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| **Federal Regulations (CFR’s, WIOA Regulations, Wagner-Peyser)** |
| [**20 CFR 683.410**](https://www.ecfr.gov/current/title-20/chapter-V/part-683/subpart-D/section-683.410)  **Oversight Roles and Responsibilities of Recipients and Sub Recipients awarded under Title I of WIOA and the Wagner-Peyser Act**  (a) Each [recipient](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=faa71006f867df5bac1f112e4a498731&term_occur=999&term_src=Title:20:Chapter:V:Part:683:Subpart:D:683.410) and [subrecipient](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=38e2cc67d4a81aeecb56a0c896a42abc&term_occur=999&term_src=Title:20:Chapter:V:Part:683:Subpart:D:683.410) of funds under title I of [WIOA](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=3a905a266cd9dd2d2ddc27af5f21b033&term_occur=999&term_src=Title:20:Chapter:V:Part:683:Subpart:D:683.410) and under the [Wagner-Peyser Act](https://www.law.cornell.edu/topn/federal_employment_service_act) must conduct regular oversight and monitoring of its [WIOA](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=3a905a266cd9dd2d2ddc27af5f21b033&term_occur=999&term_src=Title:20:Chapter:V:Part:683:Subpart:D:683.410) and [Wagner-Peyser Act](https://www.law.cornell.edu/topn/federal_employment_service_act) program(s) and those of its [subrecipients](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=38e2cc67d4a81aeecb56a0c896a42abc&term_occur=999&term_src=Title:20:Chapter:V:Part:683:Subpart:D:683.410) and [contractors](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=4e93cba201ed7b43650200216df75c27&term_occur=999&term_src=Title:20:Chapter:V:Part:683:Subpart:D:683.410) as required under title I of [WIOA](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=3a905a266cd9dd2d2ddc27af5f21b033&term_occur=999&term_src=Title:20:Chapter:V:Part:683:Subpart:D:683.410) and the [Wagner-Peyser Act](https://www.law.cornell.edu/topn/federal_employment_service_act), as well as under [2 CFR part 200](https://www.law.cornell.edu/cfr/text/2/part-200), including [2](https://www.law.cornell.edu/cfr/text/2) CFR [200.327](https://www.law.cornell.edu/cfr/text/2/200.327), [200.328](https://www.law.cornell.edu/cfr/text/2/200.328), [200.330](https://www.law.cornell.edu/cfr/text/2/200.330), [200.331](https://www.law.cornell.edu/cfr/text/2/200.331), and [Department](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=180226bac75aaba849305bb0726f9b35&term_occur=999&term_src=Title:20:Chapter:V:Part:683:Subpart:D:683.410) exceptions at [2 CFR part 2900](https://www.law.cornell.edu/cfr/text/2/part-2900), in order to:  (1) Determine that expenditures have been made against the proper cost categories and within the cost limitations specified in [WIOA](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=3a905a266cd9dd2d2ddc27af5f21b033&term_occur=999&term_src=Title:20:Chapter:V:Part:683:Subpart:D:683.410) and the regulations in this part;  (2) Determine whether there is compliance with other provisions of [WIOA](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=3a905a266cd9dd2d2ddc27af5f21b033&term_occur=999&term_src=Title:20:Chapter:V:Part:683:Subpart:D:683.410) and the [WIOA regulations](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=45d86a1c8418d82c7e8e4398f2cc4dd3&term_occur=999&term_src=Title:20:Chapter:V:Part:683:Subpart:D:683.410) and other applicable laws and regulations;  (3) Assure compliance with [2 CFR part 200](https://www.law.cornell.edu/cfr/text/2/part-200); and 29 CFR 38.4 29 [CFR 38.4 Definitions Nondiscrimination and EEO under WIOA](https://www.ecfr.gov/current/title-29/part-38)  (4) Determine compliance with the nondiscrimination, disability, and equal opportunity requirements of sec. 188 of [WIOA](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=3a905a266cd9dd2d2ddc27af5f21b033&term_occur=999&term_src=Title:20:Chapter:V:Part:683:Subpart:D:683.410), including the [Assistive Technology Act of 1998](https://www.law.cornell.edu/topn/assistive_technology_act_of_1998) ([29 U.S.C. 3003](https://www.law.cornell.edu/uscode/text/29/3003)).  [**20 CFR 651**](https://www.ecfr.gov/current/title-20/chapter-V/part-651?toc=1)  **General Provisions Governing the Wagner-Peyser Act Employment Service**  [**651.10**](https://www.ecfr.gov/current/title-20/chapter-V/part-651?toc=1)Definitions of terms used in this part and [parts 652](https://www.ecfr.gov/current/title-20/part-652), [653](https://www.ecfr.gov/current/title-20/part-653), [654](https://www.ecfr.gov/current/title-20/part-654), and [658 of this chapter](https://www.ecfr.gov/current/title-20/part-658).  [**20 CFR 652**](https://www.ecfr.gov/current/title-20/chapter-V/part-652)  **Establishment and Functioning of State Employment Service**  [§ **652.206**](https://www.ecfr.gov/current/title-20/section-652.206) **May a State use funds authorized under the Wagner-Peyser Act to provide applicable “career services,” as defined in the Workforce Innovation and Opportunity Act?