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Assignment of WorkSource and YouthSource Center Agreements Policy

EFFECTIVE DATE: July 1, 2016

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.

PROCEDURE

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 to 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 Policy**

**EFFECTIVE DATE: JULY 1, 2016**

**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
Guidelines for the Procurement of Services for EWDD

EFFECTIVE DATE: JULY 1, 2016

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:

<table>
<thead>
<tr>
<th>Anticipated Price</th>
<th>Required Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1 to $9,999</td>
<td>Two documented quotations</td>
</tr>
<tr>
<td>$10,000 to $49,999</td>
<td>Three or more written quotations</td>
</tr>
</tbody>
</table>

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.
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
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- 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 that allows non-City contractors to self-certify their Demonstrated Ability on performance measures that mirror those against which City contractors are evaluated shall be included in every procurement. 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 with 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, as a result of errors and/or omissions in preparation of the proposed budget, cannot be accurately determined 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 WDB.

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 WDB.

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 the Board

PCD shall present the results of the procurement, including the scoring, to the appropriate committee on the WDB 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 WDB 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; and
• 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 WDB/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 WIOA funds shall be jointly addressed to the Mayor and City Council and signed by both the EWDD General Manager and the WDB 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 Certification Policy 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 said 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. Information may be obtained by reviewing an online list of excluded parties at the System for Award Management (SAM) website (www.sam.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, financially 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;
Adopted Policies

- 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; and
- 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 WDB;
- 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 WDB 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 WDB 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; and
• 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 EWDD who works in a decision-making capacity shall engage in any activity, including the participation in the selection, award, or administration of a subgrant 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 an 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 Carry Out 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.

REFERENCES

EDD Directive No. WSD12-10 Procurement
Incident Reporting

EFFECTIVE DATE: July 1, 2016

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 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 Compliance Review Office (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/YouthSource 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

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. 7th Street, 6th 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
JobsLA Participant Reporting Policy

EFFECTIVE DATE: July 1, 2016

POLICY STATEMENT

All WIOA-funded contractors are required to report individual participant data via CalJOBS\textsuperscript{SM} 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\textsuperscript{SM} 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\textsuperscript{SM} system more than 30 days in arrears.

- After individual participant data is entered into CalJOBS\textsuperscript{SM}, documents must be printed out and maintained in the participant’s file.

REFERENCE: \textit{EDD Workforce Services Directive Number WSD13-11}

(Adopted PY 15-16)
**Resource Sharing Agreement**

**EFFECTIVE DATE:** July 1, 2016

**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 (WSC/AJCC) and the co-located partners at each site, with the objective to ensure that the costs of operating a WSC/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℠ / 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 WSC/AJCC operators on how to create a “shared costs budget” to be used in the creation and negotiation of each WSC/AJCC’s RSA. Each WSC/AJCC 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.

(Adopted PY 13-14)  (REV PY 15-16)
Self-Sufficiency Policy

EFFECTIVE DATE: July 1, 2016

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 Workforce Investment Board (WIB), known now as the Workforce Development Board (WDB), 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 hypotethical 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:

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

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.
Veterans Gold Card Participation Policy

EFFECTIVE DATE: July 1, 2016

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. 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 Specialists, 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.
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 Employment Development Plan (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.
Youth Eligibility Policy

EFFECTIVE DATE: July 1, 2016

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:
  o A school dropout.
  o 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.
  o 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 WDB 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).
  o 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.
  o 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)(ii).
(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).
**Alternative Training Programs Policy**

**EFFECTIVE DATE:** July 1, 2016

**POLICY STATEMENT**

In order to open sector and other training to a wider and more diverse participant base, the Workforce Development Board (WDB) adopted 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.

**BACKGROUND**

In order to provide 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.
America’s Job Center of California Branding Policy

EFFECTIVE DATE: July 1, 2016

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 federal and State of California Workforce Development Board requirements regarding co-branding with the U.S. Department of Labor’s (USDOL) American Job Center brand.

RATIONALE

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

PROCEDURES

All WIOA funded WorkSource and YouthSource operator contractors must adhere to the WDB branding policy covering the WorkSource and YouthSource brands and must co-brand with the U.S. Department of Labor’s (USDOL) American Job 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 CaliforniaSM 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 WDB, and the Economic and Workforce Development Department logos.

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.

Additionally, all contractors must adhere to the Equal Employment Opportunity (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)
Certification Policy and Procedures

EFFECTIVE DATE: July 1, 2016

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.

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, its 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 Development 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

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.

Contractors will be evaluated in four categories:

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

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.

At minimum, a contractor must attain 80 percent or more of each Performance Outcomes goal to be considered a “Qualified Contractor.” The Department may establish additional requirements for “Qualified Contractor” designation. A Contractor not deemed a Qualified Contractor shall provide a corrective action plan. A Contractor that fails to earn the Qualified Contractor designation for two consecutive annual evaluations may have its certification revoked.

The Department may develop criteria to recognize outstanding 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.

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

1. **Satisfaction**

<table>
<thead>
<tr>
<th>Measure</th>
<th>WorkSource</th>
<th>YouthSource</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Customer Satisfaction (intercept/telephone)</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>b. Exiter Satisfaction (telephone)</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Measure</th>
<th>WorkSource</th>
<th>YouthSource</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Employment Rate (WSC)/ Employment/Education Rate (YSC) 2nd Quarter after exit</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>b. Employment Rate (WSC)/ Employment/Education Rate (YSC) 4th Quarter after exit</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>c. Median Earnings 2nd Quarter after exit</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>d. Attainment of a Postsecondary Credential, or secondary school diploma (or equivalent) if employed/in education or training for postsecondary credential.</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>e. Measurable Skills Gains</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
### 3. Flow (Customers Served)

<table>
<thead>
<tr>
<th>Description</th>
<th>X</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of Customers Served (including Wagner Peyser)</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b. Number of Enrolled and/or Exited Customers (including Hard to Serve Adults for WorkSource)</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>c. Percentage of Out-of-School Youth Served</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d. Number of Employer Customers</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e. Number of walk-in customers (served through system of support, not enrolled in WIOA)</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f. Total number of youth receiving educational assessments from the PSA Counselor</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>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</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

### 4. Administrative Capability/Annual Plan Priorities

<table>
<thead>
<tr>
<th>Description</th>
<th>X</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Assessment of contractor administrative practices related to work performance, timeliness, fiscal, communication, human resources and ethics.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b. Expenditure of a minimum 42% of funding on training (may include up to an amount equal to 14% of funding in approved leveraged resources)</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c. Minimum number of enrollments by December 31 (WSC) and January 31 (YSC).</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
Conflict of Interest Policy

EFFECTIVE DATE: July 1, 2016

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 administrating 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:

- A member of such person’s immediate family, or domestic partner or organization has a financial interest in the subcontract; or
- The subcontractor is someone with whom such person has or is negotiating any prospective employment; or
- 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.

Definitions:

- 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, or daughter-in-law.

- The term “financial or other interest” includes but is not limited to:
  - 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.

- 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.

A subcontract is any agreement entered into by Contractor for the purchase of goods or services with any funds provided by this Agreement.

PROCEDURES

All new contractors will be provided a copy of the City’s current Code of Conduct/Policy on Conflict of Interest and required to adopt or provide documentation of compliance with requirements of the City’s Code of Conduct via Board Resolution.

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. Furthermore, the City will question and may disallow any 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 16-17)
**Criminal Record Restrictions and Impact Based on Race and Nationality Policy**

**EFFECTIVE DATE:** July 1, 2016

**POLICY STATEMENT**

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.

- **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 such as 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 (BFOQ) for a preference based on religion, sex, or national origin. For example, for airline pilots, mandatory retirement age requirements were allowed because safety was the primary concern and airlines could show that older pilots were significantly less safe once they reached a certain age.

- 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. 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 under Title VII, and may violate the law if not job related and consistent with business necessity (disparate impact liability).

