



**Executive Committee Agenda**  
**June 8, 2021 from 8:30am-9:30am**  
**Virtual Meeting Via Zoom or Phone**

- I. 8:30am: Call to Order - Gary North, Chair**
  - a) Consent Agenda: Minutes from May Executive Committee Meeting – vote required
  
- II. 8:35: PY 2021 Budget Update – Heather Ficht and Jamie Kendellen, Staff**
  
- III. 8:45am: Policy Updates – Jessica Fitzpatrick and Stefanie Siebold, Staff**
  - a) Youth Enrollment & Eligibility – vote required
  - b) Support Services - vote required
  - c) Priority of Service - vote required
  - d) Adult WEX - vote required
  - e) Individual Training Accounts - vote required
  - f) OJTs - vote required
  
- IV. 9:15am: Other Updates – All**
  - a) Local Plan

Attachments:

- Draft May Executive Committee Meeting Minutes
- Updated Policies Summary
- Updated Policies



**DRAFT: Executive Committee Minutes**

**June 8, 2021 from 8:30am-9:30am**

*Zoom or Call in ONLY- 1-408-638-0968*

Meeting URL: <https://us02web.zoom.us/j/89773299793?pwd=cjdhVVhtSlJLTndkMlEveXpZalg1dz09>

Meeting ID: 897 7329 9793

Passcode: 682196

Board Members Present: Gary North (Chair), Dr. Marta Cronin (Co-Chair), Martin Campos-Davis (Treasurer)

COWC Members Present: None

Others Present: None

Staff Present: Heather Ficht, Jamie Kendellen, Jessica Fitzpatrick, Stefanie Siebold, Stephanie Tarantino

Board Members Absent: None

- **Consent Agenda:** Meeting called to order at 8:32 am by Chair Gary North. The minutes of the May meeting were presented and the Chair asked for a motion to approve the minutes.

**Motion:** Marta moved to approve the minutes as presented, Gary seconded, and the minutes were unanimously approved.

- **Budget Update:** Heather let the Committee know that during the COWC meeting a week ago, the budget was approved and the reduction wasn't as severe as could have been (around 13% reduction and we had budgeted for 10%). The only area we need to fill with additional funds (i.e. carry in funds) is for sector contracts which we weren't going to procure until the fall so we have time.
- **Policy Updates:** The Committee agreed to do one single vote on all policy updates after each individual review. The reason for the updates is related to new guidance from the Feds and State that required us to review all our policies. We also wanted to look at parts of policies that have created inequities of service and make them clearer and more equitable in order to serve the populations that are most vulnerable. Overall, the main changes included:
  - Adding flexibility within our policies so as to not box ourselves in and to reduce administrative time for both us and our providers (i.e. fewer waivers).
  - Empowering our providers to do more hands-on work through their budgets to allow for this flexibility while simultaneously monitoring them to ensure funds are being used correctly.
  - Using a more holistic approach vs providing a band aid to the issues, as well as allowing the Board the opportunity to identify and include additional priority populations at any time (due to COVID or other circumstances).
  - Changed language to re-train ourselves and better communicate with businesses and industries (i.e. WEX vs. internships).



In conclusion, these updates are a great body of work that will both help providers and participants while ensuring compliance and that we don't incur disallowed costs.

**Motion:** Martin moved to accept all of the updated policies as presented, Marta seconded, and the motion was unanimously approved.

- **Other Updates – All**

- a) Local Plan – Heather said we got some feedback wanting more clarification as to the “how” in some of the sections on the plan. We resubmitted with a little more detail and anticipate it will be approved at State Board meeting.
- b) September 11 is ribbon cutting for new building at CGCC, save the dates going out this week and the event will be in person, so everyone welcome.
- c) Our WORKing Together Conference is planned for November in Bend, also in person.
- d) Back to Office Plan for EC Works - Heather back to office already, but others will continue to work remotely based on preference which will save money on rent.
- e) Oregon in midst of dispersing funding for Oregon Housing, money to avert potential eviction crisis, Martin's org helping to assist Spanish-speaking folks, Martin can send flyers to us to get to people who may need. In charge of Spanish outreach throughout state. Getting around \$100k and another 8-900k in July to help with rental assistance.

- The meeting was adjourned by Chair Gary North at 9:26 am.



## EC Works Updated Policies June 2021 Summary

### 1. Youth Enrollment & Eligibility:

- a. Compliance Update: Aligning with Federal and State percentage for enrollment requirement. Including state eligibility requirements, not currently included in our policy.
- b. Programmatic Update: Providing flexibility when the State or Federal Gov have issued waivers.

### 2. Support Services:

- a. Compliance Update: Included additional information regarding the eligibility related to accessing Needs Related Payment. Removed elements of the policy that created areas of inequity of service. Aligned documentation requirements for all support services.
- b. Programmatic Updated: Refined our definition related to Housing Support Service Payments to align with our intention in serving the most vulnerable and barriered population- houseless/homeless.

