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ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 5-14

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE LIAISONS

FROM: PORTIA WU 
Assistant Secretary

SUBJECT: Workforce Investment Act (WIA) Youth Program Guidance for Program Year (PY) 2014

1. **Purpose.** The purpose of this Training and Employment Guidance Letter (TEGL) is to provide guidance for the use of WIA Youth-funded activities in PY 2014.

2. **References.**

- Workforce Investment Act of 1998 (WIA), as amended (29 U.S.C. 2801 *et seq.*)
<http://www.doleta.gov/usworkforce/wia/wialaw.pdf>
- WIA Regulations, 20 CFR Part 664 <http://www.doleta.gov/usworkforce/wia/finalrule.pdf>
- TEGL No. 09-00, Workforce Investment Act of 1998, Section 129 - Competitive and Non-competitive Procedures for Providing Youth Activities Under Title I
<http://wdr.doleta.gov/directives/attach/TEGL9-00.pdf>
- TEGL No. 12-01, Clarification on Selected Activities and Issues under the Workforce Investment Act (WIA) http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=1359
- TEGL No. 30-10, Workforce Investment Act (WIA) Youth Program Guidance for Program Year (PY) 2011 http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3034
- TEGL No. 28-11 Program Year 2011/Fiscal Year 2012 Performance Reporting and Data Validation Timelines http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=9545
- TEGL No. 05-12, Workforce Investment Act (WIA) Youth Program Guidance for Program Year (PY) 2012 http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=6048
- TEGL No. 33-12, Workforce Investment Act (WIA) Youth Program Guidance for Program Year (PY) 2013 http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=9254

3. **Background.** In Program Year (PY) 2012, the WIA Youth program served 218,050 youth with funding of more than \$824 million. In PY 2012, the WIA Youth program exceeded annual goals for all three youth common performance measures, including an all-time high in the placement in employment and education rate. The Employment and Training Administration (ETA) recognizes the pressure for states and locals to continue to meet high performance rates with limited resources.

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States and local areas continue to work hard to provide comprehensive services to youth and young adults through the WIA Youth Program. In order to assist the workforce system in providing high quality youth programs, ETA routinely monitors states and local areas to ensure compliance with WIA. In developing last year's program guidance, TEGL No. 33-12, ETA reviewed findings from WIA Youth monitoring reports and identified common findings. The findings were in the areas of case management, follow-up services, service provision, performance management, governance, and effective youth councils.

Based on the positive field response to TEGL No. 33-12, ETA followed a similar approach in developing program guidance for PY 2014. ETA reviewed 11 WIA Youth monitoring reports from 2013 visits and found similar areas of concern. Findings from PY 2013 include eligibility determination, procurement/youth contracts, case management, service provision, performance management, governance, and administration. This year's guidance provides additional insight into several critical areas, including governance and youth councils, eligibility, case management, individual service strategies, exit and follow-up, and provides state and local area staff with tools to improve youth services and to ensure legal compliance and successful future monitoring. Many of the tips and resources mentioned in this TEGL come from previously released TEGLs. Please refer to the "References" section above for direct links to each of the TEGLs mentioned throughout this guidance.

Looking ahead. President Barack Obama signed the Workforce Innovation and Opportunity Act of 2014 (WIOA) into law on July 22, 2014. The new law aims to improve the workforce system's comprehensive services to all its participants, including youth. For the youth formula program, WIOA places a strong emphasis on serving out-of-school youth, on providing work-based activities, and on attaining recognized postsecondary credentials. While the majority of WIOA provisions do not take effect until July 1, 2015, this guidance can better position state and local governments to implement the new legislation by strengthening service delivery and programmatic elements.

ETA is currently developing regulations and guidance to assist the workforce system in implementing the new law. Training and Employment Notice (TEN) 05-14, found at http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3556, provides information on the enactment of WIOA, announces its current implementation plans, shares key statutorily-required implementation dates, and provides initial informational resource. ETA has also established a WIOA Resource Page (www.doleta.gov/WIOA) to keep stakeholders current on the Department's WIOA implementation materials.

