

One-Stop Operator Procurement

Chapter: 1 **Section:** 7

Effective Date: 12/15/2017

Expiration Date: Continuing

Revision Date: 12/15/2017 2:28:26 PM

Version: 3

Status: Current 

Tags: LWIBs, One-Stop

The Workforce Innovation and Opportunity Act (WIOA) requires that all one-stop operators be selected or designated through a competitive process even if the Local Workforce Innovation Board (LWIB) is considering being an operator. Training and Employment Guidance Letter 15-16 (TEGL 15-16) Competitive Selection of One-Stop Operators (January 17, 2017) provides information on the requirements for the competitive process as set forth in Section 121(d)(2)(A) of WIOA.

TEGL 15-16 establishes that one-stop operators are subrecipients of federal funds that must follow the Uniform Guidance at 2 CFR part 200, including the contractual provisions in 2 CFR 200.318 through 200.326. Part of this requirement is for the LWIB and the selected one-stop operator to enter into a legally binding agreement which may take the form of a written contract or another type of agreement, such as a Memorandum of Understanding (MOU) which is explained in the Competition Requirements section below.

The Local Workforce Innovation Areas (LWIAs) must follow the provisions outlined in TEGL 15-16, the key elements of which are summarized in the subsections of this policy.

Role of the One-Stop Operator

Chapter: 1 **Section:** 7.1

Effective Date: 12/15/2017

Expiration Date: Continuing

Revision Date: 12/15/2017 1:19:26 PM

Version: 2

Status: Current 

Tags: LWIBs, One-Stop

The basic role of a one-stop operator is to coordinate the service delivery of participating one-stop partners and service providers.

1. At a minimum, states and LWIBs must ensure that one-stop operators do the following:
 - a. Disclose any potential conflicts of interest arising from the relationships of the one-stop operators with particular training service providers or other service providers, including, but not limited to, career services providers;
 - b. In coordinating services and serving as a one-stop operator, refrain from establishing practices that create disincentives to providing services to individuals with barriers to employment who may require longer-term services, such as intensive employment, training, and education services; and
 - c. Comply with federal regulations, and procurement policies, relating to the calculation and use of profits.
2. LWIB's may establish additional roles for the one-stop operator, including the following:
 - a. Being the primary provider of services within the center;
 - b. Providing some of the services within the center;
 - c. Coordinating service providers within the center and across the one-stop system; and
 - d. Coordinating service delivery in a multi-center area, which may include affiliated sites.
3. The role of the one-stop operator must be clearly articulated in all phases of the procurement process, as well as in the legally binding agreement between the LWIB and the one-stop operator.
4. One-stop operators may not perform the following functions:
 - a. Convene system stakeholders to assist in the development of the local plan;
 - b. Prepare and submit local plans;
 - c. Be responsible for oversight of itself;
 - d. Manage or significantly participate in the competitive selection process for one-stop operators;
 - e. Select or terminate one-stop operators, career service providers, and youth providers;
 - f. Negotiate local performance accountability measures; or
 - g. Develop and submit budgets for activities of the LWIB in the local area.

Eligible Entities

Chapter: 1 **Section:** 7.2

Effective Date: 12/15/2017

Expiration Date: Continuing

Revision Date: 12/15/2017 2:08:59 PM

Version: 1

Status: Current 

Tags: LWIBs, One-Stop

The one-stop operator must be an entity (public, private, or non-profit) or a consortium of entities that, at a minimum, includes three or more of the required one-stop partners in the local area.

1. While certain entities are eligible to serve as one-stop operators, an entity's eligibility to be the one-stop operator in a specific local area is affected by the nature of the procurement process, particularly as it relates to conflict of interest and avoiding "less-than arms-length" relationships.

LWIB as the One-Stop Operator

Chapter: 1 **Section:** 7.3

Effective Date: 12/15/2017

Expiration Date: Continuing

Revision Date: 12/15/2017 3:04:44 PM

Version: 1

Status: Current 

Tags: LWIBs, One-Stop

LWIBs may serve as one-stop operators, however, they must still participate in the competition to be the one-stop operator and meet the mandatory requirements in 20 CFR 678.605(c) and 678.615(a).

1. LWIBs may not deem themselves as the one-stop operator due to lack of bids received.
2. As stated above, the eligibility of the one-stop operator is affected by the nature of the process, particularly as it relates to conflict of interest and avoiding “less-than arms-length” relationships.
3. One way to avoid a conflict of interest is for the LWIB to contract with a separate and independent outside entity to conduct the competition.
 - a. Outsourcing the entire process (including development of requirements, drafting the Request for Proposal (RFP) or Information for Bid (IFB), evaluation of proposals/bids, and identification of the best proposer) to an alternate entity would be the best practice in this circumstance to avoid a conflict of interest.
 - b. If the outcome of the competitive process is the selection of the LWIB itself as the one-stop operator, the Governor and the Chief Elected Official (CEO) must agree to the selection of the LWIB.
 - 1) LWIBs must submit the Request for Approval – LWIB to Serve as the One-Stop Operator to obtain the Governor’s approval.

Timing

Chapter: 1 **Section:** 7.4

Effective Date: 12/15/2017

Expiration Date: Continuing

Revision Date: 12/15/2017 3:06:04 PM

Version: 2

Status: Current 

Tags: LWIBs, One-Stop

TEGL 15-16 requires that all one-stop operators be selected by July 1, 2017.

1. The competitive process must be conducted at least once every four years.

Competition Requirements

Chapter: 1 **Section:** 7.5

Effective Date: 12/15/2017

Expiration Date: Continuing

Revision Date: 12/15/2017 2:23:11 PM

Version: 2

Status: Current 

Tags: LWIBs, One-Stop

The WIOA Joint Final Rule requires that the LWIB's competitive process be based on local procurement policies and procedures as well as the principles of competitive procurement in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) at 2 CFR part 200, including the Department of Labor's (DOL's) specific requirements at 2 CFR part 2900, and other applicable regulations and policies.

1. Appendix I of the Uniform Guidance outlines what the federal government has identified as the information that should be included in a competitive solicitation. Under WIOA, and consistent with the Uniform Guidance, the general procurement requirements include:
 - a. Written Policies and Procedures;
 - b. Methods of Procurement for Competitions;
 - c. Full and Open Competition;
 - d. Written Standards of Conduct;
 - e. Transparency and Responsibility; and
 - f. Recordkeeping.
2. All procurement transactions must be conducted using full and open competition (2 CFR 200.319(a)).
 - a. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.
 - b. Some of the situations considered to be restrictive of competition include, but are not limited to:
 - 1) Placing unreasonable requirements on firms in order for them to qualify to do business;
 - 2) Requiring unnecessary experience and excessive bonding;
 - 3) Noncompetitive pricing practices between firms or between affiliated companies;
 - 4) Noncompetitive contracts to consultants that are on retainer contracts;
 - 5) Organizational conflicts of interest;
 - 6) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and
 - 7) Any arbitrary action in the procurement process.

Avoiding Conflicts of Interest

Chapter: 1 **Section:** 7.6

Effective Date: 12/15/2017

Expiration Date: Continuing

Revision Date: 12/15/2017 3:07:23 PM

Version: 2

Status: Current 

Tags: LWIBs, One-Stop

Persons and entities involved in the competitive process to select a one-stop operator using federal funds must be free of apparent or real conflicts of interest.

1. LWIBs are required to make available to the public:
 - a. The LWIB's written conflict of interest policy;
 - b. The LWIB's written procurement policies;
 - c. The procurement solicitation itself;
 - d. A listing of the entities that submitted bids or proposals;
 - e. An abstract of those bids or proposals;
 - f. The identity of the selected one-stop operator; and
 - g. Total award amount and duration of the contract with the one-stop operator.
 - h. This list is not all inclusive.
2. WIOA law and governing regulations (20 CFR 679.430) also require that any organization or entity that has been selected to perform multiple functions in a local area must develop a written agreement with the LWIB and the CEO to clarify how the organization will carry out its responsibilities while demonstrating compliance with WIOA and corresponding regulations, the Uniform Guidance, and conflict of interest policies of both the state and the organization or entity performing multiple functions.
 - a. The possibility that a conflict of interest may arise is inherent when entities are performing, or seeking to perform, multiple functions within the workforce development system.
 - b. Proper firewalls must be in place to ensure the transparency and integrity of the procurement process and demonstrate to the public as well as the state that the selection process was impartial and that no preferential treatment was given to the awardee.

Required Contract Elements

Chapter: 1 **Section:** 7.7

Effective Date: 12/15/2017

Expiration Date: Continuing

Revision Date: 12/15/2017 3:08:34 PM

Version: 2

Status: Current 

Tags: LWIBs, One-Stop

All One-Stop Operator Agreements must include the essential elements of a legally binding written agreement, and contain, at a minimum, a Statement of Work, Authorized Officials and Purpose, and Additional contractual terms and conditions.

1. The One-Stop Operator Agreement must identify that the one-stop operator is a subrecipient of federal funds and must comply with the Uniform Guidance at 2 CFR part 200, including DOL's specific requirements at 2 CFR part 2900. The Agreement must include the information required by the Uniform Guidance at 2 CFR 200.331.
2. The One-Stop Operator Agreement must include a provision that outlines how the Agreement may be modified or amended.
3. Note that an amendment to the One-Stop Operator Agreement may be required if there are substantive regulatory and/or policy changes at the federal, state, and local level with the implementation of WIOA.

Oversight and Monitoring of the One-Stop Operator

Chapter: 1 **Section:** 7.8

Effective Date: 12/15/2017

Expiration Date: Continuing

Revision Date: 12/15/2017 3:09:22 PM

Version: 2

Status: Current 

Tags: LWIBs, Monitoring/Oversight, One-Stop

One-Stop Operator procurement must be conducted in accordance with the local procurement policies that are consistent with the procurement standards of the Uniform Guidance at 2 CFR 200.318 through 200.326.

1. The LWIB must complete, sign and submit the One-Stop Operator Procurement Attestation along with other documentation outlined in the Attestation within 30 days of the execution of the One-Stop Operator Agreement.
 - a. Any LWIB that has awarded a One-Stop Operator Agreement must ensure that the process used complies with WIOA rules and regulations as well as the Uniform Administrative Requirements.
 - b. If this process was not followed, the contract must be terminated and the process must be restarted in accordance with TEGL 15-16.
2. WIOA requires the LWIB to conduct monitoring of its one-stop operator.
 - a. When the local board is the one-stop operator, there is an inherent conflict of interest in that the local board cannot effectively monitor itself.
 - b. In such circumstances, an outside entity must conduct the monitoring and report the monitoring results to the CEO.
 - c. The State of Illinois will verify compliance to the oversight and monitoring requirements of the one-stop operator as part of the annual monitoring review.

Additional Procurements and Board Staffing

Chapter: 1 **Section:** 7.9

Effective Date: 12/15/2017

Expiration Date: Continuing

Revision Date: 12/15/2017 3:10:19 PM

Version: 2

Status: Current 

Tags: LWIBs, One-Stop

Since the Uniform Guidance is applicable to all contracts with federal funds, the TEGE suggests the advice relating to the one-stop operator competitive process may be useful to consider when procuring other program activities or services, including selection of a fiscal agent, or procuring elements of the youth program, career services, and/or training services.