- National data supports a finding that criminal record exclusions have a disparate impact based on race and national origin. The national data provides a basis for the Commission to investigate Title VII disparate impact charges challenging criminal record exclusions.

California’s parallel law to Title VII of the Civil Rights Act of 1964 is the FEHA. It is important to note that California law is more restrictive than federal law. Section 12926(d) of the FEHA applies to employers with 5 more employees rather than the 15 or more employees described above in Title VII.

Title VI of the Civil Rights Act of 1964 applies to all programs or activities receiving federal financial assistance under WIA and the Wagner-Peyser Act (WP). Title VI and its implementing regulations prohibit any program or activity from subjecting anyone to
discrimination on the grounds of race, color, or national origin.

WIA Section 188(a)(1) further reiterates that no individual may be discriminated against based on age, disability, sex, race, color, or national origin. As a condition of initiating or continuing federal financial assistance, recipients must provide assurances that “the program will be conducted or the facility operated in compliance with all requirements imposed by” the nondiscrimination provision in Title VI.

In light of the legal obligations, all entities should conduct their activities using safeguards to prevent discrimination and promote employment opportunities for formerly-incarcerated and other individuals with criminal records via the following methods:

Posting job announcements in job banks

When soliciting or posting job vacancies from employers, business services representatives, or other sources, policies and procedures should be in place to ensure that the following steps are taken:

- Covered entities should provide employers with EDD Directive WSD 12-9’s [Attachment 3](http://www.edd.ca.gov/Jobs_and_Training/pubs/wsd12-9.pdf) titled Notice #1 for Employers Regarding Job Bank Nondiscrimination and Criminal Record Exclusions when registering to use a job bank with a One-Stop or other covered entity. First, the notice explains that the covered entity must comply with federal civil rights laws which, due to the likely disparate impact of excluding protected groups with criminal records generally prohibit rejecting individuals based solely on an arrest or conviction history. Second, the notice also provides information for employers about their obligations under the federal Fair Credit Reporting Act, which require employers to obtain applicants’ permission before asking a background screening company for a criminal history report. Employers must also provide applicants with a copy of the report and a summary of their rights before taking any negative employment action (e.g. not hiring or firing). Third, the notice also provides information for employers about their obligations under the California Investigative Consumer Reporting Agencies Act, which limits reporting by consumer reporting agencies of criminal convictions that are older than seven years, and California Labor Code § 432.7 and California Code of Regulations, Title 2, § 7287.4(d)(1), which prevents employers from asking about arrests that did not lead to conviction and about misdemeanor convictions that have been dismissed pursuant to California Penal Code § 1203.4. Finally, the notice describes the Work Opportunity Tax Credit and the Federal Bonding Program, two incentives that support employers’ hiring of individuals with conviction histories.

- Covered entities should use a system, automated or otherwise, for identifying vacancy announcements that include hiring restrictions based on arrest and/or conviction records. This system may be the same one already in use to identify other discriminatory language in job postings.
Revised Policies

- Covered entities should provide employers the notice that appears as Attachment 4 in WSD 12-9, when job postings have been identified that exclude individuals based on arrest and/or conviction history. The notice states that in order to ensure that the employer and covered entity are in compliance with federal civil rights law, the employer will be given the opportunity to remove or edit the vacancy announcement. The notice and opportunity to remove or edit should be provided to the employer whether the vacancy announcement has been posted directly with the covered entity or has instead been made available in the job bank through other means.

- Vacancy announcements containing language excluding candidates based on criminal history should only remain posted when accompanied by the notice to job seekers that appear as Attachment 5 in WSD 12-9. This notice explains that the exclusions in the posting may have an adverse impact on protected groups, as set forth in the EEOC guidance. The notice further informs job seekers that individuals with criminal history records are not prohibited from applying for the posted position.

- Covered entities should retain records of the notices sent to address vacancy announcements containing hiring restrictions based on arrest and/or conviction records. The DOL recognizes that covered entities have a variety of systems in place to comply with nondiscrimination obligations, and that entities engage with employers in varying ways. Entities may elect to take other steps that are at least equally effective in achieving compliance with their nondiscrimination obligations.

Screening and referral based on criminal record restrictions

When screening or referring individuals for vacancy announcements, job orders, training, or other employment-related services:

- Covered entity staff should follow the EEOC’s arrest and conviction guidance (Attachment 2), if an arrest or a conviction history is used for purposes of excluding an individual from the entity’s training programs or other employment-related services. However, nothing in this directive prevents staff from taking into account an individual’s arrest or conviction history for purposes designed to help such individuals.

- Covered entities should refrain from screening and refusing to make referrals because an applicant has a criminal history record. Job seekers who are referred for positions where the job posting takes criminal history into account should receive a copy of Attachment 4 of WSD 12-9 for job seekers along with the job announcement.

Program operators are directed to review their existing policies and procedures and make any changes necessary to implement the guidance discussed in this policy.

(Adopted PY 14-15) (Revised PY 16-17)
Customized Training Policy

EFFECTIVE DATE: July 1, 2016

BACKGROUND

The Workforce Innovation and Opportunity Act (WIOA) defines Customized Training as training:

- That is designed to meet the special requirements of an employer (including a group of employers);
- That is conducted with a commitment by the employer to employ an individual upon successful completion of the training; and
- 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 of Customized Training proposals will be determined by the Economic and Workforce Development Department.

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 Employment Training Provider List (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 Development Board (WDB), 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 Employment Rates (2nd & 4th quarters after exit) and Median Earnings (2nd quarter 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 50 percent cash match or in-kind contribution by the participating employer(s) or industry group. Employer contributions of less than 50 percent are subject to prior approval. In considering such approval, the Department may consider:
  o The size of the employer;
  o The number of training participants;
  o Wage and benefit levels (at present and anticipated upon completion of training);
  o Relation of the training to the competitiveness of the trainee; and
  o Other employer-provided training and advancement opportunities.

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

Customized Training of an eligible employed individual may be provided for an employer or group of employers when:

- The employee is not earning a self-sufficient wage as stated in the Annual Plan Self-Sufficiency Policy; and

The Customized Training relates to the introduction of new technologies or new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, other appropriate purposes identified by the WDB.
Definition of Demand Occupations Policy

EFFECTIVE DATE: July 1, 2016

BACKGROUND

Individual Training Account (ITA) training services made available to eligible adults and dislocated workers must be directly linked to 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, WorkSource/America’s Job Center of California Provider staff and One-Stop Partners in selecting appropriate training programs for customers of the Workforce Innovation and Opportunity Act (WIOA) system.

POLICY

The term “in-demand industry sector or occupation” means: an industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the state, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the state, regional, or local economy, as appropriate. The determination of whether an industry sector or occupation is in-demand shall be made by the state board or local board, as appropriate, using state and regional business and labor market projections, including the use of labor market information. This information is available online at: 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/
- The U.S. Bureau of Labor Statistics website at 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.

(Adopted PY 11-12)                                                                                  (REV PY 15-16)
Definition of Youth Additional Assistance (replaces “Barriers to Employment”) Policy

EFFECTIVE DATE: July 1, 2016

POLICY STATEMENT

This policy seeks to define and/or provide clarification on what constitutes a youth who requires additional assistance as described in the Workforce Innovation and Opportunity Act (WIOA).

BACKGROUND

In certain cases, Out-of-School Youth (OSY) and In-School-Youth (ISY) may be deemed eligible for WIOA services as “an individual who requires additional assistance.” There is a limitation in WIOA related to the “additional assistance” criterion that applies only to ISY. WIOA Section 129(a)(3)(B) states that in each local area, not more than five percent of the ISY assisted may be eligible based on paragraph (1)(C)(iv)(VII), which refers to the barrier for an ISY who requires additional assistance to complete an educational program or to secure or hold employment.

