



## 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>	<b>Policy category</b> Youth, Adult, and Dislocated Worker
	<b>Effective date</b> August 20, 2019
	<b>Supersedes</b> Youth Program (effective date February 9, 2018)

## Youth Program, Change 1

### 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

Local WIOA<sup>1</sup> Title I youth programs provide 14 high quality services for youth and young adults that lead to a good job along a career pathway or enrollment in postsecondary education.

### ACTION

This policy supersedes and cancels the State's<sup>2</sup> policy titled Youth Program (effective date February 8, 2018). 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 ensure that:

- selection and procurement of eligible youth service providers, including providers of occupational skills training, complies with the requirements described in Section I;

<sup>1</sup> WIOA refers to the Workforce Innovation and Opportunity Act of 2014.

<sup>2</sup> 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).

- local youth program design complies with the requirements described in Section II, including how the 14 program elements described in Section III are made available within that design;
- local policies are established that:
  - define methods for determining when an objective assessment or individual service strategy (ISS) is not required (Section II(a));
  - provide safeguards to protect the personally identifiable information of youth participants (Section II(h));
  - govern payments of stipends and incentives to youth participants (Section II(i)(4)(C)-(D));
  - describe local area requirements for individual training accounts (ITAs) (Section III.4.a); and
  - govern the provision of supportive services to youth participants (Section III.7);

In addition, each local board must ensure that its local plan describes:

- processes for determining there are an insufficient number of Eligible Training Providers (ETPs) in the local area to accomplish the purpose of a system of ITAs (Section I);
- the design framework for its local youth program (Section II(a)); and
- any established limitations for ITAs (Section III.4.a).

## CHANGES

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Provisions of the cancelled policy have been reorganized for clarity. In addition, this policy establishes the following material changes to the cancelled policy.

1. Section I(a) has been added to clearly define consumer choice requirements and their effect on selection and procurement of training services.
2. Timelines regarding submission of youth service provider lists have been adjusted to coincide with the start of each program year; and provisions have been added regarding the publication of youth service provider lists (Section I(b)).
3. Provisions regarding privacy have been revised to include requirements relating to confidentiality (Section II(h)).
4. Provisions regarding OSY expenditures have been added regarding the lowered minimum expenditure rate for Program Year (PY) 2019 permitted under Federal waiver (Section II(i)(2)(A)).
5. Provisions regarding the work experience priority have been revised to clarify which costs count toward the 20 percent minimum expenditure requirement (Section II(i)(3)).

6. Provisions regarding wages, stipends, and withholdings have been added as Section II(i)(4) and provisions on incentive payments have been moved to the same section.
7. Provisions have been added in order to define the required 14 program elements clearly (Section III).
8. Provisions regarding supportive services have been revised to clarify requirements for the availability of supportive services for youth participants (Section III.7).
9. A definition for *community-based organization* has been added in APPENDIX I.

## POLICY

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This policy identifies requirements for selection and procurement of youth service providers, the design framework of local youth programs, and program elements that must be made available through local youth programs.

This policy is organized into three sections and one appendix.

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### Section I. Service provider selection and procurement

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Each local board (or its fiscal agent) has the option of directly providing some or all of the required youth employment and training activities, rather than entering into a grant or contract to provide the activities.<sup>3</sup> If a local board chooses to award grants or contracts to youth service providers to carry out some or all of the youth employment and training activities, the following requirements apply.

1. The local board must ensure that grants and contracts are awarded on a competitive basis and must procure youth service providers in accordance with:<sup>4</sup>
  - a. local procurement policies and procedures and applicable state and local procurement laws; and
  - b. principles of competitive procurement in 2 CFR Parts 200 and 2900 (the Uniform Guidance), including 2 CFR Part 180 (OMB Guidelines to agencies on Government-wide Debarment and Suspension (Non-procurement)).
2. If the local board determines there are an insufficient number of youth service providers in the local area, such as a rural area, the local board may award grants or contracts on a

<sup>3</sup> WIOA Sec. 123(a); 20 CFR § 681.400(a)

<sup>4</sup> WIOA Sec. 123(a); 2 CFR § 200.213; 20 CFR § 681.400(b)(2); TEGL 21-16

non-competitive basis.<sup>5</sup> Non-competitive procurement must be conducted in accordance with:<sup>6</sup>

- a. local procurement policies and procedures and applicable state and local procurement laws; and
  - b. principles of non-competitive procurement in 2 CFR Parts 200 and 2900 (the Uniform Guidance), including 2 CFR Part 180 (OMB Guidelines to agencies on Government-wide Debarment and Suspension (Non-procurement)).
3. The local board may implement a pay-for-performance contract strategy for one or more of the required 14 program elements and may reserve and use not more than 10 percent of the total youth program funds allocated to the local area for pay-for-performance contract strategies.<sup>7</sup>
  4. When selecting youth service providers, the local board must take into consideration the ability of youth service providers to meet performance accountability measures based on the primary indicators of performance for youth programs,<sup>8</sup> which are described in detail in the State's performance accountability policy.<sup>9</sup>
  5. If the local board has a standing youth committee, the local board may assign the function of selecting and recommending youth service providers to the committee.<sup>10</sup>
  6. Contracts for training services may be used instead of ITAs only when the local board has fulfilled the applicable consumer choice requirements described in [Section I\(a\)](#) and at least one of the following conditions exist.<sup>11</sup>
    - a. The training services are on-the-job-training (OJT), customized training, incumbent worker training, or transitional jobs.
    - b. The local board determines there are an insufficient number of ETPs in the local area to accomplish the purpose of a system of ITAs. 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. If the local board elects to contract with training providers for occupational skills training, the local board must ensure the providers are authorized or licensed to provide training services in Nebraska or to Nebraska residents by applicable accrediting or governing authorities, which may include the Nebraska Department of Education according to the requirements of the Nebraska Private Postsecondary Career School Act (Title 92, Nebraska Administrative Code, Chapter 41).