1. LWIBs are encouraged to select providers of career services through a competitive procurement process, though WIOA law and proposed rules do not require this.
 - a. LWIBs can provide basic and individualized career services by agreement of the local Chief Elected Official and Governor which can be obtained by submitting a Request for Approval – LWIB to Provide WIOA Career Services.
2. WIOA further stipulates that LWIBs cannot provide training services unless the LWIB submits a written waiver request based on satisfactory and demonstrable evidence to the Governor to waive the limitation in Section 107 (g)(1).
 - a. The waiver request shall be made through submission of the Request for Approval – LWIB to Provide WIOA Adult and/or Dislocated Worker Training Services.
3. WIOA specified that one-stop operators must be in place by July 1, 2017, but there is no similar deadline requirement for other roles such as staff to the LWIB.
 - a. The U.S. Department of Labor Regional Office for our state has suggested the LWIBs should first define the roles of the one-stop operator and issue the RFP.
 - b. RFPs should not be tailored based on the current or future functions of an applicant.
 - c. This has the appearance of potentially influencing prospective bidders and setting up an unfair advantage to other potential entities wishing to apply.
 - d. The LWIB or outside entity would need to ensure that appropriate firewalls and conflict of interest agreements are in place during the negotiation and selection phase of procurement.
 - e. Since the one-stop operator should be procured and in place prior to determining staff to the LWIB, DOL has instructed the state to not address LWIB staffing questions during the procurement process time period.
 - f. LWIB staffing policy will be issued at a later date.

Certification of One-Stop Centers

Chapter: 1 **Section:** 8

Effective Date: 3/22/2017

Expiration Date: Continuing

Revision Date: 1/12/2018 9:10:49 AM

Version: 3

Status: Current 

Tags: LWIBs, One-Stop, IWIB

The Workforce Innovation and Opportunity Act (WIOA) requires State workforce development boards, in consultation with chief local elected officials and local workforce development boards, to establish objective criteria and procedures to certify local comprehensive one-stop centers. This policy describes the requirements and procedures for evaluating and certifying one-stop centers in Illinois under WIOA.

The network of comprehensive one-stop centers created under WIOA, branded nationally as the American Job Center (AJC) network, includes approximately 3,000 one-stop centers nationwide that provide central points of contact for job seekers and employers to access employment and training services. Six core programs must be delivered through one-stop centers: Title I Youth, Adult and Dislocated Worker, Title II Adult Education and Literacy, Title III Wagner-Peyser, and Title IV Vocational Rehabilitation. These partner programs, and other required partners identified in WIOA, ensure that employers and all job seekers have access to information and services that lead to positive educational and employment outcomes.

Illinois' one-stop certification policy requires an evidence-based system of effective service delivery, physical and programmatic accessibility, and pursuit of continuous improvement opportunities. The certification process ensures that local workforce innovation boards (LWIBs) oversee the delivery of employment and training programs in their communities and support high levels of effectiveness and sustainability.

This process also requires assurance that implementation of the non-discrimination and Equal Opportunity provisions of WIOA Section 188 has been met through compliance with the Methods of Administration (MoA) and completion of an Accessibility Report at least once every three years.

1. LWIBs certify two types of one-stop sites: comprehensive sites and affiliated or specialized sites.
 - a. For Program Year (PY) 2016, only centers requesting certification as a comprehensive one-stop center are required to complete the entire certification process described in this policy, including a site visit by a Local Certification Team, by July 1, 2017.
 - 1) Although affiliate and specialized sites are not required to submit an application for the initial certification cycle beginning on July 1, 2017, LWIBs may choose to make this a requirement.
 - 2) Documentation for affiliate/specialized sites that do apply by July 1, 2017 is described in the Certification of Affiliate or Specialized One-Stop Sites section of this policy.
 - 3) Note that this documentation is to be submitted electronically and a site visit is optional.
 - b. Certifications approved by July 1, 2017, will be valid for three program years or through June 30, 2020, unless changes in Federal or State policy require earlier recertification. LWIBs may choose to re-certify their one-stop centers more frequently.
 - c. To this end, LWIBs are encouraged to develop their own written one-stop certification procedures, consistent with Federal and State guidance, to ensure consistency and transparency in the local certification process.
 - d.

This policy should address the frequency of certification, a certification schedule, certification criteria, continuous improvement, and timelines for the review and/or revocation of certification and the appeals process.

2. As part of the local one-stop certification process, noteworthy practices and improvement opportunities will be identified. This information will be compiled and shared as a continuous improvement resource to be made available to all one-stop sites in PY17.

One-Stop Certification Criteria

Chapter: 1 **Section:** 8.1

Effective Date: 3/22/2017

Expiration Date: Continuing

Revision Date: 7/10/2017 1:47:10 PM

Version: 5

Status: Current 

Tags: LWIBs, One-Stop, IWIB

1. It is the responsibility of each LWIB to certify one-stops in each area, but it is the role of the IWIB to establish criteria and procedures for certification.
2. In areas where the LWIB functions as the site operator, the IWIB must certify the one-stop site to ensure that the process is conducted objectively.
 - a. LWIBs, or the Illinois Workforce Innovation Board (IWIB) in those cases where LWIBs are the one-stop operator, must use the Application for Certification of One-Stop Centers in Illinois approved by the IWIB to certify comprehensive one-stop centers.
3. The IWIB, in consultation with Chief Local Elected Officials and LWIBs, must review and update the one-stop certification criteria contained in the Application for Certification of One-Stop Centers in Illinois every two years as part of the review and modification of the WIOA State Plan.
4. All of the criteria must be assessed as “attained” and all indicators met for the certification team to recommend to the LWIB that the comprehensive one-stop center be certified.
 - a. LWIBs may require additional evidence other than that provided in the application.
5. A combination of desk review of documents and on-site observation may be used by the Local Certification Teams.
6. LWIBs may establish additional criteria and set higher standards for service coordination than those set by the State every two years as part of the WIOA Local Plan update process.
 - a. Additional criteria must be clearly identified in addenda to the Application for Certification of One-Stop Centers in Illinois.
7. Each time a local board reviews and updates the one-stop certification criteria and process, it must notify the IWIB in writing.

One-Stop Certification Frequency

Chapter: 1 **Section:** 8.2

Effective Date: 3/22/2017

Expiration Date: Continuing

Revision Date: 7/10/2017 1:47:10 PM

Version: 5

Status: Current 

Tags: LWIBs, One-Stop, IWIB

1. Federal law requires that comprehensive one-stop sites be evaluated and certified no less than once every three years.
2. Each time the LWIB certifies a comprehensive one-stop center, it must submit the completed Application for Certification of One-Stop Centers in Illinois to the IWIB.
3. Each certified site will provide an annual report to the LWIB, with a copy to the IWIB, detailing the progress in addressing improvement opportunities identified during the certification process.

Types of One-Stop Sites

Chapter: 1 **Section:** 8.3

Effective Date: 3/22/2017

Expiration Date: Continuing

Revision Date: 7/10/2017 1:47:11 PM

Version: 5

Status: Current 

Tags: LWIBs, One-Stop, IWIB

1. In addition to comprehensive one-stop centers, additional locations known as “affiliate” or “specialized” sites also may provide access to workforce system services.
 - a. This could include sites serving targeted populations such as youth, dislocated workers, basic skills deficient individuals, English language learners, or specific industry sectors.
2. Characteristics of the two types of one-stop centers are summarized below.
 - a. **Comprehensive**
 - 1) All six mandated programs are represented: Title I Youth, Adult and Dislocated Worker, Title II Adult Education and Literacy, Title III Wagner-Peyser, and Title IV Vocational Rehabilitation.
 - 2) The center is accessible to the general public during regular business days, as well as physically and programmatically accessible to individuals with disabilities.
 - 3) A portal for electronic access to services is available.
 - 4) Basic and individualized career services and training services are available.
 - 5) Business services are provided.
 - 6) Additional related employment and training resources are available.
 - b. **Affiliate/Specialized**
 - 1) One or more of the six mandated programs are available: Title I Youth, Adult and Dislocated Worker, Title II Adult Education and Literacy, Title III Wagner-Peyser, and Title IV Vocational Rehabilitation.
 - 2) The center is accessible to the general public during regular business days, as well as physically and programmatically accessible to individuals with disabilities.
 - 3) A portal for electronic access to services is available.
 - 4) Basic career services are available.
 - 5) Additional related employment and training resources are available.
 - 6) The site has an established working relationship as part of an integrated system of AJC sites in Illinois.

Local Certification Teams

Chapter: 1 **Section:** 8.4

Effective Date: 3/22/2017

Expiration Date: Continuing

Revision Date: 7/10/2017 1:47:11 PM

Version: 5

Status: Current 

Tags: LWIBs, One-Stop, IWIB

1. One-stop Local Certification Teams will be established by LWIBs (or the IWIB when the LWIB is the one-stop operator) and are responsible for conducting independent and objective evaluations of one-stop sites and making certification recommendations to LWIBs (or the IWIB, as appropriate).
2. Team members will include the local board chair or designee and at least two other individuals representing LWIB members, board staff, and/or local partners with specific expertise serving populations with barriers.
3. At least one team member must be an employer.
4. Certification team members shall be free of conflicts of interest.
5. Certification teams may utilize experts from the state level or outside of the local area to ensure evaluations are objective.
6. They may also utilize local experts who represent targeted populations, but have no financial ties with the one-stop site.

State Certification Process for a Comprehensive One-Stop Center if the Local Board is not the One-Stop Operator

Chapter: 1 **Section:** 8.5

Effective Date: 3/22/2017

Expiration Date: Continuing

Revision Date: 7/10/2017 1:47:15 PM

Version: 6

Status: Current 

Tags: LWIBs, One-Stop, IWIB

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1. The one-stop certification process for comprehensive one-stop centers consists of six main steps.
 - a. Step 1: LWIBs submit "Notice of Intent to Apply for Certification". The LWIB notifies the IWIB of all one-stop centers for which certification will be sought.
 - 1) Submit the completed and signed Notice of Intent to Apply for Certification to Mark Burgess, IWIB Staff at mark.a.burgess@illinois.gov or mail to:

Illinois Department of Commerce and Economic Opportunity
Office of Employment and Training
One-Stop Certification Intent to Apply Form
500 East Monroe Street, 9th Floor
Springfield, IL 62701
 - 2) The "Notice of Intent to Apply for Certification" is included as an attachment to this policy.
 - b. Step 2: One-stop Operators Complete the Application for Certification of One-Stop Centers in Illinois. The Application for Certification of One-Stop Centers in Illinois will be completed by the one-stop operator and submitted to the LWIB.
 - 1) Each criterion will be self-evaluated as to whether the one-stop center meets the requirements by checking "Attained" or "Not Attained".
 - 2) The Local Certification Team will use the completed application during their review.
 - c. Step 3: Convene Local Certification Team. The LWIB chair or designee will convene and lead a Local Certification Team to conduct an independent, objective evaluation of the one-stop center seeking certification.
 - d. Step 4: Conduct Center Evaluation. The Local Certification Team will conduct the evaluation of the one-stop center site. This process will include:
 - 1) Reviewing the completed Application for Certification of One-Stop Centers in Illinois submitted by the one-stop center operator.
 - 2) Scheduling an on-site evaluation with a tour of the facility. The on-site review will include at a minimum:
 - a) A walk-through of various parts of the center as a customer might experience the service delivery flow and referrals.
 - b) Interviews with center staff including all system partners.
 - c) Interviews with a sample of employer and job seeker customers.
 - d)

A review of the center's general materials (e.g. outreach and orientation materials, media, and activities; workshop and meeting offerings; and center calendars, as appropriate).

- e) A review of the system's facilities, layout, and infrastructure, with a goal of customer accessibility and customer flow.
 - f) Any additional on-site review needed to determine whether the certification criteria and indicators have been met.
- 3) Following the site visit, interviews, and final responses to any follow-up questions, the Local Certification Team will add their comments to the Application for Certification of One-Stop Centers in Illinois and provide their certification recommendation in Section D, "Local Certification Team Recommendation," indicating one of four outcomes:
- a) Recommends certification – all criteria and indicators have been met.
 - b) Recommends provisional certification pending successful completion of an MOU.
 - c) Recommends provisional certification pending implementation of specific improvements by specified dates.
 - d) Does not recommend certification.
- e. Step 5: LWIB Action. The LWIB determines whether to accept the recommendation of the Local Certification Team through formal approval according to its bylaws.
- 1) This may require a special convening of the Board or Executive Committee to meet the timelines suggested in paragraph 2 of the Timeline for Certification section of this policy.
 - 2) If an existing comprehensive one-stop site is ultimately not certified as meeting all certification criteria or "for-cause", the LWIB and one-stop operator must have a plan to ensure continuity of service until a site is certified.
- f. Step 6: LWIB Notifies IWIB of Certification Decision. The decision of the LWIB to accept or reject the recommendation of the Local Certification Team shall be reported to the IWIB, the local elected official(s), and the one-stop operator with a copy of the completed Application for Certification of One-Stop Centers in Illinois.
- 1) In the event of a provisional certification, improvements needed to meet the initial certification criteria and a timeline for completing those actions shall be provided.
 - 2) When the one-stop operator informs the local board chair in writing that all issues preventing certification have been resolved, the Local Certification Team must independently verify that the improvements have been made.
 - 3) The Application for Certification of One-Stop Centers in Illinois shall be modified and resubmitted to the LWIB.