A youth who requires additional assistance may have the possible definitions/criteria:

- Has repeated at least one secondary grade level or is one year over age for grade.
- Has a core grade point average (GPA) of less than 1.5.
- For each year of secondary education, are at least two semester credits behind the rate required to graduate from high school.
- Is an emancipated youth.
- Has aged out of foster care.
- Is a previous dropout or has been suspended five or more times, or has been expelled.
- Has received court/agency referrals mandating school attendance.
- Is deemed at risk of dropping out of school by a school official.
- Has been referred to or is being treated by an agency for a substance abuse related problem.
- Has experienced recent traumatic events, are victims of abuse, or reside in an abusive environment as documented by a school official or other qualified professional.
- Has serious emotional, medical or psychological problems as documented by a qualified professional.

REFERENCES

WIOA Section 2: Purpose
WIOA Section 129:
Directive WSD15-03
TEGL 8-15 pg.5

(Adopted PY 07-08)  (Revised PY 16-17)
Definition of Youth Not Attending School Policy

EFFECTIVE DATE: July 1, 2016

POLICY STATEMENT

This policy provides clarification on the definition of a youth “not attending school.”

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 age 16 to 24 years, not attending any school (as defined by State law), and meets one or more of the following conditions: 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; or c) an eligible youth who has either graduated from high school or holds a GED, a secondary school diploma, or its equivalent who is low-income and is either basic skills deficient or an English language learner; or 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; or f) an individual who is pregnant or parenting; or 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 “not attending school.”

Youth “Not Attending School”

- 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 the school year. Refer to CDE Bulletin 3720.0 & LAUSD Attendance Manual and Policy & Procedures for Elementary, Secondary & Options Schools.

- 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 may be subject to further revision based on WIOA Final Rules.

(Adopted PY 14-15) (Revised PY 16-17)
**High-Growth Sector Initiative Policy**

**EFFECTIVE DATE:** July 1, 2016

**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**

Targeting the right sectors is essential and requires that policy makers use economic and labor market data to determine which industry sectors are best positioned to make gains if investments in workforce development are made. Investment decisions are typically also contingent on the degree to which a sector faces critical workforce supply problems.

The Workforce Investment Board (now Workforce Development Board) 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, and Utilities.

**POLICY**

Sector investments should be prioritized where overall economic returns are likely to be highest, specifically in those sectors that will generate significant gains in terms of jobs and income. Investments should take into consideration the quality of jobs for which training resources are being made available. Trainings should result in livable wage jobs with benefits. Placements should be into occupations that are part of a well-articulated career ladder.

**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.
Individual Training Accounts (ITA) Policy

EFFECTIVE DATE: July 1, 2016

POLICY STATEMENT

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 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, incumbent, and On-the-Job training; transitional jobs; WDB contracts with institutions of higher learning; 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. This list is available on the Internet at: www.caljobs.ca.gov.

PROCEDURES

ITAs may be established for City of Los Angeles 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.
o 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 of the Pell Grant subsequently awarded to the customer. Reimbursement is not required from the portion of Pell Grant assistance disbursed to the WIOA participant for education-related expenses.

o 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 a 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 the customer's Individual Employment Plan (IEP).
- The training must lead to employment in a demand or growth occupation with a defined career ladder. 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).
- 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.
- 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 the individual participant’s 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), then for training services funded with WIOA adult funds, priority of service must be given to recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.

- The City reserves the right to prohibit the referral of customers to schools that have poor performance records in serving City customers.

- 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 16-17)
Industry-Certified Training Policy

EFFECTIVE DATE: July 1, 2016

POLICY

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

PROCEDURES

The Workforce Innovation and Opportunity Act of 2014 (WIOA) defined the term "recognized postsecondary credential" as a "credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal Government, or an associate or baccalaureate degree."

For the purpose of this policy, the Economic and Workforce Development Department (EWDD) shall apply to the above 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:


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.

• 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.
Leveraged Resources Policy

EFFECTIVE DATE: July 1, 2016

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. In Program Year (PY) 2012-13 through PY 2015-16, local boards were required to spend at least 25 percent of their Adult and Dislocated Worker WIA/WIOA formula fund allocations on workforce training services. That percentage will 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.

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.

Since PY 2014-15, the Economic and Workforce Development Department (EWDD) has required its One-Stop operators to report all leveraged resources, including those that do not count towards SB 734 requirements.

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 EWDD no later than the 15th of the month for expenses incurred in the prior month. Agencies need to include both leveraged resource forms with the expense reports on the 15th 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 form is set up to reflect the Cost Category in which the leveraging is occurring, which funding stream it’s occurring in, the type, amount, and source of the leveraging, and the documentation to support the dollar 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 submission of the actual signed copy. If e-mailing FMD, agencies must also copy their analyst. If the agency only submits hard copies, a hard copy needs to be sent to the analyst.

FMD will compile the data and make that information available 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, Statues of 2011
EDD Workforce Services Directive WSD 11-9
EWDD (formerly CDD) Workforce Development System Directive 12-23
**Limited English Proficient Policy**

**EFFECTIVE DATE:** July 1, 2016

**POLICY STATEMENT**

This policy provides guidance and sets standards for the City of Los Angeles Workforce Development System\(^1\) (WDS) and other agencies serving Limited English Proficient (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 WDS 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 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 WDS, 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 written translation.

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\(^1\) Workforce Development System includes the WorkSource Centers and the YouthSource /Youth Opportunity System
The correct mix of language assistance services should be based on 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 WDS 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 RFCR package.

For the WDS to properly assess the significant LEP population, the Workforce Development Board (WDB) promotes the use of the DOL’s four factors to determine the language needs of an area:

- 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 light of the areas or neighborhoods that may have a 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 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 light of promoting service quality and service integration to provide a seamless system with a responsive and comprehensive array of services.

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2 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 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 WDS should have mechanisms in place to verify the accuracy of the translated document.

Interpreter Requirements:

At a minimum, all interpreters used by the WDS 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 WDB has adopted the following hierarchy of methods to meet LEP needs as needed:

- Ensuring the WDS hire multilingual staff
- Paid interpreters that are on staff
- Paid outside interpreters
- Use telephone interpreter lines
- Community volunteers-trained in both interpretation and in WIOA programs
- Not using children, family members, friends, and/or strangers as interpreters except in 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 WDS 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 WDB.

Furthermore, as the WDB 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. Moreover, the WDS shall leverage resources to increase training opportunities in other languages where available.

**Monitoring and Oversight:**

Both WDS and City staff will be responsible for monitoring the quality of services to LEP persons.

The WDS 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 WDS for compliance with Civil Rights legislation will be incorporated in the regular monitoring processes.

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

- Outreach and enrollment activities
Revised Policies

- 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 promoting 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
- Dymally-Alatorre Bilingual Services Act, California Government Code Section 7290-7299.8
- Employment Development Department WIA Directive WIAD04-20, 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”
**On-the-Job Training Policy**

**EFFECTIVE DATE:** July 1, 2016

**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.

**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, except as provided in section 134(c)(3)(H),* 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.

**PROCEDURES**

OJT contracts are subject to the approval and oversight of the Economic and Workforce Development Department (EWDD). OJT contracts must be limited in duration to the time necessary for a participant to become proficient in the occupation for which they are receiving the OJT. When determining the length of the training contract, the skill level requirements of the occupation, the academic and occupational level of the participant, prior work experience, and the participant’s individual employment plan must be taken into account.**
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;
- Is not already 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.

OJT agreements may be written for eligible employed workers when:

- The employee is not earning a self-sufficient wage as described in the Annual Plan’s Self-Sufficiency Policy or subsequent directives; and
- The OJT relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes identified by the Local Board.

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. Agreements must not be entered into with an employer that received payments under previous OJT agreements if the employer has exhibited a pattern of failing to provide OJT participants with continued long-term employment as a regular employee with wages, employee benefits, or working conditions at the same level as other employees performing the same type of work for the same length of time.

