



Workforce Innovation and Opportunity Act Policy
Employment System Administration and Policy

Washington envisions a nationally recognized fully integrated One-Stop system with enhanced customer access to program services, improved long-term employment outcomes for job seekers and consistent, high quality services to business customers. In order to achieve this vision, Employment System Administration and Policy sets a common direction and standards for Washington's WorkSource system through the development of WorkSource system policies, information memoranda, and technical assistance.

Policy Number: 5620, Revision 1
To: Washington WorkSource System
Effective Date: April 22, 2021

Subject: Follow-Up Services for Adults and Dislocated Workers

1. Purpose:

To communicate State policy regarding activities that constitute follow-up services for Workforce Innovation and Opportunity Act (WIOA) Title I Adults and Dislocated Workers.

2. Background:

Follow-up services provided to program-completed WIOA Title I Adult and Dislocated Worker program participants are activities designed to help those individuals retain unsubsidized employment resulting from the system-related services received.

3. Policy:

- a. Follow-up services can only be provided to WIOA Title I Adult and Dislocated Worker program participants who are placed in unsubsidized employment and have a Program Completion recorded in the Management Information System (MIS). Note: WIOA law and regulations define follow-up services as a type of career service, which would typically mean that they can only be provided to participants. However, the U.S. Department of Labor (DOL) has instructed states to follow the guidance issued in TEGL 10-16 Change 1, which states that follow-up services begin after program completion.
- b. Follow-up services, if requested by individuals and determined by staff to be appropriate for those individuals, must be provided for a period of up to 12 months (i.e., not more than 12 months). Note: WIOA law and regulations state that follow-up services must be provided for not less than 12 months, but DOL has instructed states to comply with the guidance issued in TEGL 19-16.

- c. Follow-up services for WIOA Title I Adult and Dislocated Worker program participants can include, but are not limited to, two-way exchanges between the service provider or case manager and either the individual (or his/her advocate) or the individual's employer as follows:
- Counseling individuals about the workplace.
 - Contacting individuals or employers to verify employment.
 - Contacting individuals or employers to help secure better paying jobs, additional career planning, and counseling for the individual.
 - Assisting individuals and employers in resolving work-related problems.
 - Connecting individuals to peer support groups.
 - Providing individuals with information about additional educational or employment opportunities.
 - Providing individuals with referrals to other community services.
- d. Supportive Services during follow-up are allowable for Adult and Dislocated Workers that have completed the program to help them retain unsubsidized employment. Local Workforce Development Boards (LWDBs) must define what are considered to be appropriate follow-up services as well as appropriate supportive services during follow-up.
- e. Follow-up services do not trigger the exit date to change or delay exit for performance reporting as per guidance issued by DOL in TEGL 10-16 Change 1. As such, LWDBs must count each exit of a participant during a program year as a separate period of participation if a participant has more than one exit in that program year.
- f. LWDBs must establish and implement local follow-up services policies within 90 days of issuance of this policy. Those policies must define appropriate follow-up services, including any supportive services, and when to provide those services to participants who have completed WIOA Title I Adult and Dislocated Worker programs. LWDBs may choose to incorporate additional services, as appropriate, in establishing or updating their local policies.

NOTE:

A follow-up service has been added to the WorkSource Services Catalog through WorkSource Information Notice 0077 Change 10 to enable the recording of supportive services to Adult and Dislocated Workers that have program completions:

“FOLLOW-UP SERVICES-SUPPORTIVE ASSISTANCE” – Services normally considered supportive services are also appropriate as follow-up services for participants in Adult or Dislocated Worker programs placed in unsubsidized employment whose employment may be at risk due to interruptions to key supports. This follow-up service does not trigger or extend participation and is not durational.

4. Definitions:

None.

5. References:

- Public Law 113-128, Workforce Innovation and Opportunity Act of 2014, Section 134(c)(2)(A)(xiii)
- 20 CFR 678.430(c) and 680.150(c)
- Training and Employment Guidance Letter (TEGL) 19-16, Section 4
- Training and Employment Guidance Letter (TEGL) 10-16 Change 1, Section 7
- U.S. Department of Labor response to California's request for a waiver to allow supportive services during follow-up.

6. Supersedes:

- WorkSource Information Notice (WIN) 0078, Change 1 – Provision of Title I Follow-up and Supportive Services Before and After Exit for Adults and Dislocated Workers
- WIOA Policy 5620, Follow-Up Services for Adult and Dislocated Worker Exiters

7. Website:

<http://wpc.wa.gov/adm/policy/state>

8. Action:

Local Workforce Development Boards and their contractors, as well as Employment Security Regional Directors, must distribute this policy broadly throughout the system to ensure that WorkSource System staff are familiar with its content and requirements.