### 3. Priority of Service

- a. Compliance updates: includes updated language around Basic Skills Deficient requirement, following update to state definition.
- b. Programmatic update: includes reference to “additional priority populations or that may be identified within the local plan.”

### 4. Adult WEX

- a. Compliance updates: included additional regulatory language regarding fair wage standards
- b. Programmatic updates: refers to WEX as more commonly referred to language within industry- Internship and incorporates throughout

### 5. Individual Training Accounts

- a. Compliance updates: included additional clarification related to the coordination of WIOA in combination with other resources to pay for training
- b. Programmatic updates: removed the \$5,000 cap on ITAs allowing for max flexibility for providers to work within their budget.

### 6. OJTs

- a. Compliance updates: removed “full-time” as this does not necessary equate to long-term and does not offer flexibility to employers/employees in current climate. Removed the \$5,000 funding limit
- b. Programmatic updates: included more specificity around who OJTs are meant for.



## Program Management Policy

### TITLE: Youth Eligibility and Enrollment

**POLICY APPROVED BY:**

**Heather Ficht** **EC Works Executive Director**

**Gary North** **EC Works Board Chair**

**Original Approval Date:**

September 13, 2016

**Current Policy Effective Date:**

July 1, 2021

**Revision Approved:**

March 14, 2018; June 8, 2021

**PURPOSE:**

To establish a policy in support of State standards for eligibility regarding youth participating in Workforce Innovation and Opportunity Act (WIOA) Title IB funded programs. This policy also reinforces expectations for the enrollment of eligible youth into services funded by WIOA under Title IB and provides flexibility for providers of Title IB youth services when current waivers are in place.

**POLICY:**

East Cascades Works expects providers to make every effort to integrate and align services and to leverage other federal, state, local, and philanthropic resources to support in-school youth (ISY) and out-of-school youth (OSY). EC Works investments in youth services are specifically intended to ensure that disadvantaged youth become employed and enter career paths that ultimately lead to self-sufficiency.

As required in WIOA Section 129(4)(A), a minimum of 75 percent of the WIOA funds allocated to a Local Workforce Development Board for eligible youth must be used to provide youth activities to Out-of-School youth. Eligibility is determined at the time of enrollment.

Out-of-School Youth Eligibility:

- A. Not attending any school including:
  - a. A youth who does not have a GED or secondary diploma and is not enrolled in secondary education,
  - b. A youth who has a GED or secondary diploma and is not enrolled in postsecondary education,
  - c. A youth who is attending an alternative education program, dropout reengagement program or high school equivalency program; or
  - d. A youth who is attending an adult education program under Title II (ABE/ESL), or a YouthBuild or Job Corps program.
- B. Age 16 to 24 at the time of enrollment; and
- C. One or more of the following:
  - 1. A secondary school dropout as defined in ORS 339.505(1)(b),



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2. A youth who is within the age of compulsory school attendance as defined in ORS 339.010, but has not attended school for at least the most recent complete school year calendar quarter,
3. A recipient of a secondary school diploma or its recognized equivalent who is low-income and is either basic skills deficient or an English language learner,
4. An offender,
5. Is a homeless individual aged 16 to 24 who meets the criteria defined in sec. 41403(6) of the Violence Against Women Act of 1994, a homeless child or youth aged 16 to 24 who meets the criteria defined in sec. 725(2) of the McKinney-Vento Homeless Assistance Act or a runaway,
6. In foster care or has aged out of the foster care system or who has attained age 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under sec. 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement,
7. Is pregnant or parenting,
8. Has a disability; or
9. Is low-income who requires additional assistance to enter or complete an educational program or to secure or hold employment.

ORS 660.310 provides that for the purposes of WIOA, an individual enrolled in alternative education programs, as provided by ORS 336.615 to 336.675, may be considered to be an out-of-school youth. See the exception to this below.

20 CFR 681.230 provides that adult education under Title II of WIOA, YouthBuild programs, the Job Corps program, high school equivalency programs, and dropout re-engagement programs are not considered to be school for the purposes of determining school status.

#### Out-of-School Youth (OSY) Enrollment at a rate of 75%:

- Contractors shall use at least 75% of WIOA Title I Youth program resources available after administrative costs have been deducted to serve OSY as defined by WIOA.
- EC Works expects that at least 75% of participants enrolled as youth will be enrolled as OSY.
- EC Works defines OSY who require “additional assistance” as youth who do not otherwise meet the OSY enrollment criteria and can benefit from any of the required elements (Please refer to the ECWIB OSY- “Needs Additional Assistance” Policy).

#### In-School Youth Eligibility:

- A. Enrolled in a secondary or post-secondary education institution\*,
- B. Age 14 to 21 at the time of enrollment,
- C. Is, or is a member of a family that is low-income; and
- D. One or more of the following:
  1. Basic skills deficient,



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2. An English language learner,
3. An offender,
4. Is a homeless individual,
5. Is pregnant or parenting,
6. Has a disability; or
7. Is an individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

\*Exception: TEGL 21-16 provides that youth attending high school equivalency programs, including those considered to be dropout re-engagement programs, funded by the public K-12 school system who are classified by the school system as still enrolled in school are considered In-School Youth.