**  Yes, funds authorized under sec. 7(a) of the Wagner-Peyser Act must be used to provide basic career services as identified in [§ 678.430(a) of this chapter](https://www.ecfr.gov/current/title-20/section-678.430#p-678.430(a)) and secs. 134(c)(2)(A)(i)-(xi) of WIOA, and may be used to provide individualized career services as identified in [§ 678.430(b) of this chapter](https://www.ecfr.gov/current/title-20/section-678.430#p-678.430(b)) and sec. 134(c)(2)(A)(xii) of WIOA. Funds authorized under sec. 7(b) of the Wagner-Peyser Act may be used to provide career services. Career services must be provided consistent with the requirements of the Wagner-Peyser Act.  [§ **652.207**](https://www.ecfr.gov/current/title-20/section-652.207) **How does a State meet the requirement for universal access to services provided under the Wagner-Peyser Act?**  (a) A State has discretion in how it meets the requirement for universal access to services provided under the Wagner-Peyser Act. In exercising this discretion, a State must meet the Wagner-Peyser Act's requirements.  (b) These requirements are:  (1) Labor exchange services must be available to all employers and job seekers, including unemployment insurance (UI) claimants, veterans, migrant and seasonal farmworkers, and individuals with disabilities;  (2) The State must have the capacity to deliver labor exchange services to employers and job seekers, as described in the Wagner-Peyser Act, on a statewide basis through:  (i) Self-service, including virtual services;  (ii) Facilitated self-help service; and (iii) Staff-assisted service;(3) In each local area, in at least one comprehensive physical center, ES staff must provide labor exchange services (including staff-assisted labor exchange services) and career services as described in [§ 652.206](https://www.ecfr.gov/current/title-20/section-652.206); and(4) Those labor exchange services provided under the Wagner-Peyser Act in a local area must be described in the Memorandum of Understanding (MOU) described in [§ 678.500 of this chapter](https://www.ecfr.gov/current/title-20/section-678.500) [§ 678.430 Chapter V Part 678 Subpart B Provisions 1-11 (List of](https://www.ecfr.gov/current/title-20/chapter-V/part-678/subpart-B/section-678.430#p-678.430(a)) career services as identified in sec. 134(c)(2) of WIOA and includes provisions of providing job match, referrals, meaningful UI, LMI, Initial assessments items 1-11)[§ 652.2](https://www.ecfr.gov/current/title-20/section-652.2) Scope and purpose of the Wagner-Peyser Act Employment Service.The basic purpose of the ES is to improve the functioning of the nation's labor markets by bringing together individuals who are seeking employment and employers who are seeking workers.[§ 652.3](https://www.ecfr.gov/current/title-20/chapter-V/part-652#subpart-C) Public labor exchange services system.(a) Assist job seekers in finding employment, including promoting their familiarity with the Department's electronic tools;(b) Assist employers in filling jobs;(c) Facilitate the match between job seekers and employers;(d) Participate in a system for clearing labor among the States, including the use of standardized classification systems issued by the Secretary, under sec. 15 of the Wagner-Peyser Act;(e) Meet the work test requirements of the State unemployment compensation system; and (f) Provide labor exchange services as identified in [§ 678.430(a) of this chapter](https://www.ecfr.gov/current/title-20/section-678.430#p-678.430(a)), [sec. 7(a) of the Wagner-Peyser Act*,*](#_Wagner-Peyser_Act_of) and sec. 134(c)(2)(A)(iv) of WIOA. Labor Exchange Services [§ 678.430 Chapter V Part 678 Subpart B](https://www.ecfr.gov/current/title-20/chapter-V/part-678/subpart-B/section-678.430#p-678.430(a)) Provisions 1-11 (List of career services as identified in sec. 134(c)(2) of WIOA and includes provisions of providing job match, referrals, meaningful UI, LMI, Initial assessments items 1-11)[20 CFR 653 Subpart B](https://www.ecfr.gov/current/title-20/part-653/subpart-B)Services for Migrant and Seasonal Farmworkers (MSFW)[§ 653.101](https://www.ecfr.gov/current/title-20/chapter-V/part-653#:~:text=134(c)(2).-,%C2%A7%20653.101,-Provision%20of%20services) Provision of services to migrant and seasonal farmworkers.Each one-stop center must offer MSFWs the full range of career and supportive services, benefits and protections, and job and training referral services as are provided to non-MSFWs. In providing such services, the one-stop centers must consider and be sensitive to the preferences, needs, and skills of individual MSFWs and the availability of job and training opportunities.[§ 653.102](https://www.ecfr.gov/current/title-20/chapter-V/part-653#:~:text=%C2%A7%20653.102%20Job%20information.) Job information.All SWAs must make job order information conspicuous and available to MSFWs by all reasonable means. Such information must, at minimum, be available through internet labor exchange systems and through the one-stop centers. One-stop centers must provide adequate assistance to MSFWs to access job order information easily and efficiently. In designated significant MSFW multilingual offices, such assistance must be provided to MSFWs in their native language, whenever requested or necessary.[§ 653.103](https://www.ecfr.gov/current/title-20/chapter-V/part-653#:~:text=%C2%A7%20653.103%20Process%20for%20migrant%20and%20seasonal%20farmworkers%20to%20participate%20in%20workforce%20development%20activities.) Process for migrant and seasonal farmworkers to participate in workforce development activities.