

Workforce Innovation and Opportunity Act

Nebraska Department of Labor
Office of Employment & Training

Preliminary Policy on Career Planning

Reference:

Workforce Innovation and Opportunity Act (WIOA), Section 3, 129, and 134; [WIOA Notice of Proposed Rulemaking](#) (WIOA NPRM), 20 CFR §680.110, 680.150, 680.180, 680.210, 680.220, 680.900, 680.910, 681.240, 681.310, 681.450, and 681.570; [Workforce Innovation and Opportunity Act Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; Notice of Proposed Rulemaking](#), 20 CFR § 678.430; Federal Register/Vol. 65, No. 156/Friday, August 11, 2000; Youth Program Design policy; Attainment of a Degree or Certificate Performance Measure policy; Program Exit policy; Eligibility for Adult Programs policy; Eligibility for Dislocated Workers policy; Eligibility for Youth Programs policy; Equal Opportunity and Nondiscrimination policy; Application Time Limit policy; Local Plan Instructions; TEGL 17-05.

Background:

The term “career planner,” used in the Workforce Innovation and Opportunity Act (WIOA), replaces the term “case manager,” used in the Workforce Investment Act of 1998.¹ Career planners assist in determining if the adult or dislocated worker has “the skills and qualifications to successfully participate in the selected program of training services.”² In 20 CFR § 680.340(c) of the WIOA NPRM, career planners are identified as having a consultation role in assisting the participant in selecting an eligible training provider. It is presumed that career planning is a service conducted from the time an individual is enrolled through the four quarters of follow-up after program exit. Career planning is a component of individualized career services, and is not a stand-alone activity. Career planning is a continual service provided to adult, dislocated workers and youth to ensure their success in WIOA.

Action:

Local areas need to establish a policy on career planning addressing the provisions identified in this policy as well as ensure their local WIOA Plan addresses the requirements set forth in this policy.

Policy:

One-Stop operators must create an operations manual that outlines career planning best practices.

WIOA Section 3(8) defines **career planning** as the provision of a client-centered approach in the delivery of services, designed:

¹ WIOA NPRM Section-by-Section Discussion of Proposal

² WIOA section 134(c)(3)(A)(i)(I)(cc)

- To prepare and coordinate comprehensive employment plans, such as service strategies, for participants to ensure access to necessary workforce investment activities and supportive services, using, where feasible, computer-based technologies; and
- To provide job, education, and career counseling during program participation and after job placement.

Initial Assessment for Eligibility

The initial assessment provides preliminary information about the individual's skill levels (including literacy, numeracy, and English language proficiency), aptitudes, abilities (including skills gaps), and supportive service needs.³

As a basic career service for adults and dislocated workers, the initial assessment is intended to be a brief, preliminary information gathering process that, among other things, provides sufficient information about an individual's basic literacy and occupational skill levels to enable the One-Stop operator to make appropriate referrals to services available through the One-Stop operator and partner programs.

WIOA section 3(5) defines **basic skills deficient** as an individual who:

- Is a youth, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or
- Is a youth or adult, that the individual is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family or in society.

When choosing who shall participate in the Title I programs, refer to the "Eligibility for Adult Programs" policy, the "Eligibility for Dislocated Workers" policy, and the "Eligibility for Youth Programs" policy. In addition, special care must be exercised to not discriminate on the basis of race, color, national origin, sex, age, disability, religion, political affiliation or belief, participant status, and against certain noncitizens. Refer to the "Equal Opportunity and Nondiscrimination" policy in regard to providing reasonable accommodations to qualified individuals with disabilities who are applicants.

