant data into CalJOBS<sup>SM</sup> via the JobsLA portal within 15 days from the date of service to ensure a common record, and where appropriate, a common exit is maintained at all times.
- The data cannot be modified in the CalJOBS<sup>SM</sup> system more than 30 days in arrears.
- After individual participant data is entered into CalJOBS<sup>SM</sup>, documents must be printed out and maintained in the participant's file.

**REFERENCE:** *EDD Workforce Services Directive Number WSD13-11*

(New PY 15-16)

## **Leveraged Resources Policy**

**EFFECTIVE DATE: July 1, 2015**

### **POLICY STATEMENT**

This policy provides guidance to the City of Los Angeles One-Stop Operators on the distinction between Leveraged Resources that count toward State Senate Bill 734, and those that are outside the scope of SB 734. It will also set forth the reporting requirements for both types of leveraged resources.

### **BACKGROUND**

SB 734 imposed new training expenditure requirements on local Workforce Investment Boards carrying out WIA funded programs. Beginning in Program Year (PY) 2012-13, local boards were required to spend at least 25 percent of their Adult and Dislocated Worker WIA formula fund allocations on workforce training services. That percentage is scheduled to rise to 30 percent beginning PY 2016-17. A portion of the minimum training expenditure requirement (an amount of up to 10 percent of the Adult and Dislocated Worker formula fund allocation) may be met by applying designated leveraged resources used for training services. The State has indicated that these requirements will apply to WIOA funded programs as well.

On May 17, 2012, the State of California Employment Development Department (EDD) issued Directive WSD 11-9 stipulating that the **State will only consider certain funds expended on training as a leveraged resource**. Attached to that Directive is a Summary of Training Leveraged Resources (SB 734) form to capture the leveraged training resources. The form provides only seven categories that EDD will accept.

Beginning PY 2014-15 through the Request for Proposal (RFP), the Economic and Workforce Development Department (EWDD) required its One-Stop operators to report all leveraged resources, including those that do not count towards SB 734.

EWDD (formerly CDD) issued Directive 12-23 on June 27, 2012 detailing the reporting requirements for both SB 734 leveraged resources, as well as those that do not count towards SB 734. The Directive contained two forms; the EDD approved SB 734 Summary of Training Leveraged Resources, and an internal EWDD form to capture all other leveraged resources.

### **PROCEDURES:**

At the start of each fiscal year, which runs from July 1 through June 30, agencies are required to submit a Budget/Expenditure Plan that lists all leveraged resources separated by Cost Category.

Each month the agency needs to determine what resources were leveraged and report them on the forms attached to WDS Directive 12-23, making sure that the leveraged amounts line up with what the agency claimed in their budget.

Invoices are due to the Financial Management Division (FMD) of the EWDD no later than the 15<sup>th</sup> of the month for expenses incurred in the prior month. Agencies need to include both leveraged resource forms with the expense reports on the 15<sup>th</sup> of every month, even if no leveraging occurred that month.

One copy of the Summary of Training Leveraged Resources (SB 734) form should reflect Adult leveraged resources, and one should reflect Dislocated Worker leveraged resources, similar to the submission of expenditure reports each month that separate Adult and Dislocated Worker expenditures.

The EWDD internal form contains a column to indicate which funding stream the leveraging is coming from, but to align with the budget, one copy should be used for Adult, and one for Dislocated Worker to simplify tracking.

Two copies of each form (8 total) need to be submitted each month. One copy of each form needs to be submitted to FMD, and one copy of each form needs to be submitted to your assigned budget/program analyst. FMD does allow invoices to be e-mailed prior to the actual signed copy submission, so if e-mailing FMD, copy your analyst. If the agency only submits hard copies, one copy needs to be sent to the analyst.

FMD will compile the data and make that information available to the Planning Group for use in the agency's annual performance evaluation. This information will also be made available to the Operations Division to help program analysts track their agency's progress throughout the program year. Failure to conform to this requirement may adversely affect an agency's performance results.

## **REFERENCES**

SB 734 (DeSaulnier), Chapter 498, Statutes of 2011  
EDD Workforce Services Directive WSD 11-9  
EWDD (formerly CDD) Workforce Development System Directive 12-23

(New PY 15-16)

**Priority of Service Policy**

**EFFECTIVE DATE: July 1, 2015**

**BACKGROUND**

WIOA states, in sec. 134(c)(3)(E), that priority for individualized career services (see§678.430(b)) and training services funded with title I adult funds must be given to recipients of public assistance, other low-income individuals, who are basic skill deficient (as defined in WIOA sec. 3(5)(B)) in the local area. The priority established does not necessarily mean that these services may only be provided to recipients of public assistance, other low-income individuals, and individuals without basic work skills.