Employer Reimbursement

OJT payments are to be compensation to the employer for the extraordinary costs associated with training participants and potentially lower productivity of participants while in the OJT. Generally, extraordinary costs are those costs the employer has in training participants who may not yet have the knowledge or skills to obtain the job through an employer’s normal recruitment process.

Employers may be reimbursed up to 50 percent of the wage rate of an OJT participant. Local Boards may increase the reimbursement rate for OJT agreements up to 75 percent, when taking into account the following factors:
The characteristics of the participants taking into consideration whether they are “individuals with barriers to employment,” as defined in WIOA §3(24);

- The size of the employer, with an emphasis on small business;
- The quality of employer-provided training and advancement opportunities (for example, training for an in-demand occupation that will lead to an industry-recognized credential; and
- Other factors the local board may determine to be appropriate, which may include the number of employees participating, wage and benefit levels of the employees (both at present and after completion), and relation of the training to the competitiveness of the participant.

Local Boards must document the factors used when deciding to increase the wage reimbursement levels above 50 percent.

REFERENCES

OJT will be in compliance with the following regulations unless or until repealed or amended:
20 CFR 680.700-750; WIOA Sections 116, Performance Accountability System; 185(d) and 189(i)(3)(B); City Directives; and all applicable state labor laws and city ordinances, including the City’s living wage regulations.

*WIOA section 134(c)(3)(H) describes situations in which the Local Board may increase the reimbursement rate for OJT agreements from 50 percent up to 75 percent.

** Special grants, i.e. NEGs (non-formula WIA) may limit OJT training to certain timeframes and may be subject to upper limits of hourly wages used to calculate employer reimbursement.
Priority of Service Policy

EFFECTIVE DATE: July 1, 2016

POLICY STATEMENT

This policy provides guidance and establishes the procedures regarding priority of service for recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient served with Workforce Innovation and Opportunity Act (WIOA) adult funds.

BACKGROUND

The Workforce Investment Act (WIA) required that if funds allocated to a Local Area for adult employment and training activities were limited, priority of service was to be provided to recipients of public assistance and other low-income individuals for intensive services and training services.

The WIOA made several changes to the priority of service requirement by adding individuals who are basic skills deficient as a priority population, changing intensive services to career individualized services, and removing the provision stating priority of service is only applied if funding is limited.

Veterans and eligible spouses continue to receive priority of service for all DOL funded programs amongst all participants. These requirements were not affected by the passage of the WIOA and must still be applied in accordance with guidance previously issued by the DOL and Workforce Services Directive WSD08-10.

POLICY AND PROCEDURES

Priority of Service Requirement

As stated in WIOA Section 134(c)(3)(E), with respect to individualized career services and training services funded with WIOA adult funds, priority of service must be given to recipients of public assistance, other low-income individuals, or individuals who are basic-skills deficient.

Priority of service status is established at the time of eligibility determination and does not change during the period of participation. Priority does not apply to the dislocated worker population.

Veterans and eligible spouses continue to receive priority of service among all eligible individuals; however, they must meet the WIOA adult program eligibility criteria and meet the criteria under WIOA Section 134(c)(3)(E). As described in Training and Employment Guidance Letter (TEGL) 10-09, when programs are statutorily required to provide priority, such as the WIOA adult program, then priority must be provided in the following order:

1. Veterans and eligible spouses who are also recipients of public assistance,
other low income individuals, or individuals who are basic skills deficient.
2. Individuals who are the recipient of public assistance, other low income individuals, or individuals who are basic skills deficient.
3. Veterans and eligible spouses who are not included in WIOA’s priority groups.
4. Other individuals not included in WIOA’s priority groups.

[Reference – TEGL 3-15 Guidance on Services Provided through the Adult and Dislocated Program under the Workforce Innovation and Opportunity Act and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services]

For additional guidance on providing priority of service to veterans through the one-stop system, please reference EDD Workforce Services Directive WSD08-10.

Local Workforce Development Boards (Local Boards) may establish additional priority groups for their Local Area (e.g., residents of the Local Area, individuals with disabilities, ex-offenders, etc.). If any additional priority groups are established, they should be identified in the local policy.

Definitions
For purposes of this directive, the following definitions apply:

Basic Skills Deficient – An individual that is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society (WIOA Section 3[5]). Criteria used to determine whether an individual is basic skills deficient includes the following:

- Lacks a high school diploma or high school equivalency and is not enrolled in post-secondary education.
- Enrolled in a Title II Adult Education/Literacy program.
- English, reading, writing, or computing skills at an 8.9 or below grade level.
- Determined to be Limited English Skills proficient through staff-documented observations.
- Other objective criteria determined to be appropriate by the Local Area and documented in its required policy.

Case Notes – Paper or electronic statements by the case manager that identifies, at a minimum, (1) a participant’s status for a specific data element, (2) the date on which the information was obtained, and (3) the case manager who obtained the information. If case notes are used as a documentation source, the case notes must provide an auditable trail back to the source of information verified. The case manager does not need to keep a hard copy of the information verified in the participant’s case file.

Example: A case manager verifies an individual is basic skills deficient by viewing school records, specifically, enrollment in a Title II Adult
Revised Policies

Education/Literacy program. The case notes must include auditable information, such as the name of the school and the date of enrollment, which could allow an auditor/monitor to later retrieve this information. The case manager would not need to keep a hard copy of the school record in the participant’s file (TEGL 06-14, Attachment A).

Low-Income – An individual that meets one of the four criteria below:

1. Receives, or in the past six months has received, or is a member of a family that is receiving, or in the past six months has received, assistance through the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance For Needy Families (TANF), program supplemental security income program, or state or local income-based public assistance.

2. In a family with total family income that does not exceed the higher of the following:
   a. The poverty line.
   b. 70 percent of the Lower Living Standard Income Level.

3. A homeless individual.

4. An individual with a disability whose own income does not exceed the income requirement, but is a member of a family whose total income does.

(Reference WIOA Section 3[36])

Public Assistance Recipient – An individual that receives federal, state, or local government cash payments for which eligibility is determined by a needs or income test (WIOA Section 3[50]).

Self-Attestation – When a participant states his or her status for a particular data element, such as low income, and then signs and dates a form acknowledging this status. The key elements for self-attestation are (1) the participant identifying his or her status for permitted elements, and (2) signing and dating a form attesting to this self-identification. The form and signature can be on paper or in the Local Area management information system, with an electronic signature (TEGL 06-14, Attachment A).

*Note that self-attestation is not to be used as the primary method of gathering documentation to verify data elements. Self-attestation as a documentation source is only to be used when the preferred options of paper documentation or third party corroboration are not available.

Career and Training Services

Under WIOA, the WIA core and intensive services are merged into a new category entitled “career services.” The career services category includes basic career services, found at WIOA Section 134(c)(2)(A)(i)-(xi), and individualized career services, found at WIOA Section 134(c)(2)(A)(xii). Basic career services are not subject to the priority of service requirement. However, individualized career services and training services are subject to the requirement (Title 20 CFR NPRM Section 680.150).
Basic Career Services

Basic career services must be made available to all individuals seeking services offered by the one-stop delivery system, and include the following:

- Determinations of whether the individual is eligible to receive assistance from the adult, dislocated worker, or youth programs.
- Outreach, intake (including identification through the state’s Worker Profiling and Reemployment Services system of unemployment insurance (UI) claimants likely to exhaust benefits), and orientation to information and other services available through the one-stop delivery system.
- Initial assessment of skill levels including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and supportive service needs.
- Labor exchange services, including the following:
  - Job search and placement assistance, and, when needed by an individual, career counseling, including the following:
    - Provision of information on in-demand industry sectors and occupations [as defined in WIOA Section 3(23)].
    - Provision of information on nontraditional employment [as defined in WIOA Section 3(37)].
  - Provision of referrals to and coordination of activities with other programs and services, including those within the one-stop delivery system and, when appropriate, other workforce development programs.
  - Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including the following:
    - Job vacancy listings in labor market areas.
    - Information on job skills necessary to obtain the vacant jobs listed.
    - Information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for those jobs.
  - Provision of performance information and program cost information on eligible providers of training services by program and type of providers.
  - Provision of information about how the Local Area is performing on local performance accountability measures, as well as any additional performance information relating to the area’s one-stop delivery system.
  - Provision of information relating to the availability of supportive services or assistance, and appropriate referrals to those services and assistance, including (1) child care, (2) child support, (3) medical or child health assistance available through the state’s Medicaid program and Children’s Health Insurance Program, (4) benefits under the SNAP, (5) assistance through the earned income tax credit, (6) housing counseling and assistance services sponsored through the U.S. Department of Housing and Urban Development, and (7) assistance under a state TANF program, and other supportive services and transportation provided through that program.
  - Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA.
• Provision of information and assistance regarding filing claims under UI programs, including meaningful assistance to individuals seeking assistance in filing a claim:

  o Meaningful assistance means providing assistance as follows:
    ▪ On-site using staff who are properly trained in UI claims, filing, and/or the acceptance of information necessary to file a claim (note that, staff providing UI assistance may be UI, Wagner-Peyser, or other America’s Job Center of CaliforniaSM (AJCC) partner staff members who have been properly trained to provide this type of assistance and service. Note that, questions, advice, or decisions that could affect a claimant’s eligibility should only be handled by UI program staff).
    ▪ By phone or via other technology, as long as the assistance is provided by trained and available staff and within a reasonable time.

  o The costs associated in providing meaningful assistance may be paid for by the state’s UI program, the WIOA adult or dislocated worker programs, the Wagner-Peyser Employment Service, or some combination thereof these funding sources.

*Individualized Career Services*

Individualized career services are subject to priority of service, and consist of the following:

• Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include the following:
  o Diagnostic testing and use of other assessment tools.
  o In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.

• Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about, eligible training providers.

• Group and/or individual counseling and mentoring.

• Career planning (e.g. case management).

• Short-term pre-vocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training, in some instances pre-apprenticeship programs may be considered as short-term pre-vocational services.

• Internships and work experiences that are linked to careers.

• Workforce preparation activities that help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of postsecondary
education, or training, or employment.
- Financial literacy services.
- Out-of-area job search assistance and relocation assistance.
- English language acquisition and integrated education and training programs.

Training Services

Training services are subject to priority of service, and consist of the following:

- Occupational skills training, including training for nontraditional employment.
- On-the-job training.
- Incumbent worker 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.
- Transitional jobs.
- Job readiness training provided in combination with another training service.
- Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with another training service.
- Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.
Local Areas may use the following sources of documentation to verify whether an adult participant qualifies for priority of service under WIOA:

<table>
<thead>
<tr>
<th>Priority of Service Criteria</th>
<th>Acceptable Documentation</th>
</tr>
</thead>
</table>
| 1. Recipient of Public Assistance    | • Cross-match with public assistance database  
|                                      | • Copy of authorization to receive cash public assistance  
|                                      | • Copy of public assistance check  
|                                      | • Medical card showing cash grant status  
|                                      | • Public assistance records  
|                                      | • Refugee assistance records                                                                |
| 2. Low Income                        | • Alimony agreement  
|                                      | • Award letter from veteran’s administration  
|                                      | • Bank statements  
|                                      | • Compensation award letter  
|                                      | • Court award letter  
|                                      | • Pension statement  
|                                      | • Employer statement/contact  
|                                      | • Family or business financial records  
|                                      | • Housing authority verification  
|                                      | • Pay stubs  
|                                      | • Public assistance records  
|                                      | • Quarterly estimated tax for self-employed persons  
|                                      | • Social Security benefits  
|                                      | • Unemployment Insurance documents  
|                                      | • Self attestation*  |
| 3. Basic Skills Deficient            | • School Records  
|                                      |   o A referral or records from a Title II Basic Adult Education program or English Language Learner program  
|                                      | • Results of academic assessment  
|                                      | • Case notes*  
|                                      | • Self-Attestation*  |

*Please reference the definition section of this directive for additional guidance on case notes or self-attestation being used for documentation purposes.
For reporting and statistical purposes, the EDD recommends Local Areas document all barriers of employment in order to accurately measure populations served within the one-stop system.

REFERENCES

- WIOA (Public Law 113-128) Sections 3 and 134
- WDS 15-14 on www.edd.ca.gov
- Workforce Investment Act (WIA) Section 134
- Title 20 Code of Federal Regulations (CFR) “WIOA, Notice of Proposed Rule Making” (NPRM), Sections 680.150, 680.600, 680.610, and 680.650
- Training and Employment Guidance Letter (TEGL) 06-14, Program Year 2013/Fiscal Year 2014 Data Validation and Performance Reporting Requirements and Associated Timelines, Attachment A (September, 10, 2014)
- TEGL 03-15, Guidance on Services Provided through the Adult and Dislocated under the Workforce Innovation and Opportunity Act and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services (July 1, 2015)
- Workforce Services Directive WSD08-10, Subject: Final Rule on Priority of Service for Veterans and Eligible Spouses (June 29, 2009)
Rapid Response Services Policy

EFFECTIVE DATE: July 1, 2015

BACKGROUND

The City’s Rapid Response Program 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 the State of California Employment Development Department (EDD), the 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.

Layoff Aversion is a significant strategy under Rapid Response that helps retain workers in their current jobs and/or provides rapid transitions to new employment, minimizing periods of unemployment. This strategy includes “early warning systems” that include (but are not limited to) close communication with employer representatives, industry groups, local elected officials, organized labor, utilities, or local media. This close communication is intended to identify an “at-risk” company well in advance of layoffs, get executive-level commitment to work together, assess the needs of the company, and deliver services to address risk factors.

The City’s Rapid Response Program also complies with the State’s required activity which directs the Local Area to provide a “rapid response” to Worker Adjustment and 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).

(Refer to EDD Workforce Services Directive WSD14-3)

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 and 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, RRCs will:

- Work with EDD to determine if affected employers are eligible for the California’s Work Sharing program (which allows for the payment of unemployment
insurance benefits to individuals whose wages and hours have been reduced) as an alternative to layoffs. Refer to:

http://www.edd.ca.gov/unemployment/Work_Sharing_Program.htm

- Within 48 hours of an orientation, provide WorkSource Centers (WSCs) who attend a Rapid Response Orientation copies of the Rapid Response Questionnaires (forms collecting basic contact, employment & education information, and service needs) completed by affected workers, 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 and County zip codes have been pre-assigned to each WSC based on location).

- 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 Reemployment 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 WIOA-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 the WSC’s processes.
WORKSOURCE CENTERS (WSCs) form an integral partnership with the City and are key to the effectiveness of its rapid response and layoff aversion 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:

- Support the RRC by assessing the DWs to determine if they are eligible for customized training or incumbent worker training as alternatives to layoffs.