State Certification Process for a Comprehensive One-Stop Center if the Local Board is the One-Stop Operator

Chapter: 1 **Section:** 8.6

Effective Date: 3/22/2017

Expiration Date: Continuing

Revision Date: 7/10/2017 1:47:12 PM

Version: 5

Status: Current 

Tags: LWIBs, One-Stop, IWIB

1. In circumstances where the local board is serving as the one-stop operator with approval from the Governor and local CEO(s), the IWIB must certify the one-stop center(s) in that local area.
 - a. LWIBs that serve as the one-stop operator must complete the “Notice of Intent to Apply for Certification” attachment so the IWIB is able to anticipate the number of Local Certification Teams needed for on-site evaluations.
 - b. An individual designated by the IWIB will convene a State Certification Team to conduct an independent, objective evaluation for each LWIB-operated one-stop center described the Certification Process for a Comprehensive One-Stop Center if the LWIB is not the Operator section of this policy.

Certification of Affiliate or Specialized One-Stop Sites

Chapter: 1 **Section:** 8.7

Effective Date: 3/22/2017

Expiration Date: Continuing

Revision Date: 7/10/2017 1:47:12 PM

Version: 5

Status: Current 

Tags: LWIBs, One-Stop, IWIB

1. One-stop sites seeking certification as an affiliate or specialized site must provide documentation or other evidence to prove that the following five conditions are met:
 - a. One or more mandated partners are represented at the site.
 - b. The site is accessible to the general public and physically and programmatically accessible to individuals with disabilities.
 - c. A portal is available for electronic access to Illinois workNet.
 - d. Basic career services and additional employment and training resources are made available.
 - e. The site has an established working relationship as part of an integrated system of AJC sites in Illinois.
2. Affiliate or specialized sites are encouraged to describe noteworthy practices and continuous improvement opportunities as part of their application package.
3. This information must be submitted to the LWIB in writing with a cover letter from the one-stop operator attesting to its accuracy.
4. Following review of the documentation and the collection of any needed additional information, including a potential site visit, the Local Certification Team will provide a written response to the one-stop operator of the affiliate or specialized site indicating one of three outcomes:
 - a. Recommends certification – all criteria and indicators have been met.
 - b. Recommends provisional certification pending implementation of specific improvements by specified dates.
 - c. Does not recommend certification.
5. Affiliate or specialized one-stop sites seeking certification may bypass only one certification cycle before a site visit by a Local Certification Team must occur.

Review or Revocation of One-Stop Certification

Chapter: 1 **Section:** 8.8

Effective Date: 3/22/2017

Expiration Date: Continuing

Revision Date: 7/10/2017 1:47:13 PM

Version: 5

Status: Current 

Tags: LWIBs, One-Stop, IWIB

1. An LWIB may review and/or revoke a one-stop center's certification "for cause" as determined appropriate by the LWIB.
2. Consideration may be given to the center's integrity, compliance with public policy, record of past performance, and financial and technical resources.
3. If such a request is forthcoming:
 - a. The LWIB must send a formal written notice of its concerns to the affected one-stop center operator.
 - b. The one-stop operator will have the option of providing the LWIB with additional information that would clarify and substantiate the center's certification status.
 - c. Both the notice from the LWIB to the affected one-stop operator and the operator's response to the LWIB must be sent by registered mail.
 - d. The LWIB must inform the IWIB in writing of any change in the certification status of the one-stop center with a copy sent to the Department of Commerce and Economic Opportunity, Office of Employment and Training (OET), c/o Illinois Workforce Innovation Board (IWIB).
4. The IWIB may request that an LWIB review and/or consider revoking a one-stop center's certification "for cause" using the same considerations described above. If such a request is forthcoming the following steps must occur:
 - a. The IWIB must send a formal written notice of its concerns to the affected LWIB.
 - b. The LWIB will have the option of providing the IWIB with additional information that would clarify and substantiate the center(s) certification status.
 - c. Both the notice from the IWIB to the affected LWIB and the LWIB's response to the IWIB must be sent by registered mail with a copy sent to the Department of Commerce and Economic Opportunity, Office of Employment and Training (OET), c/o IWIB.

Appeals Process for One-Stop Certification

Chapter: 1 **Section:** 8.9

Effective Date: 3/22/2017

Expiration Date: Continuing

Revision Date: 7/10/2017 1:47:13 PM

Version: 5

Status: Current 

Tags: LWIBs, One-Stop, IWIB

-
1. An LWIB that denies or revokes one-stop center certification for which it sought approval must notify the one-stop operator of the center(s) in writing of its decision.
 2. The notice shall include the following information:
 - a. The one-stop center(s) that are being denied or revoked eligibility;
 - b. The reason(s) for the denial or revocation; and
 - c. Opportunities the provider has to appeal the decision if the reason for revocation or denial of certification is the responsibility of the one-stop operator;
 - d. The notice must be sent via registered mail with a copy sent to OET.
 3. The one-stop center may file an appeal with the LWIB.
 - a. The appeal must include the following information:
 - 1) A statement that the one-stop operator is appealing the denial or revocation of its center(s) certification;
 - 2) The reason(s) the certification should be upheld;
 - 3) Contact information for additional information; and
 - 4) The signature of the Director or Administrator of the one-stop operator.
 - b. The appeal must be submitted in writing, and must be sent by registered mail no later than the 21st day from the date of receipt of the notice of denial or revocation.
 - c. The LWIB, or a committee designated by the LWIB (separate from that which provided the initial certification decision), will review the request for appeal.
 - 1) If an administrative error was made or if additional information submitted by the one-stop operator changes the basis upon which the original decision to deny or revoke certification was issued, the decision may be reversed and the center(s) awarded the appropriate certification status.
 - 2) If the LWIB reverses its decision, it will notify the one-stop operator of its action in writing and forward a copy to OET.
 - d. If the LWIB does not reverse its decision to deny or revoke certification of a center(s), it shall notify the one-stop operator in writing by registered mail.
 - 1) The notice will include information about the opportunities for the provider to appeal its denial of eligibility with OET on behalf of the IWIB.
 - 2) A copy of the letter will be forwarded to OET.
 - e. Once a one-stop operator appeals the denial or revocation of certification to OET on behalf of the IWIB, the following steps will take place.
 - 1)

The IWIB Certification Team will have thirty (30) days to complete its investigation into the matter, gather additional information from the affected LWIB and operator (such as the completed local appeal), and issue a final determination of certification.

- 2) During this time period, the IWIB Certification Team will convene a meeting with the affected parties, if requested.
- 3) This final determination will be forwarded to the one-stop operator and the LWIB in writing.
- 4) If the IWIB overturns the decision of the LWIB, the center will be provided certification or provisional certification within seven (7) days.
- 5) The IWIB will not make a final decision to overturn the decision of an LWIB without convening a meeting with all of the affected parties.

Monitoring for One-Stop Certification

Chapter: 1 **Section:** 8.10

Effective Date: 3/22/2017

Expiration Date: Continuing

Revision Date: 7/10/2017 1:47:14 PM

Version: 5

Status: Current 

Tags: LWIBs, One-Stop, IWIB

1. Monitoring of the one-stop certification process will be conducted as part of the ongoing programmatic, administrative, and fiscal monitoring required under WIOA.

Timeline for One-Stop Certification

Chapter: 1 **Section:** 8.11

Effective Date: 3/22/2017

Expiration Date: Continuing

Revision Date: 7/10/2017 1:47:14 PM

Version: 5

Status: Current 

Tags: LWIBs, One-Stop, IWIB

1. For PY16, the process of initial certification of comprehensive one-stop centers and affiliates (if required by the LWIB) must be concluded by July 1, 2017.
 - a. LWIBs may begin the process of certifying their comprehensive one-stop centers while negotiating their memorandum of understanding (MOU).
 - b. However, the executed MOU must be in place before local boards can approve certification.
2. For the program year beginning July 1, 2017, a one-stop operator must be in place prior to one-stop center certification.
 - a. A suggested sequence of events and timeline to guide the local certification process is provided below. **All applications for certification must be submitted electronically to OET on behalf of the IWIB by 5:00 p.m. on June 30 2017, to Mark Burgess at Mark.A.Burgess@illinois.gov**

<u>Action</u>	<u>Estimated 2017 Completion</u>
State disseminates certification policy and procedures	March 22
LWIB submits "Notice of Intent to Apply for Certification"	March 22 - 31
One-stop operators complete "Application for Certification of One-Stop Centers in Illinois"	March 22 – May 15
Constitute Local Certification Team(s)	March 22 – May 15
Offer training of Local Certification Team members	March 22 – May 15
One-stop operator procurement	April 1 – June 15
Conduct center(s) review	April 1 – May 31
Team makes certification recommendation to LWIB	April 7 – June 15
Address needed improvements, as feasible	April 15 – June
Reconvene Local Certification Team, if needed	April 21 – June 15
Transmit certification recommendation to LWIB	April 21 – June 15
LWIB notifies IWIB of certification decision	June 30
Official certification letter sent to LWIBs	July 1
List of one-stop centers and affiliate/specialized sites published	July 1

Annual Allocation and Modification Requirements of WIOA Formula Grant Funds

Chapter: 6 **Section:** 1

Effective Date: 6/13/2017

Expiration Date: Continuing

Revision Date: 7/13/2017 11:56:07 AM

Version: 4

Status: Current 

Tags: Allocation, Major Modification

This policy provides guidelines for establishing and modifying Workforce Innovation and Opportunity Act (WIOA) formula grants received from the annual allotment TEGL issued by the USDOL-ETA. This allotment applies to the Adult, Dislocated Worker, and Youth formula funding streams under WIOA Title IB.

1. The annual allotment issued by USDOL-ETA in a Training and Employment Guidance Letter (TEGL) does the following:
 - a. Disseminates the amounts available to each state.
 - b. Specifies the amount available for the Governor to set aside for statewide workforce investment activities and rapid response activities.
 - c. Lists the salary cap imposed under the latest appropriation act. The use of funds under the header “Employment and Training Administration”, by a recipient or subrecipient to pay the salary and/or bonus of an individual as either direct costs or indirect costs, at a rate in excess of Executive Level II is prohibited.
 - d. Provides that the Governor reserve a portion of the dislocated worker funds for statewide rapid response activities, as described in Section 134(a)(2) of WIOA.
2. All formula funds are subject to the Uniform Guidance outlined at 2 CFR 200 and the US Department of Labor exceptions outlined at 2 CFR 2900.
3. The Local Workforce Innovation Board (IWIB) may not authorize expenditures for the area until the Department of Commerce receives a signed contract document and enters the grant information into the department's accounting system.