#### In-School Youth (ISY) Enrollment at a rate of 25%:

- Contractors must not expend more than 25% of WIOA Title I Youth program resources available after administrative costs have been deducted to serve ISY as defined by WIOA.
- EC Works expects no more than 25% of participants enrolled as youth will be enrolled as ISY.
- Each eligible youth must be provided with an objective assessment of academic and skill levels and service needs in order to develop an Individual Service Strategy (ISS) directly linked to one or more performance indicators and that identifies career pathways that include education and employment goals.
- Contractors will track enrollments and investments to maintain the expectation that at least 75% of resources and enrollments will be directed at OSY and no more than 25% will be directed at ISY.
- All youth will be provided access to the required program elements as defined by WIOA Sec. 129 (c)(1). The program elements identified as appropriate for the participant must be based on the objective assessment and the plan developed in the ISS.

#### Flexibility Pertaining to State or Federal Issued Waivers:

Should at any point the State of Oregon or the US Department of Labor issue a Waiver regarding the eligibility or enrollment outlined herein, EC Works grants maximum flexibility to its providers in order to align with the requirements of the Federally or State issued Waiver.

#### Serving Older Youth

EC Works acknowledges that some 18 to 24 year-olds may be ready for adult services and therefore encourages program providers to coordinate services with their WorkSource partners. Funding streams and services must be tracked concurrently to avoid any duplication of service or payment.

#### **REFERENCES:**

Section 129(4)(A) and 20 CFR 681.410; Section 127(b)(1)(C), reserved under Section 128(a)  
Training and Guidance Letter 23-14  
Training and Guidance Letter 8-15  
Training and Guidance Letter 21-16



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### **TITLE: Youth Eligibility and Enrollment**

EC Works OSY Needs Additional Assistance Policy PM03A  
Higher Education Coordinating Commission, Title 1B Youth Eligibility Policy  
OR PY 2020 Waiver Response letter 06.30.20  
Draft PY21 Waiver Request







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barriers to employment. This includes, but is not limited to, obtaining birth certificates and government identification. For youth, supportive services can pay for fees to organizations that provide opportunities to develop leadership skills through service to their respective communities. Providers may use their non-training related support services to assist in obtaining state identification for the purpose of enrollment and participation in programs and/or training. State identification is limited to an Oregon identification card only. Support services are not allowable for the purchase of an Oregon driver's license or passport until fully enrolled.

Transportation: Assistance may include bus passes, mileage reimbursement, emergency car repairs, tire purchases, car payments, vehicle licenses, driver's licenses, and parking passes. Requests for transportation assistance by check or gas voucher/card can be made for participants in ongoing job search, training and employment activities, or WIOA program services.

Child Care: Services can only be paid for dependent children, under the age of 13, who receive services from state registered childcare facilities or providers. Tutoring centers, summer school, and summer camps/recreational programs are not allowable childcare services. The number of childcare hours and the rates negotiated with the childcare provider shall be documented. WIOA program funding will pay childcare costs up to the rates established by the State of Oregon Department of Human Services. Payments for childcare will be made only for actual hours of childcare required to participate in an approved activity. This shall not include more than one-hour travel time to a training site (two hours round trip). The participant is liable for payment of any childcare costs incurred over and above the amount authorized by the WIOA program.

Dependent Care: Allowable for costs associated with care of a legal dependent who is unable to dress, clean, or feed themselves OR if the dependent must have constant attention to prevent the dependent from injuring themselves or others. Dependent care will be subject to the same hour limitation and documentation requirements as childcare, and payments for care cannot be paid to the participant's spouse, parent of qualifying person, or other family members in the home. Application fees for the care of a qualified individual is an allowable expense. Dependent care centers are an allowable expense; however, overnight care centers or camps are not.

Housing: Support service payments that provide for the safe and equitable shelter of participants while engaged in approved WIOA activities. Housing support payments may include temporary and transitional living accommodations, housing application fees, rental fees, rent and mortgage payments. Utilities such as electricity, water, and sewage are considered necessary housing expenses and allowable. WIOA programs are required to coordinate with appropriate agencies and/or social service organizations to provide emergency services.

Educational Testing: Fees and other costs associated with educational testing are allowable expenses. This includes testing for high school equivalency tests, occupational certifications, and credentials.

Reasonable Accommodations for Individuals with Disabilities: Qualified participants with a disability can request reasonable accommodation in order to effectively participate in education or employment.

Lodging for Training Participants: Participants attending an approved training that has been determined by the



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service provider as unavailable at a closer distance or within a reasonable timeframe to meet the customer need may be able to obtain support for overnight lodging. The service provider must document that travel to and from training must begin before 6am and after 6pm and training is further than 75 miles from the participant's home. The maximum amount allowed for lodging: must not exceed the Standard Daily Rate, approved by the General Services Administration ([www.gsa.gov](http://www.gsa.gov)) for the state travel will take place, and must not exceed 10 total days of travel during the duration of active enrollment.

