

WIOA – Title I Chapter 8

Last Updated: 11/15/18

PUBLIC COMMENTS RECEIVED

WIOA – Title I, Chapter 8

Who	Section	Questions / Comments	Basis	Answer / Response
Jennifer Erdman 9/28/18	8.1.2.1	What is the source documentation for geographical preference boundaries? Extending out to the nearest local school district boundary is beyond our state legislated boundaries.		This policy outlines the States expectations in regards to geographical preference boundaries. Local areas have the ability to determine who they want to serve based on geography, and according to Local Workforce Development Board policies.
	8.1.2.2	Can you please clarify the section: The Local Workforce Development Board is ultimately responsible for all eligibility determinations with each Region.	What action does the board need to take?	According to 679.370 What are the functions of the Local Workforce Development Board, the LWDB would be responsible to: conduct oversight of youth workforce investment activities authorized under WIOA sec. 129(c), adult and dislocated worker employment and training activities under WIOA secs. 134(c) and (d), and the entire one-stop delivery system in the local area and ensure the appropriate use and management of the funds provided under WIOA subtitle B for the youth, adult, and dislocated worker activities and one-stop delivery system in the local area. This would include responsibility for eligibility determinations.
	8.1.2.2	Self-Certification Forms. Will this be included in the application?		No, additional forms are not included in the application. Local programs would have the responsibility of maintaining such forms.
	8.1.2.2	Will clients have the ability to provide electronic signatures remotely?	We provide service to a lot of clients outside the office.	Signatures made directly into the system must be completed with signatures pads that are compatible with the system. If it is not

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				possible for an application or form to be signed directly, the form can be completed up to required signature, printed, sent to the participant, signed, returned, and uploaded into document storage.
	8.1.2.2	Process outline for Eligibility, Verification, and Enrollment		See policy 8.1.2.4 Enrollment.
	8.1.2.2	Add Source Documentation Appendix		The Source Documentation appendix will be provided when policy is released.
	8.1.2.6	With the movement to Geo Solutions, will we be able to tell if an individual was previously enrolled? What if it was another state?		We are converting five years of history and we are not able to get other states data.
	8.1.2.6	Justification for Re-enrollment, if they are eligible and need services, is that enough justification for enrollment?		It would be up to the local area to determine if the individual requires additional services after an exit occurs. If the individual is eligible and requires additional services beyond what they have already received to obtain or maintain employment, it would be an allowable enrollment.
	8.1.2.7	What is the reference for notification of ineligible and related processes?		This policy outlines the States expectations in handling this situation, should it arise. There is no Federal regulation for handling participants who are found to be ineligible since regulations assume there would not be an enrollment unless the individual is deemed eligible.
	8.1.2.7	Please rephrase to: "If a person is determined to be ineligible after enrollment"		The state agrees, and accepts this comment. The state will revise policy to match the recommendation.
	8.1.4.1	Would the LWDB be allowed to conduct Background Checks on Mentors? Would that be an allowable cost?		According to TEG 21-16, local programs should ensure appropriate processes are in place to adequately screen and select mentors. It would be the responsibility of the LWDB to decide if and how they utilize background checks, including the payment method.
	8.1.4.6	Why does the specific purpose need to be documented when the case note documents all of the information discussed?		If the specific purpose is documented in case notes within the information discussed it would be considered to be documented.
	8.1.4.8	May an INT follow a WEP?		There is no restriction to providing an INT after a WEP has already been completed.
	8.1.4.8	"INT participation must be limited to 20 hours per week during the school year." Need something that references under 18 and over 18 years old.		The state has reviewed this comment and will add in language consistent with 680.180 in regards to labor standards.