Information and Referral

Local areas shall ensure that each participant or applicant who meets the minimum income criteria for consideration as an eligible youth be provided:

- Information on the full array of applicable or appropriate services that are available through the local board or other eligible providers or One-Stop partners, including those receiving funds under WIOA Title I, Subtitle B Workforce Investment Activities and Providers; and
- Referral to appropriate training and educational programs that have the capacity to serve the participant or applicant either on a sequential or concurrent basis.⁴

³ WIOA section 134(c)(2)(A)(iii)

⁴ WIOA section 129(c)(3)(A)

To meet the basic skills and training needs of a youth applicant, each eligible provider of a program of youth activities shall ensure that an eligible applicant who does not meet the enrollment requirements of the particular program or who cannot be served shall be referred for further assessment, as necessary, and referred to appropriate programs to meet the basic skills and training needs of the applicant.⁵

Registration and Participation

Registration is the process for collecting information to support a determination of eligibility. This information may be collected through methods that include electronic data transfer, personal interview, or an individual's application. Participation occurs after the registration process of collecting information to support an eligibility determination and begins when the individual receives a staff-assisted WIOA service, which does not include self-service or informational activities.⁶

- Adults and dislocated workers who receive services funded under Title I other than self-service or informational activities must be registered and must be a participant.⁷
- The WIOA Participation Date is the date following a determination of eligibility to participate in the program when the individual begins receiving a service funded by the program in either a physical location (One-Stop Career Center) or remotely through electronic technologies. The WIOA Participation date is the official point when the participant begins being counted in performance measures.
- In Nebraska, there is a limit of 90 days for validity of an application as it relates to eligibility. If over 90 days elapse between the WIOA Application Date and the WIOA Participation Date, then the application will be closed.

Enrollment

Enrollment in the WIOA youth program requires the collection of information to support an eligibility determination and participation in any of the fourteen WIOA youth program elements.⁸

- All youth who participate in the youth program must be enrolled in the WIOA program in order to receive any youth services.⁹
- A youth's dropout status is determined at the time of WIOA youth program enrollment. An individual who is out-of-school at the time of registration and subsequently placed in an alternative school, may be considered an out-of-school youth for the purposes of the 75 percent expenditure requirement for out-of-school youth.¹⁰
- Employment Opportunity data must be collected on every individual who is interested in being considered for WIOA Title I financially assisted aid, benefits, services, or training by a recipient, and who has signified that interest by submitting personal information in response to a request from a grant recipient or designated service provider.¹¹

⁵ WIOA section 129(c)(3)(B)

⁶ 20 CFR § 680.110(a)

⁷ 20 CFR § 680.110(b)

⁸ 20 CFR § 681.310(b)

⁹ 20 CFR § 681.310(a)

¹⁰ 20 CFR § 681.240

¹¹ 20 CFR § 680.110(c)

Eligibility for Training Services

Under Section 134(c)(3)(A) of WIOA training services may be made available to employed and unemployed adults and dislocated workers who:

- A One-Stop operator or One-Stop partner determines, after an interview, evaluation, assessment, and career planning are:
 - Unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services;
 - In need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
 - Have the skills and qualifications to participate successfully in training service;¹²
- Have selected a program of training services that is directly linked to the employment opportunities in the local area or the planning region, or in another area to which the individuals are willing to commute or relocate;¹³
- Are unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as State-funded training funds, Trade Adjustment Assistance, and Pell Grants, or require WIOA assistance in addition to other sources of grant assistance, including Pell Grants (provisions relating to fund coordination are found at 20 CFR § 680.230 and Section 134(c)(3)(B) of WIOA); and
- If training services are provided through the adult funding stream, are determined eligible in accordance with the state and local priority system, if any, in effect for adults under Section 134(c)(3)(E) of WIOA and 20 CFR § 680.600.¹⁴

Objective Assessment

Local youth programs must provide an objective assessment of the academic levels, skill levels, and service needs of each participant. The assessment shall include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs of such participant, for the purpose of identifying appropriate services and career pathways for participants.¹⁵

A new assessment of a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program.¹⁶

Individual Service Strategy Plan

- The individual employment plan (IEP) is an individual career service, under Section 134(c)(2)(A)(xii)(II), that is jointly developed by the participant and career planner