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<sup>5</sup> WIOA Sec. 123(b); 20 CFR § 681.400(b)(4); TEGL 21-16

<sup>6</sup> 2 CFR § 200.213; 20 CFR § 681.400(b)(4); TEGL 21-16

<sup>7</sup> 20 CFR § 681.420(i). Refer to 20 CFR § 683.500 for regulations on pay-for-performance contract strategies. Local boards may request technical assistance on use of pay-for-performance contract strategies.

<sup>8</sup> 20 CFR § 681.400(b)(1)

<sup>9</sup> The State's policies are accessible at <https://dol.nebraska.gov/EmploymentAndTraining/LCRWP/WIOA/Policies>.

<sup>10</sup> 20 CFR § 681.400(b)(3); TEGL 8-15. Refer to the State's policy on workforce development boards and chief elected officials for information on standing youth committees.

<sup>11</sup> 20 CFR § 680.320(a)

- c. The local board determines there is a program of training services offered in the local area by a community-based organization (or other private organization) that has demonstrated effectiveness in serving individuals with barriers to employment, subject to the following requirements.
  - i. 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:
    - 1. financial stability;
    - 2. 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
    - 3. how the specific program relates to the workforce investment needs identified in the board's local plan.
  - d. The local board determines that it would be most appropriate to contract with an institution of higher education (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, as long as the contract does not limit consumer choice. If the selected provider of training services is not an institution of higher education, the provider must be authorized or licensed to provide training services in Nebraska or to Nebraska residents by applicable accrediting or governing authorities, which may include the Nebraska Department of Education according to the requirements of the Nebraska Private Postsecondary Career School Act (Title 92, Nebraska Administrative Code, Chapter 41).
  - e. The local board is considering entering into a pay-for-performance contract and ensures that the contract is consistent with the requirements of 20 CFR § 683.510.

(a) Consumer choice requirements<sup>12</sup>

Training services, whether funded under ITAs or contract, must be provided in a manner that maximizes informed consumer choice in the selection of a training provider. To satisfy consumer choice requirements for training services, the local board must ensure the following.

- 1. The local board, through the one-stop center, must make the state's Eligible Training Provider List (ETPL) available to customers.
- 2. A youth participant may select an ETP from the ETPL after consultation with a career planner. Unless the local youth program has exhausted training funds for the program year, the one-stop center must refer the individual to the selected ETP and establish an ITA for the participant to pay for training, subject to the limitations of [Section III.4.a](#).

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<sup>12</sup> 20 CFR § 680.340(a)-(f)

3. The cost of referral of an ITA is paid by the local youth program (or the adult or dislocated worker program for ISY who are co-enrolled).
4. The local board, through the one-stop center, may coordinate funding for ITAs with funding from other Federal, state, local, or private job training programs or sources to assist the individual in obtaining training services.
5. Priority consideration must be given to programs that lead to recognized postsecondary credentials<sup>13</sup> and are aligned with in-demand industry sectors or occupations in the local area.

#### (b) Youth service provider lists

NDOL is required to disseminate a list of youth service providers.<sup>14</sup> The following requirements and timelines apply to youth service provider lists.

- Each local board, or its designee, must submit a list of its youth service providers to NDOL by July 1 of each program year.
- The list must include the provider's name, complete address, and phone number and the name of the provider's primary point of contact.
- If the list of youth service providers changes in any way at any point during the program year, the local board must submit a revised list within 30 days of the change.
- Youth service provider lists must be prepared using the form provided by NDOL and submitted by email to [ndol.wioa\\_policy@nebraska.gov](mailto:ndol.wioa_policy@nebraska.gov).<sup>15</sup>
- The lists are published annually by NDOL on the [WIOA Youth Program](#) page and revised lists will be published as needed.

## Section II. Program design

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### (a) Framework

The design framework of the local youth program must include the following components:<sup>16</sup>

- an objective assessment for each participant that includes a review of the individual's academic and occupational skill levels, service needs, and strengths in order to identify appropriate services and career pathways;

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<sup>13</sup> Refer to the State's performance accountability policy for detailed information on *recognized postsecondary credentials*. The State's policies are accessible at <https://dol.nebraska.gov/EmploymentAndTraining/LCRWP/WIOA/Policies>.

<sup>14</sup> TEGL 21-16

<sup>15</sup> The form is available upon written request submitted to [ndol.wioa\\_policy@nebraska.gov](mailto:ndol.wioa_policy@nebraska.gov).

<sup>16</sup> 20 CFR § 681.420(a)(1)-(3)

- development and updating of an individual service strategy (ISS) for each participant, which must be directly linked to one or more indicators of performance and must:
  - identify career pathways that include education and employment goals;
  - consider career planning and the results of the objective assessment; and
  - prescribe achievement objectives and services for the participant;
- case management of participants, including follow-up services.