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	8.1.4.9	Participants shall be provided information on in-demand industry ... Are we sure it is shall and not may be provided?		Yes, WIOA emphasizes individuals receive information on in-demand industries.
	8.1.4.12	Under Requirement for timing of Assessment: It states In-school Youth, needs to add "in High 8.1.4.12 School"	For OSY in post-secondary could we use their standardized tests?	In-school youth are considered attending school. Youth may be categorized as an in-school youth, however may not attend a traditional high school. No changes will be made as a result of this comment.
	8.1.4.12	One section states within 6 months of enrollment and another section states within 30 days. If we accept an assessment within 6 months would we have to retest in 6 months? If we accepted a previous assessment are we not allowed to set a 8.1.4.12 basic skills goal?		The Department of Labor does not mandate a certain length of time that previous assessments may go back; however, the Department expects that the previous assessments must be recent. The state has defined assessments completed within one year prior to enrollment are acceptable. According to TEGL 21-16, local programs may use previous basic skills assessment results if such previous assessments have been conducted within the past six months. Goals may be set from the results of a previous assessment, and according to policy 8.2.2.3 Youth Goals, basic skills benchmark goals may be reported as achieved after 90 days from the date the goal was established, but must be reported within 364 days of the date established.
	8.1.4.13	Last sentence of paragraph one the "and" should be replaced with "or11		The state agrees, and accepts this comment. The state will revise policy to match the recommendation.
	8.1.4.13	Are tools allowable under OST for Tools is required for instruction?		No, tools are a supportive service under 681.570 What are supportive services for youth and 680.900 What are supportive services for adults and dislocated workers.
	8.1.4.15	Out-of-Area Job Search Assistance -This sounds great in theory. But I'm confused regarding what "outside their local area" is. Being a border town, technically outside the local area is Omaha, NE, however may still be reasonable for them to continue living within the region. It would be helpful to define if "outside their local area" just means job, or if searching outside of the area would require the participant to move as part of this activity.		The region has flexibility to determine within this service what they believe is outside their local area. For example, this may be outside the city in which the AJC is located, or outside of the region. There would be no requirement the individual be expected to move to receive this service.
	8.1.4.18	What is considered a Self-sustainable wage?		Refer to 8.3.3.4 Economic Self-Sufficiency.

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	8.1.4.20	Can HSED be included in 2nd paragraph?		The state agrees, and accepts this comment. The state will revise policy to match the recommendation.
	8.1.4.21	Are short term career pathways certificates allowable under SUG?		If the career pathway program meets the definition of an SUG outlined in 8.1.4.2.1 Skill-Upgrading, it would be allowable.
	8.1.5.1	Under A/DW support services are available to "members". Should this be changed to participants, clients, etc.?		The state agrees, and accepts this comment. The state will revise policy to match the recommendation.
	8.1.5.2	Tools are not considered clothing but they should be included in a more appropriate section.		According to 681.570 What are supportive services for youth and 680.900 What are supportive services for adults and dislocated workers, as well as TEGl 19-16, assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear are categorized together.
	8.1.5.1	What is considered the maximum length of time for Support Services to be available?		Local Workforce Development Boards (WDBs) in consultation with American Job Center (AJC) partners and other community service providers would establish what they deem to be an appropriate maximum length of time for supportive services.
	8.1.5.4	What is included in vocational testing?		This may include testing required for a participant's occupational career pathway or training.
	8.1.5.6	Can dental be included as well as hearing aids?		Assistance may be available for healthcare related items when lack of assistance will affect their ability to obtain or maintain employment.
	8.1.5.7	Should State and National licensure exams be included under MSS?		It would be more appropriate for State and National licensure exams to be included within Educational Testing (EDT). The state will revise policy to add additional language to make this clear.
	8.1.5.7	Can tools be included?		Tools are categorized under 8.1.5.2 Clothing. According to 681.570 What are supportive services for youth and 680.900 What are supportive services for adults and dislocated workers, as well as TEGl 19-16, assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear are categorized together.
	8.1.5.9	Why is there not an emphasis to partner with T2W, IVRS, IDB, WIPA, etc. to SID services. Why is there not a payer of last resort section similar to 8.1.5.6.		The policy, 8.1.5.1 Introduction, addresses those items.
	8.1.5.11	Legal References do not provide any information regarding	Can more detail on limitations	Allowable supportive services included in 680.900 and 681.570 such

