

**State Policy**

**Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Office of Employment and Training 550 South 16 <sup>th</sup> Street Lincoln, NE 68508 402.471.2022 <a href="mailto:ndol.wioa_policy@nebraska.gov">ndol.wioa_policy@nebraska.gov</a>	<table border="1"> <tr> <td data-bbox="808 336 1224 401"> </td> <td data-bbox="1224 336 1433 401">                     Policy category                      Program Eligibility                 </td> </tr> <tr> <td data-bbox="808 401 1224 466"> </td> <td data-bbox="1224 401 1433 466">                     Effective date                      June 2, 2017                 </td> </tr> <tr> <td data-bbox="808 466 1224 518">                 Preliminary Policy on Co-enrollment (Rev. 04/06/2015)             </td> <td data-bbox="1224 466 1433 518">                     Supersedes                 </td> </tr> </table>		Policy category Program Eligibility		Effective date June 2, 2017	Preliminary Policy on Co-enrollment (Rev. 04/06/2015)	Supersedes
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**Co-enrollment and Common Exit**

**REFERENCE**

Workforce Innovation and Opportunity Act of 2014 (WIOA) Secs. 101, 102, 129; 20 CFR § 677.150; TEGL 19-16; Combined State Plan for Nebraska’s Workforce Delivery System, July 1, 2016 through June 30, 2020 (Combined State Plan)

**BACKGROUND**

Under Nebraska’s Combined State Plan,<sup>1</sup> plan partners are committed to the development and implementation of co-enrollment strategies to support program alignment and career pathways. Co-enrollment:

- supports coordination across core programs, including planning, reporting, and service delivery;
- supports a customer-centric design that allows programs to leverage resources for participants who are eligible for, and need, multiple services that cross program lines; and
- allows tracking career pathway participants whose service happens not within one particular Federal program and funding stream, but across multiple programs.

<sup>1</sup> WIOA Secs. 101(d), 102(b)(2); Nebraska’s Combined State Plan is accessible at <http://dol.nebraska.gov/Admin/Uploads/GetFile/fd41e325-0391-4ba4-b489-8682ba9bf30d>.

## ACTION

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Each local workforce development board (local board) must insure that:

- its local plan addresses the requirements of this policy;
- the design of its Adult, Dislocated Worker, and Youth programs (WIOA Title IB) address the requirements of this policy; and
- staff in its local workforce development area (local area) are knowledgeable of the requirements of this policy.

This policy is final after a ten (10) day review period. Questions and comments must be submitted in writing to the WIOA policy mailbox at [ndol.wioa\\_policy@nebraska.gov](mailto:ndol.wioa_policy@nebraska.gov).

## POLICY

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This policy establishes the requirements for co-enrollment of participants receiving services through the:

- Adult, Dislocated Worker, and Youth programs (WIOA Title IB);
- Wagner-Peyser Employment Service programs (WIOA Title II);
- Jobs for Veterans State Grant (JVSG) program; and
- Trade Adjustment Assistance (TAA) program.

This policy is organized in two (2) sections and one (1) appendix.

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### Section I. Co-enrollment

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#### (a) Co-enrollment Requirement

The requirement to co-enroll participants in partner programs applies to the:

- Adult, Dislocated Worker, and Youth programs (WIOA Title IB);
- Wagner-Peyser Employment Service programs (WIOA Title III);
- Jobs for Veterans State Grant (JVSG) program; and
- Trade Adjustment Assistance (TAA) program.

## (b) Partner Programs

Co-enrollment of participants enrolled in the programs listed in [Section I\(a\)](#) of this policy must occur when eligibility permits and co-enrollment benefits the participant and the participant agrees to co-enrollment.<sup>2</sup> Participants have the right to refuse co-enrollment.