Referrals to Health Care: Allowable expenses include medical testing/treatment, prescriptions, mental health testing, or counseling. Health care costs are only allowable for the participant who is engaging in WIOA services, and the health care cost directly permits the person to participate in training, job search, or employment.

Legal Aid Services: Legal aid services must be able to assist the participant in removing certain barriers to employment.

Uniform or Appropriate Work Attire and Work-Related Tools: When employees are required to purchase uniforms or tools, this cost is allowable. Tools, equipment, or clothing that is normally supplied by the employer are not allowable. Clothing and/or footwear for interviewing or training are allowable. Clothing items must be directly related to the participant's occupational goal.

Books, Fees, and School Supplies: Supplies necessary to complete secondary or post-secondary educational training are allowable.

Training Related Applications, Tests, and Certificates: Professional license fees, certificates, applications, and test preparation materials that ensure participant is prepared for a job interview, entering employment, and/or obtaining or renewing a licensure for employment opportunities are allowable.

Needs-Related Payments: Needs-related payments (NRPs) are financial supports that may be made available to eligible participants who are unable to participate in, or complete, an approved training program without such assistance. This assistance would be contingent upon the availability of funds and the number of requests received and is limited to the amount and duration of the current unemployment compensation benefits set by the State of Oregon and through a needs-based analysis using the tools specified by EC Works.

East Cascades Works (ECW) may limit or eliminate the availability of NRPs, at its sole discretion, at any time based on funding availability. Needs-related payments should be provided when it is determined that ongoing resources and income from all other sources are not adequate to support the participant while currently enrolled in a WIOA-approved training.

To be eligible to receive a needs-related payment, an adult participant must:

- Be unemployed,
- Not qualify for, or have ceased qualifying for, unemployment compensations; and
- Be enrolled in a training program under WIOA.



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To be eligible to receive a needs-related payment, a dislocated worker participant must:

- Be unemployed,
- Have ceased to qualify for unemployment compensation or trade readjustment allowance under TAA,
- Be enrolled in a program of training services under WIOA sec. 134(c)(3) by the end of the 13th 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 8th week after the worker is informed that a short-term layoff will exceed 6 months; or
- Be unemployed and did not qualify for unemployment compensation or trade readjustment assistance under TAA and be enrolled in a training program under WIOA.

Maximum Allowable Cost: The total cost of all reimbursement or direct payments to participants for supportive services and needs-related payments shall be the actual costs incurred up to the maximum amount allowed as determined by the sub-recipient's approved contract budget.

### Disallowed Support Services Costs:

- Payment toward goods or services incurred or received prior to the participant's enrollment in WIOA.
- Fines and penalties may not be paid with WIOA funds under any circumstances.
- Alcohol or Tobacco.
- The purchase of goods or services that are illegal under federal, state, local law or statute.
- Union dues, participant memberships, subscriptions (unless it is a specific requirement of a training program or necessary and reasonable condition of employment).

### **REFERENCES:**

WIOA Sections 3 (59), 134 (d) (2-3), 129 (c) (2) (G)

Proposed 20 CFR 680.300, 680.330, 680.900-970 and 681.570

State of Oregon WIOA Policy 134(c) Career and Training Services

WIOA, TEGL 19-16: Guidance on Services Provided Through Adult and Dislocated Worker Programs, March 1, 2017



## Program Management Policy

### TITLE: Priority of Service

**POLICY APPROVED BY:**

**Heather Ficht** **EC Works Executive Director**

**Gary North** **EC Works Board Chair**

**Original Approval Date:**

October 18, 2016

**Current Policy Effective Date:**

July 1, 2021

**Revision Approved:**

March 14, 2018; June 8, 2021

**PURPOSE:**

To establish a policy to support the Workforce Innovation and Opportunity Act (WIOA) and the Oregon Workforce Talent and Development Board (WTBD) in providing priority for individualized career services and training services to recipients of public assistance, other low-income individuals, individuals who are basic skills deficient and veterans.

**POLICY:**

As established by WIOA, further defined by the WTDB and the Governor of the State of Oregon, priority must be given to recipients of public assistance, low-income individuals, individuals who are basic skills deficient and veterans in accessing individualized career and training services.

EC Works' Board of Directors may identify additional populations to prioritize. Any additional populations must be outlined within the EC Works' approved local plan and shall not be given priority over the WIOA priority of services populations outlined within this policy.

Recipients of Public Assistance:

An individual (or an individual who is part of a family) currently receiving, or who in the past 6 months has received, assistance through (any of the following programs):

- a. Supplemental Nutrition Assistance Program (SNAP),
- b. Temporary Assistance for Needy Families (TANF),
- c. Supplemental Security Income (SSI); or
- d. Any other Federal, State or local income-based public assistance.