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		this Supportive service. CH: What is the max time spent in this activity for a participant?	be provided?	as linkages to community service and reasonable accommodations for youth/individuals with disabilities would correlate to this service. Local Workforce Development Boards (WDBs) in consultation with American Job Center (AJC) partners and other community service providers would establish additional policies on supportive services, including what they deem to be an appropriate maximum length of time.
	8.1.5.13	Can we include Meeting established goals?		The policy states: The local program must have written policies and procedures in place governing the award of incentives and must ensure that such incentive payments are: Tied to the goals of the specific program. No changes will be made as a result of this comment.
	8.1.6.1	Self Service does not extend the date of exit; Would you please define self-service services? CH: No requirement to wait to reenroll someone for at least 12 months post exit? Could have two enrollments in one year.	Does this include self-referrals to jobs?	As described in 20 CFR sec. 677.150(a)(3)(ii)(A), 34 CFR 363.150(a)(3)(ii)(A), and 34 CFR sec. 461.150(a)(3)(ii)(A), self-service occurs when individuals independently access any workforce development system program's information and activities in either a physical location, such as an American Job Center resource room or partner agency, or remotely via the use of electronic technologies. Yes, it does include self-referrals to jobs. Yes, there may be more than one enrollment in one program year.
	8.1.6.1	LWDB have little say in this policy section. Any section where local control should be exercised this policy cedes this power to the state agency.		The policy requires that both the agency and the LWDBs conform to the law and discontinue services to individuals who commit fraud. It is unclear what local control or say the LWDBs should otherwise have here that is ceded to the agency under this policy.
	8.1.7.0	Adult and Dislocated workers must be provided follow-up services? Language should be changed to indicate "offering" follow up services that can be declined by participants		In accordance with 680.150, language will be revised to read follow-up services must be made available to adults and dislocated worker participants who are placed in unsubsidized employment, for up to 12 months after the first day of employment.
	8.2.5.0	Can we include the codes behind each activity?		The state declines to add activity codes within this policy as specific activities and their codes are described in additional policies.
	8.3.2.1	Should it also include income eligible?		Income is not a factor of adult eligibility, however is a factor of adult priority of service as described in 680.600.

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	8.3.2.1	Should it also include able to work in the US?		The policy implies that individuals be legally authorized to to work in the US. The text of the nondiscrimination provision in WIOA section 188, further implies that non-citizens who lack work authorization are ineligible for Title I programs.
	8.3.2.2	What is the definition of unlikely to return?		It is described under Additional Eligibility Categories 1(b), and additional information regarding unlikely to return will be available in the Allowable Source Documentation for WIOA Title I Adult, Dislocated Worker and Youth Program Eligibility Appendix. The state will ensure a definition is included in forthcoming policy regarding program definitions.
	8.3.2.2	Should it also include the legally authorized to work in the US?		The policy implies that individuals be legally authorized to to work in the US. The text of the nondiscrimination provision in WIOA section 188, further implies that non-citizens who lack work authorization are ineligible for Title I programs.
	8.3.3.2	Within Adult priority of service this policy indicates NCRC can be used to identify Basic Skills Deficiency which is not accurate. Section 3.F should be removed from the policy.		The state is leaving this as an option to provide flexibility when applying priority for an individual as it relates to individualized and training services. This an Adult only policy only. Regulations and TEGL 19-16 gives states the ability to establish criteria to determine priority.
	8.3.3.2	Receives an income or is a member of a family receiving an income that in relation to family size, is not in excess of the current U.S. DOL 70 percent Lower Living Standard Income Level Guidelines' and U.S. Department of Health and Human Services Poverty Guidelines'	Does this also pertain to youth?	This policy is in regards to priority of service for the WIOA Title I Adult program, therefore does not pertain to the WIOA Title I Youth program.
	8.3.3.3	"A person who has served at least one day in the active military ... " Shouldn't this be 180 days?		TEGL 10-09 defines a veteran as being a person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable, as specified in 38 U.S.C. 101(2).
	8.3.3.4	Economic Self-Sufficiency - I'm confused at the purpose of this section. Does this mean that we would have to stop assisting after achieving a career field that is categorized as "economic self- sufficiency"? For example: We help someone to achieve their CNA, and they want to go on to get their RN. Do we have to calculate if they have met economic self-sufficiency before		Local Workforce Development Boards (WDBs) who choose to define their own higher standard must develop, within their local policies, economic self-sufficiency standards for local factors, or activities to adopt, calculate, or commission for approval, economic self-sufficiency standards for the local areas that specify the income needs of families, by family size, the number and ages of children in