An objective assessment or ISS is not required if the youth service provider determines that it is appropriate to use a recent objective assessment or ISS developed under another education or training program.<sup>17</sup> Methods for making such determinations must be established in local policy.

In its local plan, the local board must describe the design framework for its local youth program, including a description of how the 14 program elements are to be made available within that framework.

#### (b) Connections

The local youth program must be linked with entities that foster participation of eligible local area youth in the program, such as connections to local:<sup>18</sup>

- justice and law enforcement officials;
- public housing authorities;
- education agencies;
- human service agencies;
- WIOA Title II adult education providers;
- agencies and providers serving individuals with disabilities;
- health and mental health providers;
- Job Corps representatives; and
- representatives of youth initiatives, such as YouthBuild, those that serve homeless youth, and other public and private youth initiatives.

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<sup>17</sup> 20 CFR § 681.420(h)

<sup>18</sup> 20 CFR § 681.420(c)

### (c) Referral requirements<sup>19</sup>

The local board must ensure that youth service providers meet referral requirements for all youth participants, including:

- providing participants with information about the full array of applicable or appropriate services available through the local board, eligible providers, or one-stop partners; and
- referring participants to appropriate training and educational programs that have the capacity to serve them either on a sequential or concurrent basis.

If an individual applies for enrollment in the local youth program and does not meet the enrollment requirements or cannot be served by the program, the youth service provider must ensure that the individual is referred:

- for further assessment, if necessary; or
- to appropriate programs to meet the skills and training needs of the individual.

### (d) Community involvement<sup>20</sup>

The local board must provide opportunities for involvement of community members in the design and implementation of the program, including parents, participants, and other members of the community that have experience working with youth. Involvement in the local youth program may occur in a number of ways, including (i) serving on the local youth standing committee, if one exists and the individual is appointed by the local board; (ii) providing input into the design and implementation of the program; and (iii) serving as youth mentors and tutors. In addition, each local board must make volunteer opportunities available for successful youth participants to help other youth participants as mentors or tutors or through other activities.

### (e) Co-enrollment

As required under the State's performance accountability policy:

- youth participants must be co-enrolled in partner programs whenever eligibility permits, co-enrollment benefits the participants, and the participants agree to co-enrollment; and
- ISY ages 18 through 21 must be co-enrolled in an adult or dislocated worker program before ITA funds can be used for occupational skills training provided by an ETP, as described in [Section III.4.a.](#)<sup>21</sup>

### (f) Coordination of services

Each local board must ensure that the local youth program identifies and tracks funding streams that pay the costs of services provided to co-enrolled youth participants to ensure no duplication

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<sup>19</sup> WIOA Sec. 129(c)(3)(A)(i)-(ii); 20 CFR 681.420(d)-(f)

<sup>20</sup> 20 CFR §§ 681.420(g) and 681.650

<sup>21</sup> TEGL 21-16



of services across programs and youth service providers,<sup>22</sup> including supportive services and training services.

### (1) Non-WIOA financial benefits and assistance

Prior to a participant's placement in work experience, the youth service provider must coordinate with other programs that are providing the participant with non-WIOA financial benefits and assistance (UI, TANF, SNAP, etc.) to determine if the payment of wages or stipends for work experience affects the participant's eligibility for assistance, as discussed in [Section II\(i\)\(4\)\(A\)](#). Following coordination with other programs, the youth service provider must also discuss with the participant any effects that work experience may have on the individual's eligibility for assistance provided by the non-WIOA programs.

### (2) Occupational skills training and Pell Grants<sup>23</sup>

Each local youth program must ensure that occupational skills training is (a) WIOA-funded only when assistance from other sources is not available through other agencies or programs and (b) limited to participants who:

- are unable to obtain grant assistance from other sources to pay the costs of their training; or
- require assistance beyond that available under grant assistance from other sources to pay the costs of the training.

When WIOA funds supplement other sources of funding for occupational skills training, the local youth program 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 what is available through grant assistance from other sources; and
- consider the availability of other sources to pay for training costs such as Temporary Assistance for Needy Families (TANF), training funds available from the state, Federal Pell Grants, and other funding sources.

If a 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. Pell Grant assistance for *education-related expenses* belongs solely to the participant and must not be used to offset or reduce Title I funding of 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 Title I funds may be used to pay the costs of training, including any education fees, while the application is processed, subject to the following requirements.

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<sup>22</sup> 20 CFR § 681.430(b)

<sup>23</sup> 20 CFR § 680.230(a)-(c)

1. The local youth program must arrange with the training provider and participant for allocation of the Pell Grant to the local youth program, should the Pell Grant be subsequently awarded.
2. If the Pell Grant is subsequently awarded and does not cover the full cost of occupational skills training and required education fees to be paid during the Pell Grant award period, the training provider must reimburse the local youth program for the WIOA funds paid to the training provider using the full amount disbursed for the Pell Grant award period.
3. If the Pell Grant is subsequently awarded and exceeds the full 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 local youth program only for the amount paid to the training provider by the program, with the balance belonging solely to the participant.

#### (g) Duration of services<sup>24</sup>

Each local youth program must provide services to a youth participant as long as necessary to ensure successful preparation to enter postsecondary education and/or unsubsidized employment. There is no minimum or maximum time a participant is allowed to take part in a local youth program. Each local youth program must link program participation to the participant's ISS, not the timing of contracts with youth service providers or program years.

In its coordination of local youth program services, the local one-stop operator must not establish practices that create disincentives to providing services to individuals with barriers to employment, including youth who may require longer-term services, such as intensive employment, training, and education services.