The administration wants job seekers and workers equipped with the skills needed by employers. As such, on the same day as the passage of WIOA, Vice President Joe Biden unveiled the "Ready to Work: Job-Driven Training and American Opportunity" report, http://www.whitehouse.gov/sites/default/files/docs/skills_report.pdf. The report outlines a platform to create a more integrated, effective, job-driven workforce investment system that includes key elements of job-driven employment and training programs. The key elements include employer engagement, leveraging of resources, data-informed decision making, work-based training opportunities, career pathways, outcomes measurement and program

improvement, and the elimination of barriers to employment. WIOA aligns with this job-driven vision.

4. **Common Findings and Tips.**

A. Governance and Youth Councils.

WIA section 117(h) and 20 CFR 661.335 in the regulations require local workforce investment boards (LWIBs) to establish youth councils. One of the principal duties of the youth council is to recommend eligible providers of youth activities in the local area to be considered for the award of grants or contracts on a competitive basis. Monitoring reviews from 2013 revealed deficiencies in governance systems including some youth council operations. Some LWIBs are operating without the required youth councils. However, ETA recently made available a comprehensive youth council database consisting of 98% percent of youth councils across the country at www.servicelocator.org.

While WIOA eliminates the requirement for local boards to establish a youth council, the local board may choose to establish, “a standing committee to provide information and to assist with planning, operational, and other issues relating to the provision of services to youth, which shall include community-based organizations with a demonstrated record of success in serving eligible youth (Sec. 107 (b)(4)(A)(ii)). Additionally, the law further clarifies that an existing youth council may be designated as the youth standing committee if they are fulfilling the requirements of a standing committee which means that they have members of the local board who have the appropriate experience and expertise (Sec. 107 (b)(4)(C)).

Many existing youth councils may already be in a strong position to become standing youth committees; however, ETA recognizes that some LWIBs will need support to help build effective youth committees. ETA staff hosted focus group discussions with state and local government representatives to learn about their technical assistance needs to improve youth councils’ ability to support positive youth development in communities. In light of WIOA, these conversations will pave the way for the development of a technical assistance campaign designed to help local boards and youth committees build their capacity to plan and manage effective youth programs. Additionally, ETA will disseminate technical assistance resources that promote and share high-performing youth council models, and tools to address specific topics that are critical to building strong youth committees. The technical assistance resources should be available in 2015.

Since youth councils remain in effect for the coming year, ETA encourages local areas to review the service provisions section in TEGE No. 33-12, for further information on identifying eligible service providers and program oversight.

Leveraging Resources. LWIBs are required to make all 10 program elements available. It is important for youth councils to identify the extent to which the 10 program elements are available and/or already being provided in the local area. Youth councils should assess which program elements can be provided through community partnerships in order to

maximize WIA Youth funding for the remaining program elements that cannot be leveraged through such partnerships. Information on the availability of all 10 elements may be found in TEGL No. 9-00, TEGL No. 5-12, and TEGL No. 33-12.

Identifying Eligible Service Providers. WIA requires LWIBs to select providers using a competitive process based on the recommendations of the youth council. Section 123 of WIA provides the requirements for identifying eligible providers of youth activities. When it is demonstrated that these requirements impede a state's ability to implement its plan to improve the statewide workforce investment system, ETA has generally approved waivers of the competitive selection of follow-up services, paid/unpaid work experience, and supportive services. The WIA Youth Reference Tool, http://wdr.doleta.gov/directives/attach/TEN/ten_46-11att.pdf, provides basic information on the selection of service providers and TEGL No. 33-12 further expands on the youth council's role and responsibilities regarding service providers.