(a) Each one-stop center must determine whether participants are MSFWs as defined at § 651.10 of this chapter.(b) All SWAs will ensure that MSFWs who are English Language Learners (ELLs) receive, free of charge, the language assistance necessary to afford them meaningful access to the programs, services, and information offered by the one-stop centers.(c) One-stop centers must provide MSFWs with a list of available career and supportive services in their native language.(d) One-stop centers must refer and/or register MSFWs for services, as appropriate, if the MSFW is interested in obtaining such services.[§ 653.107 a-d](https://www.ecfr.gov/current/title-20/chapter-V/part-653#:~:text=653.107%20Outreach%20and%20Agricultural%20Outreach%20Plan.) Outreach and Agricultural Outreach PlanState Workforce Agency (SWA) outreach responsibilitiesOutreach Staff ResponsibilitiesES Office Outreach ResponsibilitiesState Agricultural Outreach Plan (AOP)[Federal Register / Vol. 81, No. 161 / Friday, August 19, 2016](https://www.govinfo.gov/content/pkg/FR-2016-08-19/pdf/2016-15975.pdf) Page 56273 Section 653.107(c) ES Office Outreach Responsibilities CommentsOne commenter recommended the Department exempt non-significant ES offices from the requirement to file with the SMA a monthly summary report of outreach efforts because they do not normally conduct outreach and the requirement would impose an unnecessary burden on those offices. Another commenter requested clarification on § 653.107(c) regarding whether all States must establish outreach programs, or that only those top 20 States with significant MSFW populations establish an outreach program and their local ES office managers must report on outreach activities to the SMA. Department Response: The Department will not provide an exemption for non-significant ES offices from submitting the monthly summary report because it is important for the SMA to know what efforts all ES offices are making to locate and contact MSFWs. However, the Department notes that summary reports must be submitted for months when outreach is conducted. The Department concluded that maintaining this requirement as proposed will not impose an unnecessary burden on offices any more than what was already required at 20 CFR 653.107(n).[§ 653.108](https://www.ecfr.gov/current/title-20/section-653.108) State Workforce Agency and State Monitor Advocate responsibilities[§ 653.109](https://www.ecfr.gov/current/title-20/section-653.109) Data collection and performance accountability measures(g) Meet equity indicators that address ES controllable services and include, at a minimum, individuals referred to a job, receiving job development, and referred to supportive or career services.(h) Meet minimum levels of service in significant MSFW States.[20 CFR 658](https://www.ecfr.gov/current/title-20/chapter-V/part-658#sp20.4.658.e)Administrative Provisions Governing the Wagner-Peyser Act Employment ServicesSubpart E-Employment Service and Employment-Related Law Complaint System (Complaint System)[§ 658.400](https://www.ecfr.gov/current/title-20/chapter-V/part-658#p-658.400(a)) Purpose and Scope of Subpart(a)This subpart sets forth the regulations governing the Complaint System for the Wagner-Peyser Act Employment Service (ES) at the State and Federal levels. Specifically, the Complaint System handles complaints against an employer about the specific job to which the applicant was referred through the ES and complaints involving the failure to comply with the ES regulations under [parts 651](https://www.ecfr.gov/current/title-20/part-651), [652](https://www.ecfr.gov/current/title-20/part-652), [653](https://www.ecfr.gov/current/title-20/part-653), and [654 of this chapter](https://www.ecfr.gov/current/title-20/part-654) and this part. As noted in [§ 658.411(d)(6)](https://www.ecfr.gov/current/title-20/section-658.411#p-658.411(d)(6)), this subpart only covers ES-related complaints made within 2 years of the alleged violation.(b) Any complaints alleging violations under the Unemployment Insurance program, under Workforce Innovation and Opportunity Act (WIOA) title I programs, or complaints by veterans alleging employer violations of the mandatory listing requirements under [38 U.S.C. 4212](https://www.govinfo.gov/link/uscode/38/4212) are not covered by this subpart and must be referred to the appropriate administering agency which would follow the procedures set forth in the respective regulations.(c) The Complaint System also accepts, refers, and, under certain circumstances, tracks complaints involving employment-related laws as defined in [§ 651.10 of this chapter](https://www.ecfr.gov/current/title-20/section-651.10).(d) A complainant may designate an individual to act as his/her representative.[§658.410](https://www.ecfr.gov/current/title-20/section-658.410) Establishment of local and State Complaint Systems[§ 658.411](https://www.ecfr.gov/current/title-20/section-658.411) Action on ComplaintsSubpart F-Agricultural Recruitment System for U.S. Workers (ARS)[§ 653.501](https://www.ecfr.gov/current/title-20/section-653.501) Requirements for processing clearance orders(d) Processing clearance ordersSubpart G-Review and Assessment of State Workforce Agency Compliance with Employment Service Regulation[§ 658.601](https://www.ecfr.gov/current/title-20/chapter-V/part-658#p-658.601(a)) State Workforce Agency responsibility.