- 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 WSC-specific promotional flyers, etc to the RRC, 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 the 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.
Salary and Bonus Limitation for 2016 Policy

EFFECTIVE DATE: January 1, 2016

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 2016. It applies to all City subrecipients expending Workforce Investment Act (WIA), LA Reconnections Career Academy Workforce Innovation Fund (LARCA-WIF), LA:RISE, 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 California 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 2016 and the last two years are as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Limit</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>$181,500</td>
<td>January 1, 2014</td>
</tr>
<tr>
<td>2015</td>
<td>$183,300</td>
<td>January 1, 2015</td>
</tr>
<tr>
<td>2016</td>
<td>$185,100</td>
<td>January 1, 2016</td>
</tr>
</tbody>
</table>

Additional guidelines regarding the limitation are as follows:

- 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 salaries 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 2016 W-2 Gross Compensation is $140,000. He worked part-time (.60 FTE) all year but 100% of his time benefited the City WIOA contract:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016 Salary &amp; Bonus Limit</td>
<td>$185,100</td>
</tr>
<tr>
<td>Prorated Salary &amp; Bonus Limit [($185,100 x .60 x 100%)]</td>
<td>$111,060</td>
</tr>
<tr>
<td>Executive Director’s Total Gross Compensation</td>
<td>$140,000</td>
</tr>
<tr>
<td>Salary Benefiting City WIOA Contract ($140,000 x 100%)</td>
<td>$140,000</td>
</tr>
<tr>
<td>Compensation in Excess of Limitation ($140,000 - $111,060)</td>
<td>$28,940</td>
</tr>
</tbody>
</table>
Example #2:  
Executive Director’s 2016 W-2 Gross Compensation is $140,000. He worked part-time (.50 FTE) all year and only 80% of his time benefited the City WIOA contract.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016 Salary &amp; Bonus Limit</td>
<td>$185,100</td>
</tr>
<tr>
<td>Prorated Salary &amp; Bonus Limit [$185,100 x (.50 x 80%)]</td>
<td>$74,040</td>
</tr>
<tr>
<td>Executive Director's Total Gross Compensation</td>
<td>$140,000</td>
</tr>
<tr>
<td>Salary Benefiting City WIOA Contract ($140,000 x 80%)</td>
<td>$112,000</td>
</tr>
<tr>
<td><strong>Compensation in Excess of Limitation ($112,000 - $74,040)</strong></td>
<td><strong>$37,960</strong></td>
</tr>
</tbody>
</table>

Example #3:  
Executive Director’s 2016 W-2 Gross Compensation is $160,000. He worked full-time all year but only 50% of his time benefited the City WIOA contract.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016 Salary &amp; Bonus Limit</td>
<td>$185,100</td>
</tr>
<tr>
<td>Prorated Salary &amp; Bonus Limit ($185,100 x 50%)</td>
<td>$92,550</td>
</tr>
<tr>
<td>Executive Director's Total Gross Compensation</td>
<td>$160,000</td>
</tr>
<tr>
<td>Salary Benefiting City WIOA Contract ($160,000 x 50%)</td>
<td>$80,000</td>
</tr>
<tr>
<td><strong>Compensation in Excess of Limitation ($80,000 &lt; $92,550)</strong></td>
<td><strong>$0</strong></td>
</tr>
</tbody>
</table>

- 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
- State of California Employment Development Department Workforce Services Directive (SWD) 14-11, Salary and Bonus Limitations for 2015, dated March 12, 2015 (EDD has not issued its directive for 2016 as of the issuance of this policy.)

INQUIRIES

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

(Adopted PY 15-16) (Revised PY 16-17)
Selective Service Registration Policy

EFFECTIVE DATE: July 1, 2016

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 the Workforce Innovation and Opportunity Act (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 WIOA 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 undocumented immigrants, 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:
  o Date of entry stamp in his passport;
  o I-94 with date of entry stamp on it; or
  o 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. According to the Selective Service website, “Individuals who are born female and have a gender change are not required to register. U.S. citizens or immigrants who are born male and have a gender change are still required to register.”

This list of Selective Service registration requirements is not exhaustive. Additional information regarding these requirements can be found on the Selective Service website at www.sss.gov. This website also provides a quick reference chart listing who must register, which can be found at:


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/Home/Verification  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. 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 and instructions can be accessed at https://www.sss.gov/Forms. 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.
Services and Referrals to Victims of Human Trafficking

Policy

EFFECTIVE DATE: July 1, 2016

POLICY

Employment is an essential step in integrating victims of human 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 Department of Labor (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. See:

POLICY AND PROCEDURES

WorkSource Center/ America’s Job Center of California (WSC/AJCC) staff are being asked to review and recognize the characteristics of human trafficking, and to 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
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- 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, WSC/AJCC staff is reminded that they can assist trafficking victims in the following ways, as applicable:

I. 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 WSC/AJCC 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.

II. Provide employment and training services:

United States citizens or lawful residents who are victims of trafficking can receive the
same America’s Job Center of California/WorkSource Center services that are provided to the general public under the Workforce Innovation and Opportunity Act (WIOA). Specifically, Section 188(a)(5) of 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 Training and Employment Guidance Letter (TEGL) 19-01 Change 1. Individuals who are granted T visas from the Department of Homeland Security are also eligible for WIOA 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 WSC/AJCC 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. WSC/AJCC 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 Training and Employment Notice (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.
III. Offer information and referral to other wraparound services and/or law enforcement:

In most cases, victims of trafficking will approach WSC/AJCCs toward the end of their rehabilitation process and will have already been working with other nonprofit organizations and governmental agencies.

In the event that the victim has not yet received services, it is important for WSC/AJCC staff to be aware and utilize local resources and service providers, particularly nonprofit organizations that provide services to trafficking victims. Service providers for trafficking victims can also refer or accompany their clients to the nearest WSC/AJCC 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:


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.
Supportive Services/Needs-Related Payments Policy

EFFECTIVE DATE: July 1, 2016

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 (Local 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 of funding and maximum length of time for supportive services (including needs-related 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 to anyone participating in Title I activities.

- Follow-up services, which for youth may include supportive services, must be provided to all 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. The provisions of accurate information about the availability of support services in the local areas, as well as referral to such activities, is one of the career services that must be made available to adults and dislocated workers through the One-Stop Delivery system.

- Local Boards may establish limits on the provision of Support Services or provide One-Stop operators the authority to establish such limits, including maximum amount and maximum time. The One-Stop Operator is to ensure the costs are reasonable, necessary, and allowable under federal guidelines.

- Supportive services may be received throughout the period that the customer is enrolled in WIOA activities (Career or Training Services).

- 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 WIOA services. Gasoline receipts, for customers using a personal automobile to commute to and from WIOA activities, must be obtained to verify that the expenses are necessary, reasonable, and allowable.

II. Needs-Related Payments

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

Needs-Related Payments Policy

- Needs-related payments may be provided to participants in the WIOA Adult or Dislocated Worker programs.
- Needs-Related Payments may be provided 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 completes training. If necessary, needs related payments may also be provided if the participant has been accepted in a training program that will begin within 30 calendar days.

- Needs-related payments may be provided to WIOA Youth participants at any level of the provision of WIOA Youth services during the entire length of time that a Youth participant remains in the WIOA Youth program. Needs-related payments are not an allowable post-employment/post-exit follow-up service.

- Needs-related 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-related payments:
  - Adults must be unemployed, not qualify for or have ceased to qualify for unemployment compensation (UC) and be enrolled in a program 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 13th 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; or
    - Dislocated Workers must be unemployed and ceased to qualify for UC or trade adjustment allowance under Trade Adjustment Assistance (TAA) and be enrolled in a program of training services.
  - All WIOA Youth participants may receive needs-related 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 UC.
  - For dislocated workers, payments must not exceed the greater of the following two levels:
    - For customers who were eligible for UC as a result of a qualifying dislocation, payment may not exceed the applicable weekly level of the UC. Payment is based on every hour of documented participation in WIOA classroom training.
    - For customers who did not qualify for UC 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.
  
  o For Youth, the maximum needs-related payment is $1,200 per participant per year.

- A participant may not receive needs-related payments for either post-employment or post exit follow-up services as he/she is no longer participating in an eligible WIOA 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 WIOA 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 15th 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 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, Statues of 2011
EWDD (formerly CDD) Workforce Development System Directive 12-23

(Adopted PY 04-05) (Revised PY 16-17)
Training Expenditure Requirement Policy

EFFECTIVE DATE: July 1, 2016

POLICY

This policy establishes certain requirements for the amount of formula funding that must be expended on training activities as defined by the Workforce Innovation and Opportunity Act (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 Workforce Investment Act (WIA) formula fund allocations on workforce training services (this minimum training expenditure requirement does not apply to the youth WIOA formula fund allocations). This amount increases to 30 percent in 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 (as defined in this policy) used for training services. Although SB 734 was written in regards to WIA funded programs, the State has indicated that these requirements 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
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- 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 Eligible Training Provider List (ETPL) are eligible to receive WIOA funds to train adults and dislocated workers.