ETA encourages LWIBs and youth councils to focus on improving the process and criteria for selecting service providers. Many local areas continue to struggle with developing a request for proposal (RFP) process to effectively select youth service providers. Having a variety of providers establishes a mixed set of youth development services competitively selected to meet the needs of local communities. The procurement regulations at 29 CFR 97.36(d) identifies various methods of procurement that are allowable. Sole source procurements are to be used only when other methods are not feasible and the criteria set forth in the Federal, state, and local procurement procedures apply. Local areas choosing to conduct sole source procurement should show that it meets the requirements for sole source procurement as defined in 29 CFR 97.36. If local areas cannot meet these requirements, the procurement does not comply with the regulations and costs can be questioned at the regional level, with the grantee having the opportunity to provide documentation in response to the finding that demonstrates that the cost is allowable. See TEGL No. 9-00 and the RFP Guide at http://www.doleta.gov/youth_services/pdf/rfpguide.pdf for additional resources on developing effective RFPs.

B. Eligibility Determination.

Monitoring reviews reported several types of issues related to eligibility determination. These include using self-attestation for eligibility without sampling, inadequately defining the "sixth barrier" for eligibility, and not adequately documenting eligibility information. As stated in TEGL No. 12-01, Attachment C, one option to streamline the registration process for youth is to allow for self-attestation (previously referred to as self-certification) to verify those eligibility items that, in some cases, may not be easily verified, such as homelessness, or may cause undue hardship for individuals to obtain. Self-attestation is allowed for all of the barriers for eligibility (homeless individual and/or runaway youth, offender, pregnant or parenting youth, youth who needs additional assistance, and drop-out) *except* for the basic skills deficient barrier and factors that impact family size for the calculation of low income, such as whether a youth is a dependent or not. It is also important to incorporate a random sampling methodology to determine the accuracy of the self-attestation method for determining WIA eligibility. Based on TEGL No. 28-11, Attachment A, self-attestation

(stated as self-certification) is not allowed to document date of birth, school status, or low income status. Local areas should ensure that when using self-attestation, they are using it for only the data elements that list self-attestation as an allowable data source in TEGl No. 28-11, Attachment A and that they incorporate a random sampling methodology to validate its accuracy.

Sixth Barrier. The WIA definition of eligible youth includes three parts: 1) age, 2) low income, and 3) a list of one or more required “barriers.” The sixth and final barrier refers to “an individual who requires additional assistance to complete an educational program, or to secure and hold employment” (WIA Section 101 (13)(c)(vi)). This sixth barrier must be defined at either the state or local level (see next paragraph for examples). Very few states have defined the sixth barrier and a number of monitoring visits found no definition at the local level or broad and inadequate definitions of the sixth barrier. It is important that in instances where a state has not defined the sixth barrier, the local area must provide a written definition of what constitutes the sixth barrier, which should include the ability to clearly demonstrate and document that the youth meet this definition.

When defined, the sixth barrier definition often includes a list of youth characteristics. Examples of such characteristics found in state and local level policies throughout the country include a youth who: is one or more grade levels below their actual grade level in reading or math; has an above average number of absences during the past school year in comparison to other students in the school; is placed on probation, suspended from school, or expelled from school one or more times during the past two years; is an individual with a disability; has an incarcerated parent; is limited English proficient; is an out-of-school youth who has not held a full-time job for more than three consecutive months and lacks work readiness skills necessary to obtain and retain employment as documented by the youth objective assessment. States and/or local areas that do not have written policies in place for the sixth barrier must work to draft written policies.

One of the critical components of eligibility determination is documenting and verifying eligibility requirements for WIA eligible youth. Case managers are responsible for documenting and maintaining records in participant case files. During recent monitoring visits, staff identified compliance findings related to local areas not adequately documenting a number of WIA Youth eligibility items. TEGl No. 28-11, Attachment A includes source documentation requirements for a number of WIA data elements including all data elements related to WIA Youth eligibility. LWIBs, please refer to TEGl No. 28-11, Attachment A to determine the source documents required for data elements related to WIA Youth eligibility and maintain adequate documentation records.