Low-Income Individuals:

WIOA sec. 3(36) defines a low-income individual as someone who receives public assistance as described above or:

- a. In a family with a total family income that does not exceed the higher of—(I) the poverty line; or (II)



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### TITLE: Priority of Service

70 percent of the lower living standard income level,

- b. A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act),
- c. Receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act,
- d. A foster child on behalf of whom State or local government payments are made; or
- e. An individual with a disability whose own income meets the income requirement, but who is a member of a family.

#### Basic Skills Deficient:

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

#### Veteran:

An individual who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable, as specified in 38 U.S.C. 101(2).

Active service includes full-time Federal service in the National Guard or a Reserve component. This definition of "active service" does not include full-time duty performed strictly for training purposes (i.e., that which often is referred to as "weekend" or "annual" training), nor does it include full-time active duty performed by National Guard personnel who are mobilized by State rather than Federal authorities (State mobilizations usually occur in response to events such as natural disasters).

#### Eligible Spouse:

An individual who is the spouse of any of the following:

- a. Any veteran who died of a service-connected disability,
- b. Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
  - i. Missing in action,
  - ii. Captured in line of duty by a hostile force; or
  - iii. Forcibly detained or interned in line of duty by a foreign government or power.
- c. Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; or
- d. Any veteran who died while a disability was in existence. A spouse whose eligibility is derived from a living veteran or service member (i.e., categories b. or c. above) would lose his or her eligibility if the veteran or service member were to lose the status that is the basis for the eligibility (e.g. if a veteran with a total service-connected disability were to receive a revised disability rating at a lower level).



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### TITLE: Priority of Service

Similarly, for a spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service member.

Providers of Title 1B Programs must refer to the EC Works Programs Standards for appropriately documenting priority of service eligibility.

#### REFERENCES:

Workforce Innovation and Opportunity Act Section 134(b)(3)(E)

WIOA Regulations 20 CFR 681.290 and 680.600

TEGL 19-16 Guidance on Services Provided Through Adult and Dislocated Worker Programs

TEGL 10-09 Priority of Service for Veterans and Eligible Spouses

The Jobs for Veterans Act: Title 38

Priority of Service Under Veterans Program Letter 07-09

Higher Education Coordinating Commission Office of Workforce Investments Policy Basic Skills Deficient Policy, 5/3/21



## Program Management Policy

### TITLE: Adult Work Experience/Internship

**POLICY APPROVED BY:**

**Original Approval Date:**

October 18, 2016

**Current Policy Effective Date:**

July 1, 2021

**Revision Approved:**

March 14, 2018; June 8, 2021

**Heather Ficht**

**EC Works Executive Director**

**Gary North**

**EC Works Board Chair**

**PURPOSE:**

To establish a policy to support the Workforce Innovation and Opportunity Act (WIOA) in providing work experience/internship opportunities to eligible adults and dislocated workers.

**POLICY:**

For the purposes of the Workforce Innovation and Opportunity Act (WIOA), a work experience, better known by employers as an “internship”, is a planned, structured learning experience that provides an opportunity for career exploration and skill development and takes place within the workplace for a specified and limited period.

A work experience/internship may be provided in the private, for profit, nonprofit, or public sectors. The work experience/internship must be linked to the participants career goals, however, unlike an On-the-Job Training contract, employers are not required to hire a work experience/internship participant, although in some cases the opportunity may result in an employment offer.

As further defined within the Fair Labor Standards Act, a work experience/internship opportunity shall not reduce current employees’ work hours, displace current employees, or result in a reduction of current employees. In addition, employers must adhere to all federal, state, and local laws governing employment.

Workforce Innovation and Opportunity Act (a) Section 188(a)(3) prohibits the use of funds to employ participants to carry out the construction, operation, or maintenance of any part of any facility used for sectarian instruction or as a place for religious worship with the exception of maintenance of facilities that are not primarily used for instruction or worship and are operated by organizations providing services to WIOA participants. (b) 29 CFR part 2, subpart D, governs the circumstances under which Department support, including WIOA Title I financial assistance, may be used to employ or train participants in religious activities. Under that subpart, such assistance may be used for such employment or training only when the assistance is provided indirectly within the meaning of the Establishment Clause of the U.S. Constitution, and not when the assistance is provided directly. That subpart also contains requirements related to equal treatment in Department of Labor programs for religious organizations, and to protecting the religious liberty of Department





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### TITLE: Adult Work Experience/Internship

of Labor social service providers and beneficiaries.

WIOA providers must ensure that the work experience/internship is referenced in the participant's Individualized Employment Plan (IEP). The provider must also coordinate the execution of a Work Experience/Internship Agreement, detailing the training plan, the specific skill requirements, any assessments used for determining the participant's skills at the beginning of the opportunity, planned performance check-ins, and any skill attainments during the course of training.

When determining the duration of a work experience/internship activity, the provider should consider the overall objectives: the length of time necessary for the participant to learn the skills identified in the learning plan, the employer having enough meaningful work activities for the participant, and service provider budget. When determining the hourly wage for the work experience/internship, the provider should consider the average wage paid for the same or similar positions, the type of work performed, and the service provider budget.

