THE WORKFORCE INNOVATION AND OPPORTUNITY ACT

The next few pages outline the Workforce Innovation and Opportunity Act (WIOA) in regards to the offering of youth services.

Federal Considerations
Federal regulations for the WIOA were released by the US Department of Labor on April 2, 2015. Those regulations can be found at https://www.federalregister.gov/documents/2016/08/19/2016-15975/workforce-innovation-and-opportunity-act. The Dutchess County Workforce Investment Board (DCWIB) reserves the right to cancel or modify this request for proposal or the scope of funding of an approved WIOA program to any extent necessary to ensure compliance with state and/or federal guidelines. This may occur at any time prior to or during implementation of the WIOA programs for Program Year (PY) 2019 (July 1st – June 30th) or any applicable contract extensions. Therefore, all successful proposers must demonstrate the capability and agree, in advance, to modify their program design to comply with the new regulations and/or changes to available funds.

On December 26, 2014, Department of Labor announced that the OMB Circulars had been revised. A-133, A-87, and A-122 were combined into one OMB circular. All WIOA funding will be subject to the new OMB circular, 2 CFR 200. The successful proposer will need to be familiar with the new OMB circular, and should reference TEGL 15-14, “Implementation of the New Uniform Guidance Regulations,” for further information. All policies pertaining to the administration of federal funds must meet these guidelines.

Veteran Priority of Service
This award is subject to the provisions of the “Jobs for Veterans Act” (JVA), Public Law 107-288 (38 USC 4215). The JVA provides priority of service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services. Please note that to obtain priority service, a person must still meet the program’s eligibility requirements. Training and Employment Guidance Letter (TEGL) No. 5-03 (September 16, 2003) and Section 20 of the Code of Federal Regulations (CFR) Part 1010 (effective January 19, 2009) provide general guidance on the scope of the veterans priority statute and its effect on current employment and training programs. Where applicable, the grant applicant agrees to comply with the Veteran’s Priority Provisions.

Requirements for Customers with Disabilities
All awards made under WIOA shall comply with Federal, State and County Law in the provision of equal access of services to customers with disabilities.

Section 188 of WIOA is clear that programs funded under WIOA must be fully accessible to individuals with disabilities, and that people with disabilities are entitled to reasonable accommodations and modifications that allow them to fully participate in WIOA funded programs.

Preferential or Discriminatory Practices Prohibited
Agencies shall not give or grant any undue preference or advantage to any person or subject any person to prejudicial disadvantage on the basis of age, race, color, national origin, disability, political affiliation or belief or citizenship.

The Contractor shall also adhere to the Equal Employment Opportunity (EEO) and Non-Criminal Complaint Policies and Procedures adopted by the DCWIB.
**Workforce Innovation and Opportunity Act (WIOA) Goals**

Proposers should be cognizant of WIOA and align their RFP proposals toward providing services under the law. Proposers must agree to flexibility and change. Programs will need to adapt to new policies in response to legislation and regulations as they are issued. To avoid possible confusion over language, the former One-Stop employment and training system is now being referred to at the national level as the American Job Centers (AJC).

**Available resources include:**

- Vice President Joe Biden’s report to President Obama: Ready to Work: Job Driven Training and American Opportunity [https://obamawhitehouse.archives.gov/sites/default/files/docs/skills_report.pdf](https://obamawhitehouse.archives.gov/sites/default/files/docs/skills_report.pdf)

**Required Core Partners Under WIOA**

WIOA required partner programs that are a party to the MOU and that the contractor operating the Washington Career Center and associated WIOA services will be required to coordinate with include:

**The Six WIOA core programs:**

- WIOA Title I.B - Adult
- WIOA Title I.B - Dislocated Workers
- WIOA Title I.B - Youth
- WIOA Title II - Adult Education and Literacy
- WIOA Title III - Wagner/Peyser
- WIOA Title IV - Vocational Rehabilitation

**WIOA Guiding Principles**

The Workforce Innovation and Opportunity Act is based on several guiding principles to be adopted by state and local workforce development systems:

1. Increase access to education, training, and employment - particularly for people with barriers to employment.
2. Create a comprehensive, high-quality workforce development system by aligning workforce investment, education and economic development.
3. Improve the quality and labor market relevance of workforce investment, education and economic development efforts.
4. Promote improvement in the structure of and delivery of services.
5. Increase the prosperity of workers and employers.
6. Improve the quality of the workforce, reduce welfare dependency and increase economic self-sufficiency.
7. Meet the skill requirements of employers and enhance the productivity and competitiveness of the nation.