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		justifying we can assist with the RN? If they met self-sufficiency by this definition, would that require us to exit them? I appreciate the definition, but do not understand how this is to be utilized in practice.		the family, and substate geographical considerations.
	General	Can Page numbers be included?		The final published product has not yet been determined (print, web-based, etc.) but this comment will be taken into consideration.
	General	Can an index and Definition section be included?		The final published product has not yet been determined (print, web-based, etc.) but this comment will be taken into consideration.
	General	The flow of the policy is confusing to read. It would also be helpful to have a fiscal section included.		A fiscal management chapter is in the planned scope. Once this chapter is in final draft, it will be posted for public comment.
Jennifer Erdman 9/28/18	8.1.2.2	Section: 8.2.7.2 and 8.3.5.3 My suggestion to work the FND back into this process: WIOA Title I participants seeking assistance with training activities and related support activities will work with a WIOA Title I specialist to develop an assessment of financial need. If this analysis shows that the participant has an “unmet financial need” because a) training related expenses (tuition and supportive services) are greater than training related resources (PELL and other available assistance) and b) household living expenses are greater than household living resources (income) then WIOA Title I assistance can be applied up to the level of unmet training related need without the PELL funds being reimbursed to the local WDB.		Local Workforce Development Boards (WDBs) may take into account the full cost of participating in training services, including the cost of support services and other appropriate costs. Local WDBs must coordinate training funds available and make funding arrangements with American Job Center (AJC) partners and other entities. Local WDBs must consider the availability of other sources of grants to pay for training costs such as Temporary Assistance for Needy Families (TANF), state-funded training funds, and Federal Pell Grants, so that WIOA Title I funds supplement other sources of training grants. It is the LWDB's responsibility to develop the process by which this occurs.
Jennifer Erdman 9/28/18	8.1.4.3	English Language and Integrated Education and Training (ELT) Is this intended to be IELCE? Or are these two separate activities? It is missing this language: INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION. — The term “integrated English literacy and civics education” means education services provided to English language learners who are adults, including professionals with degrees and credentials in their native countries, that enables such adults to achieve competency in the English language and acquire the basic and more advanced skills needed to function effectively as parents, workers, and citizens in the United		The state declines to change this policy, per guidance in TEGL 19-16 which clarifies English Language and Integrated Education and Training (ELT) is not intended to be IELCE. They are 2 separate activities, one funded by WIOA Title II, and one by WIOA Title I and III funds.

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		<p>States. Such services shall include instruction in literacy and English language acquisition and instruction on the rights and responsibilities of citizenship and civic participation, and may include workforce training.</p> <p>What is the reference to SWDB approval?</p>		
	8.1.4.12	<p>Objective Assessment (OBA)</p> <p>This statement, “Reading and math skills for out-of-school youth should be measured by allowable assessments as determined by the National Reporting System (NRS) as part of the objective assessment.</p> <p>Seems to contradict – 8.2.2.1 Objective Assessment (OBA) “For the purpose of the basic skills assessment portion of the objective assessment, local programs are not required to use assessments approved for use in the Department of Education’s National Reporting System (NRS), nor are they required to determine an individual’s grade level equivalent or educational functioning level (EFL), although use of these tools is permitted.”</p> <p><i>In addition, the federally approved annual Assessment Policy Guidelines should be referenced – this governs the terms and conditions for using NRS approved assessments, reviewed and approved by OCTAE.</i></p>		<p>The state agrees, and accepts this comment. The state will revise policy to match the recommendation so that the language in 8.2.2.1 and 8.1.4.12 are the same in regards to NRS approved assessments. The state will provide an appendix outlining approved assessments per NRS.</p>
	8.1.4.19	<p>Remedial and Basic Skills Training (RBS)</p> <p>No reference to referral process for Title II services</p>		<p>The state declines to determine policy regarding a referral processes. Under 20 CFR 678.500, the Local Workforce Development Board (WDB), with the agreement of the chief elected official(s) and local partners (including the Title II service provider(s)) are responsible for developing a memorandum of understanding (MOU) that is the product of local discussion and negotiation. Among other requirements under this federal regulation, the MOU must include a description of services to be provided through the one-stop delivery system in the local area, including the manner in which the services will be coordinated and delivered through the system. Further, the MOU may contain any other provisions agreed to by the parties that are consistent with</p>

