



## State Policy

## Workforce Innovation and Opportunity Act (WIOA)

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## Adult and Dislocated Worker Programs

### REFERENCE

Federal and state laws, regulations, rules, and other guidance and documentation relied upon for the development of this policy are cited in footnotes.

### BACKGROUND

The one-stop delivery system is the delivery system for WIOA Title I adult and dislocated worker program services, including career, training, and supportive services.

### ACTION

Questions and comments on this policy may be submitted in writing to the WIOA policy mailbox at [ndol.wioa\\_policy@nebraska.gov](mailto:ndol.wioa_policy@nebraska.gov).

Each local board must:

1. ensure that all career services are available and accessible through at least one comprehensive American Job Center in its local area as described in [Section I](#);
2. with regard to determining participant eligibility for individualized career services (refer to [Section I\(b\)\(1\)](#)):
  - a. identify the initial assessments to be used to determine eligibility for individualized career services; and

- b. ensure that procedures for determining eligibility for individualized career services are consistent with the State's<sup>1</sup> policy and local policies and procedures regarding priority of service;
3. document circumstances justifying determinations to provide training services without first providing an interview, evaluation, or assessment, and career planning informed by local labor market information and training provider performance information as described in [Section II\(a\)\(1\)](#);
4. establish a process for determining there are an insufficient number of eligible training providers in the local area to accomplish the purpose of a system of individual training accounts (ITAs) and the process must (refer to [Section II\(b\)\(1\)](#)):
  - a. be described in the local plan; and
  - b. provide for a public comment period of at least 30 days for interested providers of training services;
5. develop criteria to be used in determining demonstrated effectiveness with regard to programs of training services for individuals with barriers to employment that are offered by community-based organizations or other private organizations as described in [Section II\(b\)\(1\)](#);
6. ensure that it's local plan describes the local process to be used in selecting training providers under contract for services as described in [Section II\(b\)\(1\)](#);
7. develop policies and procedures regarding the provision of supportive services to adult and dislocated worker participants as described in [Section III](#); and
8. ensure that the local adult and dislocated worker programs (refer to [Section IV\(b\)](#)):
  - a. coordinate the provision of services, including career, training, and supportive services, with one-stop partners and other entities;
  - b. identify and track funding streams that pay the costs of services provided to co-enrolled participants; and
  - c. ensure no duplication of services across programs.

## POLICY

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This policy establishes requirements regarding adult and dislocated worker program services, including career, training, and supportive services.

This policy is organized into five sections and one appendix.

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<sup>1</sup> The term "State" refers to the Nebraska Workforce Development Board and the Nebraska Department of Labor (acting on the Governor's behalf pursuant to the Governor's Executive Order No. 15-03).

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## Section I. Career Services

WIOA authorizes career services for adults and dislocated workers.<sup>2</sup> There are three types of career services: basic career services, individualized career services, and follow-up services. There is no sequence-of-service requirement for career services. Each local board must ensure that all career services are available and accessible through at least one comprehensive American Job Center in its local area.<sup>3</sup> Career services may be provided directly by the one-stop operator or through contracts with service providers that are approved by the local board.<sup>4</sup> Basic and individualized career services may be delivered by local adult and dislocated worker programs, as well as the WIOA Title III Wagner-Peyser Employment Service.<sup>5</sup>

### (a) Basic career services

Basic career services must be universally accessible to all individuals seeking employment and training services.<sup>6</sup> Basic career services are listed in Table 1.

*Table 1. Basic career services<sup>7</sup>*

Description
1. Determinations of whether the individual is eligible to receive assistance from adult, dislocated worker, and youth programs
2. Outreach, intake (including worker profiling), and orientation to information and other services available through the one-stop delivery system, including an opportunity to initiate an application for Temporary Assistance for Needy Families (TANF) assistance and non-assistance benefits and services, which could be implemented through the provision of paper application forms or links to the application website
3. Initial assessment of skill levels including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and supportive services needs
4. Labor exchange services, including job search and placement assistance and career counseling when needed by an individual, including provision of information on: <ul style="list-style-type: none"> <li>a. in-demand industry sectors and occupations; and</li> <li>b. nontraditional employment</li> </ul>
5. Provision of referrals to and coordination of activities with other programs and services, including programs and services within the one-stop delivery system and other workforce development programs when appropriate
6. Provision of workforce and labor market employment statistics information, including provision of accurate information relating to local, regional, and national labor market areas, such as:

<sup>2</sup> TEGL 19-16

<sup>3</sup> 20 CFR §§ 680.100(b)(1) and 680.160; TEGL 19-16

<sup>4</sup> 20 CFR § 680.160. The local board may be a provider of career services only when approved by the chief elected official and the Governor in accordance with the requirements of WIOA Sec. 107(g)(2) and 20 CFR § 679.410.