**Eligibility:**
A resident of the Dutchess County Workforce Development Area (DCWDA) or receiving full-time residential services in the Dutchess County Workforce Development Area AND at enrollment is:

- (if applicable) a male who meets the requirements of Section 3 of the US Military Selective Services Act; AND an

**OUT-OF-SCHOOL YOUTH** Section 129(a)(1)(B)

I. Not attending any school (as defined under State law);
II. Not younger than age 16 or older than age 24 at the time of enrollment; and
III. One or more of the following:
   a. A school dropout.
   b. A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter based on the local school district definition of school year quarters.
   c. A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is-
      i. basic skills deficient; or
      ii. an English language learner.
   d. An individual subject to the juvenile or adult justice system.
   e. A homeless individual, a homeless child or youth, a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.
   f. An individual who is pregnant or parenting.
   g. A youth who is an individual with a disability.
   h. A low-income* individual who requires “additional assistance” to enter or complete an educational program or to secure or hold employment.

**Or an**

**IN-SCHOOL YOUTH** Section 129(a)(1)(C)

I. Attending school (as defined by State law);
II. Not younger than age 14 or (unless an individual with a disability who is attending school under State law) older than age 21;
III. A low-income* individual; and one or more of the following:
   a. Basic skills deficient.
   b. An English language learner.
   c. An offender.
d. A homeless individual, a homeless child or youth, a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.

e. Pregnant or parenting.

f. A youth who is an individual with a disability.

g. An individual who requires “additional assistance” to complete an educational program or to secure or hold employment.

*Special Rule: Under WIOA, the term “low income” includes a youth living in a high-poverty area or if he or she is an ISY receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act.

Income Exception: In each local area, not more than 5 percent of the individuals assisted as ISO or OSY may be persons who would be covered individuals except that the persons are not low-income individuals.

Fourteen Required Program Elements

1. Tutoring, Study Skills Training, Instruction and Evidence based Drop-out Prevention and Recovery Strategies - that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized post-secondary credential;

2. Alternative Secondary School Services or Drop-out Recovery Services

3. Paid and Unpaid Work Experiences

(a) Work experiences are a planned, structured learning we experience that take place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. A work experience may take place in the private for-profit sector, the non-profit sector or the public sector. Labor standards apply in any work experience where an employee/employer relationship, as defined by the Fair Labor Standards Act or applicable State law, exists. Work experiences provide the youth participant with opportunities for career exploration and for skill development.

(b) Work experiences must include academic and occupational education (i.e. Career Zone).

(c) The types of work experiences include the following categories:

a. Summer employment opportunities and other employment opportunities available throughout the school year; Summer employment opportunities are a component of the work experience program element. Providers administering the work experience program element must be selected by the Local Board by awarding a grant or contract on a competitive basis as described in WIOA sec. 123, based on criteria contained in the State Plan. However, the summer employment administrator does not need to select the employers who are providing the employment opportunities through a competitive process.

b. Pre-apprenticeship programs; A pre-apprenticeship is a program or set of strategies designed to prepare individuals to enter and succeed in a registered apprenticeship program and has a documented partnership with at least one, if not more, registered apprenticeship programs.

c. Internships and job shadowing; and

d. On-the-job training opportunities;
*Please Note: WIOA places increased emphasis on work-based learning and work experience opportunities for eligible youth. This type of service element (i.e., summer employment opportunities and other employment opportunities, pre-apprenticeship training, on-the-job training, shadowing and internships that have academic and occupational education as a component) should be integral to youth program design. Thirty-five percent (35%) of your funds must be spent on work related activities. WIOA sections 129(c) (4) prioritizes work experiences.

4. **Occupational Skills Training**

The Department defines occupational skills training as 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. Local areas must give priority consideration to training programs that lead to recognized post-secondary credentials that align with in-demand industry sectors or occupations in the local area. Such training must:

- be outcome-oriented and focused on an occupational goal (i.e. Career Zone) specified in the Individual Service Strategy (ISS);
- be of sufficient duration to impart the skills needed to meet the occupational goal; and
- result in attainment of a recognized post-secondary credential.