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				WIOA Title I, the authorizing statutes and regulations of one-stop partner programs, and the WIOA regulations. Thus, the local partners should develop a referral process for Title II services (as well as with other required partners) that is based on what will work best at the local level as part of the coordination of services provisions of the MOU.
	8.1.4.20	<p>Secondary Education Certification (SEC) SEC must be categorized as:</p> <ol style="list-style-type: none"> 1. Secondary school 2. Alternative school 3. Individual study <p><i>If the result is a HSED where would adult education fit in these categories?</i></p>		The state agrees, and accepts this comment. The state will revise policy to match the recommendation.
	8.1.6.1	<p>Adult, Dislocated Worker, and Youth Program Exit Exit from program services occurs on the last date a participant received WIOA Title I or partner services. “Partner services” needs to be defined – there is <i>no common exit</i> among core partners, however there could be a common exit among DOL programs.</p>		The state agrees, and accepts this comment. The state will revise policy to match the recommendation.
	8.2.2.1	<p>Objective Assessment (OBA) In contrast to the initial assessment described above, if measuring EFL gains after program enrollment under the measurable skill gains indicator, local programs must use an NRS-approved assessment for both the EFL pre- and post-test to determine an individual’s educational functioning level. <i>In addition, the federally approved annual Assessment Policy Guidelines should be referenced – this governs the terms and conditions for using NRS approved assessments, reviewed and approved by OCTAE.</i></p>		The state agrees, and accepts this comment. The state will revise policy to match the recommendation so that the language in 8.2.2.1 and 8.1.4.12 are the same in regards to NRS approved assessments. The state will provide an appendix outlining approved assessments per NRS.
	8.3.4.1	<p>Basic Career Services Generally, these services are less intensive and may be provided by staff funded by WIOA Title I programs, as well as</p>		No change was made to the policy in response to this comment.

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		<p>by WIOA Title III Wagner-Peyser Employment Service. <i>Basic Services are required to be provided by ALL core partners – so these section needs to indicate that – also a good place to ensure that the LWDB has a duplication of services policy in place. Another suggestion would be to have a policy about co-enrollment of Title I participants with other core partners.</i></p> <p>WIOA Section 134 (c)(2)(C) DELIVERY OF SERVICES.—The career services described in subparagraph (A) shall be provided through the one-stop delivery system directly through one-stop operators identified pursuant to section 121(d); or (ii) through contracts with service providers, which may include contracts with public, private for-profit, and private nonprofit service providers, approved by the local board.</p>		
	8.3.4.2	<p>Individualized Career Services</p> <p>These services involve significant staff time and customization to each individual’s needs, and generally will be provided by staff funded by WIOA Title I programs. However, it may also be appropriate for staff funded by WIOA Title III Wagner-Peyser Employment Service to provide some of these services. For services such as highlighted below it would be a duplication of services for Title I and III to perform without collaborating with core partners or providers:</p> <p>Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include:</p> <p>a. diagnostic testing and use of other assessment tools; and b. in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals</p> <p>2. Development of an Individual Employment Plan (IEP), to identify the employment goals, appropriate achievement</p>		No change was made to the policy in response to this comment.

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		<p>objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about, the eligible training providers</p> <p>3. Group counseling</p> <p>4. Individual counseling</p> <p>5. Career planning</p> <p>6. Short-term pre-vocational services including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment or training</p> <p>7. Internships and work experiences that are linked to careers</p> <p>8. Workforce preparation activities</p> <p>9. Financial literacy services</p> <p>10. Out-of-area job search assistance and relocation assistance</p> <p>11. English language acquisition and integrated education and training programs</p>		
<p>Alex Harris 9/28/18</p>	<p>8.1.4.3</p>	<p>English Language and Integrated Education and Training (ELT) Is this intended to be IELCE? Or are these two separate activities? It is missing this language: INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.— The term “integrated English literacy and civics education” means education services provided to English language learners who are adults, including professionals with degrees and credentials in their native countries, that enables such adults to achieve competency in the English language and acquire the basic and more advanced skills needed to function effectively as parents, workers, and citizens in the United States. Such services shall include instruction in literacy and English language acquisition and instruction on the rights and responsibilities of citizenship and civic participation, and may include workforce training.</p>		<p>The state declines to change this policy, per guidance in TEGl 19-16 which clarifies English Language and Integrated Education and Training (ELT) is not intended to be IELCE. They are 2 separate activities, one funded by WIOA Title II, and one by WIOA Title I and III funds.</p>