C. Case Management and Individual Service Strategy (ISS) Development.

Findings from monitoring reports during visits in 2013 showed that case management and ISS development continue to be a challenge for local areas. In many cases, the ISS was inadequately developed or was not complete, did not incorporate comprehensive assessment results, did not reflect a career goal, was not developed for each participant, did not document remediated barriers, and/or did not match service provision. TEGl No. 33-12 addressed case

management and ISS development and provided a number of tips for service delivery. As a follow-up to the TEG, ETA hosted two webinars on the topic. The first webinar is “The Key to Effective Case Management for Youth: Linking Assessment to Service Delivery.” This webinar shared the following tips: constructing an ISS based on assessed needs; planning and implementing services for a young person; and providing regular, updated case notes that accurately describe each youth’s progression. To view the webinar, visit <https://www.workforce3one.org/view/5001331641439184103/info>. The second webinar is “Using the Toolkit to Improve Youth Case Management Practices.” The Toolkit for Frontline Services for Youth has been an essential resource for the public workforce system since 2007. The webinar highlighted specific aspects of the Toolkit and provided easy to follow tips for putting them to use at the local level. To view this webinar, visit <https://www.workforce3one.org/view/5001404144063685920/info>.

D. Exit policy and Follow-up.

Practices related to exiting youth and providing follow-up services (defined in 20 CFR 664.450 in the regulations) were identified as findings in the 2013 monitoring reports. In some areas youth are not exited properly and either no follow-up or inadequate follow-up services were provided. TEG No. 33-12 addressed these issues and offered clarification as well as tips for improvement. After the release of last year’s annual guidance, ETA conducted a webinar on follow-up and exit. The webinar titled, “Ensuring a Successful Transition: Providing Effective Follow-Up Services for Youth in WIA Programs” clarified the difference between “follow-up services” and “follow-up for reporting purposes,” as well as when follow-up services should begin and for how long follow-up services should be conducted. The webinar offered youth providers an opportunity to learn more about the requirements, challenges and effective practices related to follow-up and exit. To view the webinar, visit <https://www.workforce3one.org/command/view.aspx?look=5001321432596467093&mode=info&pparams=>.

5. Tools and Resources

Below are resources related to the topics discussed in this TEG which DOL provides to help programs better serve WIA Youth participants. Given that Congress passed WIA in 1998, some of the resources below are a number of years old. While these older resources may contain a few outdated references, the majority of the information they provide is still very relevant. In addition, ETA will continue hosting upcoming webinars and web chats to provide further technical assistance on many of the topics included in this TEG. Please see the Youth Connections Community of Practice at www.workforce3one.org for future webinars and chats. The Youth Resource Connections is also a helpful resource, which provides important announcements and information for state and local practitioners, youth, and other partners interested in youth development. To register for the monthly publication, visit: https://public.govdelivery.com/accounts/USDOL/subscriber/new?topic_id=USDOL_167&pop=t.

WIA Youth Flash Training Series: The Division of Youth Services released the “Workforce Investment Act (WIA) Youth Flash Training Series.” “Flash Trainings” are brief lessons focused on specific WIA Youth program topics. They are designed to provide information and direct those working with youth to tools and resources to help them best serve program participants. The first topics in the series include the 10 WIA Youth Program elements, exit policy, finding youth program resources, waivers, and youth councils. <https://www.workforce3one.org/view/5001414856204559058/info>.

Effective Case Management, Workforce3One: This Workforce3One page is a technical assistance repository that identifies existing tools and resources about integrated intake processes and high quality case management. <https://effectivecasemanagement.workforce3one.org/index.aspx>.