The chosen occupational skills training must meet the quality standards in WIOA sec. 123. In order to enhance individual participant choice in their education and training plans and provide flexibility to service providers, WIOA allows ITAs for out-of-school youth, ages 18 to 24 using WIOA youth funds when appropriate.

5. **Education Offered Concurrently with and in the same context as Workforce Preparation**

This program element reflects the integrated education and training model and requires integrated education and training to occur concurrently and contextually with workforce preparation activities and workforce training. This program element describes how workforce preparations activities, basic academic skills, and hands-on occupational skills training are to be taught within the same time frame and connected to training in a specific occupation, occupational cluster, or career pathway. (WIOA sec. 129(c)(2)(E))

6. **Leadership Development** - including community service and peer centered activities encouraging responsibility and focusing on other positive social and civic behaviors opportunities that encourage responsibility, confidence, employability, self-determination and other positive social behaviors such as:

- Exposure to post-secondary educational possibilities;
- Community and service learning projects;
- Peer-centered activities, including peer mentoring and tutoring;
- Organizational and team work 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 which 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, such as a Standing Youth Committee. (WIOA sec. 129(c)(2)(F))

Positive social and civic behaviors are outcomes of leadership opportunities, which are incorporated by local programs as part of their menu of services. Positive social and civic behaviors focus on areas that may include the following:
0. Positive attitudinal development;
0. Self-esteem building;
0. Openness to work with individuals from diverse backgrounds;
0. Maintaining healthy lifestyles, including being alcohol and drug-free;
0. Maintaining positive social relationships with responsible adults and peers, and contributing to the well-being of one’s community, including voting;
0. Maintaining a commitment to learning and academic success;
0. Avoiding delinquency;
0. Postponing parenting and responsible parenting, including child support education;
0. Positive job attitudes and work skills; and
0. Keeping informed in community affairs and current events.

7. **Supportive Services** - are services that enable an individual to participate in WIOA activities. These services include, but are not limited to the following:
   - Linkages to community services;
   - Assistance with transportation;
   - Assistance with child care and dependent care;
   - Assistance with housing;
   - Needs-related payments;
   - Assistance with educational testing;
   - Reasonable accommodations for youth with disabilities;
   - Referrals to health care; and
   - Assistance with uniforms or other appropriate work attire and work-related tools, including such items as eye glasses and protective eye gear.

Supportive Services are for youth who are participating in programs with authorized activities and who are unable to obtain such supportive services through other programs providing such services;

WIOA allows incentive payments to youth participants for recognition and achievement directly tied to training activities and work experiences. The local program must have written procedures in place governing the awarding of incentives and must ensure that such incentive payments are:

   - Tied to the goals of the specific program;
   - Outlined in writing before the commencement of the program that may provide incentive payments;
   - Align with the DCWIB’s organizational policies; and
   - Accord with the requirements contained in 2 CFR 200.
   - Not for entertainment of any type (including gift cards to entertainment venues)

8. **Adult Mentoring** - for duration of at least 12 months, that may occur both during and after program participation. Mentoring activities should use an evidence based model. Proposals should detail how the mentors are selected, screened, trained and matched to young people.

Adult mentoring for youth must:
   - Last at least 12 months, be documented, and may take place both during the program and following exit from the program;
• Be 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;
• Include a mentor who is an adult other than the assigned youth case manager; and
• While group mentoring activities and mentoring through electronic means are allowable as part of the mentoring activities, at a minimum, the local youth program must match the youth with an individual mentor with whom the youth interacts on a face-to-face basis.
• Mentoring may include workplace mentoring where the local program matches a youth participant with an employer or employee of a company.

9. **Follow-up Services** - Critical services are provided following a youth’s exit from the program to help ensure the youth is successful in employment and/or post-secondary education and training.

Follow-up services for youth may include:
- The leadership development and supportive service activities listed in §§ 681.520 and 681.570;
- Regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise;
- Assistance in securing better paying jobs, career pathway development, and further education or training;
- Peer work-related support groups;
- Adult mentoring; and/or
- Services necessary to ensure the success of youth participants in employment and/or post-secondary education.