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	8.1.4.12 Objective Assessment (OBA)	<p>What is the reference to SWDB approval?</p> <p>This statement, "Reading and math skills for out-of-school youth should be measured by allowable assessments as determined by the National Reporting System (NRS) as part of the objective assessment. Seems to contradict – 8.2.2.1 Objective Assessment (OBA) "For the purpose of the basic skills assessment portion of the objective assessment, local programs are not required to use assessments approved for use in the Department of Education's National Reporting System (NRS), nor are they required to determine an individual's grade level equivalent or educational functioning level (EFL), although use of these tools is permitted."</p> <p>In addition, the federally approved annual Assessment Policy Guidelines should be referenced – this governs the terms and conditions for using NRS approved assessments, reviewed and approved by OCTAE.</p>		<p>The state agrees, and accepts this comment. The state will revise policy to match the recommendation so that the language in 8.2.2.1 and 8.1.4.12 are the same in regards to NRS approved assessments. The state will provide an appendix outlining approved assessments per NRS.</p>
	8.1.4.19 Remedial and Basic Skills Training (RBS)	<p>No reference to referral process for Title II services</p>		<p>The state declines to determine policy regarding a referral processes. Under 20 CFR 678.500, the Local Workforce Development Board (WDB), with the agreement of the chief elected official(s) and local partners (including the Title II service provider(s)) are responsible for developing a memorandum of understanding (MOU) that is the product of local discussion and negotiation. Among other requirements under this federal regulation, the MOU must include a description of services to be provided through the one-stop delivery system in the local area, including the manner in which the services will be coordinated and delivered through the system. Further, the MOU may contain any other provisions agreed to by the parties that are consistent with WIOA Title I, the authorizing statutes and regulations of one-stop partner programs, and the WIOA regulations. Thus, the local partners should develop a referral process for Title II services (as well as with other required partners) that is based on what will work best at the local level as part of the coordination of services</p>

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				provisions of the MOU.
	8.1.4.20 Secondary Education Certification (SEC)	SEC must be categorized as: 1. Secondary school 2. Alternative school 3. Individual study If the result is a HSED where would adult education fit in these categories?		The state agrees, and accepts this comment. The state will revise policy to match the recommendation.
	8.1.6.1 Adult, Dislocated Worker, and Youth Program Exit	Exit from program services occurs on the last date a participant received WIOA Title I or partner services. “Partner services” needs to be defined – there is no common exit among core partners, however there could be a common exit among DOL programs.		The state agrees, and accepts this comment. The state will revise policy to match the recommendation.
	8.2.2.1 Objective Assessment (OBA)	In contrast to the initial assessment described above, if measuring EFL gains after program enrollment under the measurable skill gains indicator, local programs must use an NRS-approved assessment for both the EFL pre- and post-test to determine an individual’s educational functioning level. In addition, the federally approved annual Assessment Policy Guidelines should be referenced – this governs the terms and conditions for using NRS approved assessments, reviewed and approved by OCTAE.		The state agrees, and accepts this comment. The state will revise policy to match the recommendation so that the language in 8.2.2.1 and 8.1.4.12 are the same in regards to NRS approved assessments. The state will provide an appendix outlining approved assessments per NRS.
	8.3.4.1 Basic Career Services	Generally, these services are less intensive and may be provided by staff funded by WIOA Title I programs, as well as by WIOA Title III Wagner-Peyser Employment Service. Basic Services are required to be provided by ALL core partners – so these section needs to indicate that – also a good place to ensure that the LWDB has a duplication of services policy in place. Another suggestion would be to have a policy about co-enrollment of Title I participants with other core partners. WIOA Section 134 (c)(2)(C) DELIVERY OF SERVICES.—The career services described in subparagraph (A) shall be provided through the one-stop delivery system directly through one-stop operators identified pursuant to section		No change was made to the policy in response to this comment. According to TEGL 16-16 and 19-16, there are three types of career services: basic career services; individualized career services; and follow-up career services. TEGL 19-16 states that basic career services “may be provided by both the Adult and Dislocated Worker programs, as well as by the Employment Service.”

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		121(d); or (ii) through contracts with service providers, which may include contracts with public, private for-profit, and private nonprofit service providers, approved by the local board.		
	8.3.4.2 Individualized Career Services	<p>These services involve significant staff time and customization to each individual's needs, and generally will be provided by staff funded by WIOA Title I programs. However, it may also be appropriate for staff funded by WIOA Title III Wagner-Peyser Employment Service to provide some of these services. For services such as highlighted below it would be a duplication of services for Title I and III to perform without collaborating with core partners or providers:</p> <ol style="list-style-type: none"> 1. Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include: <ol style="list-style-type: none"> a. diagnostic testing and use of other assessment tools; and b. in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals 2. Development of an Individual Employment Plan (IEP), 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, the eligible training providers 3. Group counseling 4. Individual counseling 5. Career planning 6. Short-term pre-vocational services including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment or training 7. Internships and work experiences that are linked to 		No change was made to the policy in response to this comment.