My Next Move: This electronic tool gives individuals three main ways to explore careers, including an online O*NET interest assessment, and then provides an easy-to-read, one-page profile of each occupation highlighting important knowledge, skills, abilities, technologies used, simplified salary and outlook information, and links to find specific training and employment opportunities. www.MyNextMove.org.

mySkills myFuture: This electronic tool enables job seekers and intermediaries to match a worker’s occupational skills and experiences with the skills needed in other occupations, in order to facilitate their career mobility and economic prospects. For any occupation, users can get a list of job listings in their local area (*i.e.* state or zip code) and click directly through to the hiring company’s Web site. www.mySkillsmyFuture.org.

Recipes for Success: Youth Council Guide to Creating a Youth Development System Under WIA: The Department published this guide in 2000. It provides practical information for community leaders, LWIBs, and youth councils on developing and operating a youth council. http://www.doleta.gov/youth_services/pdf/recipes-ycouncil.pdf.

Soft Skills to Pay the Bills: Mastering Soft Skills for Workplace Success: The Department’s Office of Disability Employment Policy published this curriculum in 2012. It focuses on teaching “soft” or workforce readiness skills to youth, including youth with disabilities. Created for youth development professionals as an introduction to workplace interpersonal and professional skills, the curriculum targets youth ages 14 to 21 in both in-school and out-of-school environments. <http://www.dol.gov/odep/topics/youth/softskills/>.

What’s My Next Move Guide: The Department developed this printable guide that includes seven steps to help students plan a career path after graduation. It was developed as a resource to connect young people to online career exploration resources available from the Department of Labor. The guide encourages students to think and make decisions about their future and to engage with career counselors, workforce professionals, teachers, and parents/guardians. <http://www.careeronestop.org/whats-my-next-move.aspx>.

WIA Youth Program RFP Guide: The Department developed this guide in January 2001. It provides LWIBs and youth councils with information and ideas on how to develop an effective request for proposal for youth services.
http://www.doleta.gov/youth_services/pdf/rfpguide.pdf.

Youth Connections Community of Practice (CoP), Sample Documents: Tools for Youth Providers: Various states, LWIBs, and youth providers across the country have developed these sample forms, policies, documents, and training tools for use in their WIA Youth programs. Visitors to the site are free to use these samples as models for developing tools, in accordance with state and local workforce board policies.
<https://youth.workforce3one.org/page/resources/1001200332592308266>.

Youth Council Toolkit: Tools to Help Youth Councils Build Effective Operational Youth Service Delivery: The Department published this toolkit in 2002. It contains six modules addressing the development and maintenance of a local youth council.
http://www.doleta.gov/youth_services/toolkit_2002.cfm.

Youth Council Institute Guidebook: This guidebook offers a road map for Youth Councils seeking to implement the broad vision of youth services as described in the WIA, and provides practical support materials for local staff, practitioners, council members and policy makers. Divided into three sections, the guide includes a broad discussion of the required functions of Youth Councils and reviews of a number of successful models. Section one of the guide focuses on the breadth of activities that Youth Councils can undertake under WIA. Section two identifies and explores important characteristics necessary for a community to build such a comprehensive youth-serving system. The last section of the guide provides detailed examples and advice on how a Youth Council can use the frameworks, graphic tools, assessments and work plans discussed throughout the guide to meet community youth needs.
http://www.newwaystowork.org/mastertools/guidebooks%20and%20toolkits/YCi_Guidebook_Final.pdf.

Minnesota Department of Employment and Economic Development: Youth Council Resource Guide; Cooperative Youth Services and Best Practices: This resource provides a snapshot of cooperative youth service strategies that were or are currently underway in Minnesota's 16 Workforce Service Areas and compiles the best practices of those areas. The Best Practices Matrix included in this guide provides a quick way to locate best practices in the following areas of emphasis: youth leadership/engagement; employment skills/work experience; family/parental involvement; business outreach and engagement; and partnerships/leveraged resources. <http://mn.gov/deed/images/YouthCouncilGuide.pdf>.

6. **Action Requested.** Please share this TEGL with LWIBs, Youth Councils, and youth service providers.
7. **Inquiries.** If you have questions about this guidance, please contact the appropriate ETA regional office.