In addition to the above, the agreement shall detail any wages paid, the training plan, dates for when the training shall begin and end as well as compliance with Fair Labor Standards Act, Equal Opportunity Employment and Non-Discrimination regulations, and any additional rules or assurances that may apply.

Finally, the WIOA service provider must carry work experience/internship as a paid opportunity.

#### REFERENCES:

WIOA Section 3

WIOA Section 134

20 CFR 678-680

2 CFR 200

Workforce Innovation & Opportunity Act, Training & Education Guidance Letter No. 19-16, March 1, 2017



## Program Management Policy

### TITLE: Individual Training Accounts (ITAs)

**POLICY APPROVED BY:**

**Heather Ficht** **EC Works Executive Director**

**Gary North** **EC Works Board Chair**

**Original Approval Date:**

October 18, 2016

**Current Policy Effective Date:**

July 1, 2021

**Revision Approved:**

March 14, 2018; June 8, 2021

**PURPOSE:**

To establish a policy to support the Workforce Innovation and Opportunity Act (WIOA), and further defined through Oregon’s Eligible Training Provider List policy, for the use of Individual Training Accounts (ITAs) for eligible Adults and Dislocated Workers.

**POLICY:**

ITAs are one training option available to eligible and appropriate participants when it is determined by a provider that they will be unlikely or unable to obtain or retain employment that leads to self-sufficiency or higher wages from previous employment through career services alone. An ITA is limited in cost and duration and must result in employment leading to economic self-sufficiency or wages comparable to, or higher than, wages from previous employment.

Training is defined as one or more courses or classes, or a structured regimen that leads to:

1. An industry-recognized certificate or certification, a certificate of completion of a registered apprenticeship, a license recognized by the state or the federal government, or an associate or baccalaureate degree,
2. A secondary school diploma or its equivalent if provided concurrently or in combination with occupational skills training; or
3. Employment; or measurable skill gains toward employment or a credential.

These training programs may be delivered as stackable services and could be provided in-person, online, or in a blended approach. This list is not all-inclusive and additional training services not listed may be required to be on the Eligible Training Provider List (ETPL).

Examples of training services required to be on the ETPL include:

- (a) Occupational skills training, including training for nontraditional employment,
- (b) Skills upgrading and retraining,
- (c) Entrepreneurial training,



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- (d) Job readiness training provided in combination with services listed in this section; and
- (e) Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with training services.

ITAs shall be provided to eligible participants on the basis of an individualized assessment of the person's job readiness, employment and training needs, financial, social and supportive needs, labor market demand and potential for successful completion, as documented on the participant's Individual Employment Plan (IEP).

Adults and Dislocated Workers needing training are provided Individual Training Accounts (ITAs) through the WorkSource by enrolling in Title 1B services. They gain access to lists of eligible training providers (ETPL) by engaging through working with WorkSource partners who can assist them with navigating quality consumer information, including cost and performance information for each of the providers' programs, so that they can make informed choices on where to use their ITAs.

### Coordination of WIOA Training Funds and Other Federal Assistance (20 CFR 680.230)

(a) WIOA funding for training is limited to participants who:

- (1) Are unable to obtain grant assistance from other sources to pay the costs of their training; or
  - (2) Require assistance beyond that available under grant assistance from other sources to pay the costs of such training. Programs and training providers must coordinate funds available to pay for training as described in paragraphs (b) and (c) of this section. In making the determination under this paragraph (a), one-stop centers may take into account the full cost of participating in training services, including the cost of support services and other appropriate costs.
- (b) One-stop centers must coordinate training funds available and make funding arrangements with one-stop partners and other entities to apply the provisions of paragraph (a) of this section. One-stop centers must consider the availability of other sources of grants to pay for training costs such as: Temporary Assistance for Needy Families (TANF), State-funded training funds, and Federal Pell Grants, so that WIOA funds supplement other sources of training grants.
- (c) A WIOA participant may enroll in WIOA-funded training while their application for other tuition assistance (such as a Pell Grant) is pending as long as the one-stop center has made arrangements with the training provider and the WIOA participant regarding allocation of funding if it is subsequently awarded. The training provider must clearly document, using the budget tool provided by EC Works, the portion of the tuition and other training related expenses covered by WIOA and those expenses covered by other sources. In the case where WIOA is used to underwrite the full amount of the tuition, the training provider must reimburse WIOA for the portion of tuition subsequently awarded through other sources.

### ITA Authorization

- ITAs must be approved by a service provider's program manager prior to issuance. ITAs are authorized only for training programs listed on the Eligible Training Provider List (ETPL), as required in WIOA Section 134(c)(F)(iii).