#### (h) Privacy and confidentiality<sup>25</sup>

The local board must ensure that the local youth program adheres to all applicable state and local privacy and confidentiality laws and the confidentiality requirements of the Family Educational Rights and Privacy Act (established under Sec. 444 of the General Education Provisions Act), including requirements regarding circumstances that require written consent for disclosure of personally identifiable information from an education record. In addition, the local board must ensure its internal control structure and written policies provide safeguards to protect personally identifiable information regarding Title I program participants.

#### (i) Expenditures

##### (1) Prior to participation<sup>26</sup>

There are two limited instances where youth funds may be expended on costs related to individuals who are not yet participants in the program. Funds may be expended on (i) outreach and recruitment and (ii) assessments for eligibility determination *prior* to eligibility determination, such as assessing basic skills levels. Youth funds must not be spent on the provision of local youth program services (the 14 youth program elements) to individuals who are not participants.

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<sup>24</sup> 20 CFR § 681.450; TEGL 15-16

<sup>25</sup> 20 CFR § 683.220; 20 USC § 1232g; 34 CFR Part 99

<sup>26</sup> TEGL 21-16

## (2) OSY expenditure requirement<sup>27</sup>

Subject to the exception described below in [Section II\(i\)\(2\)\(A\)](#), the local board must ensure that the local youth program expends at least 75 percent of allocated youth funds on the provision of services to OSY. Local area administrative costs are not subject to this 75 percent minimum expenditure requirement.

### (A) Exception to the OSY expenditure requirement

For Program Year 2019 (July 1, 2019 through June 30, 2020), the minimum expenditure requirement is lowered to 50 percent pursuant to a waiver issued on June 21, 2019 by the US Department of Labor (USDOL). Under the waiver, each local board must ensure that the local youth program expends (a) at least 50 percent of allocated youth funds on the provision of services to OSY and (b) up to 50 percent of allocated youth funds on the provision of services to ISY. Local area administrative costs are not subject to this 50 percent minimum/maximum expenditure requirement. The local board must also ensure that spending under these modified expenditure requirements is prioritized to result in:

- youth participation in Registered Apprenticeship programs;
- youth participation in pre-apprenticeship programs; and
- ISY participation in the JAG<sup>28</sup> program if offered in the local area.

NDOL will provide local areas with technical assistance regarding implementation of the modified expenditure requirements.

## (3) Work experience priority<sup>29</sup>

Each local board must ensure that the local youth program:

- expends at least 20 percent of allocated youth funds on paid and unpaid work experiences; and
- tracks expenditures for paid and unpaid work experiences, including funds spent on:
  - wages, stipends, and incentives paid to youth in work experience;
  - costs of staff time spent identifying potential work experience opportunities;
  - staff time working with employers to develop work experience opportunities;
  - staff time spent working with employers to ensure successful work experience opportunities;
  - staff time spent evaluating work experience opportunities;

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<sup>27</sup> 20 CFR § 681.410

<sup>28</sup> JAG refers to Jobs for America's Graduates.

<sup>29</sup> WIOA Sec. 129(c)(4); 20 CFR § 681.590; TEGLs 8-15 and 21-16

- costs associated with participant and employer work experience orientation sessions; and
- costs of classroom training or the required academic education component directly related to the work experience.

The percentage of funds spent on work experience *is calculated* based on the total amount of youth funds allocated to the local area and *is not calculated* separately for ISY and OSY. Local area administrative costs are not subject to this 20 percent minimum expenditure requirement. Supportive services and leveraged resources<sup>30</sup> must not be used to fulfill any part of the 20 percent minimum expenditure requirement.

#### (4) Participant compensation

##### (A) Effect on non-WIOA financial benefits and assistance<sup>31</sup>

When compensating youth participants with wages or stipends for work experience, youth service providers and employers of record are expected to adhere to Internal Revenue Service (IRS) guidelines. The classification of a participant, specifically the employer/employee relationship, is a key factor used by the IRS to determine whether withholding taxes is applicable. The classification of the participant may effect a participant's eligibility for non-WIOA financial benefits and assistance, as compensation for work experience may be counted as earnings when the participant is collecting UI or receiving financial benefits or assistance from other programs, such as TANF or SNAP.

##### (B) Wages<sup>32</sup>

A wage is generally a payment for services rendered where an employer/employee relationship exists. This form of compensation is usually paid through a payroll system and subject to the taxes applicable to the employer of record and participants. Paying a wage usually indicates that a local youth program views the youth as an employee or a trainee. Paid work experiences and internships may fall under the Fair Labor Standards Act (FLSA). FLSA requires that individuals be compensated under the law for the services they perform for an employer. To determine whether a paid work experience or internship falls under FLSA, contact USDOL's Wage and Hour Division located at 222 South 15<sup>th</sup> Street, Suite 504A, Omaha, NE 68102, phone 402.221.4682 or 866.487.9243.

##### (C) Stipends<sup>33</sup>

A stipend is an allowable payment for participation in activities such as work experience or classroom activities, including work readiness or employability skills training. The local youth program must establish written policies and procedures governing the payment of stipends, based

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<sup>30</sup> For purposes of this policy, *leveraged resources* are resources that are acquired without expenditure of youth program funds.