(a) Each SWA must establish and maintain a self-appraisal system for ES operations to determine success in reaching goals and to correct deficiencies in performance. The self-appraisal system must include numerical (quantitative) appraisal and non-numerical (qualitative) appraisal.(1) Numerical appraisal at the ES office level must be conducted as follows:(i) Performance must be measured on a quarterly-basis against planned service levels as stated in the Unified or Combined State Plan (“State Plan”). The State Plan must be consistent with numerical goals contained in ES office plans.(ii) To appraise numerical activities/indicators, actual results as shown on the Department's ETA Form 9172, or any successor report required by the Department must be compared to planned levels. Differences between achievement and plan levels must be identified.(iii) When the numerical appraisal of required activities/indicators identifies significant differences from planned levels, additional analysis must be conducted to isolate possible contributing factors. This data analysis must include, as appropriate, comparisons to past performance, attainment of State Plan goals and consideration of pertinent non-numerical factors.(iv) Results of ES office numerical reviews must be documented and significant deficiencies identified. A corrective action plan as described in [paragraph (a)(6)](https://www.ecfr.gov/current/title-20/section-658.601#p-658.601(a)(6)) of this section must be developed to address these deficiencies.(v) The result of ES office appraisal, including corrective action plans, must be communicated in writing to the next higher level of authority for review. This review must cover adequacy of analysis, appropriateness of corrective actions, and need for higher level involvement. When this review is conducted at an area or district office, a report describing ES office performance within the area or district jurisdiction must be communicated to the SWA on a quarterly basis.(2) Numerical appraisal at the SWA level must be conducted as follows:(i) Performance must be measured on a quarterly basis against planned service levels as stated in the State Plan. The State Plan must be consistent with numerical goals contained in ES office plans.(ii) To appraise these key numerical activities/indicators, actual results as shown on ETA Form 9172, or any successor report required by the Department must be compared to planned levels. Differences between achievement and plan levels must be identified.(iii) The SWA must review statewide data and performance against planned service levels as stated in the State Plan on at least a quarterly basis to identify significant statewide deficiencies and to determine the need for additional analysis, including identification of trends, comparisons to past performance, and attainment of State Plan goals.(iv) Results of numerical reviews must be documented and significant deficiencies identified. A corrective action plan as described in [paragraph (a)(5)](https://www.ecfr.gov/current/title-20/section-658.601#p-658.601(a)(5)) of this section must be developed to address these deficiencies. These plans must be submitted to the ETA Regional Office as part of the periodic performance process described at [§ 658.603(d)(2)](https://www.ecfr.gov/current/title-20/section-658.603#p-658.603(d)(2)).(3) Non-numerical (qualitative) appraisal of ES office activities must be conducted at least annually as follows:(i) Each ES office must assess the quality of its services to applicants, employers, and the community and its compliance with Federal regulations.(ii) At a minimum, non-numerical review must include an assessment of the following factors:(A) Appropriateness of services provided to participants and employers;(B) Timely delivery of services to participants and employers;(C) Staff responsiveness to individual participants and employer needs;(D) Thoroughness and accuracy of documents prepared in the course of service delivery; and(E) Effectiveness of ES interface with external organizations, such as other ETA-funded programs, community groups, etc.(iii) Non-numerical review methods must include:(A) Observation of processes;(B) Review of documents used in service provisions; and(C) Solicitation of input from applicants, employers, and the community.(iv) The result of non-numerical reviews must be documented and deficiencies identified. A corrective action plan addressing these deficiencies as described in [paragraph (a)(6)](https://www.ecfr.gov/current/title-20/section-658.601#p-658.601(a)(6)) of this section must be developed.(v) The result of ES office non-numerical appraisal, including corrective actions, must be communicated in writing to the next higher level of authority for review. This review must cover thoroughness and adequacy of ES office appraisal, appropriateness of corrective actions, and need for higher level involvement. When this review is conducted at an area or district level, a report summarizing local ES office performance within that jurisdiction must be communicated to the SWA on an annual basis.