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- ITA funds are paid directly to the training provider. If a student drops a course or if FAFSA funds are used, WIOA funds expended must be reimbursed to the service provider.
- ITAs may be used for pre-apprenticeship programs; however, only pre-apprenticeship programs listed on the ETPL may be approved. (20 CFR 680.330(a))
- ITAs may be authorized for training programs in other states or online training if the training program is listed on the ETPL or there are existing reciprocity agreements with other states.
- ITAs are not authorized for individualized career services such as short-term prevocational training. Short-term pre-vocational services may include the development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, professional conduct, or other non-occupation-specific topics that are intended to prepare individuals for unsubsidized employment or training.
- The amount and duration of each participant's ITA award is determined on an individual basis. Funding amounts will take into account the total costs of the selected training program, any other financial assistance available to the participant, and the WIOA funding available within the provider budget, and other applicable factors such as career seeking barriers.
- The ITA funding can only include the cost of training services such as instructor salaries and benefits, classroom space, instructional materials, tuition, books, individual materials, supplies, tools, and equipment. All costs must be clearly documented using the tool provided by EC Works.
- An ITA may fund prerequisite training to a vocational training program if it is required by the educational institution and there is no other way to pay for these prerequisites.

Service providers must arrange to receive training progress reports (i.e. transcripts) from participants and/or the training provider. Providers must also develop a service strategy to overcome the barriers impacting progress. with participants who are not earning satisfactory progress in their coursework.

### REFERENCES:

Workforce Innovation and Opportunity Act Section 134(b)(3)(E)  
WIOA Regulations 20 CFR 681.290 and 680.600  
TEGL 19-16 Guidance on Services Provided Through Adult and Dislocated Worker Programs  
State of Oregon Workforce Programs Eligible Training Provider Policy 122(a), 3/12/2018



## Program Management Policy

### TITLE: On-The-Job Training (OJT) Limits

**POLICY APPROVED BY:**

**Original Approval Date:**

October 18, 2016

**Current Policy Effective Date:**

July 1, 2021

**Revision Approved:**

March 14, 2018; June 8, 2021

**Heather Ficht**

**EC Works Executive Director**

**Gary North**

**EC Works Board Chair**

**PURPOSE:**

To further articulate East Cascades Works implementation of On-the-Job Training as defined by the Workforce Innovation and Opportunity Act Section 3(44).

**POLICY:**

East Cascades Works encourages the use of OJT by its contracted service providers to better meet the needs of job seekers so they may find and keep jobs with local employers and offset employer costs associated with new employee training.

OJT is not a subsidized employment program. The OJT contract assists businesses in training and retaining skilled, productive workers by offsetting the extraordinary costs of providing the training and additional supervision related to the training. These costs include the provision of occupational training as well as supervision of a new employee. An agreement with the employer specifies the duration of training as well as the skills and competencies to be acquired by the participant. WIOA also allows both Individual Training Accounts (ITA) and OJT funds to be used when placing participants into a registered apprenticeship program or with a training provider. A rigorous training plan, put in place by the employer, leads to employee retention and growth in the job. OJTs are intended to encourage the development of in-company training programs that lead to transferrable skills for eligible individuals who would not otherwise be hired or promoted to a given position. OJT is not an entitlement program for employers. The decision to enter into contract with an employer is at the discretion of EC Works and its contracted service providers.

(a) OJT is provided under a contract with an employer or registered apprenticeship program sponsor in the public, private non-profit, or private sector. Through the OJT contract, occupational training is provided for the WIOA participant in exchange for the reimbursement, typically up to 50 percent of the wage rate of the participant, for the extraordinary costs of providing the training and supervision related to the training. In limited circumstances, as provided in WIOA sec. 134(c)(3)(h) and § 680.730, the reimbursement may be up to 75 percent of the wage rate of the participant.



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### TITLE: On-The-Job Training (OJT) Limits

(b) OJT contracts under WIOA Title I must not be entered into with an employer who has received payments under previous contracts under WIOA or WIA if the employer has exhibited a pattern of failing to provide OJT participants with continued, long-term employment as regular employees with wages, employment benefits (including health benefits), and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.

(c) An OJT contract must be limited to the period required for a participant to become proficient in the occupation for which the training is being provided. In determining the appropriate length of the contract, consideration should be given to the skill requirements of the occupation, the academic and occupational skill level of the participant, prior work experience, and the participant's IEP.