<sup>31</sup> WorkforceGPS, sponsored by the US Department of Labor, Employment and Training Administration, "Our Journey Together: Work Experience Activities Brief," <https://youth.workforcegps.org/-/media/Communities/youth/Files/Our-Journey-Together/Work-Experience.-d-.TA.-d-.Final.-d-.10.-d-.18.ashx> [July 25, 2019]

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

on local program design and participant needs. Local policies on stipends must ensure that payments are:

- tied to the goals of the program;
- outlined in writing before the commencement of the stipend program;
- aligned with the program's organizational policies; and
- made in compliance with the requirements of 2 CFR Part 200.

#### (D) Incentive payments<sup>34</sup>

Incentive payments to youth participants are permitted for recognition and achievements directly tied to training activities and work experiences. The local youth program must establish written policies and procedures governing the award of incentives and must ensure that incentive payments are:

- tied to the goals of the program;
- outlined in writing before the commencement of the stipend program;
- aligned with the program's organizational policies; and
- made in compliance with the requirements of 2 CFR Part 200.

#### (E) Withholdings<sup>35</sup>

The classification of a participant, specifically the employer/employee relationship, is a key factor used by the IRS to determine whether withholding taxes is applicable. When determining whether to pay taxes on wages, stipends, and incentives, youth service providers and employers of record are expected to adhere to IRS guidelines. IRS publication 525 provides information on taxable and non-taxable income, which is accessible at <https://www.irs.gov/forms-pubs/about-publication-525>.

### Section III. Program elements

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The 14 program elements described in this section must be made available to all youth participants.<sup>36</sup> However, local youth programs are not required to provide every service to each youth participant and have the discretion to determine the services a youth participant receives based on the participant's objective assessment and ISS.<sup>37</sup>

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<sup>34</sup> 20 CFR § 681.640; TEGL 21-16

<sup>35</sup> WorkforceGPS, sponsored by the US Department of Labor, Employment and Training Administration, "Our Journey Together: Work Experience Activities Brief," <https://youth.workforcegps.org/-/media/Communities/youth/Files/Our-Journey-Together/Work-Experience.-d-.TA.-d-.Final.-d-.10.-d-.18.ashx> [July 25, 2019]

<sup>36</sup> 20 CFR § 681.460(a)(1)-(14); TEGL 21-16

<sup>37</sup> 20 CFR § 681.460(b); TEGL 21-16

### 1. Tutoring, study skills training, instruction, and dropout prevention<sup>38</sup>

Tutoring, study skills training, and instruction that lead to a high school diploma include services such as providing academic support, helping youth identify areas of academic concern, assisting with overcoming learning obstacles, or providing tools and resources to develop learning strategies. Tutoring, study skills training, and instruction can be provided one-on-one, in a group setting, or through developed resources and workshops.

Dropout prevention strategies intended to lead to a high school diploma include activities that keep youth in school and engaged in a formal learning or training setting. Strategies include, but are not limited to, tutoring, literacy development, active learning experiences, after-school opportunities, and individualized instruction.

Resources on tutoring, study skills training, instruction, and dropout prevention are available on the [WorkforceGPS Tutoring, Study Skills Training, Instruction, and Dropout Prevention](#) page.

### 2. Alternative secondary school and dropout recovery<sup>39</sup>

Alternative secondary school services are services that assist youth who have struggled in traditional secondary education. Dropout recovery services are those that assist youth who have dropped out of school. Both types of services help youth to re-engage in education that leads to the completion of a recognized high school equivalent. Examples of activities under this program element include:

- basic education skills training;
- individualized academic instruction;
- English-as-a-second-language training;
- credit recovery; and
- counseling and educational plan development.

Resources on alternative secondary school and dropout recovery are available on the [WorkforceGPS Alternative Secondary School and Dropout Recovery Services](#) page.

### 3. Paid and unpaid work experience<sup>40</sup>

Work experience is a planned, structured learning experience that takes place in a workplace for a limited period. Work experiences may be paid or unpaid, as appropriate. A work experience may take place in the private for-profit sector, non-profit sector, or public sector. Work experiences must include academic and occupational education components, as described in [Section III.3.a.](#)<sup>41</sup>

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<sup>38</sup> 20 CFR § 681.460(a)(1); TEGL 21-16

<sup>39</sup> 20 CFR § 681.460(a)(2); TEGL 21-16

<sup>40</sup> 20 CFR §§ 681.460(a)(3) and 681.600; TEGL 21-16

<sup>41</sup> Please note that work experiences under WIOA are not considered training, which has performance implications for the credential and measurable skills gain indicators. Participation in a work experience alone does not trigger

Types of work experiences include:

- summer employment opportunities and other employment opportunities available throughout the year;
- pre-apprenticeship programs;
- internships and job shadowing; and
- on-the-job training.

Resources on paid and unpaid work experience are available on the [WorkforceGPS Paid and Unpaid Work Experience](#) page.

a. [Academic and occupational education component](#)<sup>42</sup>

Work experiences must include academic and occupational education, meaning learning in academic and occupational contexts, which:

- may occur concurrently or sequentially with the work experience;
- may occur inside or outside the work site;
- includes information needed to understand and work in specific industries or occupations; and
- is provided by the employer or separately in a classroom setting or through other means.

For example, if a youth is participating in a work experience at a hospital:

- academic education could involve learning information that individuals in those occupations need to know, such as why blood type matters, the name of a specific bone in the body, or the function of a specific ligament; and
- occupational education could involve learning about different types of hospital occupations, such as a phlebotomist, radiology tech, or physical therapist.