(4) As part of its oversight responsibilities, the SWA must conduct onsite reviews in those ES offices which show continuing internal problems or deficiencies in performance as indicated by such sources as data analysis, non-numerical appraisal, or other sources of information.(5) Non-numerical (qualitative) review of SWA ES activities must be conducted as follows:(i) SWA operations must be assessed annually to determine compliance with Federal regulations.(ii) Results of non-numerical reviews must be documented and deficiencies identified. A corrective action plan addressing these deficiencies must be developed.(6) Corrective action plans developed to address deficiencies uncovered at any administrative level within the State as a result of the self-appraisal process must include:(i) Specific descriptions of the type of action to be taken, the time frame involved, and the assignment of responsibility.(ii) Provision for the delivery of technical assistance as needed.(iii) A plan to conduct follow-up on a timely basis to determine if action taken to correct the deficiencies has been effective.(7)(i) The provisions of the ES regulations which require numerical and non-numerical assessment of service to special applicant groups (*e.g.*, services to veterans at [20 CFR part 1001](https://www.ecfr.gov/current/title-20/part-1001) - Services for Veterans and services to MSFWs at this [part](https://www.ecfr.gov/current/title-20/chapter-V) and [part 653 of this chapter](https://www.ecfr.gov/current/title-20/part-653)), are supplementary to the provisions of this section.(ii) Each State Administrator and ES office manager must ensure their staff know and carry out ES regulations, including regulations on performance standards and program emphases, and any corrective action plans imposed by the SWA or by the Department.(iii) Each State Administrator must ensure the SWA complies with its approved State Plan.(iv) Each State Administrator must ensure to the maximum extent feasible the accuracy of data entered by the SWA into Department-required management information systems. Each SWA must establish and maintain a data validation system pursuant to Department instructions. The system must review every local ES office at least once every 4 years. The system must include the validation of time distribution reports and the review of data gathering procedures.[**Wagner-Peyser Act of 1933, as amended**](https://www.dol.gov/agencies/eta/american-job-centers/wagner-peyser#:~:text=SEC.%207.,720%20et%20seq.).) **SEC. 7. (a)** Ninety percent of the sums allotted to each State pursuant to section 6 may be used--  (1) for job search and placement services to job seekers, including unemployment insurance claimants, including counseling, testing, occupational and labor market information, assessment, and referral to employers;  (2) for appropriate recruitment services and special technical services for employers; and  (3) for any of the following activities:  (A) evaluation of programs;  (B) developing linkages between services funded under this Act and related Federal or State legislation, including the provision of labor exchange services at educational sites;  (C) providing services for workers who have received notice of permanent layoff or impending layoff, or workers in occupations which are experiencing limited demand due to technological change, impact of imports, or plant closures;  (D) developing and providing labor market and occupational information;  (E) developing a management information system and compiling and analyzing reports therefrom;  (F) administering the work test for the State unemployment compensation system, including making eligibility assessments, and providing job finding and placement services for unemployment insurance claimants; and  (G) providing unemployment insurance claimants with referrals to, and application assistance for, training and education resources and programs, including Federal Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.), educational assistance under chapter 30 of title 38, United States Code (commonly referred to as the Montgomery GI Bill), and chapter 33 of that title (Post-9/11 Veterans Educational Assistance), student assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), State student higher education assistance, and training and education programs provided under titles I and II of the Workforce Innovation and Opportunity Act, and title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.).  [**TEGL No. 15-22**](https://www.dol.gov/agencies/eta/advisories/tegl-15-22) **PY 2023 Allotments for Wagner-Peyser Act Employment Services (ES) program**  [**UIPL NO. 14.18**](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_14-18_Acc.pdf) **Unemployment Insurance and the Workforce Innovation Act**  **Section 5 Wagner-Peyser Act Employment Service (ES) Program.**  WIOA amends Section 7(a) of the Wagner-Peyser Act in several important ways that impact service delivery to UI claimants (section 305(a) and (b), WIOA). The Wagner-Peyser Act authorizes funding for states to deliver a wide array of services to job-seekers. WIOA added new language that reemphasizes the need for Wagner-Peyser Act funds to be used specifically to support reemployment and related services to UI claimants. The coordination of employment services and UI claimant services is essential to ensure an integrated approach to reemployment service delivery. The WIOA amendments to the Wagner-Peyser Act are intended to strengthen the connectivity between the ES and UI programs, and maximize the opportunities for claimants to return to employment as quickly as possible.  