9. Attachments:

Attachment A – U.S. Department of Labor response to California's request for a waiver to allow supportive services during follow-up. (Bolded in the attachment)

Direct Inquiries To:

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Attachment A

U.S. Department of Labor

Assistant Secretary for
Employment and Training
Washington, D.C. 20210



October 20, 2020

The Honorable Gavin Newsom
Governor of California
1303 10th Street, Suite 1173
Sacramento, CA 95814

Dear Governor Newsom:

Thank you for your waiver request submission to the U.S. Department of Labor (Department) regarding certain statutory and regulatory provisions of the Workforce Innovation and Opportunity Act (WIOA) and the accompanying plan to improve the statewide workforce development system (enclosed). ETA received the waiver requests on July 24, 2020. This letter provides the Employment and Training Administration's (ETA) official response to your requests and memorializes that California will meet the outcomes and implement the measures identified in its plan to ensure accountability agreed to by California and ETA. This action is taken under the Secretary's authority to waive certain requirements of WIOA Title I, Subtitles A, B, and E, and Sections 8–10 of the Wagner–Peyser Act in WIOA Section 189(i).

Requested Waiver: Waiver of WIOA Section 134(d)(5) and 20 CFR 680.195 to allow up to 30 percent of WIOA Title I Adult and Dislocated Worker local formula funds to be used for the provision of transitional jobs.

ETA Response: ETA conditionally approves the State's waiver request through June 30, 2022, for the WIOA Title I Adult and Dislocated Worker formula funding streams. Prior to implementation of this waiver, the State must update its waiver request to include quantifiable projected programmatic outcomes resulting from this waiver. ETA reviewed the State's waiver request and plan and has determined that the requirements requested to be waived impede the ability of California to implement its plan to improve the workforce development system. To accurately report participants in receipt of transitional jobs, California must record code value "6" in Participant Individual Record Layout (PIRL) element 1205 "Work Experience" and code value "1" in PIRL element 1211.

Requested Waiver: Waiver of WIOA Section 134(c)(3)(H)(i) and 20 CFR 680.720(b) in order to increase on-the-job training (OJT) employer reimbursement up to 90 percent for businesses with 50 or fewer employees to assist in its response to the impact of the COVID-19 pandemic.

ETA Response: ETA approves the State's waiver request through June 30, 2022, for the WIOA Title I Adult, Dislocated Worker, and Youth formula funds. ETA reviewed the State's waiver request and plan and has determined that the requirements requested to be waived impede the ability of California to implement its plan to improve the workforce development system.

Existing statutory authority permits the State and its local workforce areas to increase the reimbursement rate for OJT contracts up to 75 percent. The State may also reimburse up to 90 percent for OJT for businesses with 50 or fewer employees. ETA expects the utilization of OJT to increase in the State as a result of this waiver.

Requested Waiver: California is requesting a waiver of WIOA Section 134(d)(2) to allow for supportive services to be included amongst the list of follow-up services that can be provided to Adult and Dislocated Worker participants for up to 12 months after they are placed in unsubsidized employment.

ETA Response: This waiver is not needed. Existing statutory and regulatory authority allows states and local boards the flexibility to determine what specific services are appropriate as follow-up services. This flexibility allows states and local boards to determine that services they normally consider supportive services, such as childcare or transportation assistance, are also appropriate as follow-up services for participants in Adult or Dislocated Worker programs placed in unsubsidized employment whose employment may be at risk due to interruptions to key supports. ETA also encourages states and local boards to continue coordination with all available partners and programs in order to holistically meet the needs of participants.

Requested Waiver: Waiver of the limitation on the use of funds for capitalization of business at WIOA Section 181(e) to permit funds to be used to capitalize small businesses that were impacted by the COVID-19 pandemic.

ETA Response: California requests a waiver of the prohibition on using WIOA funds for business capitalization to conduct layoff aversion activities for businesses impacted by the COVID-19 pandemic. This waiver is unnecessary. Existing statutory and regulatory authority allows the use of local formula funds for layoff aversion activities, as described in WIOA Section 134(d)(1)(A)(vi-ix) and (xii). Furthermore, up to 20 percent of local area formula funds may be used to fund incumbent worker training (IWT) and supportive services for eligible participants, which can include purchase of equipment, such as laptops, necessary for the training of the participant. IWT may be used to upgrade employee skills for carrying out job duties that may have changed due to evolving working conditions and in order to retain employment. This may include training to carry out job functions in a virtual environment and using new equipment for such purposes. Please note that the State may request a waiver of the IWT expenditure limitation. ETA also encourages California to utilize existing statutory flexibility to provide statewide rapid response activities under WIOA Section 134(a)(2)(A) or statewide employment and training activities under WIOA Sections 134(a)(2)(B) and 134(a)(3), as appropriate.

The State must report its waiver outcomes and implementation of the approved waivers in the WIOA Annual Report. ETA will use this information to assess continued waiver approval and to identify promising practices that may be adopted more widely. ETA is available to provide technical assistance to you in support of your goals

The Department proposed additional flexibility in its budgets for Fiscal Years 2018 through 2021 to give governors more decision-making authority to meet the workforce needs of their states. If you have questions, feel free to contact my office at (202) 693-2772.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Pallasch".

*John Pallasch
Assistant Secretary for Employment and Training*

Enclosure

*cc: Sharon Hilliard, Director, California Employment Development Department
Tim Rainey, Executive Director, California Workforce Development Board
Nicholas Lalpous, Regional Administrator, Employment and Training Administration
Annie Leonetti, Deputy Administrator, Employment and Training Administration
Carol Padovan, Federal Project Officer, Employment and Training Administration*