Adult and Dislocated Worker Allocations

Chapter: 6 **Section:** 1.1

Effective Date: 6/13/2017

Expiration Date: Continuing

Revision Date: 6/16/2017 1:32:15 PM

Version: 8

Status: Current 

Tags: Allocation, Major Modification

1. WIOA allots funds for the Adult and Dislocated Worker programs in two separate appropriations.
 - a. The first appropriation, termed “base funds”, becomes available for obligation on July 1.
 - b. “Advance funds”, which is the second appropriation, becomes available for obligation on October 1.
 - 1) Congress appropriates these “advance funds” in the Fiscal Year (FY) immediately prior to when they become available on October 1.
2. First Quarter Limitation
 - a. “Advance” funds issued on October 1 (i.e., future fiscal year appropriations) **cannot pay prior fiscal year expenditures**.
 - b. States and local areas cannot expend more than what was allotted on July 1 through September 30.
 - c. For a breakdown of available Adult and Dislocated Worker funding, see Attachments B-2, B-3, C-2, and C-3 of the annual funding Notice.
3. Transfer Authority is provided in the annual funding notice and outlines the procedures to evaluate transfer requests and establishes the amount allowed by the Governor in accordance with WIOA Section 133(b)(4) and described in 20 CFR 683.130.
4. An LWIB **may reserve up to twenty percent (20%)** of their combined total of adult and dislocated worker allotments for Incumbent Worker Training per WIOA Section 134(d)(4)(A)(i) and described in 20 CFR 680.800.
 - a. Incumbent Worker Training must meet the special requirements of an employer (including a group of employers) to retain a skilled workforce or avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment.
 - b. A commitment by the employer to retain or avert the layoffs must be in place prior to the training for the incumbent worker(s).
5. The LWIB **may reserve up to ten percent (10%)** of their combined total of adult and dislocated worker allotments for Transitional Job Training per WIOA Section 134(d)(5) and described in 20 CFR 680.190.
 - a. Transitional Job Training is limited to individuals who experience chronic unemployment or have inconsistent work history that creates a barrier to employment and includes only work experience subsidized either by the public, private, or non-profit sectors.
6. WIOA Section 133(b)(2)-(3) and WIOA Section 128(b) provides that a LWIB **may reserve up to ten percent (10%)** of their youth allotment and/or the combined total adult and dislocated worker allotments for Pay-for-Performance contract strategies.
 - a. Follow 20 CFR 683.500 through 683.530 and 20 CFR 361.160 when implementing Pay-for-Performance contracts.

7. The Illinois Workforce Innovation Board (IWIB) requires a LWIB to ensure that at least forty percent (40%) of the annual formula-allocated program expenditures are on allowable training costs for the combined WIOA Title I Adult and Dislocated Worker programs.

Youth Allocation

Chapter: 6 **Section:** 1.2

Effective Date: 6/13/2017

Expiration Date: Continuing

Revision Date: 6/16/2017 1:32:15 PM

Version: 8

Status: Current 

Tags: Allocation, Major Modification

1. The WIOA Youth grants are funded through a single appropriation.
2. First Quarter Limitation
 - a. One hundred percent (100%) of the youth funding is available for expenditure on April 1 each year since it is fully funded from the “base” federal fiscal year (FFY).
3. Out-of-School Youth
 - a. WIOA establishes a primary Title I youth program focus to support the educational and career success of out-of-school youth (OSY). WIOA requires that local areas must expend **at least seventy-five percent (75%)** of all youth program funds on OSY.
4. Work-Based Training
 - a. LWIBs must expend at least twenty percent (20%) of the total youth program funds in Work-Based Training.

Youth Minimum Expenditure Rates

Chapter: 6 **Section:** 1.2.1

Effective Date: 7/1/2015

Expiration Date: Continuing

Revision Date: 6/16/2017 1:32:15 PM

Version: 7

Status: Current 

Tags: Allocation, Major Modification

As mentioned under the Youth eligibility section of this policy manual, local areas will be required to meet certain expenditure rates.

1. At least seventy-five (75%) of their available youth funding must be spent on the out-of-school youth population. Available youth funding is calculated as the total youth funds, minus any administrative funds.
 - a. TEGL 23-14 provides planning guidance for those local areas unable to meet this rate for Program Year 2015 beginning July 1, 2015. The increased expenditures must be a minimum of ten (10) percentage points compared to the previous year and no lower than a fifty percent (50%) OSY expenditure rate. In addition, the local area must be prepared to describe how they will meet the seventy-five percent (75%) rate with Program Year 2016 and describe concrete steps taken to comply with seventy-five percent (75%) OSY expenditure requirement and strategies the state and local areas are taking to secure contractors, solidify partnerships, and transition from a focus on ISY to OSY programs.
2. Twenty percent (20%) of the available youth funds must be spent on work experience activities.
3. TEGL 27-14 provides further guidance on each of these expenditure requirements including services strategies and recruiting and service OSY.

Formula Grant Establishment

Chapter: 6 **Section:** 1.3

Effective Date: 6/13/2017

Expiration Date: Continuing

Revision Date: 6/16/2017 1:32:16 PM

Version: 8

Status: Current 

Tags: Allocation, Major Modification

1. The annual funding notice transmits the allocations for each local workforce innovation area, communicates the items required for submission, and provides the date in which all information is due.
2. Each LWIB must use the instructions and amounts provided in the annual funding Notice to develop the planned budget and registrant numbers.
 - a. The LWIB must ensure the grantee enters the budget and registrant information into the Illinois Workforce Development System (IWDS) grant plan and set to a Pending status.

Modification

Chapter: 6 **Section:** 1.4

Effective Date: 6/13/2017

Expiration Date: Continuing

Revision Date: 6/16/2017 1:32:16 PM

Version: 8

Status: Current 

Tags: Allocation, Major Modification

1. There is a need for a grant modification if any of the following conditions occur:
 - a. There are changes to the grantee's available funding such as additional allocations, transfers between the adult and dislocated worker funding streams, reallocations, rescissions, or any other change such as budget line item adjustment; and/or
 - b. When the LWIB needs to alter planned registrant numbers based on changes in service strategy or other factors.
 - c. Reallocation of Funds
 - 1) Reallocation of funds applies to the WIOA Title 1B program: Adult, Dislocated Worker, and Youth funding streams.
 - 2) The amount recaptured from each local area, if any, will be based on the amount by which the prior program year's un-obligated balance of allocated funds exceeds 20% of that year's allocation for the program, less any amount reserved (up to 10%) for costs of administration.
 - 3) Un-obligated balances on allocations will include adjustments for any allowable transfer between funding streams. A notice will list the reallocation amounts by each funding stream and include instructions to submit a modification reflecting the actual reallocated/de-obligated amounts.
 - 4) Any LWIB will be eligible to receive reallocated funds in a funding stream that exceeds the minimum obligation level for that particular program.
 - d. If through the federal appropriation process there is a rescission of funds, there will be a notice issued stating the reduction and any instructions necessary for the modification.
 - e. Budgeted Line Item Adjustment
 - 1) The expenditure reporting screens in the department's accounting system include the budget and the sub "roll-up" line items as part of the monthly expenditure reporting requirements.
 - 2) A LWIB may approve the grantee adjusting the budget line items that "roll up" within that line without a formal budget modification so long as the total for the category is not exceeded.
 - a) Example: Grantees may alter the Adult budget for any of the following sub "roll-up" line items so long as the total amount for budget line item of Adult Direct Training does not change:
Occupational Skills Training ITAs; Occupational Skills Training – Other; Remedial/Pre-Vocational Training; Pay-for-Performance Contracts; and Supportive Services.
 - f. Registrants
 - 1) Should LWIBs need to adjust the planned registrant numbers, they are able to do so without a formal grant modification.
 - a) The same modification procedures apply when adjusting planned registration numbers.
 - 2) Significant changes to the planned service strategies may require a local plan modification.
 - g. Procedures to Modify

- 1) The LWIB must ensure that the grantee's budgeted costs for the fourth quarter are in excess of costs reported in the department's accounting system for each budgeted line item and submitted on the Funding Form (Attachment F) provided in the annual funding notice.
- 2) The following documents are required when submitting a grant modification:
 - a) A cover letter which includes a detailed reason for the modification signed by the LWIB Chairperson and the CEO(s) indicating approval of the grant modification planned budget and registrants; and
 - b) The applicable Uniform Budget attached to the annual funding notice.
- 3) The LWIB must ensure the grantee enters the modified budget and registrant information into the Illinois Workforce Development System (IWDS) grant plan and set to a Pending status.
- 4) Submit modifications electronically to the OET staff listed on the contacts tab.

Reporting

Chapter: 6 **Section:** 1.5

Effective Date: 4/15/2016

Expiration Date: Continuing

Revision Date: 6/16/2017 1:32:16 PM

Version: 8

Status: Current 

Tags: Allocation, Major Modification

1. Grantees must follow requirements for expenditure reporting outlined in the Reporting of Accrued Expenditures, Obligations and Reallocations section of this policy manual.

Training Provider and Training Program Eligibility

Chapter: 7 **Section:** 3

Effective Date: 4/20/2016

Expiration Date: Continuing

Revision Date: 2/22/2017 12:23:28 PM

Version: 1

Status: Current 

Tags: Program Eligibility

The following outlines the general criteria for a training provider to be considered for initial eligibility by a Local Workforce Innovation Board (LWIB), as well as for its training programs.

1. The Workforce Innovation and Opportunity Act (WIOA) requires all states to establish a procedure for Local Workforce Innovation Boards (LWIBs) to determine eligibility for training programs. Only eligible training providers and their eligible training programs will be included in the state's Eligible Training Provider List (ETPL). The requirements of this policy apply to all organizations providing training services to WIOA adults and dislocated workers.
2. Providers of on-the-job training, customized training, incumbent worker training, internships, and paid or unpaid work experience opportunities, or transitional employment shall not be subject to the requirements of this policy.
3. Training providers and training programs previously approved for transitional eligibility on July 1, 2015 must apply and be approved for continued eligibility prior to July 1, 2016 following the process outlined in the Continued Eligibility section of this policy.
 - a. Transitional providers and programs that are not provided such determination by July 1, 2016 must follow the process for initial eligibility as outlined in the Initial Eligibility section of this policy.
 - b. New providers or programs that were not approved for transitional eligibility must follow the process for initial eligibility as outlined in the Initial Eligibility section of this policy.
 - c. WIOA participants enrolled in training programs that are not approved for continued eligibility prior to July 1, 2016 shall be allowed to complete the training program.
 - 1) The only exception is if a training provider and/or its programs are determined to have intentionally supplied inaccurate information or to have substantially violated any provision of the WIOA regulations or of Title IB of the Workforce Innovation and Opportunity Act (WIOA), or substantially violated any other requirements as outlined in local policy.
 - i) Customers of such programs shall be provided assistance in enrolling in a similar training program to complete the intended training outcome, or if not available, a new training program.
 - 2) A provider of training services whose eligibility is terminated under subparagraph 3.c.1 of this policy may be liable for the repayment of funds received under WIOA or WIA.
4. To be eligible to receive funds for the provision of training services, the provider shall be:
 - a. An institution of higher education that provides a program that leads to a recognized postsecondary credential;
 - 1) This may include programs receiving approval or accreditation by the U.S. Department of Education, Illinois Board of Higher Education, Illinois Community College Board, or Illinois State Board of Education;

- b. An entity that carries out programs registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) as recognized in Illinois by the U.S. Department of Labor (USDOL), Office of Apprenticeship; or
- c. Another public or private provider of a program of training services, which may include joint labor-management organizations; eligible providers of adult education and literacy activities under Title II if such activities are provided in combination with occupational skills training; or programs that have been recognized by the industry as meeting the standards necessary for approval or accreditation, when such standards exist.