Consistent with 20 CFR Part 652.209, the state ES agency, as part of the one-stop delivery system, must deliver reemployment services to UI claimants for whom such services are required as a condition for receipt of UI benefits. Services must be appropriate to the needs of the UI claimants who are referred to reemployment services under any Federal or state UI program or law. The state must also carry out other activities, as appropriate, including:  • Coordinating and providing basic career services, particularly labor exchange services with the provision of UI claimant services, as required by the Wagner-Peyser Act;  • Administering the work test, conducting eligibility assessments, and registering UI claimants for employment services in accordance with a state’s UI law, and provision of job finding and placement services; and  • Referring UI claimants to, and providing application assistance for, training and education resources and programs, including Federal Pell Grants and other student assistance under Title IV of the Higher Education Act; the Montgomery GI Bill; Post9/11 GI Bill; training provided for youths, adults and dislocated workers, as well as training and education programs under WIOA; and for Vocational Rehabilitation Services under Title I of the Rehabilitation Act of 1973.  Staff funded under the Wagner-Peyser Act must ensure that:  • UI claimants receive the full range of reemployment services, including labor exchange services available under the Wagner-Peyser Act that are necessary and appropriate to facilitate their earliest return to work, including career services specified in WIOA; 10  • UI claimants requiring assistance in seeking work receive the necessary and appropriate guidance and counseling to assist them to make a meaningful and realistic work search; and  • ES staff provides UI staff with information about potential UI eligibility issues such as a claimant’s ability to work, availability for work, or work search activities, and the suitability of available work or employment. Sharing such information with UI staff may help to accelerate the claimant’s return to suitable employment and otherwise ensure their continued eligibility to receive UI. To meet the requirement of providing the necessary information related to UI eligibility, states must ensure that:  • An effective feedback loop is in place to advise UI staff whether the claimant reported as directed and participated in the eligibility assessment and/or services, as appropriate;  • The feedback loop is in place for all reemployment service activities in which UI claimants are required to participate, and includes a process for referral to UI adjudication any eligibility issues identified in an eligibility review;  • ES staff are trained to conduct a thorough eligibility assessment to be able to identify potential eligibility issues for referral to UI staff;  • ES staff are trained to properly document information for use by UI staff in adjudicating, as appropriate, any UI eligibility issues;  • A process to provide feedback to UI staff is in place and clearly documented. To the extent possible, states are encouraged to integrate IT systems among workforce partners and the UI agency to provide feedback to UI. If systems integration is not feasible, states must ensure a secure method of exchanging information exists. (Either way, states must comply with the requirements of 20 CFR Part 603.); and  • Only state UI merit staff members have authority to adjudicate UI eligibility issues. |
| **Office Level Program Monitoring Checklist** |
| **1.ADMINISTRATION**  ***Elements 1A-1C Wagner-Peyser Non-Numerical Self-Appraisal***  **Numerical Self-Appraisal and Non-Numerical Self-Appraisal:**  [**20 CFR 658.601(a)**](https://www.ecfr.gov/current/title-20/chapter-V/part-658#p-658.601(a)) State Workforce Agency responsibility for Self-Appraisal  ***Elements 1D-1G Wagner-Peyser Complaints***  **Establishment of local and State Complaint Systems*:***  [**20 CFR Part 658.410**](https://www.ecfr.gov/current/title-20/part-658/section-658.410#p-658.410(c))**(c)** Central Complaint Log/Required Elements  [**20 CFR Part 658.410 (j)**](https://www.ecfr.gov/current/title-20/part-658#p-658.410(j)) Complaint Log Quarterly Report  [**20 CFR 658.410(d)**](https://www.ecfr.gov/current/title-20/chapter-V/part-658/subpart-E/subject-group-ECFRd6f9fc50c95409e/section-658.410#p-658.410(d)) Prominent Display of Employment Complaint System Poster  [**20 CFR 658.411**](https://www.ecfr.gov/current/title-20/section-658.411) Action on Complaints  [**20 CFR Part 653.108 (g), (i), (l), and (s)(6)**](https://www.ecfr.gov/current/title-20/section-653.108) State Monitor Advocate and Complaint Review  [**WSS Policy 1012, Revision 2**](https://storemultisites.blob.core.windows.net/media/WPC/adm/policy/1012-2-3.pdf) Customer Complaint Resolution and [**Program Complaint Handbook, Section 