Veterans under WIOA sec. 3(63)(A) and 38 U.S.C. 101 receive priority of service in all Department of Labor-funded training programs under 38 U.S.C. 4215 and described in 20 CFR 1010. A veteran must still meet each program’s eligibility criteria to receive services under the respective employment and training program. For income-based eligibility determinations, amounts paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA-funded programs are not to be considered as income in accordance with 38 U.S.C. 4213 and 20 CFR 683.230.

The Local Board and the Governor may establish a process that also gives priority to other individuals eligible to receive such services, provided that it is consistent with priority of service for veterans.

Funds allocated for dislocated workers are not subject to this requirement.

**POLICY**

States and local areas must establish criteria by which the one-stop operator will apply the priority under WIOA sec. 134(c)(3)(E). As these criteria are established, WorkSource Center operators will be notified by directive. Until such time, WorkSource Center operators will ensure veterans, recipients of public assistance, other low-income individuals, and individuals without basic work skills receive priority of service in all WIOA Adult services.

(New PY 15-16)



## **Salary and Bonus Limitation for 2015**

**EFFECTIVE DATE:** July 1, 2015

### **POLICY STATEMENT:**

This policy provides the salary and bonus limitation for individuals compensated by the Department of Labor-Employment and Training Administration (DOLETA) funded programs for the calendar year 2015. It applies to all City subrecipients expending Workforce Investment Act (WIA), LA Reconnections Career Academy Workforce Innovation Fund (LARCA-WIF), and Workforce Innovation and Opportunity Act (WIOA) funds.

### **BACKGROUND:**

On June 15, 2006, President Bush signed into law an emergency supplemental appropriation bill, Public Law 109-234. Section 7013 of this public law limits salary and bonus compensation for individuals who are paid by funds appropriated to DOLETA and provided to recipients and subrecipients. Specifically, Section 7013 states:

*“None of the funds appropriated in Public Law 109-149 or prior Acts under the heading ‘Employment and Training’ that are available for expenditure on or after the date of enactment of this section shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II, except as provided for under section 101 of Public Law 109-149. This limitation shall not apply to vendors providing goods and services as defined in OMB Circular A-133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer the Federal programs involved including Employment and Training Administration programs.”*

Subsequently, on August 15, 2006, the DOLETA issued TEGL 05-06. The State of CA Employment Development Department (EDD) also issues a directive every year, the latest of which is WSD 14-11, issued on March 12, 2015, applicable for 2015. These directives inform states and other DOLETA-funded recipients and subrecipients of limitations on salary and bonus payments, the programs affected by this provision, effective dates and funding cycles, covered individuals and transactions, application of the limitation, and related grant and contract modifications.



**PROCEDURES**

Public Law 109-234 sets the limit on salary and bonus compensation at a rate equivalent to no more than an Executive Level II. A salary table providing this rate is listed on the Federal Office of Personnel Management website, under “Policy, Pay and Leave” (<https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/>). **These levels are adjusted annually.** The levels for 2015 and that last two years are as follows:

<b>Year</b>	<b>Limit</b>	<b>Effective Date</b>
2013	\$ 179,700	January 1, 2013
2014	\$ 181,500	January 1, 2014
<b>2015</b>	<b>\$ 183,300</b>	<b>January 1, 2015</b>

Additional guidelines regarding the limitation:

- It applies to both the gross amounts of salaries and bonuses. The sum of all bonuses received over the twelve-month period when added to the employee’s salary may not, at any time, exceed the limitation.
- It does not apply to benefits that are not salary and bonuses. For example, fringe benefits, insurance premiums, and/or pension plans are not included in the calculation.
- It is prorated based on the amount of time the employee is dedicated to the DOLETA-funded program(s).

**Example #1:**

Executive Director’s 2015 W-2 Gross Compensation is \$140,000. He worked part-time (.60 FTE) all year but 100% of his time benefited the City WIA contract:

<b>Description</b>	<b>Amount</b>
2015 Salary & Bonus Limit	183,300
Prorated Salary & Bonus Limit [ $\$183,300 \times (.60 \times 100\%)$ ]	109,980
Executive Director’s Total Gross Compensation	140,000
Salary Benefiting City WIA Contract ( $\$140,000 \times 100\%$ )	140,000
<b>Compensation in Excess of Limitation (\$140,000 - \$109,980)</b>	<b>30,020</b>

**Example #2:**

Executive Director’s 2015 W-2 Gross Compensation is \$140,000. He worked part-time (.50 FTE) all year and only 80% of his time benefited the City WIA contract.