Who	Section	Questions / Comments	Basis	Answer / Response
		careers 8. Workforce preparation activities 9. Financial literacy services 10. Out-of-area job search assistance and relocation assistance 11. English language acquisition and integrated education and training programs		
Paul Smith 9/30/18	General	<p>My primary feedback on this topic is about process rather than content. I have been unable to find any record of the state WDB even discussing changes to Title I policies or procedures, let alone being asked to approve putting such proposed changes out for public input. I have also checked with the two state WDB members from Region 11 and confirmed that they do not recall any such discussion or vote taking place. Therefore I do not believe this request for public input is even valid.</p> <p>This is especially troubling when there are portions of the proposed wording which proclaim, in red letters, that the specific passage “requires State Workforce Development Board Approval”. If the change requires such action on the part of the Board, why has the Board not been informed in advanced? IWD affirmed the precedent only a few months ago with the proposed changes to the Eligible Training Provider language. Even though IWD did not provide the state WDB with the proposed wording at their actual meeting, the state WDB was still asked to vote to approve posting the changes for public comment anyway – with a promise that the wording would be provided to state WDB members later that same day. Yet even though portions of the proposed wording clearly require state WDB approval, IWD has chosen to ignore their own established protocol.</p> <p>The lack of effective dates is also troubling. The public is given a 30-day window to weigh in on policies that IWD cannot even say when the policies would take effect. This would seem to</p>		<p>WIOA and the final rules require consultation with the State Workforce Development Board (WDB) on policies relating to eligibility for the list of eligible training providers and programs (ETPL), which is why IWD asked the State WDB for approval to post the draft ETPL policies for public comment. IWD appreciates and values the feedback received on the draft ETPL policies and incorporated some of it into requests for waivers that have been sent to the U.S. Department of Labor (DOL).</p> <p>With respect to WIOA Title I program policies, the state is not required to consult with or get approval from the State WDB on all policies. As the state grant recipient for these federal program grants from DOL, IWD is the entity ultimately responsible to DOL for administering these programs in accordance with federal law and guidance. Consequently, it is IWD’s responsibility to ensure that policies are in place that help ensure the WIOA Title I programs are administered in compliance with federal law and guidance. Moreover, there is no legal requirement that the state seek pre-approval from the State WDB before posting draft policies for public comment. In fact, there is no legal requirement that the state post draft policies for public comment before they take effect. Nonetheless, the state did so in the interest of transparency and to get valuable input from Local WDB members, Title I service providers, one-stop partners, stakeholders, and members of the public.</p> <p>IWD appreciates the time and consideration that individuals</p>

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		<p>indicate that no clear plan currently exists regarding such implementation – in which case it is most definitely premature to be soliciting public input on incomplete plans.</p> <p>The request for wording revolves around a 114 page document without any type of executive summary nor any obvious indications of what wording is new or would be a change to existing policy. These would seem to be very basic things to make available when seeking input on such a large document, assuming IWD genuinely wishes to receive input that is robust and valuable.</p> <p>Additionally, considering how many references are made to things that Local WDBs “must” now do, it is puzzling to not see any type of summary of such impacts or an effort to spotlight each of these things so that Iowa’s RWIB’s could effectively respond.</p> <p>As far as the contents of the 114 pages, it is also unclear what specific wording is required by WIOA legislation and/or DOL guidance versus what wording is IWD’s interpretation of those things and/or attempt to respond to them. This is significant because it makes little sense to weigh in on wording that simply cannot be changed because it comes straight out of Federal requirements. However, wording generated by IWD would be able to receive suggestions or requested to changes.</p> <p>Personally, I would also be curious to learn more about section 8.3.5.4 and what “future use” this is being “held for”. The fact that it is here as a placeholder indicates that there is additional wording IWD seeks to eventually also include at that point.</p> <p>In my opinion this request for public input needs to be re-done. It first should have the state WDB’s approval. It should contain more details regarding planned implementation dates. And it should more clearly show what wording is ‘required’ as well as what wording creates an actual change</p>		<p>devoted to their comments. The state has responded to all comments received and provided an additional explanation on some comments regarding specific policies. IWD received thoughtful and substantive feedback on the policies and gave consideration to each comment, making changes when appropriate. The state has also identified the justification under WIOA, the final rules implementing WIOA, and DOL guidance on WIOA in response to comments when appropriate.</p>

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		from current Iowa Workforce policy and procedures.		

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