Partner programs in which participants must be co-enrolled include, but are not limited to, the:

- Adult, Dislocated Worker, and Youth programs (WIOA Title IB);
- Adult Education and Family Literacy Act (AEFLA) program (WIOA Title II);
- Wagner-Peyser Employment Service (ES) programs (WIOA Title III);
- Nebraska Commission for the Blind and Visually Impaired (NCBVI) programs (WIOA Title IV);
- Nebraska Vocational Rehabilitation Program (VR) (WIOA Title IV);
- Jobs for Veterans State Grant (JVSG) program;
- Migrant and Seasonal Farmworker (MSFW) program;
- Senior Community Service Employment Program (SCSEP);
- Temporary Assistance for Needy Families (TANF);
- Trade Adjustment Assistance (TAA) program; and
- Unemployment Insurance (UI).

## (c) Coordination of Services and Funding Streams

Local area staff must coordinate with partner programs to ensure that:

- eligible participants are co-enrolled;
- services across programs in which participants are co-enrolled are not duplicated;
- funding sources across programs are leveraged; and
- co-enrollment expenditures comply with all applicable Federal laws, rules, and regulations and NDOL policies.

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

### (1) Co-enrollment in Youth and Adult Programs

Local area WIOA Title IB staff must identify and track the funding streams which pay the costs of services provided to individuals who are participating in Youth and Adult programs concurrently, and ensure no duplication of services.<sup>3</sup>

### (2) Co-enrollment in the Adult Education and Family Literacy Act (AEFLA) Program

If a participant enrolled in a WIOA Title IB program (Youth, Adult, or Dislocated Worker) is unable to receive services from the AEFLA program, but is determined to be in need of those services by the career planner and eligible for the services, then the applicable program may provide services the program is authorized to provide, as long as they are provided concurrently or in combination with training services.<sup>4</sup>

### (3) Co-enrollment of VR Program Participants in Adult and Dislocated Worker Programs<sup>5</sup>

While an individual may be determined eligible to receive vocational rehabilitation services, VR and/or NCBVI may not be able to provide services due to insufficient staff and/or fiscal resources. In this instance, VR and/or NCBVI program must implement an order of selection (OOS) that establishes the priority categories by which individuals can be served based on their functional limitations.

For those individuals not in a priority category being served under the OOS, VR and/or NCBVI must refer the individual to another program that may be able to meet their needs. Therefore, effective partnering with the Adult, Dislocated Worker, and ES programs is essential in order to ensure individuals with disabilities who are seeking employment and training services receive the services they need for employment.

Funds allocated to a local area for Adult and Dislocated Worker program activities may be used to improve coordination between employment and training programs carried out in the local area for individuals with disabilities.

### (4) Co-enrollment of TAA Program Participants<sup>6</sup>

WIOA and TAA program funds must be managed in a coordinated manner. Duplication of payment of training costs is not permitted. Under certain circumstances, the costs of training may be shared by the WIOA and TAA programs.

The TAA program must be the primary source of assistance to TAA program participants.<sup>7</sup> If a TAA program participant requires assistance or services not authorized under the TAA program or TAA program funds are unavailable or insufficient, assistance must be made available through the American Job Center network.

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<sup>3</sup> TEGL 19-16

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> TAA Governor-Secretary Agreement, Section E

Under limited circumstances, TAA program participants may receive WIOA-funded training that would otherwise be provided under the TAA program. The most common circumstance is when a Trade petition has been filed by or on behalf of a group of workers but a determination of group eligibility is pending. In this case WIOA funds should be used for training in the short-term, until the TAA program determines the worker's individual eligibility and approves the training. (In the event a negative decision is rendered and the petition is denied, the worker may continue as a WIOA participant.) Training may be modified by the TAA program to allow a worker additional training under the TAA program in order to meet retraining needs as indicated in an individual reemployment plan. The TAA program participant may remain co-enrolled in WIOA and the TAA Program if the individual needs continued career and supportive services through WIOA.