**New Policies**

Description	Amount
2015 Salary & Bonus Limit	183,300
Prorated Salary & Bonus Limit [ $\$183,300 \times (.50 \times 80\%)$ ]	73,320
Executive Director's Total Gross Compensation	140,000
Salary Benefiting City WIA Contract ( $\$140,000 \times 80\%$ )	112,000
<b>Compensation in Excess of Limitation (\$112,000 - \$73,320)</b>	<b>38,680</b>

**Example #3:**

Executive Director's 2015 W-2 Gross Compensation is \$160,000. He worked full-time all year but only 50% of his time benefited the City WIA contract.

Description	Amount
2015 Salary & Bonus Limit	183,300
Prorated Salary & Bonus Limit ( $\$183,300 \times 50\%$ )	91,650
Executive Director's Total Gross Compensation	160,000
Salary Benefiting City WIA Contract ( $\$160,000 \times 50\%$ )	80,000
<b>Compensation in Excess of Limitation (\$80,000 &lt; \$91,650)</b>	<b>0</b>

- It applies to salaries and bonuses regardless of whether they are paid as a direct or an indirect cost.
- It does not apply to "contractors" as defined in 2 CFR 200.23.
- The City will use the limitation imposed by the State EDD if and when it sets a limit below Executive Level II.

**REFERENCES**

- Public Law 109-234
- DOL Training and Employment Guidance Letter (TEGL) 05-06, Implementing the Salary and Bonus Limitations in Public Law 109-234, dated August 15, 2006
- State of California Employment Development Department Workforce Services Directive (SWD) 14-11, Salary and Bonus Limitations for 2015, dated March 12, 2015

**INQUIRIES**

If you require further information regarding this policy, please contact your EWDD Program Monitor or the Financial Management Division at (213) 744-9000.

(New PY 15-16)

**Youth Customer Flow**

**EFFECTIVE DATE: July 1, 2015**

**POLICY STATEMENT**

This policy describes the sequence of activity for a youth accessing WIOA services through the City's YouthSource system.

**BACKGROUND**

Since its redesign in PY 12-13, the YouthSource system has focused on addressing the region's high school dropout crisis and implementing student recovery efforts. The system places a high priority on services to out-of-school youth. To achieve its goals of improving student retention and bolstering academic proficiency, the City formed a partnership with the Los Angeles Unified School District (LAUSD) Office of Pupil Services, which collaborates with the YouthSource system to identify out-of-school youth and target them for services.

A significant variation between WIA and WIOA legislation is WIOA's priority on delivery of services to out-of-school youth. WIOA stipulates that not less than 75 percent of allotted funds be used to provide youth workforce activities to out-of-school youth.

Since PY 2012-13, the City's YouthSource Centers (YSCs) have been contractually mandated to have out-of-school youth comprise a minimum of 70% of its total enrollment. This has strategically positioned the City to implement the WIOA 75% out-of-school youth expenditure requirement.

As an integral component of executing the system redesign and with the inception of the 70% out-of-school youth requirement, the City established a formal partnership with LAUSD to place a Pupil Services and Attendance (PSA) Counselor in each YouthSource center. PSA Counselors are child welfare and attendance experts who work with students, parents, school staff, and communities to increase student attendance and engagement toward better academic outcomes for all students. PSA Counselors hold a Master's degree in Social Work (MSW), Marriage and Family Therapy (MFT), Counseling or Psychology in addition to their educational counseling expertise.

Youth customers derive from multiple recruitment and referral sources including the LAUSD dropout list and truancy diversion project, direct YSC outreach, self-referred youth ("walk-ins"), and other youth and community-based organizations such as the City FamilySource centers. YSCs maintain a regular weekly schedule of general orientation sessions at which attendees obtain information about the YSC's WIOA services as well as auxiliary services.

**New Policies**

During orientation, YSC staff ascertains attendees' educational status (in-school, out-of-school, high school graduate, dropout). As a targeted priority group, dropout youth are immediately contacted by the PSA Counselor who assesses their academic standing and discusses options for their return to school. The YSC staff and the PSA Counselor confer on the appropriateness of the WIOA program for the individual.

Youth committed to participating in YSC WIOA activities complete the eligibility determination process and, if eligible, the enrollment process. All enrolled youth meet with the PSA counselor to determine their progress toward attainment of their high school diploma and/or for guidance toward achieving their educational goals. The PSA counselor works with the youth to establish an educational plan that includes both traditional and alternative school programs as well as alternatives to the high school diploma.

Youth who are found to be ineligible for WIOA or who choose not to enroll are referred to other resources such as the WIOA WorkSource adult program, YouthBuild, and community colleges, as appropriate

Enrolled youth complete an objective assessment of the academic levels, skill levels, and service needs. A service strategy is developed in conjunction with a YSC case manager that addresses the youth's needs and goals and is directly linked to WIOA youth performance indicators. Taking the objective assessment into account, the strategy will identify career pathways that include education and employment goals, and appropriate achievement objectives and services. Services provided to the youth will include, as appropriate, activities leading to attainment of a secondary school diploma or equivalent, preparation for post-secondary educational and training opportunities, strong linkages between academic instruction and occupational education, preparation for unsubsidized employment opportunities, and effective connections to employers.