Registered Apprenticeship

Chapter: 7 **Section:** 3.1

Effective Date: 4/20/2016

Expiration Date: Continuing

Revision Date: 7/13/2017 4:02:22 PM

Version: 2

Status: Current 

Tags: Program Eligibility

All Registered Apprenticeship (RA) programs registered with USDOL, Office of Apprenticeship or a recognized state apprenticeship agency are automatically eligible to be included as an eligible training provider so long as they show interest in being added to the Eligible Training Provider List (ETPL) and the following process is completed:

1. Registered Apprenticeships must indicate their interest in being included on the ETPL.
2. Local Workforce Innovation Areas (LWIAs) should inform the RAs in their local area via mass email, phone call, or other method of these requirements.
3. An RA may contact its LWIA or State of Illinois, Office of Employment and Training to indicate its interest in being included on the ETPL.
4. LWIAs must notify Department of Commerce, Office of Employment and Training (OET) in writing of all registered apprenticeship programs that have shown interest in being included on the ETPL.
5. Notification to OET should be made electronically to the staff listed on the contacts tab.
6. The following information is required for inclusion on the ETPL and should be provided for all programs of the RA:
 - a. Occupations included within the RA program(s);
 - b. Name and address of the program(s) sponsor;
 - c. Name and address of the Related Technical Instruction Provider(s), and the location(s) of instruction, if different from the program sponsor's address;
 - d. Method and length of instruction; and
 - e. Number of active apprentices in each program.
7. The following information may be provided but is optional:
 - a. Cost of the program(s);
 - b. Registered Apprenticeship program sponsors that do not provide the Related Technical Instruction portion of the apprenticeship program (as outlined above) may be required to provide additional information about their education provider.
8. A Registered Apprenticeship program expressing interest in being included on the ETPL will be added on a statewide basis; thus, if it has multiple locations, the RA would only need to show interest once, but must still provide information on every program it is providing.

Initial Eligibility

Chapter: 7 Section: 3.2

Effective Date: 4/20/2016

Expiration Date: Continuing

Revision Date: 11/23/2016 11:58:35 AM

Version: 1

Status: Current 

Tags: Program Eligibility

Initial Eligibility, except those providers and programs previously provided transitional eligibility under General Eligibility for Training Providers, paragraph 3 or Registered Apprenticeships sections of this policy.

New training providers must apply for Initial Eligibility in accordance with the following guidance:

1. Applications for Initial Eligibility of Training Providers and Training Programs
 - a. Applications for initial eligibility must be submitted according to the geographical location of the training program. The LWIA should instruct the training provider as to where they should apply for each training program, as follows:
 - 1) Training programs located in a single LWIA must initially apply with the LWIA where its program is geographically located.
 - 2) Training programs offered in multiple LWIAs and identical across each of the LWIAs must initially apply to the LWIA in which the training provider has identified as its headquarters and/or primary location.
 - 3) Training programs offered in multiple LWIAs - but the program is not substantially the same across the various LWIAs - must initially apply to each LWIA in which the training program is offered.
 - 4) Training programs located out-of-state or not offered at a physical location (e.g., distance learning) must initially apply to the LWIA from which it anticipates receiving the most students.
 - b. A training provider is prohibited from applying for training program eligibility in LWIAs where the program site is not geographically located, unless the LWIA in which the program is located denies eligibility or fails to act on the application within 30 days of the date of application.
2. General Eligibility - LWIBs must verify that all training programs (except those programs of out-of-state training providers) for which a training provider is seeking eligibility have met the following guidelines:
 - a. The training provider has gathered all of the mandatory information found in the Requirements for Training Program Initial Eligibility and Continued Eligibility attachment and the information has been entered into IWDS.
 - 1) Once the LWIA has verified eligibility of a training provider, they must set up a Training Provider record in the Illinois Workforce Development System (IWDS) as outlined in the Requirements for Training Program Initial Eligibility and Continued Eligibility attachment.
 - 2) After the LWIA has entered the training provider on IWDS, the LWIA must supply the training provider with the following:
 - a) The user ID for the primary contact that is generated by IWDS to be used by the training provider when they log into the system to request eligibility of training programs or need to update information on a training program;
 - b) The temporary password for the primary contact that is generated by IWDS to be used by the training provider to log into the system the first time (the primary contact for the training provider should then change the password to a personally selected unique password); and
 - c)

The web address to the IWDS system that will direct the training provider to the appropriate system screen. (See the References tab).

- 3) The training provider should begin adding training programs into IWDS to be determined eligible and add contacts for each training program.
- b. The specific training provider and training program performance data, as outlined in the Performance Measures section of this policy, has been provided when available.
- c. The training provider has provided all other information required by the LWIA for which it is seeking eligibility.
- 1) LWIBs reserve the right to impose additional criteria through local policy that is unique to conditions within a particular LWIA so long as they meet, at a minimum, federal and state requirements.
 - 2) Conditions that should be considered include economic, geographic and demographic conditions in the area and characteristics of the population served by the provider may be considered.
- d. The training provider's program is intended to lead to placement in a Demand Occupation as identified on the Demand Occupation Training List for the Economic Development Region in which they are geographically located.
- 1) Exceptions to this requirement include:
 - a) The training program, as identified on the Demand Occupation Training List (DOTL), is intended to be a beginning step in a Career Pathway or Bridge Program that would lead to placement in a Demand Occupation.
 - b) The training provider's program provides **only** basic skills and/or remedial training.
 - 2) Occupations associated with eligible training programs can only be selected from those available on the demand occupation list.
 - 3) LWIAs may choose to accept applications for training in occupations from any of the Demand Occupation Training Lists in which they are geographically located.
 - 4) Once a customer has begun a qualified training program, he or she shall be allowed to complete the program regardless of whether the occupation still qualifies as a demand occupation.
 - 5) LWIBs may request additional occupations be added to their Regional list. Such conditions as a new plant opening, facility expansion, addition to the state or federal key sector initiatives or other reasons that might indicate multiple job openings will be available.
 - a) Requests may also be made to add an occupation when it is the beginning step in a Career Pathway or Bridge Program and is intended to be followed by further training in postsecondary education.
 - b) Requests must be made utilizing the Demand Occupation Request Form and include at a minimum:
 - i) Annual average job opening data for the region, state, and surrounding areas that would support a significant number of employment opportunities;
 - ii) Entry level wage data;
 - iii) Information indicating the occupation is on a Career Pathway;
 - iv) Completion rates of the training program for both WIOA participants and all students; and
 - v) Entered employment rates in the occupation for both WIOA participants and all students.
 - (a) The data to be provided for WIOA participants under Section b)iv. and Section b) v. above can be through a report generated from the Illinois Workforce Development System (IWDS).
 - vi) All student data required under Section b)iv. and Section b)v. above should be for all students enrolled in the program of study for which the local board wishes to add to the Demand Occupation Training List and shall include WIOA participants.
 - c) A separate request form must be completed for each occupation the local area would like considered for inclusion on the list.
 - d) Requests should be made to the OET staff listed on the contacts tab.

- e. The training provider has provided the following assurances that it will comply fully with all non-discrimination and equal opportunity provisions of the laws listed below:
- 1) WIOA Section 188, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I financially-assisted program or activity;
 - 2) Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color and national origin;
 - 3) Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
 - 4) The Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination against qualified people with disabilities;
 - 5) The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age;
 - 6) Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs;
 - 7) 29 CFR Part 37 and all other regulations implementing the laws listed above; and
 - 8) This assurance applies to the grant applicant's operation of the WIOA Title I financially-assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I financially-assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.
- f. The LWIB has assured that the training provider has provided:
- 1) All of the information required above;
 - 2) Any additional information provided by the training provider; and
 - 3) Any additional information requested by the LWIB.
- g. An agreement between all parties involved, including the training provider and local area(s), on provisions for monitoring in accordance with the Monitoring and Oversight section of this policy.
- 1) If the program occurs in another local area, arrangements must be made to ensure either the local area determining eligibility of the program or the local area in which the program is provided (or both) will conduct monitoring.
 - 2) If the program occurs in another state, arrangements should be made to ensure monitoring will be conducted by the state in which the training is determined eligible or provided.
 - a) Local areas should make every effort to ensure adequate monitoring is provided by the out-of-state local area; and
 - b) Local areas should limit the amount of travel necessary to conduct out-of-state monitoring; and
- h. The LWIB has reviewed the information and approved it as an eligible training program to add to the Eligible Training Provider List in IWDS.

3. Eligibility Timeline

- a. The LWIB must determine a program is eligible within 30 days of the application to the LWIA.
- 1) One exception to this requirement may exist if the LWIB has provided authority to the LWIA to allow a committee of no less than two (2) individuals to conditionally approve programs in lieu of waiting for the LWIB determination of eligibility.
 - a) Where this exception has been granted, the program may be deemed eligible until such time as the LWIB can review and approve the determination of eligibility.
 - b) Conditionally approved programs must complete the application process as outlined in Section 1. above.
 - 2) A second exception to the requirement to determine a program eligible within 30 days of application is being extended through June 30, 2016. This exception will provide up to 90 days, but no later than

June 30, 2016, from application date for the LWIB to determine a program eligible. This is being extended to allow local boards ample time to meet and review the applications as this policy is phased in. After September 30, 2016, this exception expires.

- b. If the LWIB (or committee designated by the LWIB) fails to make a determination (or denies eligibility) of the program within 30 days of the application to the LWIA, the following actions will occur:
 - 1) The program is placed in a "capture list" on IWDS unless it was denied "for cause".
 - 2) Training programs that are placed on the capture list are available for 120 days to be selected by another LWIA and determined eligible by their LWIB. Once the 120-day period passes, the training program will be removed from the capture list.
 - 3) Training programs that did not meet the state performance criteria (as outlined in the Performance Measures section of this policy) or were denied "for cause" will not be placed on the "capture list" and cannot be determined eligible as an approved training program for a period of two (2) years.
 - 4) The LWIA should notify the training provider that if a program does not meet all of the mandatory criteria for initial eligibility or is not accepted by the LWIB within 30 days for some other reason, the training provider can:
 - a) Appeal its acceptance status in accordance with Reinstatement on the Statewide List and if accepted, the program will be registered on IWDS and given full eligibility status, as long as the application process has been completed; or
 - b) Wait 30 days from denial of acceptance by the LWIB and reapply with another LWIA.

4. Initial Eligibility Date

- a. Once a training program has been determined eligible, the LWIA must enter the date the LWIB approved the program in the "Eligibility/Certification Date" field of the Training Program Basic Information screen on IWDS.
- b. The LWIA must also enter the date for continued eligibility of the training program in the "Next Elig./Cert. Date" field of the same screen. (Note: If the LWIA fails to enter a date in this field, the system will automatically generate a date that is one year from the eligibility/certification date.)
 - 1) The next eligibility (next certification) date must be within 1 year of the initial eligibility date.
 - 2) The next eligibility date (next certification) may be selected based on local or training provider needs and agreements. For example:
 - a) The LWIA would like to coordinate training program continued eligibility dates so that they have them coincide with regularly scheduled LWIB meetings;
 - b) An LWIB may instruct the LWIA to select continued eligibility dates that are distributed throughout the year so as to allow local boards to spread out their eligibility determination workload, thus avoiding the potential bottleneck of review and approval actions once per year; or
 - c) A training provider may wish to have all or some of their training program determinations of continued eligibility as a group to streamline the process.

Out-of-State Eligible Training Programs

Chapter: 7 **Section:** 3.3

Effective Date: 4/20/2016

Expiration Date: Continuing

Revision Date: 11/23/2016 8:12:22 AM

Version: 1

Status: Current 

Tags: Program Eligibility

Training programs that have been determined eligible by an out-of-state agency must meet the following requirements for eligibility determination in Illinois:

1. Illinois training provider programs:
 - a. If the training program offered in Illinois is identical (i.e., program description, program length, credits earned, licensure, award of certificate, etc.) to the training program offered in another state:
 - 1) The LWIB may choose to accept a training program which has been determined eligible in another state; or
 - 2) The LWIB may choose to require the training provider to seek eligibility of its training program through the procedures outlined in the Initial Eligibility, paragraph 1 section of this policy.
 2. If the training program offered in Illinois is not identical to the training program offered in another state, the LWIB must require the training provider to seek eligibility through the procedures outlined in the Initial Eligibility, paragraph 1 section of this policy.
3. Out-of-state training provider programs
 - a. The LWIB may choose to accept the eligibility of an out-of-state training program that has been developed and determined eligible in accordance with guidelines of a local workforce area in another state; or
 - b. The LWIB may choose to require the training provider to seek eligibility of its training program through the procedures outlined in the Initial Eligibility, paragraph 1 section of this policy.
 - c. LWIBs should enter into reciprocity agreements with the LWIBs under which providers of training services may enroll customers into programs provided in states other than Illinois.
 - 1) Such agreement would provide the conditions by which the out-of-state provider of training services would not be subject to Illinois' eligibility procedures if the provider has been determined eligible by the other state with such an agreement.
 - 2) This reciprocity agreement is intended to diminish the burden on states and training providers to be subject to duplicative procedures and expands the array of training options available by additional training providers.