Also, refer to the State's policy on procurement for information on contracting with service providers.

<sup>5</sup> TEGL 19-16

<sup>6</sup> 20 CFR § 680.150(a); TEGL 19-16

<sup>7</sup> 20 CFR § 678.430(a)

Description
<ul style="list-style-type: none"> <li>a. job vacancy listings in labor market areas;</li> <li>b. information on job skills necessary to obtain the vacant jobs listed; and</li> <li>c. information relating to local in-demand occupations and the earnings, skill requirements, and opportunities for advancement for those jobs</li> </ul>
7. Provision of performance information and program cost information on eligible providers of education, training, and workforce services, delineated by program and type of providers
8. Provision of information, in usable and understandable formats and languages, on how the local area is performing on local performance accountability measures, as well as any additional performance information relating to the area's one-stop delivery system
9. Provision of information, in usable and understandable formats and languages, relating to the availability of supportive services or assistance and appropriate referrals to those services and assistance, including: child care; child support; medical or child health assistance available through the state's Medicaid program and Children's Health Insurance Program; benefits under Supplemental Nutrition Assistance Program (SNAP); assistance through the earned income tax credit; and assistance under a state program for TANF and other supportive services and transportation provided through that program
10. Provision of information and meaningful assistance to individuals seeking assistance in filing a claim for unemployment compensation
11. Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA

**IMPORTANT.** There are no criteria or conditions to be met for an individual to receive basic career services, meaning an individual does not need to register in NEworks or be enrolled in a one-stop partner program, including WIOA Title I or WIOA Title III programs.

**(b) Individualized career services**

Individualized career services must be made available to individuals enrolled in local adult and dislocated worker programs if determined appropriate in order for the individual to obtain or retain employment.<sup>8</sup> Individualized career services are listed in Table 2.

*Table 2. Individualized career services<sup>9</sup>*

Description
1. Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include: <ul style="list-style-type: none"> <li>a. diagnostic testing and use of other assessment tools; and</li> <li>b. in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals</li> </ul>
2. Development of an individual employment plan (IEP) that identifies 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 careers, including transitional jobs
8. Workforce preparation activities

<sup>8</sup> 20 CFR §§ 680.140(a) and 680.150(b); TEGL 19-16

<sup>9</sup> 20 CFR § 678.430(b)

Description
9. Financial literacy services
10. Out-of-area job search assistance and relocation assistance
11. English language acquisition and integrated education and training programs

### (1) Eligibility

Eligibility for individualized career services must be based on an initial assessment of skill levels (item 3 in Table 1), including:<sup>10</sup>

- literacy and numeracy;
- English language proficiency;
- aptitudes and abilities, including skills gaps; and
- supportive services needs.

In addition, for adult program participants only, eligibility for individualized career services must also be determined according to priority of service requirements established in the State's policy on priority of service<sup>11</sup> and local policies and procedures regarding priority of service.

Each local board must:<sup>12</sup>

- identify the initial assessments<sup>13</sup> to be used to determine eligibility for individualized career services; and
- ensure that procedures for determining eligibility for individualized career services are consistent with the State's policy and local policies and procedures regarding priority of service for adults.

### (c) Follow-up services

Follow-up services must be made available for adults and dislocated workers who are placed in unsubsidized employment for a minimum of 12 months after the first day of employment.<sup>14</sup> All participants must be offered an opportunity to receive follow-up services unless the participant declines to receive follow-up services or the participant cannot be located or contacted. Types of follow-up services provided and the duration of follow-up services must be determined based on the needs of the individual. Therefore, the type and intensity of follow-up services may differ for each participant.