¹² 20 CFR § 680.210(a)(1)-(3)

¹³ 20 CFR § 680.210(b)

¹⁴ 20 CFR § 680.210(c)

¹⁵ WIOA Section 129(c)(1)(A)

¹⁶ Id.

when determined appropriate by the One-Stop operator or One-Stop partner. The plan is an ongoing strategy to identify employment goals, achievement objectives, and the appropriate combination of services for the participant to achieve the employment goals.¹⁷

- If determined appropriate based on the need of the individual participant, the “combination of services” includes supportive services.
- The development of an IEP is only one of the career services that may be provided to adults and dislocated workers determined to be in need of such service; it is not a condition to receive that service.
- Local youth programs must develop Individual Service Strategies (ISS) for each participant that are directly linked to one or more of the indicators of performance described in Section 116(b)(2)(A)(ii) of WIOA, and that shall identify career pathways that include education and employment goals (including, in appropriate circumstances, nontraditional employment), appropriate achievement objectives, and appropriate services for the participant taking into account the objective assessment.¹⁸
- A new service strategy for a youth participant is not required if the provider carrying out such a program determines it is appropriate to use a recent service strategy developed for the participant.¹⁹

Supportive Services

The term “supportive services” means services such as transportation, child care, dependent care, housing, and needs-related payments that are necessary to enable an individual to participate in activities authorized under WIOA Title I.²⁰

To ensure flexibility, the regulations afford local areas the discretion to provide supportive services as they deem appropriate with limitations only as defined in WIOA.

Supportive services may only be provided to adults and dislocated workers who are:

- Participating in career or training services; and
- Unable to obtain supportive services through other programs providing such services.²¹

Supportive services may only be provided when they are necessary to enable individuals to participate in Title I activities.²²

Local boards, in consultation with the One-Stop partners and other community service providers, must develop a policy on supportive services that ensures resource and service coordination. Such policy should address procedures for referral to such services, including

¹⁷ 20 CFR § 680.180

¹⁸ WIOA Section 129(c)(1)(B)

¹⁹ Id.

²⁰ 20 CFR § 681.570

²¹ 20 CFR § 680.910(a)

²² 20 CFR § 680.910(b)

how such services will be funded when they are not otherwise available from other sources.²³

Supportive services for youth, as defined in Section 3(59) of WIOA, are services that enable an individual to participate in WIOA activities. These services include, but are not limited to, the following:

- a) Linkages to community services;
- b) Assistance with transportation;
- c) Assistance with child care and dependent care;
- d) Assistance with housing;
- e) Needs-related payments;
- f) Assistance with educational testing;
- g) Reasonable accommodations for youth with disabilities;
- h) Referrals to health care; and
- i) Assistance with uniforms or other appropriate work attire and work-related tools, including such items as eye glasses and protective eye gear.²⁴

Training Decisions for Adults and Dislocated Workers

After an interview, evaluation, or assessment, and career planning before deciding on training, the career planner must ask these questions:

1. Has the participant met the qualifications to be eligible for training services (i.e., received either an interview, planning or any other method through which the One-Stop operator or partner can obtain information and make an eligibility determination to be determined eligible for training service)?²⁵
 - There is no federally-required minimum time period for participation in career services before receiving training services.²⁶
2. Does the participant have the skills and qualifications to successfully complete the selected training program?
3. Is the program of training services directly linked to the employment opportunities either in the local area or in another area to which the participant is willing to relocate?
4. Is there another funding source willing to pay the costs of the training, including such sources as state-funded training funds, Trade Adjustment Assistance and Federal Pell Grants?
5. If funding is limited in the local area, does the adult participant meet the priority requirements given to recipients of public assistance and other low-income individuals?

Selection by the participant of eligible providers is made in consultation with the career planner. [Refer to Eligible Training Provider and Individual Training Account policies.]