WIOA allows up to seventy-five (75) percent reimbursement to employers for on-the-job training (OJT), while the TAA program allows reimbursement up to fifty (50) percent of the wage rate, the cost of providing the training, and additional supervision related to the training. For approved OJT for a co-enrolled TAA program participant, the TAA program may reimburse employers up to fifty (50) percent, and WIOA may reimburse employers up to an additional twenty-five (25) percent, to bring the total reimbursement to the employer up to seventy-five (75) percent, provided that local area's WIOA OJT policy provides for a seventy (75) percent reimbursement rate.

## **Section II. Common Exit**

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Under a common exit,<sup>8</sup> a participant<sup>9</sup> must complete services from all programs in which the participant is co-enrolled in order to exit from the system.

This common exit requirement applies to participants who are co-enrolled in the:

- Adult, Dislocated Worker, and Youth programs (WIOA Title IB);
- Wagner-Peyser Employment Service programs (WIOA Title II);
- Jobs for Veterans State Grant (JVSG) program; and
- Trade Adjustment Assistance (TAA) programs.

This common exit requirement does not apply to participants who are co-enrolled in:

- Adult Education and Family Literacy Act (AEFLA) program (WIOA Title II);
- Nebraska Commission for the Blind and Visually Impaired (NCBVI) programs (WIOA Title IV);
- Nebraska Vocational Rehabilitation Program (VR) (WIOA Title IV);
- Migrant and Seasonal Farmworker (MSFW) program;
- Senior Community Service Employment Program (SCSEP);

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<sup>8</sup> Refer to APPENDIX I for the definition of [common exit](#).

<sup>9</sup> Refer to APPENDIX I for the definition of [participant](#).

- Temporary Assistance for Needy Families (TANF); or
- Unemployment Insurance (UI).

## **DISCLAIMER**

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

## APPENDIX I. Definitions

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### (a) common exit<sup>10</sup>

*Common exit* means a participant is exited only when all of the *exit* criteria described in the definition of *exit* (section (b) below) are met for each program in which the participant is enrolled.

**Example:** Participant Joe is a worker covered by a Trade Certification and is co-enrolled in the Dislocated Worker and Wagner-Peyser programs. Joe's last date of service under Wagner-Peyser is August 1<sup>st</sup>. Joe's last date of service under the Dislocated Worker program is September 15<sup>th</sup>. Joe's last date of service under the TAA program is October 1<sup>st</sup>. Joe receives no additional services from the TAA, Dislocated Worker, and Wagner-Peyser programs. Joe's common exit date is December 30<sup>st</sup>.

### (b) exit (program exit)<sup>11</sup>

*Exit* (or *program exit*) is the last date of service.

The last day of service cannot be determined until at least ninety (90) days have elapsed since the participant last received services.

Services do not include self-service, information-only services or activities, or follow-up services. This also requires that there are no plans to provide the participant with future services.

This criteria for determining program exit applies to the:

- Adult, Dislocated Worker, and Youth programs (WIOA Title IB);
- Wagner-Peyser Employment Service programs (WIOA Title III);
- Jobs for Veterans State Grant (JVSG) program; and
- Trade Adjustment Assistance (TAA) program.

### (c) participant<sup>12</sup>

In general, "participant" means a reportable individual who has received services after satisfying all applicable programmatic requirements for the provision of services, such as an eligibility determination. For the WIOA Title IB Youth program, "participant" means reportable individual who has satisfied all applicable programmatic requirements for the provision of services, including an eligibility determination, an objective assessment, and the development of an individual service strategy, *and* received at least one (1) of the fourteen (14) Youth program elements identified in WIOA Sec. 129(c)(2).

Individuals who only use the self-service system are not participants and are not included in performance measures.

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<sup>10</sup> 20 CFR § 677.150(c)(3)(ii)

<sup>11</sup> 20 CFR § 677.150(c)

<sup>12</sup> 20 CFR § 677.150(a)