**IMPORTANT.** Follow-up services must be more than just an attempt to contact the participant and must not be just an attempt to secure documentation to support or report a performance outcome.

<sup>10</sup> 20 CFR § 680.150(b); TEGL 19-16

<sup>11</sup> The State's policies are accessible at <https://dol.nebraska.gov/EmploymentAndTraining/LCRWP/WIOA/Policies>.

<sup>12</sup> TEGL 19-16

<sup>13</sup> Use of recent previous interviews, evaluations, or assessments by partner programs is permitted for determining if individualized career services would be appropriate [20 CFR § 680.220].

<sup>14</sup> 20 CFR § 680.150(c); TEGL 19-16

## Section II. Training services

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One-stop center staff may determine training services are appropriate for adult and dislocated worker program participants, regardless of whether the individual has received basic or individualized career services.<sup>15</sup> There is no sequence-of-service requirement for training services. Training services must be made available to eligible individuals enrolled in the adult and dislocated worker programs.<sup>16</sup> Types of training services that may be funded by adult and dislocated worker programs are listed in Table 3.

*Table 3. Training services for adults and dislocated workers<sup>17</sup>*

Description
1. Occupational skills training, including training for nontraditional employment
2. On-the-job training
3. Incumbent worker training
4. Programs that combine workplace training with related instruction, which may include cooperative education programs
5. Training programs operated by the private sector
6. Skills upgrading and retraining
7. Entrepreneurial training
8. Transitional jobs
9. Job readiness training provided in combination with 1 or more of the training services listed in items 1 through 8
10. Adult education and literacy activities, including English language acquisition and integrated education and training programs provided concurrently or in combination with 1 or more of the training services listed in items 1 through 8
11. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training

### (a) Eligibility<sup>18</sup>

Training services funded by the adult or dislocated worker programs may be made available to employed and unemployed adults and dislocated workers only when the following criteria are met.

1. Except as described in [Section II\(a\)\(1\)](#), a one-stop center or one-stop partner determines after an 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, that the participant:
  - a. is 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;

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<sup>15</sup> TEGL 19-16

<sup>16</sup> 20 CFR §§ 680.140(a); TEGL 19-16

<sup>17</sup> 20 CFR § 680.200. The list of training services in Table 3 is not all-inclusive and additional training services may be provided. Refer to the State's policies on eligible training providers, OJT, and work-based training regarding requirements for various types of training services listed in Table 3.

<sup>18</sup> 20 CFR §§ 680.210 and 680.220; TEGL 19-16

- b. is 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
    - c. has the skills and qualifications to participate successfully in training services.
  2. The participant selected a program of training services that is directly linked to one or more in-demand occupations in the local area or planning region or in another area to which the individual is willing to commute or relocate. Selection of training services must be conducted in a manner that maximizes consumer choice.<sup>19</sup>
  3. The participant is unable to obtain grant assistance from other sources to pay the costs of the program of training services, including sources such as state-funded sources, Trade Adjustment Assistance (TAA), and Pell Grants; or the participant requires WIOA assistance in addition to other sources of grant assistance, including Pell Grants.
  4. If training services are provided through the adult funding stream, the participant is determined eligible in accordance with the State's policy and local policies and procedures regarding priority of service for adults.<sup>20</sup>

#### (1) Exception<sup>21</sup>

There is no requirement that career services be provided as a condition to receive training services. However, if career services are not provided before training, the local board must document the circumstances that justify its determination to provide training services to the participant without first providing an interview, evaluation, or assessment, and career planning informed by local labor market information and training provider performance information.

#### (2) Documentation requirements

Prior to receipt of training services, the participant's case file must contain:<sup>22</sup>

- documentation demonstrating that all eligibility criteria listed above in [Section II\(a\)](#) have been met; and
- if career services are not provided as described in [Section II\(a\)\(1\)](#), documentation of the circumstances justifying the local board's determination to provide training services to the participant without first providing career services.

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<sup>19</sup> Refer to the State's policy on eligible training providers for information on satisfying consumer choice requirements for training services.

<sup>20</sup> Refer to the State's policy on priority of service for information on the State's priority system. Local priority systems must be established under local policy.