Local programs have the flexibility to determine the appropriate type of academic and occupational education necessary for a specific work experience.

#### 4. [Occupational skills training](#)<sup>43</sup>

Occupational skills training is an organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels. Requirements for placing youth participants in occupational skills training are listed below.

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inclusion in those two indicators. For more information about performance indicators, refer to the State's policy on performance accountability or visit <https://www.doleta.gov/performance/>.

<sup>42</sup> TEGL 21-16

<sup>43</sup> 20 CFR §§ 681.460(a)(4) and 681.540; TEGL 21-16

1. Youth programs must give priority to programs that lead to recognized postsecondary credentials that align with in-demand industry sectors or occupations in the local area.
2. Occupational skills training must:
  - a. be outcome-oriented and focused on an occupational goal specified in the participant's ISS;
  - b. be of sufficient duration to impart the skills needed to meet the occupational goal; and
  - c. lead to the attainment of a recognized postsecondary credential.
3. Occupational skills training must be provided by:<sup>44</sup>
  - a. competitively selected training providers, as described in [Section I](#); or
  - b. ETPs, subject to the requirements and limitations described in [Section III.4.a](#).

Resources on occupational skills training are available on the [WorkforceGPS Occupational Skills Training](#) page.

a. ITAs<sup>45</sup>

To enhance individual participant choice in the selection of education and training programs and provide flexibility to local youth programs, ITA funds may be used, when appropriate, for occupational skills training for OSY youth ages 16 through 24. To use an ITA, the training provider must be on the ETPL.

ITAs funded by the local youth program may be used for OSY only. Use of ITAs funded by the local youth program for ISY ages 14 through 17 is strictly prohibited. However, ISY between the ages of 18 and 21 who are co-enrolled in an adult or dislocated worker program may receive training services from an ETP using an ITA funded by the adult or dislocated worker program as long as the individual is eligible for training services under the program in which the participant is co-enrolled.

The 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 ISS or 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.

Limitations established under local policies:

- must be described in the local board's local plan;

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<sup>44</sup> 20 CFR §§ 681.400 and 681.550

<sup>45</sup> 20 CFR §§ 680.300, 680.310(b)-(d), and 681.550; TEGL 21-16



- must not be implemented in a way that undermines the requirement that training services are provided in a manner that maximizes consumer choice in the selection of a training provider;
- may include exceptions to ITA limitations for individual cases, which must be defined; and
- may allow a participant to 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.

## 5. Education offered concurrently with workforce preparation and training

Education offered concurrently with workforce preparation and training for a specific occupation refers to an integrated education and training model and describes how workforce preparation activities, basic academic skills, and hands-on occupational skills training are to be taught within the same period and connected to training in a specific occupation, occupational cluster, or career pathway.<sup>46</sup>

Resources on education offered concurrently with workforce preparation and training are available on the [WorkforceGPS Education offered Concurrently with Workforce Preparation and Training](#) page.

## 6. Leadership development opportunities<sup>47</sup>

Leadership development opportunities are opportunities that encourage responsibility, confidence, employability, self-determination, and other positive social behaviors. Leadership development includes activities such as:

- exposure to postsecondary educational possibilities;
- community and service learning projects;
- peer-centered activities, including peer mentoring and tutoring;
- organizational and teamwork training, including team leadership training;
- training in decision making, including determining priorities and problem solving;
- citizenship training, including life skills training such as parenting and work behavior training;
- civic engagement activities that promote the quality of life in a community; and
- other leadership activities that place youth in a leadership role, such as serving on youth leadership committees.

Resources on leadership development opportunities are available on the [WorkforceGPS Leadership Development Opportunities](#) page.

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<sup>46</sup> 20 CFR §§ 681.460(a)(5) and 681.630; TEGL 21-16

<sup>47</sup> 20 CFR §§ 681.460(a)(6) and 681.520; TEGL 21-16

## 7. Supportive services<sup>48</sup>

Supportive services are services that enable a youth participant to take part in local youth program activities. Supportive services include, but are not limited to, the following:

- linkages to community services;
- assistance with transportation;
- assistance with childcare and dependent care;
- assistance with housing;
- needs-related payments that provide financial assistance to participants to enable them to take part in local youth program activities;
- assistance with educational testing;
- reasonable accommodations for youth with disabilities;
- legal aid services;
- referrals to health care;
- assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear;
- assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes; and
- payments and fees for employment and training-related applications, tests, and certifications.

The local board must develop policies and procedures regarding the provision and coordination of supportive services for youth participants, which:<sup>49</sup>

- must be developed in consultation with one-stop partners and other community service providers in the local area;
- must ensure resource and supportive service coordination in the local area;
- must require that supportive services, including needs-related payments, are provided only if the youth is enrolled in the local youth program and participating in WIOA activities;
- must ensure that supportive services are WIOA-funded only when supportive services are not available through other agencies or programs;

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<sup>48</sup> WIOA Sec. 3(59); 20 CFR §§ 681.460(a)(7) and 681.570; TEGL 21-16

<sup>49</sup> 20 CFR §§ 680.900, 680.910(a)(2), 680.920(a), and 681.570

- should address procedures for referral to supportive services, including how the services will be funded when not otherwise available from other sources; and
- may establish limits on the provision of supportive services, or provide the one-stop center with the authority to establish limits, including the maximum amount of funding and maximum length of time supportive services may be made available to youth participants.