²³ 20 CFR § 680.900

²⁴ 20 CFR § 680.570

²⁵ WIOA Section 134(c)(3)(A)(i) and (ii); 20 CFR § 680.220(a)

²⁶ 20 CFR § 680.220(b)

Exits

For purposes of performance calculations, exit is the last date of service after which an individual received services through the adult, dislocated worker, or youth program under WIOA Title I, the Adult Education and Literacy program under WIOA Title II, or the employment services authorized by Wagner Peyser as amended by WIOA Title III, and no future services other than follow-up services are planned.²⁷ Ninety days of no service does not include self-service or information-only activities or follow-up services.²⁸

Everyone who has a WIOA Participation Date in NEworks shall be assigned a WIOA Case Closure when he or she is finished receiving WIOA-funded services and is not scheduled for future services. In NEworks, the WIOA Case Closure interface is only available after each valid activity has an actual end date. The Case Closure is initially subject to change for 90 consecutive calendar days, at which time if no further services have been received, it becomes the official outcome/exit date. Every WIOA participant receiving an exit date shall be counted in WIOA performance with the exception of a participant satisfying one of the following global exclusions, either at the time of exit or during the three-quarter measurement period following the exit quarter: institutionalized; deceased; health/medical; family care; relocated to a mandated program (youth only); reservists called to active duty who choose not to return to WIOA; or invalid or missing social security number. For more detailed information, refer to the “Program Exit” policy.

Follow-Up/Post Placement Contact

Adult and dislocated workers follow up services, as described in Section 134(c)(2)(A)(xiii) of WIOA and 20 CFR § 678.430(c), must be made available, as appropriate, for a minimum of 12 months following the first day of employment, to registered participants who are placed in unsubsidized employment.²⁹ Follow-up services must be provided, as appropriate, including: counseling regarding the workplace, for participants in adult or dislocated worker workforce investment activities who are placed in unsubsidized employment, for up to 12 months after the first day of employment.³⁰

Local programs must make follow-up services available to all youth participants for not less than 12 months after the completion of participation.³¹ Follow-up services are critical services provided following a youth’s exit from the program to help ensure the youth is successful in employment and/or post-secondary education and training.³² A list of potential follow-up services for youth can be found at 20 CFR § 681.580(b). Follow-up services may be provided beyond 12 months at the state or local board’s discretion.³³ However, follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome.³⁴

²⁷ 20 CFR § 677.150(c)(1)(i)(B)

²⁸ 20 CFR § 677.150(c)(1)(i)(A)

²⁹ 20 CFR § 680.150(c)

³⁰ 20 CFR § 678.430

³¹ 20 CFR § 681.460(a)(9)

³² 20 CFR § 681.580(a)

³³ 20 CFR 681.580(c)

³⁴ WIOA Section 129(c)(2)(I)

Documentation

- An individual's case file must contain a determination of need for training services under 20 CFR § 680.210, as determined through the interview, evaluation, or assessment, and career planning informed by local labor market information and training provider performance information, or through any other career service received. There is no requirement that career services be provided as a condition to receipt of training services; however, if career services are not provided before training, the local board must document the circumstances that justified its determination to provide training services without first providing the career services described in 20 CFR § 680.220(a).³⁵ There is no federally-required minimum time period for participation in career services before receiving training services.³⁶
- The case management file for enrollments prior to July 1, 2012 may be either hard copy, electronic, or both. All case management/career planning files that would be subject to a Federal or State Monitor review because the application date is on or after July 1, 2012 will be electronic.
- For registered participants, a standardized electronic record that includes appropriate performance information must be maintained at the local level.

Disclaimer:

This policy is based on NDOL's reading of the statute along with the Notice of Proposed Rulemaking released by USDOL. This policy may be subject to change as additional federal regulations and TEGLs are released. This policy is not intended to be permanent and should be viewed as a placeholder until final federal regulations are released in early 2016.

³⁵ 20 CFR § 680.220(b)

³⁶ 20 CFR § 680.220(b)