Continued Eligibility Process

Chapter: 7 Section: 3.4

Effective Date: 4/20/2016

Expiration Date: Continuing

Revision Date: 11/23/2016 8:13:47 AM

Version: 1

Status: Current 

Tags: Program Eligibility

This section provides the requirements for continued eligibility and continued inclusion on the Eligible Training Provider List (ETPL) for training providers and programs previously approved for initial eligibility and those training providers and programs that were approved for transitional eligibility.

1. LWIAs must ensure all training providers have their eligible training programs determined for continued eligibility on at least a biennial (at least every two years) basis to maintain their status as an eligible training program.
 - a. LWIAs may want to inform each training provider of any upcoming continued eligibility dates (i.e., a notice sent to the training provider 90 days prior to the continued eligibility date).
 - b. Continued eligibility is based on the date entered during the initial eligibility or most recent continued eligibility determination of the training program (as outlined in paragraph 4 below).
2. The LWIA must receive the training provider's intent to apply for continued eligibility of a training program or programs in sufficient time to meet the following continued eligibility timeline requirements.
 - a. The training provider expresses intent for continued eligibility of a training program by resubmitting the Training Program Basic Information application in IWDS.
 - 1) If a training program has had only changes in information that are not significant information (as outlined in the Training Provider or Training Program, Change of Information section of this policy), the training provider must make such changes in IWDS and save the Training Program Basic Information record.
 - 2) If a training program has had no changes in information, the training provider must still save the Training Program Basic Information record.
 - 3) Once the Training Program Basic Information record has been saved, the Initial Criteria Status record will change to "Pending Continued Eligibility (recertification)".
 - 4) The change to "Pending Continued Eligibility (recertification)" status will prompt the LWIA that they must send the training program to the LWIB for review and determination.
 - b. A report will be available for the local area to identify any training programs with a "Pending Continued Eligibility" status.
 - 1) The frequency of producing these reports will be a local decision.
 - 2) The LWIA should utilize due diligence in producing this report routinely throughout the year keeping in mind training programs may be jeopardized if they are not approved for continued eligibility promptly.
 - 3) The report is titled "Training Programs Nearing Continued Eligibility (recertification) Date" in IWDS.
3. The LWIA should continue to make available and enroll customers in any training program with a "Pending" status.
4. The LWIA has 90 days to submit the application(s) to the LWIB for review and approval. The submission to the LWIB should include the following items:

- a. A current copy of the Training Program Basic Information record from IWDS;
 - b. Identification of items that have changed since the initial eligibility or most recent continued eligibility determination;
 - c. Performance data (as outlined in the Performance Measures section of this policy) for the training program; and
 - d. Any additional information the training provider has submitted for review or the LWIB determines pertinent to the review.
5. The LWIB should grant continued eligibility to a training program based on the following:
- a. State and local eligibility criteria are still being met;
 - b. State and local performance criteria have been met;
 - c. One or more ONet codes associated with the training program remain on the current Demand Occupation Training List;
 - d. The training provider has maintained timely updates in the Illinois Workforce Development System of information on the training program; and
 - e. Other conditions for which the LWIB considers necessary for continued eligibility.
6. The LWIB must make a determination of eligibility of the training program within 30 days of receiving the application from the LWIA.
- a. An exception to the requirement to approve subsequent eligibility of transitionally eligible providers and programs within 30 days of application is being extended through June 30, 2016. This exception will provide up to 90 days from application date for the LWIB to determine a program eligible. This is being extended to allow local boards ample time to meet and review the applications as this policy is phased in. After June 30, 2016, this exception expires. The 90-day period shall NOT extend past June 30, 2016 as these providers and programs must receive a determination no later than June 30, 2016 or they will be removed from the Eligible Training Provider List (ETPL) as their transitional eligibility period expires.
 - b. LWIBs must notify the LWIA within five (5) business days of their decision to approve continued eligibility as a training program.
 - c. The LWIA must update the Training Program Basic Information record in IWDS within ten (10) business days of notification by the LWIB. The update should include the following:
 - 1) The Status must be changed from "Pending Continued Eligibility (Recertification)" to "Accept" to indicate an accepted continued eligibility application.
 - 2) The Program Status must be listed as "Approved".
 - 3) The Last Elig./Cert. Date must be listed as the date the LWIB approved the continued eligibility, not the date the entry is made into IWDS.
 - 4) The Next Elig./Cert. Date should be listed as the date for which the next continued eligibility should take place (and should take into consideration the same factors for initial eligibility as outlined in the Initial Eligibility section of this policy).
7. Training programs that are not determined eligible by the LWIB within 30 days of receipt of the application from the LWIA will be removed from the approved program list and may reapply after one year.
8. Training programs that are not determined eligible within 120 days of their continued eligibility date will be removed from the approved program list in IWDS.

(Note: The intent of this provision is to automatically clear training programs from IWDS when they have not

been approved for continued eligibility in a timely fashion. Such programs will not be available for selection and thus are removed.)

9. LWIAs shall cease to enroll customers in any training program that has been moved to the capture list. Customers who have already been enrolled in training programs that are removed from the capture list shall be allowed to complete such training programs.
10. A training provider may reapply for eligibility for any training program that was not determined eligible for any reason other than "for cause" reasons.

Training Provider or Training Program, Change in Information

Chapter: 7 **Section:** 3.5

Effective Date: 4/20/2016

Expiration Date: Continuing

Revision Date: 11/23/2016 8:14:47 AM

Version: 1

Status: Current 

Tags: Program Eligibility

1. Training programs shall be subject to renewal of eligibility status by the LWIB or a committee designated by the LWIB of no less than two (2) LWIA staff whenever significant information for the training provider or training program has changed.
 - a. Significant information includes all of the "mandatory" fields on the Training Program Basic Information record in IWDS. (These items are identified by a ** on the Requirements for Training Program Initial Eligibility and Continued Eligibility attachment.)
 - b. Change(s) in any significant information must be entered in IWDS within ten (10) business days.
 - c. Submission of a change in significant information indicates a training provider's intent to renew eligibility and prompts the same requirements as under the current eligibility determination.
 - d. A decision under this provision that is made by a designated committee is deemed eligible until such time as the LWIB can review and approve the determination for renewal of eligibility.
2. Training programs should be subject to renewal of eligibility status by the LWIB or a committee designated by the LWIB of no less than two (2) LWIA staff whenever non-significant information on the training program changes prior to the continued eligibility date.
 - a. Non-significant information is any information that is a "mandatory" field (but not considered "significant", as outlined in Training Provider or Training Program, Change of Information, paragraph 1.a.) on the Training Program Basic Information application in IWDS, including ONet codes associated with the training program. (These items are identified by a * on the Requirements for Training Program Initial Eligibility and Continued Eligibility attachment.)
 - b. The LWIB or committee should review the training program and all of the changes to determine if the changes have affected the conditions of the initial eligibility or continued eligibility determinations.
 - c. If the changes have significantly altered the training program, the committee should send the training program to the LWIB for renewal of the current eligibility approval.
 - d. If the changes have not significantly altered the training program, the committee should provide "Approval" of the program to continue its eligibility until its next scheduled continued eligibility date.

Denial or Revocation of Eligibility

Chapter: 7 **Section:** 3.6

Effective Date: 4/20/2016

Expiration Date: Continuing

Revision Date: 11/23/2016 8:15:41 AM

Version: 1

Status: Current 

Tags: Program Eligibility

A Local Workforce Innovation Board (LWIB) has the authority to deny approval of initial or continued eligibility or revoke the status of eligibility, and remove it from the eligible training provider list for a training provider or for a training program.

1. In accordance with WIOA, the eligibility of a training provider or its program(s) may be revoked and the training program removed from the approved list of training programs under the following circumstances:
 - a. Its annual performance fails to meet the minimum standards set by the State of Illinois or the LWIB for the WIOA performance measures;
(Note: At the time of issuance of this policy, the State of Illinois has not set minimum performance measures other than the requirement to provide performance data, if available.)
 - b. If it is determined at any time that the training provider intentionally supplied inaccurate information in its application for eligibility or continued eligibility;
 - c. The training provider substantially violated any requirement under WIOA or WIA; or
 - d. The training provider voluntarily chooses to cease being an eligible training provider or goes out of business.
2. Training programs that are removed from the eligible training provider list (ETPL) because of a failure in performance shall remain off the list for a period of not less than one year at which time the training provider may re-apply for continued eligibility of the program.
3. In accordance with WIOA, training programs that have been removed from the list of approved training programs based on the reasons found in Denial or Revocation of Eligibility paragraph 1.b. or paragraph 1.c. above:
 - a. Shall remain off the ETPL for a period of not less than two years at which time the training provider may reapply for continued eligibility of the training program;
 - b. May prompt the revocation and removal of all other training programs of the training provider for a period of no less than two years as determined by the LWIB; and
 - c. May result in the following actions being taken against the training provider:
 - 1) The eligibility of the training provider may be revoked;
 - 2) The eligibility of the training provider to receive funds for the program in question may be terminated;
 - 3) Any disallowed costs may be recovered; and
 - 4) The State of Illinois or LWIB may take any other action it deems appropriate.
4. LWIAs shall cease to enroll customers in a training program that has had its eligibility revoked.
 - a. Customers who have already been enrolled in such training programs shall be allowed to remain through completion.
 - b.

If it is deemed necessary to immediately close a training program (for such reasons as the training provider committed egregious violations or went out of business) the customers of such program(s) should be provided the opportunity to enroll in a similar program.

Notification and Appeal Procedures

Chapter: 7 Section: 3.7

Effective Date: 4/20/2016

Expiration Date: Continuing

Revision Date: 11/17/2016 3:15:29 PM

Version: 1

Status: Current 

Tags: Program Eligibility

1. An LWIB that denies or revokes initial or continued eligibility of a training provider and/or any of its training programs for which it has sought approval must notify the affected provider in writing of its decision. The notice shall include the following information:
 - a. The training program(s) that are being denied or revoked eligibility;
 - b. The reason(s) for the denial or revocation; and
 - c. Information about the opportunities the provider has to appeal the decision.
2. The notice must be sent within seven (7) days of the decision to the training provider via registered mail with a copy sent to Department of Commerce and Economic Opportunity, Office of Employment and Training (OET).
3. The training provider has twenty-one (21) days, from the date of receipt of the notice of denial or revocation of eligibility in which to file an appeal to the local workforce innovation board (LWIB). The appeal must include the following information:
 - a. A statement that the training provider is appealing the denial or revocation of its eligibility;
 - b. The reason(s) the eligibility should be granted;
 - c. Contact information for additional information; and
 - d. The signature of the chief executive of the training provider.
4. The appeal must be submitted formally, in writing, and must be sent by registered mail no later than the 21st day from the date of receipt of the notice of denial or revocation.
5. The LWIB, or a committee designated by the LWIB, will review the request for appeal within twenty-one (21) days of its receipt.
 - a. If an administrative error was made or if additional information submitted by the training provider changes the basis upon which the original decision to deny or revoke eligibility was issued, the decision may be reversed and the training program(s) granted the appropriate initial or continued eligibility for inclusion on the eligible training provider list (ETPL).
 - b. If the LWIB reverses its decision, it will notify the training entity of its action in writing within seven (7) days. The LWIB will also forward a request to OET for inclusion on the ETPL.
 - c. If the LWIB does not reverse its decision to deny or revoke eligibility and inclusion on the ETPL, it shall notify the provider within twenty-one (21) days from the receipt of the request that the program(s) was not determined eligible.
 - d.

The notice shall be sent in writing by registered mail. The notice will include information about the opportunities for the provider to appeal its denial of eligibility with OET. A copy of the letter will be forwarded to OET.