All youth participants must receive some form of follow-up services for a minimum duration of 12 months. Follow-up services may be provided beyond 12 months at the State or Local Board's discretion. The types of services provided and the duration of 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. However, follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome. (WIOA sec. 129(c)(2)(I))

10. **Comprehensive Guidance and Counseling** - provides individualized counseling to participants. This includes career and academic counseling, drug and alcohol abuse counseling, mental health counseling, and referral to partner programs, as appropriate. (WIOA sec. 129(c)(1)(C)(J)) 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 it refers to in order to ensure continuity of service.

11. **Financial Literacy Education** - includes activities which:
- Support the ability of participants to create budgets (i.e. Career Zone), initiate checking and savings accounts at banks, and make informed financial decisions;
- Support 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;
• Educate participants about identity theft, ways to protect themselves from identity theft, and how
to resolve cases of identity theft and in other ways 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;
• Provide financial education that is age appropriate, timely, and provides opportunities to put
lessons into practice, such as by 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
by using high quality, age-appropriate, and relevant strategies and channels, including, where
possible, timely and customized information, guidance, tools, and instruction.

12. **Entrepreneurial Skills Training** - Entrepreneurial skills training provides the basics of starting and
operating a small business. Such training must develop the skills associated with entrepreneurship (i.e.
Career Zone-Financial Literacy and Customer Service). Some examples of entrepreneurial skill
development include, but are not limited to, the ability to:

• Creatively seek out and identify business opportunities;
• Develop business plans and budgets and forecast resource needs;
• Understand various options for acquiring capital and the trade-offs associated with each option.

Approaches to teaching youth entrepreneurial skills include but are not limited to the following:

• Entrepreneurship education that provides an introduction to the values and basics of starting and
running a business. Entrepreneurship education programs often guide youth through the
development of a business plan and may also include simulations of business start-up and
operation.
• Experiential programs that provide youth with experience in the day-to-day operation of a
business. These programs may involve the development of a youth-run business that young
people participating in the program work in and manage. Or, they may facilitate placement in
apprentice or internship positions with adult entrepreneurs in the community.
• Enterprise development which provides supports and services that incubate and help youth
develop their own businesses. Enterprise development programs go beyond entrepreneurship
education by helping youth access small loans or grants that are needed to begin business
operation and by providing more individualized attention to the development of viable business
ideas.

13. **Labor Market and Employment Information Services** - 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. The Labor Market Area is an
economically integrated geographic area within which individuals can reside and find employment within
a reasonable distance or can readily change employment without changing their place of residence.

14. **Activities that Prepare for Transition to Postsecondary Education and Training**
Performance Outcomes

WIOA has six performance measures that Youth program providers will be responsible for meeting for in school and out of school youth:

**Placement in Employment or Education (2nd quarter after exit)** - the percentage of program participants who are in education or training activities, or in unsubsidized employment, during the 2nd quarter after exit from the program

**Placement in Employment or Education (4th quarter after exit)** - the percentage of program participants who are in education or training activities, or in unsubsidized employment, during the 4th quarter after exit from the program

**Median Earnings** - the median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program

**Attainment of a Degree or Certificate** - the percentage of program participants who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent during participation in or within 1 year after exit from the program

**Skills Gains** - the percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains toward such a credential or employment

**Serving Employers** - the indicators of effectiveness in serving employers

Proposed performance outcomes will be subject to negotiations pending the determination of specific numerical goals, or any other performance-related requirements/information/revisions, imposed by the New York State Department of Labor (NYSDOL) and/or United States Department of Labor (USDOL).

A few notes regarding the measures:

All successful subcontractors will be held accountable for performance measure rates which include future performance outcomes as they become available through the USDOL and the NYSDOL. Continued funding may be contingent upon meeting performance measure rates.