<sup>21</sup> 20 CFR § 680.220(b)

<sup>22</sup> 20 CFR § 680.220(b)

## (b) ITAs<sup>23</sup>

Except in certain cases as described in [Section II\(b\)\(1\)](#), training services must be funded through an ITA and provided by an eligible training provider. A local board may impose the following limits on ITAs.

- A limit may be established for an individual participant based on the needs identified in the participant's IEP, such as the participant's occupational choice or goal and the level of training needed to reach that goal.
- Local policy may establish a range of amounts or a maximum amount applicable to all ITAs.

**IMPORTANT.** An individual may select training that costs more than the maximum amount available for ITAs under local policy when other sources of funds are available to supplement the ITA, such as Pell Grants and scholarships.

ITA limitations established under local policies:

- must be described in the local board's local plan;
- must not be implemented in a manner that undermines WIOA's requirement that training services are provided in a manner that maximizes consumer choice in the selection of a training provider; and
- may include exceptions to ITA limitations for individual cases, which must be defined.

### (1) Exceptions

Contracts for training services may be used instead of ITAs only when the local board has fulfilled the consumer choice requirements of 20 CFR § 680.340<sup>24</sup> and at least one of the following five conditions exist.<sup>25</sup>

1. The training services are on-the-job-training (OJT), customized training, incumbent worker training, or transitional jobs.
2. The local board determines that there are an insufficient number of eligible training providers in the local area to accomplish the purpose of a system of ITAs, subject to the following requirements.
  - a. The local board's determination process must be described in its local plan, which must provide for a public comment period of at least 30 days for interested providers of training services.
3. The local board determines there is a program of training services having demonstrated effectiveness in serving individuals with barriers to employment offered in the local area

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<sup>23</sup> 20 CFR §§ 680.310 and 680.320; TEGL 19-16. Refer to the State's policy on eligible training providers for information on use of ITAs.

<sup>24</sup> Refer to the State's policy on workforce development boards and CEOs for information on consumer choice requirements for local boards.

<sup>25</sup> 20 CFR § 680.320



by a community-based organization or other private organization, subject to the following requirements.<sup>26</sup>

- a. The local board must develop criteria to be used in determining demonstrated effectiveness, particularly as it applies to the individuals with barriers to employment to be served. The criteria may include:
  - i. financial stability;
  - ii. demonstrated performance in the delivery of services to individuals with barriers to employment based on measures such as program completion rate; attainment of the skills, certificates, or degrees the program is designed to provide; placement after training in unsubsidized employment; and retention in employment; and
  - iii. how the specific program relates to the workforce investment needs identified in the board's local plan.
4. The local board determines that it would be most appropriate to contract with an institution of higher education (defined in [APPENDIX I](#)), or other accredited, authorized, or licensed provider of training services, in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations, provided that the contract does not limit consumer choice. Providers of training services must be authorized by accrediting or governing authorities to provide training services in Nebraska or to Nebraska residents.
5. The local board is considering entering into a pay-for-performance contract, and the local board ensures that the contract is consistent with requirements of 20 CFR § 683.510.

The local board's local plan must describe the process to be used in selecting training providers under a contract for services. In addition to the local board's selection process established under its local plan, the procurement and selection of providers based on conditions 2, 4, and 5 must adhere to the requirements of the Uniform Guidance.<sup>27</sup>

### Section III. Supportive services<sup>28</sup>

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Each local board must develop policies and procedures regarding the provision and coordination of supportive services for adult and dislocated worker program participants. Local policy on supportive services:

- must be developed in consultation with one-stop partners and other community service providers in the local area;

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<sup>26</sup> *Individual with a barrier to employment* is defined under WIOA Sec. 3(24) and 20 CFR § 680.320(b).

<sup>27</sup> *Uniform Guidance* refers to 2 CFR Parts 200 and 2900. Refer to the State's policy in procurement for additional information.

<sup>28</sup> 20 CFR §§ 680.900 through 680.970; TEGL 19-16. While 20 CFR §§ 680.900 through 680.970 relate primarily to adults and dislocated workers, the State requires that local policy on supportive services also address supportive services for youth.