1**](https://storemultisites.blob.core.windows.net/media/WPC/adm/policy/Complaint_Handbook_1012_%20Rev_2-3.pdf)    ***Elements 1H-1K MIGRANT AND SEASONAL FARM WORKER RESPONSIBILITIES FOR OFFICES***  [**20 CFR 653.103**](https://www.ecfr.gov/current/title-20/chapter-V/part-653#p-653.103(a)) Migrant and Seasonal Farm Workers in Workforce Development Activities  [**20 CFR 653.109(c)**](https://www.ecfr.gov/current/title-20/chapter-V/part-653#p-653.109(c))Data Collection and Performance Accountability Measures for Services to Migrant and Seasonal farmworkers  [**20 CFR 653.107(a)**](https://www.ecfr.gov/current/title-20/chapter-V/part-653#p-653.107(a)) Responsibilities of ESD/State Workforce Agency for Outreach  [**20 CFR 653.107 (b)**](https://www.ecfr.gov/current/title-20/part-653#p-653.107(b)) Outreach Staff Responsibilities  [**20 CFR 653.107 (c)**](https://www.ecfr.gov/current/title-20/chapter-V/part-653#p-653.107(c)) Local Office Outreach Responsibilities  [**Federal Register / Vol. 81, No. 161 / Friday, August 19, 2016**](https://www.govinfo.gov/content/pkg/FR-2016-08-19/pdf/2016-15975.pdf)Page 56273 Section 653.107(c) ES Office Outreach Responsibilities Comments  [**Agricultural Outreach Plan (Starts pg. 223 of State Workforce Plan 2020-2024)**](https://www.wtb.wa.gov/wp-content/uploads/2020/03/TAP-Update-2020-030420.pdf)  **2. ELIGIBILITY AND REGISTRATION – JOB SEEKER**  ***Elements 2A-2E SEEKER REGISTRATION PROCESS***  [**WSS Policy 1019, Revision 7, 3 (b)**](https://storemultisites.blob.core.windows.net/media/WPC/adm/policy/1019-7.pdf) Eligibility Policy and [**Eligibility Handbook, Revision 7**](https://storemultisites.blob.core.windows.net/media/WPC/adm/policy/attachments/1019%20Revision%207%20-%20Eligibility%20Policy%20Handbook%20PDF.pdf)  [**WSS Policy 1020, Revision 1**](https://storemultisites.blob.core.windows.net/media/WPC/adm/policy/1020-1-2.pdf)Data Integrity and Performance Policy and Handbook  [**WSS Policy 1023, Revision 1**](https://storemultisites.blob.core.windows.net/media/WPC/adm/policy/1023-1.pdf) Co-Enrolled Integrated Service Delivery Policy and Operations Guide  [**WIN 0120**](https://storemultisites.blob.core.windows.net/media/WPC/adm/policy/0120.pdf) Procedures for Adding Participants to Efforts to Outcomes (ETO) When Individuals Are Unable to Create a WSWA Account  [**WIN0081, Change 4**](https://storemultisites.blob.core.windows.net/media/WPC/adm/policy/0081-4.pdf) WIOA Title I and III procedures for creating accounts in Efforts to Outcomes (ETO) when individuals do not provide Social Security Numbers.  [**WIN 0082, Change 1**](https://storemultisites.blob.core.windows.net/media/WPC/adm/policy/0082-1.pdf) Real Time Data Entry  [**WSS Policy 1003, Revision 5**](https://storemultisites.blob.core.windows.net/media/WPC/adm/policy/1003-5.pdf) Data Element Validation and [**Attachment B**](https://storemultisites.blob.core.windows.net/media/WPC/adm/policy/attachments/1003-5%20Attach%20B.xlsx) Required Data Elements by Program and Source Documentation  [**Wagner-Peyser-Full Registration Desk Aid**](https://storemultisites.blob.core.windows.net/media/WPC/tech/staff-resources/eto-job-seeker-full-registration-desk-aid-2023-08-16.docx)  **3. LABOR EXCHANGE SERVICES – PRIORITY OF SERVICE**  ***Elements 3A FRONT END INTAKE/TRIAGE***  [**20 CFR 652.100**](https://www.ecfr.gov/current/title-20/section-652.100)Services for Veterans  [**WSS Policy 1009, Revision 3**](https://storemultisites.blob.core.windows.net/media/WPC/adm/policy/1009-3.pdf) Priority of Service of Veterans and Eligible Spouses  [**WSS Policy 1022, Revision 1**](https://storemultisites.blob.core.windows.net/media/WPC/adm/policy/1022-1.pdf) Referral of Veterans/Other Population with SBE to DVOP  [**WP Policy 4030, Services for Veterans**](https://storemultisites.blob.core.windows.net/media/WPC/adm/policy/4030.pdf)  **4. LABOR EXCHANGE SERVICES--Documentation**  ***Elements 4A-4C DESK SIDE (INDIVIDUAL) OR GROUP***  [**20 CFR 652**](https://www.ecfr.gov/current/title-20/chapter-V/part-652)Establishment and Functioning of State Employment Service  [**WIN 0082, Change 1**](https://storemultisites.blob.core.windows.net/media/WPC/adm/policy/0082-1.pdf) Real Time Data Entry  [**WIN 0023, Change 2**](https://storemultisites.blob.core.windows.net/media/WPC/adm/policy/0023-2.pdf) Management of Medical and Disability Related Information  [**WSS Policy 1020 Handbook, Section 1**](https://storemultisites.blob.core.windows.net/media/WPC/adm/policy/attachments/WSS%20Policy%201020-1%20Handbook.pdf)Data Integrity and Performance Policy Handbook  [**WorkSource Services Catalog**](https://storemultisites.blob.core.windows.net/media/WPC/wswa/support/worksource-services-catalog.xlsx)  **5. UNEMPLOYMENT CLAIMANT SERVICES**  ***Elements 5A-5B UI ELIGIBILITY***  [**WIN 0090, Change 2**](https://storemultisites.blob.core.windows.net/media/WPC/adm/policy/0090-2.pdf)Assisting Unemployment Insurance Claimants in WorkSource Offices  [**UIPL NO. 14.18, Section 5-6**](https://www.dol.gov/agencies/eta/advisories/unemployment-insurance-program-letter-no-14-18)Unemployment Insurance and Workforce Innovation Opportunity Act  **6. AGRICULTURAL RECRUITMENT SYSTEM (FOR ORDER HOLDING OFFICES)-Under Development**  [**20 CFR 653.501**](https://www.ecfr.gov/current/title-20/section-653.501)Requirements