Youth and YSC staff maintains regular communication and the service strategy is reassessed periodically and updated as needed as the youth progresses toward completion of planned activities and attainment of program outcomes.

On completion of planned services, a strategy for the required 12-month follow up period is developed and executed.

**YOUTH CUSTOMER FLOW POLICY AND PROCEDURES**

- Referrals to YouthSource Centers (YSCs) are made through multiple sources including partner agencies, LAUSD, direct YSC recruitment, and self-referrals/walk-ins
- YSCs will conduct general orientation to the YouthSource system twice weekly on an established schedule.

- YSC staff working in conjunction with the LAUSD PSA Counselor will determine school status of youth in attendance: In-School Youth (ISY) and Dropout/Non-Dropout Out-of-School youth (OSY). A minimum of 75% of youth enrolled in the YouthSource system must be out-of-school youth as defined by WIOA. Subsequent activity is guided by a youth's school status as follows.

■ Dropout OSY

PSA Counselor immediately contacts and engages youth, discusses options for return to school

YSC case manager and PSA counselor review applicants on an established schedule

■ ISY and Non-dropout OSY

YSC staff contact the youth to schedule a meeting with YSC staff and the PSA counselor

Youth meets with YSC staff and PSA Counselor

- YSC staff will determine program eligibility based on WIOA eligibility criteria.
- Youth who are ineligible or choose not to enroll in the YSC/WIOA program are referred to other WIOA and non-WIOA resources (i.e. WorkSource Center, LAUSD Support Services Educational Options; FamilySource Center, community-based organizations). Dropout youth are returned to school; In-School youth remain in school.
- Eligible youth are enrolled in the YSC and WIOA:
  - Dropout youth are returned to school or alternate high school diploma/diploma equivalency program; In-school youth remain in school
  - Each youth completes an Assessment and an Individual Service Strategy is developed
  - Planned services are provided and progress toward goal attainment is reviewed on a regular schedule
  - There is completion of services linked to performance outcomes
  - An Exit and Follow-up Strategy is developed with the youth
  - YSC conducts 12-month follow up, providing services and support as needed

## Youth Eligibility

EFFECTIVE DATE: July 1, 2015

### POLICY STATEMENT

This policy provides guidance to youth contractors on how to establish participant eligibility for youth enrolled under the Workforce Innovation and Opportunity Act (WIOA).

### BACKGROUND

The WIOA seeks to strengthen the workforce development system through innovation, alignment and improvement of employment, training and education programs in the US by promoting individual and national economic growth.

### PROCEDURES

To be eligible to participate in activities carried out under WIOA during any program year an individual shall, at the time the eligibility determination is made, be an in-school or out-of-school youth as defined below.

An **in-school youth** is defined as follows:

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

An **out-of-school youth** is defined as:

- not attending any school (as defined under State law);
- not younger than age 16 or older than age 24; and
- one or more of the following:

- A school dropout.
- A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter.
- A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is—
  - basic skills deficient; or
  - an English language learner.
  - An individual who is subject to the juvenile or adult justice system.
  - A homeless individual, a homeless child or youth, a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.
  - An individual who is pregnant or parenting.
  - A youth who is an individual with a disability.
  - A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

In addition to the aforementioned items, the WIB has identified the following additional eligibility requirements. Youth must be:

- A current resident of the City of Los Angeles;
- Eligible to work in the United States of America
- In compliance with Section 3 of the Military Selective Service Act (Males only)

**REFERENCES**

- A homeless individual as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)),
- a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))),
- a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677)
- WIOA Section 129 (a).
  - SPECIAL RULE.—For the purpose of this subsection, the term “low-income”, used with respect to an individual, also includes a youth living in a high-poverty area.
  - EXCEPTION AND LIMITATION.—
    - EXCEPTION FOR PERSONS WHO ARE NOT LOW-INCOME INDIVIDUALS.—
    - (i) DEFINITION.—In this subparagraph, the term “covered individual” means an in-school youth, or an out-of-school youth who is described in subclause (III) or (VIII) of paragraph (1)(B)(iii).
    - (ii) EXCEPTION.—In each local area, not more than 5 percent of the individuals assisted under this section may be persons who would be

covered individuals, except that the persons are not low-income individuals.

- (B) LIMITATION.—In each local area, not more than 5 percent of the in-school youth assisted under this section may be eligible under paragraph (1) because the youth are in-school youth described in paragraph (1)(C)(iv)(VII).