Formula funds and leveraged resources allocated to 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:

- 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 customized training, the wages of an apprentice during the apprenticeship period, and the employer paid portion of on-the-job training).

Note: Match funds from the employer paid portion of OJT may only include the employer’s cost attributed to the participant’s 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 (WSCs). As such, certain requirements must be imposed upon the centers to ensure the local area meets its goals for training expenditures. Specifically, WSCs must expend an amount equal to or greater than 42 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 14 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 WSC’s goal. It should be noted that the State does not include supportive services as a training expense for this requirement.

¹References to Title 20 CFR Section 663.508 refer to WIA final regulations. The State may update these references once final WIOA regulations are issued.
WDB Support of Grant Applications Policy

EFFECTIVE DATE: July 1, 2016

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 grant applications competing 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 make the request for the support letter to the Resource Development Unit (RDU) staff by written correspondence (via email) a minimum of five business days in advance. 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 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 RDU staff sufficient time to review the request, to 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 use the 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; or
- The proposer is a current contractor within the City’s Workforce Development System; or
- If the proposer is not a current contractor, then the proposed program design must 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.
WorkSource Center Customer Flow Policy

EFFECTIVE DATE: July 1, 2016

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 Delivery (ISD) 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 WIOA Adult and Dislocated Worker formula programs, in coordination with Wagner-Peyser (WP), are pivotal pieces of the one-stop delivery system, which is the foundation of the workforce system. The system provides universal access to career services to meet the diverse needs of adults and dislocated workers. The adult and dislocated worker programs are required partners of the one-stop delivery system. WIOA has made significant reforms to how services are delivered in the one-stop system. Under WIOA, adults and dislocated workers may access career services and training services. WIOA provides for a workforce system that is universally accessible, and customer-centered. WIOA provides career and training services at nearly 2,500 nation-wide one-stop centers. Training is supported through a robust Eligible Training Provider List (ETPL), comprised of entities with a proven capability of securing quality employment outcomes for participants. WIOA also provides enhanced access and flexibility for work-based training options, such as Registered Apprenticeship (RA), on-the-job training, customized training, and incumbent worker training.

PROCEDURES

WorkSource Customer Flow:

Services received by a WIOA client will vary, based on his/her particular needs, informed choice, and 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:
  - JobsLA.org (JobsLA) 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. JobsLA.org provides 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 who 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 (IEP) 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 supportive services to job seeking customers and to provide skilled, qualified applicants to local business and employers.

Program Services

Career Services

WIOA authorizes “career services” for adults and dislocated, rather than “core” and “intensive” services, as authorized by WIA. There are three types of “career services”:

- Basic Career Services
- Individualized Career Services
- Follow-up Services.

Training Services

Training services can be critical to the employment success of many adults and dislocated workers. There is no sequence of service requirement for “career services” and training. This means that State Workforce Agency (SWA) or one-stop center staff may determine training is appropriate regardless of whether the individual has received basic or individualized career services first. Under WIOA, training services may be provided if the SWA or one-stop center staff determine, after an interview, evaluation or assessment, and career planning, that the individual:

- Is 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 alone;
- Is in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
- Has the skills and qualifications to successfully participate in the selected program of training services.

Training services, when determined appropriate, must be provided either through an Individual Training Account or through a training contract discussed in Section 10 of TEGL 3-15. Training services must be linked to in-demand employment opportunities in the local area or planning region or in a geographic area in which the adult or dislocated worker is willing to commute or relocate. The selection of training services should be conducted in a manner that maximizes customer choice, is linked to in-demand occupations, is informed by the performance of relevant training providers, and is coordinated to the extent possible with other sources of assistance.

As of July 1, 2015, States and local area policies and procedures for training individuals
Revised Policies

in the Adult and Dislocated Worker programs must reflect the criteria above. States and local areas need to ensure they formulate a process for determining self-sufficiency standards for individuals to receive training. Developing a self-sufficiency standard is an allowable statewide activity (per WIOA134 (a)(3)(A)(xii), and adjusting the self-sufficiency standard for local factors in an allowable local activity (per WIOA section 134 (d) (1) (A) (x)

Below is a list of services for reference:

<table>
<thead>
<tr>
<th>Basic Career Services Self Service (JobsLA.org registration required)</th>
<th>Individualized Career Services (Full WIOA registration required)</th>
<th>Training Services (Full WIOA registration required)</th>
<th>Follow-Up Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Determination of Eligibility to receive Assistance under Title IB</td>
<td>Staff assisted job search and placement assistance, career counseling</td>
<td>Occupational skills training</td>
<td>Job Search</td>
</tr>
<tr>
<td>Outreach, intake (which may include WPRS referrals) and orientation to One Stop Center</td>
<td>Follow-up services, including counseling regarding the workplace</td>
<td>On-the-Job Training</td>
<td>Referral to Supportive Services available in the community</td>
</tr>
<tr>
<td>Initial assessment of skill levels, aptitudes, abilities and need for additional assistance</td>
<td>Staff assisted job referrals (such as testing and background checks)</td>
<td>Workplace training and cooperative education programs</td>
<td>Case Management</td>
</tr>
<tr>
<td>Employment statistics:</td>
<td>Staff assisted job development (working with employer &amp; job seeker)</td>
<td>Private sector training programs</td>
<td>Additional Career Planning and Counseling</td>
</tr>
<tr>
<td>Information, job listings, job skill requirements for job listings, and information on demand occupations</td>
<td>Staff assisted workshops and job clubs</td>
<td>Skill upgrading and retraining</td>
<td>Peer Counseling</td>
</tr>
<tr>
<td>Performance information on Eligible training provider</td>
<td>Comprehensive and specialized assessment, e.g., diagnostic testing, interviewing</td>
<td>Entrepreneurial training</td>
<td>Needs Related Payments</td>
</tr>
<tr>
<td>Performance information on the local One-Stop System</td>
<td>Full development of an individual employment plan</td>
<td>Adult Education in combination with training</td>
<td>Information about additional educational opportunities</td>
</tr>
<tr>
<td>Information on filing for Unemployment Ins. Self-determined eligibility</td>
<td>Short-term pre-vocational services</td>
<td>Job readiness training</td>
<td></td>
</tr>
<tr>
<td>Information on, referral to, supportive services</td>
<td>Individual counseling and career planning</td>
<td>Customized training</td>
<td></td>
</tr>
<tr>
<td>Basic Career Services Self Service</td>
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<tr>
<td>(JobsLA.org registration required)</td>
<td>(Full WIOA registration required)</td>
<td>(Full WIOA registration required)</td>
<td></td>
</tr>
<tr>
<td>Assistance in establishing eligibility for welfare-to-work activities and for other training and education programs</td>
<td>English Language acquisition.</td>
<td></td>
<td></td>
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<tr>
<td>Resource room</td>
<td>Financial Literacy Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Internet browsing (job information and training search)</td>
<td>Development of an individual employment plan.</td>
<td></td>
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<tr>
<td>Internet accounts</td>
<td></td>
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<tr>
<td>Initial development of employment plan</td>
<td></td>
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<tr>
<td>Talent referrals (informational, e.g., talent scouts, labor exchange referrals of resumes without further screening)</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Workshops and job clubs</td>
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</tbody>
</table>

While follow-up services must be provided, not all of the adults and dislocated workers who are registered and placed into unsubsidized employment will need or want such services. Also, the intensity of appropriate follow-up services may vary among participants. Participants who have multiple employment barriers and limited work histories may be in need of significant follow-up services to ensure long-term success in the labor market. Other participants may identify an area of weakness in the training provided by the WIOA prior to placement that will affect their ability to progress further in their occupation or to retain their employment.