6. A provider shall have twenty-one (21) days from the receipt of the final decision by the LWIB to appeal the denial or revocation to OET.
 - a. OET will have thirty (30) days to complete its investigation into the matter, gather additional information from the affected LWIB(s) file and from the provider (such as the completed local appeal), and issue a final determination of eligibility.
 - b. During this time period, OET will convene a meeting with the affected parties, if requested.
 - c. This final determination will be forwarded to the training provider and the LWIB(s) in writing.
 - d. If OET overturns the decision of the LWIB, the program(s) will be included on the statewide list within seven (7) days.
 - e. OET will not make a final decision to overturn the decision of an LWIB without convening a meeting with all of the affected parties.
7. OET has the ability to ask an LWIB to deny or revoke a training provider or its program(s) eligibility and have it removed from the list "for cause".
 - a. If such decision is made, OET must send a formal written notice of its concerns to the affected LWIB(s). The notice will require local action on the matter.
 - b. The LWIB(s) will have the option of providing OET with additional information that would clarify and substantiate the provider's eligibility status or of initiating removal of the provider or its program(s) from the ETPL.
 - c. Both the notice from OET to the affected LWIB(s) and the board's response to the notice must be sent by registered mail.
 - d. The LWIB(s) has twenty-one (21) days to respond in writing to the OET notice.

Reinstatement on the Statewide List

Chapter: 7 **Section:** 3.8

Effective Date: 4/20/2016

Expiration Date: Continuing

Revision Date: 11/23/2016 8:10:07 AM

Version: 1

Status: Current 

Tags: Program Eligibility

1. Since it is possible for a training provider, which was not provided eligibility due to failure in performance, to improve upon its overall performance and otherwise rectify any other conditions of their denial or revocation as an eligible training provider, a provider may re-apply for eligibility after one year from its removal.
 - a. The training provider must comply with the requirements for initial eligibility;
 - b. The training provider must demonstrate it has corrected all performance and other deficiencies which resulted in their removal from the ETPL; and
 - c. The local board must determine eligibility of the program and submit it for reinstatement on the ETPL.
2. Since it is possible for a training program that was denied continued eligibility to undergo significant improvement, a provider may re-apply for initial eligibility of the training program when it can demonstrate its program quality with at least one year of performance information.
 - a. A provider whose training program is removed from the statewide list can therefore re-apply for program eligibility no sooner than one year from the date of the denial of program eligibility.
 - b. The provider must re-apply for program eligibility subject to the policies and procedures for continued eligibility found in the Initial Eligibility, paragraph 3 section of this policy.
 - c. If the program meets the minimum state or local performance standards (if established), along with any other eligibility criteria in place at the time of re-application, the local board must determine the program eligible and submit it for reinstatement on the statewide list of eligible training programs.
3. The local workforce innovation board must reaffirm that a program previously accredited by the North Central Association, the Illinois Community College Board, or the Illinois State Board of Education is still accredited or the accreditation has been renewed.

Performance Measures

Chapter: 7 **Section:** 3.9

Effective Date: 4/20/2016

Expiration Date: Continuing

Revision Date: 11/23/2016 8:17:02 AM

Version: 1

Status: Current 

Tags: Program Eligibility

All eligible training providers are required to provide basic performance data, when available, on their training programs in order to be approved for initial eligibility or continued eligibility.

(NOTE: The State of Illinois understands the current concerns with the ability of training providers to provide the required performance data. All training providers are encouraged to begin development of a process to comply with this policy that would include a plan for identifying all students enrolled in a program of study and capable data system to track the performance of such enrollees. Further guidance is needed from the Departments of Labor and Education in order to develop a concise policy. It is anticipated that this guidance will be available in calendar year 2016. Training providers should plan for the ability to provide this data no later than July 1, 2018. After this date, training providers may not be eligible to be added to the Eligible Training Provider List. Further guidance by the State will provide more detail as it becomes available.)

1. The specific training provider and training program performance information for ALL students of the program shall be provided, when available. The following ALL student performance data should include both WIOA and non-WIOA students:
 - a. Total number of students for this training program;
 - b. Total number of exiters (defined as those students who completed, withdrew or otherwise are no longer enrolled in the program of study or equivalent and have no planned gap in service and no future services planned, excluding follow-up) in this training program;
 - c. Number of exiters who are employed during the second quarter after exit quarter;
 - d. Number of exiters who are employed during the fourth quarter after exit;
 - e. For all exiters in a program of study where a wage match occurred, the median wage earned in the second quarter after exit;
 - f. Credential Rate for exiters for this training program;
 - g. Employment Rate Q2 – completers (defined as a student who successfully completed the program of study in which they were enrolled);
 - h. Employment Rate Q4 – completers;
 - i. Median Wage Q2 – completers; and
 - j. Number of students who began the program of study compared to those who completed the program of study.
2. The WIOA student performance information for each of the data elements outlined in a.-j. above can be extracted from Illinois Workforce Development System (IWDS).
- 3.

The performance data required by paragraph 1. above should be entered into the IWDS for the most current program year, as well as the previous three program years.

- a. An example of this would be, during PY16, a CDL training program concluded in January 2016, the outcomes of those students should be reported for PY16, if they are available. Also, this CDL training program has been an ongoing training program since 2000. Data for those programs concluded during PY13, PY14, and PY15 should also be entered, if available.

Monitoring and Oversight

Chapter: 7 **Section:** 3.10

Effective Date: 4/10/2016

Expiration Date: Continuing

Revision Date: 3/27/2017 4:39:14 PM

Version: 2

Status: Current 

Tags: Monitoring/Oversight, Program Eligibility

All programs approved for either initial or continued eligibility status will be subject to routine monitoring by the Local Workforce Innovation Board (LWIB) and OET.

1. The LWIB is required to conduct annual monitoring of all eligible training providers and their eligible training programs. The LWIB, at a minimum, should:
 - a. Ensure all eligible training providers have maintained all criteria for which they were determined eligible;
 - b. Reaffirm that a training program is still accredited or the accreditation has been renewed;
 - c. Ensure all eligible training program basic information in IWDS has been updated to reflect current information;
 - d. Conduct routine visits at each location for which eligible training programs are conducted to ensure all assurances outlined in the Initial Eligibility, paragraph 2.e. section of this policy, continue to be met
 - 1) In determining the frequency of visits, the LWIB should prioritize as follows those locations:
 - a) With training programs approved for initial eligibility;
 - b) For eligible training programs exhibiting poor performance;
 - c) That have had the longest period since the last visit; and
 - d) That warrant a visit based on local criteria.
 - 2) Providers that coordinate and conduct e-learning programs must have visits conducted on their locations consistent with ensuring compliance with this section; and
 - 3) Routine monitoring visits to eligible training providers located outside of the local area (including in another LWIA or out-of-state) may be a coordinated effort so long as the monitoring is consistent with this section; and
 - e. Ensure that all eligible training programs have met the required performance measures as outlined in the Performance Measures section of this policy.
2. The LWIB is required to cooperate with the OET during any monitoring and oversight activities.

Enforcement

Chapter: 7 **Section:** 3.11

Effective Date: 7/1/2015

Expiration Date: Continuing

Revision Date: 11/23/2016 8:18:26 AM

Version: 1

Status: Current 

Tags: Program Eligibility

The procedures established for identifying eligible training providers under this section shall also provide for the following:

1. **Intentionally Supplying Inaccurate Information**—Upon a determination, by an individual or entity specified in the procedures, that a provider of training services, or individual providing information on behalf of the provider, violated Section 122 of WIOA (or Section 122 of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of this Act) by intentionally supplying inaccurate information under this section, the eligibility of such provider to receive funds under WIOA Chapter 3 of Subtitle B shall be terminated for a period of time that is not less than 2 years.
2. **Substantial Violations**—Upon a determination, by an individual or entity specified in the procedures, that a provider of training services substantially violated any requirement under Section 122 of WIOA (or Title I of the Workforce Investment Act of 1998, as in effect on the day before such date of enactment), the eligibility of such provider to receive funds under WIOA Chapter 3 of Subtitle B for the program involved shall be terminated for a period of not less than 2 years.
3. **Repayment**—A provider of training services whose eligibility is terminated under subparagraph (1) or (2) shall be liable for the repayment of funds received under WIOA Chapter 3 of Subtitle B (or under Chapter 5 of Subtitle B of Title I of the Workforce Investment Act of 1998, as in effect on the day before such date of enactment) during a period of violation described in such subparagraph.

Use of Pay-for-Performance Contracts (Pending)

Chapter: 7 **Section:** 3.12

Effective Date: 7/15/2016

Expiration Date: Continuing

Revision Date: 11/17/2016 3:51:01 PM

Version: 1

Status: Current 

Tags: Program Eligibility

Policy to be determined.

Adults and Dislocated Worker Contracts (Pending)

Chapter: 7 **Section:** 3.13

Effective Date: 7/15/2016

Expiration Date: Continuing

Revision Date: 11/17/2016 3:51:19 PM

Version: 1

Status: Current 

Tags: Program Eligibility

Policy to be determined.

Youth Program Design and Required Elements (Pending)

Chapter: 7 **Section:** 3.14

Effective Date: 7/15/2016

Expiration Date: Continuing

Revision Date: 11/17/2016 3:51:52 PM

Version: 1

Status: Current 

Tags: Program Eligibility

Policy to be determined.

Youth Contracts (Pending)

Chapter: 7 **Section:** 3.15

Effective Date: 7/15/2016

Expiration Date: Continuing

Revision Date: 11/17/2016 3:52:19 PM

Version: 1

Status: Current 

Tags: Program Eligibility

Policy to be determined.

Financial Reporting (Pending)

Chapter: 7 **Section:** 3.16

Effective Date: 7/15/2016

Expiration Date: Continuing

Revision Date: 8/30/2017 9:02:38 AM

Version: 1

Status: Current 

Tags: Program Eligibility

Policy to be determined.

Training Expenditure Requirement

Chapter: 8 **Section:** 4

Effective Date: 2/9/2017

Expiration Date: Continuing

Revision Date: 2/14/2017 9:14:58 AM

Version: 2

Status: Current 

Tags: Incentive Award, Training Expenditure, Fiscal Reporting and Accountability

The workforce innovation system plays an integral role in the revitalization of Illinois' economy. Under the Workforce Innovation and Opportunity Act, a heightened emphasis has been placed on providing trained job seekers for demand occupations to meet the needs of employers in key sectors. To support this role, the Illinois Workforce Innovation Board (IWIB) approved the Illinois' Unified State Plan for Title I of the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act that focuses on economic growth, job creation, and the need to develop a skilled, trained workforce throughout the state.

Illinois' Unified State Plan builds on a history of a demand-driven system that places an emphasis on the training of job seekers and workers. In 2006 the Illinois Workforce Board develop the minimum training expenditure policy that required each local workforce investment area to expend at least forty percent (40%) of the formula Workforce Investment Act funds on the training activities outlined in the policy.

In 2016, the IWIB approved the creation of a workgroup to review and update this policy. The first change approved by the IWIB was the change of the formula from independent calculations for the Adult and Dislocated Worker Programs. The workgroup has been working to identify the training-related services that can be included as "calculable" in the formula. This policy outlines that list of training services that will count toward the minimum training expenditure level.

Also, the IWIB approved the need to conduct an analysis of the workforce system, especially all of the fiscal factors that are associated with the Adult and Dislocated Worker funding streams. Upon completion of that analysis, this policy will be further updated to reflect any approved recommendations related to include the minimum allowable expenditure level, incentives and sanctions.

All local workforce innovation boards (LWIBs) are required to ensure that at least forty percent (40%) of their formula-allocated program expenditures in a program year are an allowable training cost in the WIOA Title I Adult and Dislocated Worker programs.

Allowable Costs Towards Training Expenditure

Chapter: 8 **Section:** 4.1

Effective Date: 2/9/2017

Expiration Date: Continuing

Revision Date: 3/24/2017 3:47:09 PM

Version: 2

Status: Current 

Tags: Incentive Award, Training Expenditure, Fiscal Reporting and Accountability

As defined within this policy, only certain WIOA funded services will be considered as "calculable" LWIB expenditures toward the minimum training calculation. For purposes of this policy, the calculable services include:

1. Occupational Skills Training

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.