Resources on supportive services are available on the [WorkforceGPS Supportive Services](#) page.

## 8. Adult mentoring<sup>50</sup>

Adult mentoring is a formal relationship between a youth participant and an adult mentor that includes structured activities where the mentor offers guidance, support, and encouragement to develop the competence and character of the mentee. Mentoring may include workplace mentoring where the local program matches a youth participant with an employer or employee of a company. Adult mentoring must last *at least* 12 months and may take place during program participation and following exit from the program.

While group mentoring activities and mentoring through electronic means are allowable as part of the mentoring activities, the local youth program must, at a minimum, match the youth with an individual mentor with whom the youth interacts on a face-to-face basis. Local programs should ensure appropriate processes are in place to adequately screen and select mentors.

USDOL acknowledges that in some areas of the country finding mentors may present a burden to a program. While USDOL strongly prefers that case managers not serve as mentors, the final rule allows case managers to serve as mentors in areas where adult mentors are scarce.

Resources on adult mentoring are available on the [WorkforceGPS Adult Mentoring](#) page.

## 9. Follow-up services<sup>51</sup>

Follow-up services are critical services provided following a youth's exit from the program to help ensure that youth are successful in employment and/or postsecondary education and training. Follow-up services may include:

- regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise; and
- the following program elements:
  - supportive services;
  - adult mentoring;
  - financial literacy education;

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<sup>50</sup> 20 CFR §§ 681.460(a)(8) and 681.490; TEGL 21-16

<sup>51</sup> 20 CFR §§ 681.460(a)(9) and 681.580(a)-(b)

- services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and
- activities that help youth prepare for and transition to postsecondary education and training.

Requirements for the provision of follow-up services for youth are described below.<sup>52</sup>

1. All participants must be offered an opportunity to receive follow-up services that align with their ISS. Types of follow-up services provided and the duration of follow-up services must be determined based on the needs of the individual and, therefore, the type and intensity of follow-up services may differ for each participant.
2. At the time of enrollment, youth must be informed that follow-up services will be provided for a *minimum* of 12 months following exit. (Follow-up services may be provided beyond 12 months at the local board's discretion.) If, at any point during participation in the program *or* during the 12 months following exit, the youth participant requests to opt out of follow-up services, they may do so. In this case, the participant's request to opt out or discontinue follow-up services must be documented in case notes.
3. Follow-up services must be provided to all participants for a *minimum* of 12 months after the last expected date of service in the local youth program, and any NDOL-administered programs in which the participant may be co-enrolled,<sup>53</sup> unless the participant declines to receive follow-up services or the participant cannot be located or contacted. (Local programs should have policies in place to establish how to document and record when a participant cannot be located or contacted.)
4. Follow-up services may begin immediately following the last expected date of service. The exit date is determined when the participant has not received services through the local youth program, or any NDOL-administered programs in which the participant may be co-enrolled, for 90 days and no additional services are scheduled.
5. When the following program elements are provided as follow-up services, they must be recorded as follow-up services in NEworks, rather than program services, in order to (a) clearly differentiate follow-up services from program services provided prior to program exit and (b) prevent a change in the exit date and trigger re-enrollment in the program:
  - a. supportive services;
  - b. adult mentoring;
  - c. financial literacy education;

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<sup>52</sup> 20 CFR § 681.580(c); TEGL 21-16

<sup>53</sup> For purposes of this policy, *NDOL-administered programs* means Wagner-Peyser, JVSG, TAA, and DWG programs. For information on co-enrollment, exit, and common exit, refer to the State's policy on performance accountability.

- d. services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and
- e. activities that help youth prepare for and transition to postsecondary education and training.

In addition, it must be documented in case notes that these program elements were provided as follow-up services after program exit.

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

Resources on follow-up services are available on the [WorkforceGPS Follow-up Services](#) page.

#### 10. Comprehensive guidance and counseling<sup>54</sup>

Comprehensive guidance and counseling involves the provision individualized counseling to participants. This program element also includes substance and alcohol abuse counseling, mental health counseling, and referral to qualified partner programs. When referring participants to necessary counseling that cannot be provided by the local youth program or its service providers, the local youth program must coordinate with the organization to which it refers the youth participant in order to ensure continuity of service. When resources exist within the local program or its service providers, it is allowable to provide counseling services directly to participants rather than referring youth to partner programs.

Resources on comprehensive guidance and counseling are available on the [WorkforceGPS Comprehensive Guidance and Counseling](#) page.

#### 11. Financial literacy education<sup>55</sup>

Financial literacy education refers to activities that provide youth with the knowledge and skills that they need to achieve long-term financial stability, including activities that:

- support the ability of participants to create budgets, initiate checking and savings accounts at banks, and make informed financial decisions;
- supports participants in learning how to effectively manage spending, credit, and debt, including student loans, consumer credit, and credit cards;
- teach participants about the significance of credit reports and credit scores, what their rights are regarding their credit and financial information, how to determine the accuracy of a credit report and how to correct inaccuracies, and how to improve or maintain good credit;
- support a participant's ability to understand, evaluate, and compare financial products, services, and opportunities and to make informed financial decisions;

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<sup>54</sup> 20 CFR §§ 681.460(a)(10) and 681.510; TEGL 21-16

<sup>55</sup> 20 CFR §§ 681.460(a)(11) and 681.500; TEGL 21-16

- educate participants about identity theft, ways to protect themselves from identify theft, how to resolve cases of identity theft, and understand their rights and protections related to personal identity and financial data;
- support activities that address the particular financial literacy needs of non-English speakers, including providing the support through the development and distribution of multilingual financial literacy and education materials;
- support activities that address the particular financial literacy needs of youth with disabilities, including connecting them to benefits planning and work incentives counseling;
- provide financial education that is age appropriate, timely, and provides opportunities to put lessons into practice, such as providing access to safe and affordable financial products that enable money management and savings; and
- implement other approaches to help participants gain the knowledge, skills, and confidence to make informed financial decisions that enable them to attain greater financial health and stability through the use of high quality, age-appropriate, and relevant strategies and channels, including, where possible, timely and customized information, guidance, tools, and instruction.