- must ensure resource and supportive service coordination in the local area;
- must comply with the requirements of 20 CFR §§ 680.900 through 680.970;
- must require that supportive services are provided only when necessary to enable the participant to take part in career services, training services, or youth employment and training activities;
- must ensure that supportive services are:
  - WIOA-funded only when supportive services are not available through other agencies or programs; and
  - necessary for the individual to participate in adult, dislocated worker, or youth activities;
- must require that participants in need of ongoing supportive services are taking part in career services (other than follow-up services), training services, or both in order to receive ongoing supportive services;
- if the local board elects to provide needs-related payments:
  - must establish maximum levels of needs-related payments for adults, dislocated workers, and youth;
  - must require that participants:
    - meet eligibility requirements for needs-related payments as described in 20 CFR §§ 680.940 and 680.950 and in [Section III\(a\)](#); and
    - are enrolled in training services in order to receive needs-related payments;
  - for dislocated workers, must ensure that payments do not exceed the greater of either of the following levels:
    - applicable weekly level of the unemployment compensation benefit, for participants who were eligible for unemployment compensation as a result of the qualifying dislocation; or
    - poverty level for an equivalent period, for participants who did not qualify for unemployment compensation as a result of the qualifying layoff, and the weekly payment level must be adjusted to reflect changes in total family income, as determined by local policies;
- should address procedures for referral to supportive services, including how the services will be funded when not otherwise available from other sources;
- may establish limits on the provision of supportive services;

- may provide the one-stop operator with the authority to establish limits on the provision of supportive services to an individual participant, including the maximum amount of funding and maximum duration; and
- may allow individual one-stop centers to grant exceptions to established limits.

(a) Needs-related payments<sup>29</sup>

Needs-related payments are a supportive service authorized under WIOA Sec. 134(d)(3) that provides financial assistance to participants for the purpose of enabling them to participate in training. Unlike other supportive services, a participant must be enrolled in training in order to qualify for needs-related payments and must meet the applicable eligibility requirements described in subsections (1) or (2) below.

(1) Adult eligibility

Adults must meet criteria 1 through 3 in order to receive needs-related payments:<sup>30</sup>

1. unemployed;
2. not qualified for, or have ceased to qualify for, unemployment compensation; and
3. enrolled in a program of training services.<sup>31</sup>

(2) Dislocated worker eligibility

Dislocated workers must meet criteria 1 or 2 in order to receive needs-related payments:<sup>32</sup>

1. unemployed and:
  - a. no longer qualifies for unemployment compensation or trade readjustment allowance under TAA; and
  - b. enrolled in a program of training services by the end of the 13<sup>th</sup> week after the most recent layoff that resulted in a determination of the worker's eligibility as a dislocated worker; or, if later, by the end of the eighth week after the worker is informed that a short-term layoff will exceed six months;
2. unemployed and does not qualify for unemployment compensation or trade readjustment allowance under TAA and enrolled in a program of training services.

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<sup>29</sup> 20 CFR § 680.930

<sup>30</sup> 20 CFR § 680.940

<sup>31</sup> Refer to Table 1 for a list of programs of training services.

<sup>32</sup> 20 CFR § 680.950

## Section IV. Co-enrollment and coordination of services

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### (a) Co-enrollment

Adults and dislocated workers must be co-enrolled in partner programs when eligibility permits and co-enrollment benefits the participant and the participant agrees to co-enrollment.<sup>33</sup>

### (b) Coordination of services

Each local board must ensure that the local adult and dislocated worker programs:<sup>34</sup>

- coordinate the provision of services, including career, training, and supportive services, with one-stop partners and other entities;
- identify and track funding streams that pay the costs of services provided to co-enrolled participants; and
- ensure no duplication of services across programs.

#### (1) Occupational skills training<sup>35</sup>

Adult and dislocated worker programs must ensure that occupational skills training provided by eligible training providers is WIOA-funded only when assistance from other sources is not available through other agencies or programs. When WIOA funds supplement other sources of funding for training, the local programs must:

- along with training providers, coordinate funds made available for training;
- make funding arrangements with one-stop partners and other entities regarding participants who require assistance beyond that available under grant assistance from other sources; and
- consider the availability of other sources of grants to pay for training costs such as TANF, training funds available from the state, Pell Grants, and other funding sources.