- I. Eligible trainees. Contracted service providers will only enter into OJTs on behalf of the eligible trainees who are:
  - A. Job seekers enrolled in the WIOA Title I Adult, Dislocated Worker and/or Youth program that the employer agrees to hire, or a newly hired employee that requires additional training that the employer intends to retain,
  - B. Assessed as having the skills and qualifications to participate successfully in an OJT training contract, in order to obtain or retain employment that leads to self-sufficiency,
  - C. Unable or unlikely to obtain employment without retraining,
  - D. Low income, receiving unemployment insurance or public assistance, or need to earn a wage while learning an occupational skill,
  - E. Individuals with barriers to employment who need help finding their next job,
  - F. Individuals who can learn the skills necessary for the occupation more easily and thoroughly on the job; and/or
  - G. Need supervision as they learn specific skills for an occupation.
- II. Eligible employers. Contracted service providers will enter into OJT contracts and provide OJT reimbursements only to eligible employers that meet the following criteria:
  - A. Have the capacity and resources to adequately train the OJT candidate with the intent of retaining the employee in long-term employment,
  - B. Enter into a signed training contract that spells out the training and retention expectations of the employee, the employer, and the contracted service provider,
  - C. Have adequate payroll and record keeping systems in place,
  - D. Have the explicit agreement of the bargaining agent if OJT positions are covered by collective bargaining agreements,
  - E. Provide the same rate of pay, fringe benefits and working conditions offered to the OJT trainee as similarly situated employees in similar positions in the local labor market; and
  - F. Have adequate workers' compensation or accident insurance coverage is in effect.



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Preference should be provided to private sector employers operating in in-demand sectors, providing in-demand occupations, or providing a higher wage.

An employer is not eligible to enter into an OJT contract or receive OJT reimbursements if any of the following applies:

- i. OJT positions result in worker displacement:
  - a. Any other individual is on layoff status with recall rights from the same or any substantially equivalent job in compliance with the employer's layoff policy or those of the Local Workforce Development Area,
  - b. The employer has terminated the employment of any regular employee with the intention of filling the vacancy with an OJT participant,
  - c. The OJT position infringes on the promotional opportunities of currently employed workers; or
  - d. The prohibited displacement may also include a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits of any currently employed employee.
- ii. Employer has relocated all or part of their business within the previous 120 days where the relocation action has resulted in the loss of employment of any employee at the original location; or
- iii. Employer has been convicted of violating federal laws and regulations.

Workforce Innovation and Opportunity Act (a) Section 188(a)(3) of WIOA prohibits the use of funds to employ participants to carry out the construction, operation, or maintenance of any part of any facility used for sectarian instruction or as a place for religious worship with the exception of maintenance of facilities that are not primarily used for instruction or worship and are operated by organizations providing services to WIOA participants. (b) 29 CFR part 2, subpart D, governs the circumstances under which Department support, including WIOA Title I financial assistance, may be used to employ or train participants in religious activities. Under that subpart, such assistance may be used for such employment or training only when the assistance is provided indirectly within the meaning of the Establishment Clause of the U.S. Constitution, and not when the assistance is provided directly. That subpart also contains requirements related to equal treatment in Department of Labor programs for religious organizations, and to protecting the religious liberty of Department of Labor social service providers and beneficiaries.

- III. OJT Training Duration. An OJT contract must be limited to the period of time required for a participant to become proficient in the occupation for which the training is being provided, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate. The contract should include a planned retention period to assure that the trainee has mastered the skills needed to succeed in the occupation.
- IV. Employer Involvement in Registered Apprenticeship. Employers are the foundation of every Registered Apprenticeship (RA) program and must be the provider of the OJT for the duration set by



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### TITLE: On-The-Job Training (OJT) Limits

the Joint Apprenticeship Training Council (JATC). In addition, every RA program will include a classroom training or academic component to supplement on-the-job learning and training and must have at least one incremental wage increase commensurate with an increase in skills. Lastly, the completion of the RA Completion Certificate is a recognized post-secondary credential under WIOA and shall be documented as such by the service provider.

- V. Reimbursement. Employers may be reimbursed only for the portion of the trainee's wages agreed upon in the OJT contract. Employers may be reimbursed only for time the trainee was actually on the job and receiving training.
- A. An On-the-Job Training Plan must outline the skills the participant is expected to learn during the duration of their training.
  - B. The reimbursement amount will be a negotiated percentage of the wage paid to the trainee.
    - i. The employer reimbursement rate for OJT may not exceed 50 percent unless prior approval has been given to allow for up to 75 percent. Contracted staff must request a waiver from EC Works to exceed the 50 percent reimbursement rate.
    - ii. The employer reimbursement may only exceed 50 percent of the trainee's wage rate under the following conditions and with approval of EC Works staff:
      - a. The characteristics of the participant(s) with an emphasis on barriers to employment as defined in WIOA Section 3(24),
      - b. The size of the employer with an emphasis on small businesses (i.e., employers with fewer than 100 employees),
      - c. The quality of employer-provided training (e.g., an industry-recognized credential, advancement opportunity) and advancement opportunities,
      - d. The number of employees participating in the training,
      - e. Wage and benefit levels of the employees (both pre and post participation earnings); and
      - f. The relation of the training to the competitiveness of the participant).

Contracted services providers shall consult East Cascades Works Program File Standards for the documentation requirements.

#### REFERENCES:

Workforce Innovation and Opportunity Act Section 134(b)(3)(E)  
WIOA Regulations 20 CFR 681.290 and 680.600  
TEGL 19-16 Guidance on Services Provided Through Adult and Dislocated Worker Programs  
Training and Employment Guidance Letter (TEGL) 10-16  
Training and Employment Guidance Letter (TEGL) 19-16  
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