Resources on financial literacy education are available on the [WorkforceGPS Financial Literacy Education](#) page.

## 12. Entrepreneurial skills training<sup>56</sup>

Entrepreneurial skills training provides training on the basics of starting and operating a small business and must develop the skills associated with entrepreneurship, such as the ability to:

- take initiative;
- creatively seek out and identify business opportunities;
- develop budgets and forecast resource needs;
- understand various options for acquiring capital and the trade-offs associated with each option; and
- communicate effectively and market oneself and one's ideas.

Examples of approaches to teaching youth entrepreneurial skills include:

- entrepreneurship education that provides an introduction to the values and basics of starting and running a business, such as developing a business plan and simulations of business start-up and operation;

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<sup>56</sup> 20 CFR §§ 681.460(a)(12) and 681.560; TEGL 21-16

- enterprise development that provides supports and services that incubate and help youth develop their own businesses, such as helping youth access small loans or grants and providing more individualized attention to the development of viable business ideas; and
- experiential programs that provide youth with experience in the day-to-day operation of a business.

Resources providing information and ideas on entrepreneurial skills training are available on the [WorkforceGPS Entrepreneurial Skills Training for Youth](#) page.

### 13. Labor market information services<sup>57</sup>

Labor market information (LMI) services refers to services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area and includes career awareness, career counseling, and career exploration services. LMI services also help youth identify employment opportunities and provide knowledge of job market expectations, including education and skill requirements and potential earnings.

Resources on LMI services are available on the [WorkforceGPS Services that Provide Labor Market Information](#) page.

### 14. Postsecondary preparation and transition activities<sup>58</sup>

Postsecondary preparation and transition activities are activities that help youth prepare for and transition to postsecondary education and training. These activities include helping youth explore postsecondary education options, including technical training schools, community colleges, four-year colleges and universities, and Registered Apprenticeship programs. Examples of other postsecondary preparation and transition activities include (i) assisting youth with preparation for SAT/ACT testing; (ii) assisting with college admission applications; (iii) searching and applying for scholarships and grants; (iv) filling out the proper financial aid applications and adhering to changing guidelines; and (v) connecting youth to postsecondary education programs.

Resources on postsecondary preparation and transition activities are available on the [WorkforceGPS Postsecondary Preparation and Transition Activities](#) page.

## 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>57</sup> 20 CFR § 681.460(a)(13); TEGL 21-16

<sup>58</sup> 20 CFR § 681.460(a)(14); TEGL 21-16

## 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* has demonstrated expertise and effectiveness in the field of workforce development.<sup>59</sup>

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

The term *in-demand industry sector or occupation* means an:<sup>60</sup>

- industry sector that has a substantial current or potential impact (including through 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 that is projected to have a significant impact on the state, regional, or local economy.

### 3. individuals with barriers to employment

*Individuals with barriers to employment* include those who fall under one or more of the following categories:<sup>61</sup>

- displaced homemakers;
- low-income individuals;
- Indians, Alaska Natives, and Native Hawaiians;
- individuals with disabilities;
- older individuals (those aged 55 or over);
- ex-offenders;
- homeless individuals;
- youth who are in, or have aged out of, the foster care system;

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<sup>59</sup> WIOA Sec. 3(10)

<sup>60</sup> WIOA Sec. 3(23)

<sup>61</sup> WIOA Sec. 3(24)



- individuals who are English-language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers;
- eligible migrant and seasonal farmworkers, defined in WIOA Sec. 167(i);
- individuals within two years of exhausting lifetime eligibility under TANF;
- single parents, including single pregnant women; or
- long-term unemployed individuals (unemployed for 27 or more consecutive weeks).<sup>62</sup>

#### 4. institution of higher education<sup>63</sup>

*Institution of higher education* means an educational institution in any state that meets all of the following five criteria:

1. admits, as regular students, only persons having a certificate of graduation from a school providing secondary education, or its recognized equivalent, 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;
2. is legally authorized within the state to provide a program of education beyond secondary education;
3. 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 US Secretary of Education (Secretary);
4. is a public or other nonprofit institution; and
5. 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 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.

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<sup>62</sup> TEGL 19-16

<sup>63</sup> WIOA Sec. 3(28); 20 USC § 1001(a)(1)

## 5. objective assessment<sup>64</sup>

*Objective assessment* means an assessment of the academic levels, skill levels, and service needs of a participant, which must include a review of an individual's:

- basic academic skills;
- occupational skills;
- prior work experience;
- employability;
- interests;
- aptitudes;
- supportive service needs; and
- developmental needs.

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<sup>64</sup> WIOA Sec. 129(c)(1)(A); 20 CFR § 681.420(a)(1)