**Placement in Employment or Education** - youth who are not in post-secondary education or employment (including the military) at the date of participation are included in this measure. Positive outcomes include placement, within 30 days of program exit, in:
- Military service;
- Post-secondary education;
- Advanced training and additional occupational skills training;
- Full-time employment; or
- Qualified apprenticeship

**Attainment of a Degree or Certificate** - youth who are enrolled in education at the date of participation OR become enrolled in education at any point during the program are included in this measure. Youth count as positive in this measure if they attain a diploma, high school equivalency, or qualified certificate/degree by the end of the third quarter after the exit quarter.
The educational or occupational skills credential must be approved by one of the following:

- State educational or vocational and technical educational agencies;
- Institutions of higher education;
- Professional, industry or employer organizations;
- Registered apprenticeship programs;
- Public regulatory agencies;
- Programs approved by the Department of Veterans Affairs;
- Office of Job Corps and Tribal Colleges

Components

It is expected that the following components will be integrated into program design:

Recruitment - Contractors are responsible for the recruitment of applicants. The intent is to use WIOA funds to serve in school and out of school youth who would benefit from year-round service and otherwise have limited access to comprehensive services.

Employer Connections - Connections to employers are essential in the creation of a system of providers that can effectively assist youth to become highly skilled and employable. These connections should lead to Work Experience placements as well as unsubsidized employment. Bidders are also encouraged to leverage employer support in terms of leveraged funds for training or wages, staff or operational needs related to training.

Worksite Agreements - the proposing organization will be responsible for the development and execution of formal worksite agreements with employers that participate in paid and unpaid work experience, summer employment, job shadowing and internship activities. This agreement will stipulate the roles and responsibilities of each party and identify the duties and expectations for the job or activity to be provided, as well as, the terms, conditions, stipulations, and assurances related to the relationship. All such relationships will include supervisors and participant orientations prior to start.

Integration with AJCs - In the interest of establishing a seamless delivery of services for all prospective customers and in keeping with both the spirit and letter of the WIOA legislation as it pertains to the participation of all mandatory partner agencies and programs, it is essential that all of the WIOA Title I funded programs be operated in the most effective and integrated manner possible. Proposers will need to understand the general expectation that the outreach and recruitment functions associated with the delivery of any proposed Out-of-School activities will need to be coordinated out of the AJC to the extent possible in order to best utilize other Partner programs.

Retention - Contractors are responsible for all youth currently active and in follow-up. A plan must be included which details the approach for engaging these youth and transitioning them to the proposed program.

Case Management - Effective case management is essential to providing a customized menu of programs and services for each youth. Service continuity, referral and integration are either initiated or
implemented in the case management process. Case Management must be documented in the State OSOS (One Stop Operating System) system in a timely manner. Successful bidders will receive access to and training for the OSOS.

**Intake/Eligibility Determination** - Under WIOA legislation, all youth must meet eligibility guidelines as identified in this RFP. Certification of eligibility for all WIOA funded programs must be completed prior to enrollment. Orientation - All participants must receive information on the services available for them in the Dutchess Workforce Development Area.

**Objective Assessment** - The proposing organization will provide each participant with an objective assessment of his/her academic levels, skill levels, work experience, employability and service needs at the time of WIOA enrollment. Standardized assessment tests will be used for assessment of basic skills (TABE), career interests and aptitudes (including interests and aptitudes for nontraditional jobs), and work readiness needs.

**Individual Service Strategy (ISS)** - An approved form, a written plan of long and short-term goals addressing educational, occupational or vocational, and personal support service needs. The ISS must be age-appropriate, developed with each participant and linked to targeted performance outcomes for each youth. The ISS must be regularly reviewed and updated as changes occur in employment goals, barriers, program services or supportive service needs.

**Information and Referrals** - Programs are encouraged to link and share information with other youth-serving organizations provided the appropriate releases of information have been signed. If there are youth requesting services that cannot be certified as eligible under WIOA guidelines, the contractor will be expected to make efforts to help the youth secure other appropriate services.

**Collaboration** - Contractors will be expected to engage in partnerships to provide resources and services to youth. The provider will be expected to work closely with the Dutchess One Stop Career Center Service Providers, the entities receiving WIOA funds to service adult populations. Specifically, programs will be required to provide a seamless transition to the Dutchess Career Center system.

**Academic Remediation Services** - In order to assist participating in school and out of school youth in both academic and occupational success, services must have a strong emphasis on achieving measurable skill gains toward such credential or employment. All programs must provide academic remediation services, where appropriate, to assist in skills gains and have the capability to utilize instruments that identify skill gain. This may be done in-house or through partnerships with educational service providers.