

WorkSource Information Notice (WIN)

Employment System Administration and Policy

Policy-related | Fiscal | Performance | Q&A | Other

Number: WIN 0078

Date: January 3, 2017

Expiration Date: N/A

TO: Workforce Development System Partners

FROM: Gary Kamimura, Workforce Policy Director

SUBJECT: Provision of Title I Follow-up and Supportive Services Before and After Exit for Adults and Dislocated Workers

Purpose:

To provide State guidance on the provision of Title I follow-up and supportive services before and after exit until such time as the State receives written guidance from the U.S. Department of Labor (DOL) that addresses conflicting language between WIOA law and regulations, on one hand, and guidance, on the other.

Action Required:

LWDBs and their contractors, as well as ESD Regional Directors, must distribute this guidance broadly throughout the system to ensure that staff and partners in the WorkSource system are familiar with its content.

Content:

Many Title I service providers have asked whether or not WIOA Title I follow-up services can be provided after exit. The confusion is understandable due to clear conflict between WIOA law and rules, on one hand, and DOL guidance, on the other. WIOA Section 134(c)(2)(A)(xiii) identifies follow-up services as a type of career service and 20 CFR 678.430(c) states that individuals must be participants to receive career services. Since follow-up services are a type of career service, it stands to reason that individuals must be participants to receive follow-up services. [Attachment 1](#) of Training and Employment Guidance Letter (TEGL) 10-16 further provides under Definitions that a period of participation ends on a participant's date of exit from the program. Since participation ends when individuals are exited and individuals must be participants to receive follow-up services, it further stands to reason that exited individuals cannot receive follow-up services. Nevertheless, Section 7 of [TEGL 10-16](#) states, "Follow-up services (for participants in the title I Adult, Dislocated Worker, and Youth programs) occur, by definition, after exit ..."

It is customary to apply laws, rules and guidance in that order when there is conflicting language. By that logic, the State would normally find that follow-up services **cannot** be provided after exit. However, because of the importance of such a decision on how staff case-manage Title I participants as well as on local performance, the State requested that DOL provide formal, written guidance on this matter; the request is currently at DOL National Office.

Follow-Up Service Provision:

Until such time as formal, written guidance is received from DOL, the State declares that follow-up services **can** be provided after exit as consistent with the federal guidance provided in Section 7 of TEGL 10-16. If DOL ultimately determines that guidance in TEGL 10-16 is inconsistent with WIOA law and rule and prohibits follow-up services after exit, the State will hold harmless local areas that provided follow-up services after exit with the hold-harmless period being the period preceding the date the State formally communicated amended guidance to the system by way of Revision 1 to WIN 0078.

Supportive Service Provision:

Consistent with this State guidance, Title I service providers are reminded that both WIOA Section 134(d)(2) and 20 CFR 680.910 direct that supportive services be provided only to participants. Therefore, despite supportive services being a component of follow-up service, the State holds that supportive services are **only** allowed as a component of follow-up services if provided **before** exit; supportive services are **not** allowed if intended as a component of follow-up services provided **after** exit.

References:

- Public Law 113-128, Workforce Innovation and Opportunity Act of 2014, Section 134(c)(2)(A)(xiii) – Follow-Up Services
- 20 CFR 463.435(c) – What are career services?
- 20 CFR 678.430(c) – What are career services?
- [Training and Employment Guidance Letter \(TEGL\) 10-16](#) – Performance Accountability Guidance for WIOA Title I, Title II, Title III, and Title IV Core Programs
- Public Law 113-128, Workforce Innovation and Opportunity Act of 2014, Section 134(d)(2) – Supportive Services
- 20 CFR 680.910 – When may supportive services be provided to participants?

Website:

http://www.wa.gov/esd/1stop/policies/state_guidance.htm

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Attachments:

None.