for Processing Clearance Orders  [**Wagner-Peyser Desk Aid/Resources for Clearance Orders (Formerly H-2A)**](https://stateofwa.sharepoint.com/:f:/r/sites/ESD-emplsvcs-programsonestop/Wagner%20PeyserMSFW%20Tools%20%20Templates/H-2A%20Referral%20Material?csf=1&web=1)  H2A Handbook, H-2A Job Referral General Instructions, Hiring Status Final, Additional ESD Information  **7. EMPLOYER SERVICES-Under Development**  [**20 CFR 652.3(b), (c)**](https://www.ecfr.gov/current/title-20/chapter-V/part-652#p-652.3(b)) Public Labor Exchange Services System Minimum Requirements  [**State Workforce Plan 2020-2024**](https://www.wtb.wa.gov/planning-programs/washington-state-workforce-plan/) Job Orders, Job Fairs, Hiring Events, Labor market information and other business services. |
| **Job Seeker Record Review Checklist (JSR)**  **Complaint Log Checklist (CLC)-Under Development**  **Equity Ratio and Service Level Indicator (ERSLI)-Under Development**  **MSFW Outreach (MSFWO)-Under Development**  **ARS Clearance Order Checklist (ARSC)-Under Development** |
| |  |  | | --- | --- | | **Job Seeker Record Checklist** | | | **ELEMENT** | **ELIGIBILITY AND REGISTRATION** | | 1H | Applicant is accurately identified as a Migrant and Seasonal Farm Worker at the time of staff-assisted service? | | **ELEMENT** | **ELIGIBILITY AND REGISTRATION-JOB SEEKER** | | 2D | Record contains evidence of Right to Work? | | 2E | Demographics were completed/updated during the customer’s initial assessment/point of staff-assisted service? | | **ELEMENT** | **PRIORITY OF SERVICE** | | 3A | Does the record contain evidence of Veteran’s status? | | **ELEMENT** | **LABOR EXCHANGE SERVICES** | | 4A | Record contains evidence (desk side) Basic Career Services were provided that align with WorkSource Services Catalog? | | 4B | Record contains evidence (desk side) Individual Career Services were provided that align with the WorkSource Services Catalog? | | 4C | Record contains evidence Basic Career Services (group) were provided that align with the WorkSource Services Catalog? | | **ELEMENT** | **UNEMPLOYMENT CLAIMANT SERVICES** | | 5A | Records contains evidence that UI Eligible claimants were provided information about WorkSource services? | | 5B | Records contain evidence of a Report of Potential Issue? | | **Complaint Log and Record Checklist (Under Development)** | | | **ELEMENT** | **Complaint Log-** Did the office document and maintain the documentation required for a complaint? | |  | 1. Name of Complainant 2. Name of Respondent 3. Date Filed 4. MSFW Status 5. Type of Complaint 6. Enforcement Agency (Referred to Section) 7. Action Taken 8. Resolution Status | | **ELEMENT** | **Complaint Records-** Did the office document and maintain the documentation required for a complaint? | |  | 1. Original Copy of Complaint Form 2. Correspondence received/transmitted (originals if hard copy) 3. Copies of Email Correspondences 4. Copies of Written or Typed Notes 5. Miscellaneous Items Relevant to Allegations (check stubs, work agreements, etc.) 6. MSFW Follow-up |  |  |  | | --- | --- | | **Equity Ratio and Service Level Indicator (Under Development)** | | | **ELEMENT** | Equity Ratio Indicators | |  | 1. Received Staff-Assisted Basic Career Services  2. Received Staff-Assisted Career Guidance Services  3. Receive Staff-Assisted Job Search Activities  4. Referred to Employment (Not Currently Accurate per Elise McKnight)  5. Received Unemployment Insurance (UI) Claim Assistance  6. Referred to Federal Training (Not Currently Accurate per Elise McKnight)  7. Referred to Other Federal State Assistance  8. Received Individualized Career Services | | **ELEMENT** | **Service Level Indicators** | |  | 1. Individuals Placed in a Job (ER Q2)  2. Median Earnings of Individuals in Unsubsidized Employment  3. Individuals Placed in Long Term Non-Agricultural Jobs (ER Q2)  4. Employment Rate 4th Quarter after Exit |  |  |  | | --- | --- | | **MSFW Outreach (Under Development)** | | | **ELEMENT** | **Review of Daily Outreach Logs** | |  | 1. Maintained outreach daily log? 2. Number of MSFW contacts listed? 3. Names of MSFW when required? 4. Is there a list of services provided? 5. Are logs complete and accurate? 6. Was the majority of the outreach workers time spent in the field conducing outreach? | | **ELEMENT** | **Planned Outreach** | |  | Review office outreach plan (excel document on EC Programs One-Stop)   1. Is the office on track to meet the yearly outreach days/hours goal? 2. Is the office meeting the expected number of MSFW contacts per outreach day? |  |  |  | | --- | --- | | **Agricultural Recruitment System Clearance Order Checklist (Under Development)** | | | **ELEMENT** |  | |  | Is the office meeting expectations in the creation and maintenance of clearance job orders?   1. Does the posting include the required statement? 2. Does the posting include categorizing the posting as Foreign Labor Certification? 3. Does the posting include access to the Worker’s Trifold Side by Side, and Job Order? | | **ELEMENT** |  | |  | Is the office documenting the required follow-up with customers that submit applications?   1. Evidence of Hiring Status Update in Recruiter Account 2. Touchpoint and/case notes in ETO if referred | |