Follow-up services (including counseling regarding the workplace) must be provided, as appropriate, for up to 12 months after the first day of employment for participants in adult or dislocated worker workforce investment activities who are placed in unsubsidized employment. If a customer declines follow up services this must be recorded in the customer’s case file. Follow-up services for the purposes of career planning are not to be construed as the follow-up services required for performance reporting.

(Adopted PY 01-02) (Revised PY 16-17)
**Administrative Cost Limitation Policy**

**EFFECTIVE DATE:** July 1, 2016

**POLICY STATEMENT**

This Policy provides a definition and information related to Administrative Costs and limitations to their expenditure based on information provided by the Workforce Investment and Opportunity Act (WIOA) and EWDD policy.

**BACKGROUND**

The costs of administration are expenditures incurred by State and Local Workforce Development Boards, Regions, direct grant recipients, as well as local grant recipients, local grant subrecipients, local fiscal agents, and one-stop operators that are associated with the functions described in the following paragraph and which are not related to the direct provision of workforce investment services. These costs can be both personnel and non-personnel and both direct and indirect.

The costs of administration are costs associated with performing the following functions:

- Performing the following overall general administrative functions and coordination of those functions under title I of WIOA:
  - Accounting, budgeting, financial and cash management functions;
  - Procurement and purchasing functions;
  - Property management functions;
  - Personnel management functions;
  - Payroll functions;
  - Coordinating the resolutions of findings arising from audits, reviews, investigations and incident reports;
  - Audit functions;
  - General legal services functions;
  - Developing systems and procedures, including information systems, required for these administrative functions; and
  - Fiscal agent responsibilities;

- Performing oversight and monitoring responsibilities related to WIOA administrative functions;

- Costs of goods and services required for administrative functions of the program, including goods and services such as rental or purchase of equipment, utilities, office supplies, postage, and rental and maintenance of office space;

- Travel costs incurred for official business in carrying out administrative activities or the overall management of the WIOA system; and

- Costs of the information systems related to administrative functions.
PROCEDURES

WorkSource and YouthSource Centers must track and report administrative costs, including the administrative component of indirect costs recovered using an approved indirect cost rate, incurred during the contract period. The total administrative costs must not exceed 4% of the total allocation or the total final approved expenditures, net of any disallowed costs and/or unearned grant. And administrative costs in excess of the 4% limitation will be disallowed or subject to repayment.

REFERENCES

NPRM §683.215
Incumbent Worker Training Policy

EFFECTIVE DATE: July 1, 2016

POLICY STATEMENT

This Policy provides a definition and information related to Incumbent Worker Training based on information provided by the Workforce Investment and Opportunity Act (WIOA).

BACKGROUND

An “incumbent worker” is a worker who is:

- Employed,
- Meets the Fair Labor Standards Act (FSLA) requirements for an employer-employee relationship, and
- Has an established employment history with the employer for 6 months or more.

An incumbent worker does not necessarily have to meet the eligibility requirements for career and training services for adults and dislocated worker under WIOA.

Incumbent worker training is training:

- Designed to meet the special requirements of an employer (including a group of employers) to retain a skilled workforce or avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment; and
- Conducted with a commitment by the employer to retain or avert the layoff of the incumbent worker(s) trained.

Local areas may reserve up to 20 percent of their combined total of adult and dislocated allotments for incumbent worker training.

PROCEDURES

To the greatest extent possible, incumbent worker training shall be provided utilizing California Employment Training Panel Funds: http://www.etp.ca.gov/

Before providing incumbent worker training with WIOA formula funds, local areas must submit a request to their Regional Advisor requesting access to the grant codes associated with incumbent worker training.

Incumbent Worker Training contracts with WIOA formula funds are subject to the approval of EWDD oversight. In order for an employer to be eligible to receive incumbent worker training funds, the following must be considered:
The characteristics of the participants in the program;

The relationship of the training to the competitiveness of a participant and the employer;

The number of employees trained;

Wages and benefits including post-training increases; and

The existence of other training opportunities provided by the employer.

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

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

REFERENCES

NPRM §680.780 – 680.820; DOL TEGL 3-15
Transitional Jobs Policy (replaces Work Experience Policy)

EFFECTIVE DATE: July 1, 2016

POLICY STATEMENT

Transitional Jobs is a new category under career services that is allowed by the Workforce Innovation and Opportunity Act (WIOA). Transitional jobs are defined as time-limited work experiences that are subsidized, which are planned, structured learning experiences that take place in a workplace. They may be paid or unpaid, and located in the private, nonprofit, or public sectors. The City recommends that work experience be paid, be provided to individuals lacking a significant work history and be combined with Supportive Services. The goal of transitional jobs is to establish a work history for the individual that demonstrates success in the workplace, and develops the skills that lead into retention in unsubsidized employment. Unlike an On-the-Job-Training (OJT) there is no assumption that the individual will be retained in their transitional job after the experience is over, transitional employment 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 transitional jobs do 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 Transitional Jobs 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. WIOA allows up to 10% of Adult and Dislocated Worker funds to be used for transitional jobs for individuals with barriers to employment. Transitional employment, which was not easily provided under the previous law for the Adult system, will now add to the myriad of services offered by the system providers.

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 and is designed to ensure that the people most in need of employment assistance transition to full participation in the labor market. 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 Transitional Job. 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 transitional jobs 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 transitional job and internships is the responsibility of the contractor and shall be done by a person other than the designated staff who developed the transitional job/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 Transitional Employment

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
Working Definition of the Green Economy Policy

EFFECTIVE DATE: July 1, 2016

POLICY STATEMENT

This policy requires that all City of Los Angeles WorkSource and YouthSource Center operators use the definition of green jobs developed by the BLS to identify the number of green jobs and related training programs reported and tracked in the City of Los Angeles JobsLA system that links to the State’s Cal Jobs system. A copy of the definition is attached as part of the policy.

BACKGROUND

In an effort to dispel confusion regarding the green economy and green jobs, the Bureau of Labor Statistics (BLS) developed a definition of green jobs for use in data collection in March 2010 (last modified in January 2013)\(^1\)

Based on two components, BLS defines green jobs as either:

- Jobs in businesses that produce goods or provide services that benefit the Environment or conserve natural resources; or

- Jobs in which workers’ duties involve making their establishment’s production processes more environmentally friendly or use fewer natural resources.

An article in the January 2013 Monthly Labor Review published by BLS describes the methodology/development of the definition.

Critical to the understanding of the green economy and green jobs, the above definition adopted by the BLS will be the accepted definition throughout the City of Los Angeles Workforce Development system. This definition will be applied throughout the Workforce Development System to systematize the capture of training and employment data in the green economy and simplify reporting processes.

In April 2015, Mayor Garcetti released a Sustainable City pLAN that sets sustainability as a core value for the City and a course for economic and environmental sustainability. As part of the pLAN strategy, the Mayor issued Executive Directive No. 7-Sustainable City pLAN, that orders all General Managers, Heads of Departments/Offices and Commissions to utilize the pLAN as a tool for strategic planning and program prioritization and to take ownership of associated components in their respective jurisdictions. In accordance with the pLAN and Directive, the Workforce Development

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1 BLS published the final definition in the September 21, 2010, Federal Register.
Board and the Economic and Workforce Development Department work collaboratively with a variety of partners on the creation of green businesses and green jobs.\(^2\)

**PROCEDURE**

Consistent with the definition, all WIOA-funded contractors are required to report whether participants have received “green training” and/or are employed in green jobs. This data will be captured at the time of closure (exit) of participants via CalJOBS\(^{SM}\) through the JobsLA.org portal.

**REFERENCE**

January 2013 Monthly Labor Review

City of Los Angeles Sustainability pLAn

Executive Directive No. 7, issued by Mayor Garcetti on April 8, 2015

\(^2\) City of Los Angeles Sustainability pLAn, page _____.