#### (2) Pell Grants<sup>36</sup>

In the event an adult or dislocated worker program participant has been awarded a Pell Grant, the Pell Grant must be applied against the cost of occupational skills training and any education fees the training provider charges to attend training before WIOA funds are utilized. If the participant has been awarded Pell Grant assistance for education-related expenses, the assistance must not be used to offset or reduce WIOA funding for the cost of occupational skills training and education fees.

If a participant's application for Pell Grant assistance is pending, a participant may enroll in occupational skills training and WIOA funds may be used to pay the costs of training, including

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<sup>33</sup> Refer to the State's policy on co-enrollment for additional requirements.

<sup>34</sup> 20 CFR §§ 680.230 and 681.430(b).

<sup>35</sup> 20 CFR § 680.230

<sup>36</sup> 20 CFR § 680.230(b) – (c)

any education fees, while the application is processed, subject to the following three requirements.

1. The applicable program must arrange with the training provider and participant for allocation of the Pell Grant should it be subsequently awarded.
2. If the Pell Grant is subsequently awarded and:
  - a. does not cover the cost of occupational skills training and required education fees to be paid during the Pell Grant award period, the training provider must reimburse the applicable program for WIOA funds paid to the training provider using the full amount disbursed for the Pell Grant award period; or
  - b. exceeds the cost of the occupational skills training and required education fees to be paid during the Pell Grant award period, the training provider must reimburse the applicable program only for the amount paid to the training provider by the program, with the balance belonging solely to the participant.
3. Pell Grant assistance disbursed on the participant's behalf for education-related expenses belongs solely to the participant and must not be used to offset or reduce WIOA funding for the cost of occupational skills training and education fees.

## Section V. Privacy

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Each local board must ensure that local adult and dislocated worker programs adhere to the confidentiality requirements of the Family Educational Rights and Privacy Act, established under Section 444 of the General Education Provisions Act,<sup>37</sup> including requirements regarding circumstances requiring written consent for disclosure of personally identifiable information from an education record.

## DISCLAIMER

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This policy is based on NDOL's reading of the applicable statutes, regulations, rules, and guidance released by the US Government and the State of Nebraska. This policy is subject to change as revised or additional statutes, regulations, rules and guidance are issued.

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<sup>37</sup> 20 USC § 1232g; 34 CFR Part 99

## APPENDIX I. Definitions

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**PURPOSE.** Definitions in this appendix are provided as supplemental information that supports the provisions of the policy. The terms and phrases defined in this appendix should be read and understood in the context in which they are used in the policy and not as stand-alone information independent of that context.

### 1. community-based organization

*Community-based organization* means a private nonprofit organization (which may include a faith-based organization) that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce development.<sup>38</sup>

### 2. in-demand industry sector or occupation

The term *in-demand industry sector or occupation* means an:<sup>39</sup>

- industry sector that has a substantial current or potential impact (including jobs that lead to economic self-sufficiency and opportunities for advancement) on the state, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or
- occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the state, regional, or local economy.

### 3. institution of higher education<sup>40</sup>

*Institution of higher education* means an educational institution in any state that:

- admits, as regular students, only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, or persons who have completed a secondary school education in a home school setting that is treated as a home school or private school under State law;
- is legally authorized within the state to provide a program of education beyond secondary education;
- provides an educational program for which the institution awards a bachelor's degree or provides not less than a two-year program that is acceptable for full credit toward a bachelor's degree, or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to review and approval by the Secretary of Education (Secretary);
- is a public nonprofit or other nonprofit institution; and
- is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted pre-accreditation status by such an

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<sup>38</sup> WIOA Sec. 3(10)

<sup>39</sup> WIOA Sec. 3(23)

<sup>40</sup> WIOA Sec. 3(28); 20 USC §§ 1001, 1002(a)(1), and 1091(d)

agency or association that has been recognized by the Secretary for the granting of pre-accreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.

#### 4. meaningful assistance

With regard to individuals seeking assistance with filing a claim for unemployment compensation, *meaningful assistance* means:<sup>41</sup>

- providing assistance on-site using staff who are well-trained in unemployment compensation claims filing and the rights and responsibilities of claimants; or
- providing assistance by phone or via other technology, as long as the assistance is provided by trained and available staff and within a reasonable time.

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<sup>41</sup> 20 CFR § 678.430(a)(10)(i)