- a. Occupational skills training includes training programs that lead to recognized post-secondary credentials that align with in-demand industry sectors or occupations in the local area. Occupational skills training must:
 - 1) Be outcome-oriented and focused on an occupational goal specified in the individual service strategy;
 - 2) Be of sufficient duration to impart the skills needed to meet the occupational goal; and
 - 3) Result in attainment of a recognized post-secondary credential.
- b. Occupational Skills Training costs that are calculable include:
 - 1) Occupational Skills Training Individual Training Accounts (ITAs): Payments made to a training institution or training provider for occupational classroom training authorized pursuant to an Individual Training Account (ITA).
 - 2) Occupational Skills Training - Non-ITA: Payments made to a training institution, training provider, including community based organizations, or other private organization of demonstrated effectiveness, for occupational classroom training authorized pursuant to a contract for training services, or other contractual arrangement that constitutes an exception to the use of an ITA (29 CFR Part 680.320).
 - 3) Class-Size Training: Class-Size Training Contracts can occur when there is a need to place multiple WIOA-registered students in the same training program with one educational institution or eligible training provider.
 - 4) Pay-for-Performance Contracts: Contracted training service that provides payment structure funding only when agreed upon measures are achieved within a specific timeframe. Note: USDOL has indicated that further guidance on this new type of training is forthcoming.

2. Work-Based Learning

Includes on-the-job, customized training, incumbent worker training, work experience and transitional jobs as outlined in the WIOA and the final rule.

- a. On-the-Job Training (OJT): Contract(s) with an employer(s) 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 for the extraordinary costs of providing the training and supervision related to the training. (Defined at WIOA Section 3(44) and 20 CFR § 680.700-730)
- b.

Customized Training: Costs associated with training that is used to meet the special requirements of an employer or group of employers, conducted with a commitment by the employer to employ all individuals upon successful completion of training. (20 CFR § 680.760)

- c. Incumbent Worker Training: Training to workers that have an established employment history with the employer for six (6) months or more. The training must be conducted with a commitment by the employer to retain or avert the layoffs of the incumbent worker(s) trained. (Proposed 20 CFR 680.820)
- d. Work Experience/Internships: Cost associated with a planned, structured, time-limited learning experience that takes place in a workplace as a work experience, internship or job shadowing. This also includes the wages and staff costs for the development and management of the training program. (20 CFR § 680.180)
- e. Transitional Jobs: Cost associated with a limited work experience, that is subsidized in the public, private, or non-profit sectors for those individuals with barriers to employment because of chronic unemployment or inconsistent work history; these jobs are designed to enable an individual to establish a work history, demonstrate work success, and develop the skills that lead to unsubsidized employment. (WIOA Section 134 (d)(5) and 20 CFR § 680.190)
- f. Apprenticeships: Costs associated with administering an Apprenticeship Program as outlined in the On-the-Job Training (OJT) section of this policy manual.

Note that apprenticeships in Illinois are being reviewed by an IWIB Standing Committee to create flexibility in the use of this type of training, be innovative in the types of apprenticeships utilized in Illinois and expand apprenticeships beyond traditional sectors and industries. Until further information is available on all types of apprenticeship programs, only registered apprenticeships will be calculable. This is in part because the other three apprenticeship models being discussed are either only for youth participants or can be captured in the Customized Training category in this policy. Calculable expenses would include all payments made to the public, not-for-profit or private training provider, including a host employer, for the cost of the training program.

3. Occupational Bridge Programs

Bridge programs prepare adults with limited academic or limited English skills to enter and succeed in credit-bearing post-secondary education and training leading to career-path employment in high-demand, middle- and high-skilled occupations. The goal of bridge programs is to sequentially bridge the gap between the initial skills of individuals and what they need to enter and succeed in post-secondary education and career-path employment.

- a. This Training that blends workplace competencies, career exploration, and basic literacy and math skills in an occupational context. It provides accelerated advancement through short, intensive classroom components, and offers academic and personal support services to help balance work, family, and school responsibilities.
- b. The participant's individual employment plan must document the career-path and the bridge program training approach.
- c. A bridge program must target one or more of the following for consideration as an allowable training expenditure:
 - 1) Low-skilled, low-income adults unprepared to enter post-secondary occupational programs in high growth fields;
 - 2) Adult education students who still do not score high enough to enter post-secondary occupational programs; or
 - 3) Employability and career development content, if the major focus of the program is on academic

remediation and occupational skills preparation.

4. Other Forms of Training-Related Services Not Otherwise Detailed Above

For all other types of allowable training-related services not mentioned above, the local workforce innovation board or staff should request clarification from the Department of Commerce, Office of Employment and Training prior to incurring the cost to ensure the training service is allowable and to determine if the costs can be included in the calculable services.

- a. This category is intended to address any new or innovative type of training-related service that directly prepares a participant for unsubsidized employment or which could be calculable as part of a combined strategy with another calculable training service.
- b. These may include other types of training services such as programs that combine workplace training and related instructions which may include cooperative education programs, training programs operated by the private sector, or skill upgrading and retraining.

5. Allowable Training and Educational Services Provided in Conjunction with Occupational Skills or Work-Based Training Programs

Certain types of training or education services may benefit a participant in reaching their education and employment goals.

- a. While these are typically considered a career service, they may be calculable when provided in conjunction or combination with other allowable training program types listed above.
- b. They are not calculable if provided by local workforce innovation board or area staff.
- c. This type of service might include the following:
 - 1) English Language Acquisition and Integrated Education and Training Programs
 - a) The term “adult education and literacy activities” means programs, activities, and services that include adult education, literacy, workplace adult education and literacy activities, family literacy activities, English language acquisition activities, integrated English literacy and civics education, workforce preparation activities, or integrated education and training.
 - 2) Remedial Training/Pre-vocational Services
 - a) All payments made to a training institution or training provider for classroom instruction in academic remediation or short-term pre-vocational services which would normally be classified as a career service.
 - b) These services would be limited to no more than six (6) months in duration, unless provided in conjunction with occupational training services.
 - c) This also includes costs associated with basic literacy training, including but not limited to, adult basic education, high school equivalency education, and English as a second language.
 - 3) Job Readiness Training
 - a) Job readiness training programs prepare participants to get, keep and excel at a new job and may include basic employability skills including:
 - i) effective communication, problem solving, resume building, and interviewing; and
 - ii) programs that help participants develop good work habits that facilitate their ongoing success.

6.

Books, Materials and Related Materials

These are costs paid to a training institution, training provider or individual participant for books, training materials, required uniforms and other workplace attire, tools or equipment required for training and training-related licenses, permits or fees. This includes assistive devices for individuals with disabilities that are necessary to ensure the individuals are able to participate in, and/or complete training.

7. Participant Support

These are supportive services paid to or on behalf of a participant enrolled in training or in the twelve-month follow-up period subsequent to placement, such as transportation, childcare, tutoring, and mentoring. Includes support services to participants who receive training from a source other than WIOA funds, e.g., Pell Grants. This category also includes needs-related payments to WIOA participants in training.

Eligible Training Providers

Chapter: 8 **Section:** 4.2

Effective Date: 2/9/2017

Expiration Date: Continuing

Revision Date: 2/9/2017 12:10:30 PM

Version: 1

Status: Current 

Tags: Training Expenditure

In order to encourage the recruitment and use of high-quality training providers and programs, all training providers must be WIOA-eligible under the existing state eligible training provider system. The only exception to this requirement is when the employer is functioning as the training provider, or when the employer is procuring the training provider.

Staff Costs

Chapter: 8 **Section:** 4.3

Effective Date: 2/9/2017

Expiration Date: Continuing

Revision Date: 2/9/2017 11:34:38 AM

Version: 2

Status: Current 

Tags: Incentive Award, Training Expenditure, Fiscal Reporting and Accountability

1. Staff costs may only be included in the allowable training expenditure calculation under the following conditions:
 - a. Costs included as part of tuition in an Individual Training Account (ITA) with a WIOA-eligible training provider.
 - b. Costs that are included as part of a training contract other than an ITA (i.e., class-size training contract). For example, the Title I administrator can contract with a community college to provide a package of training services to WIOA participants that includes assessment and case management.
 - c. Costs incurred by staff on behalf of WIOA participants enrolled in Bridge Training Programs when:
 - 1) Those activities are conducted at the site of the training provider or location of the training program; and
 - 2) Staff is instructing participants, case managing participants, or observing a class.
2. Staff costs by an eligible training provider on behalf of WIOA participants shall only be for assessment, career planning and job placement.
3. Staff costs must be reasonable and necessary to the provision of training to these participants, and documented via timesheets or other appropriate cost allocation methods.
4. Subcontracting the administration of a Title I program is not considered a training contract and thus these costs would not be considered calculable for inclusion in the training expenditure calculation.
5. Staff costs that are not included in the forty percent (40%) training expenditure calculation may still be an allowable WIOA activity.

Minimum Expenditure Level

Chapter: 8 Section: 4.4

Effective Date: 2/9/2017

Expiration Date: Continuing

Revision Date: 2/10/2017 1:56:45 PM

Version: 2

Status: Current 

Tags: Incentive Award, Training Expenditure, Fiscal Reporting and Accountability

1. The minimum expenditure level for the combined calculation of Adult and Dislocated Worker funding streams is forty percent (40%).
2. The calculation below determines whether the LWIB is meeting the minimum training expenditure annually:

$$\begin{array}{c}
 \text{Combined Training Program Costs Incurred of the Adult and Dislocated Worker Programs (as defined in} \\
 \text{Allowable Costs Towards Training Expenditure section)} \\
 \div \\
 \text{Total Program Combined (Training and Non-Training) Costs Incurred of the Adult and Dislocated Worker} \\
 \text{Programs} \\
 = \\
 \textbf{Annual Training Program Expenditure}
 \end{array}$$

Below is an example of the calculation:

LWIB Example	Expenditures Reported Against Prior Year Carry-in	Current Year Expenditures	Total	% Expended
Training Expense	40,000.00	98,000.00	138,000.00	20.88%
Program Expense	65,000.00	458,000.00	523,000.00	79.12%
Total	105,000.00	556,000.00	661,000.00	100.00%

3. The total training expenditures incurred and total cost incurred for the program year are regardless of the program year charged. Other sources of training funds will not be included in the calculation.

Technical Assistance

Chapter: 8 **Section:** 4.5

Effective Date: 2/9/2017

Expiration Date: Continuing

Revision Date: 2/9/2017 11:55:21 AM

Version: 2

Status: Current 

Tags: Training Expenditure

1. Technical assistance will be provided to those LWIBs that:
 - a. Fail to meet the required expenditure level in any year;
 - b. Wish to improve their ability to provide training services, including improvements in training provider selection for ITAs and use of non-ITA contracting mechanisms; or
 - c. Need assistance on the use of non-ITA procurement methods, including quality control and management of class-size training contracts.

Incentives for Meeting the Required Expenditure Level

Chapter: 8 **Section:** 4.6

Effective Date: 2/9/2017

Expiration Date: Continuing

Revision Date: 2/9/2017 11:58:48 AM

Version: 2

Status: Current 

Tags: Incentive Award, Training Expenditure, Fiscal Reporting and Accountability

1. LWIBs that meet or exceed the forty percent (40%) expenditure rate are eligible to receive an incentive award if:
 - a. Participants completed a training program that was intended to lead to employment in a demand occupation;
or
 - b. Participants received employment in a high-demand occupation that resulted from the completion of a training program that was intended to lead to such employment in a demand occupation.
2. The total incentive available for meeting the required expenditure level is part of the annual performance incentive award and will be distributed in accordance with the Incentives and Sanctions for Performance section of the policy manual.

Enforcement of the Required Expenditure Level

Chapter: 8 **Section:** 4.7

Effective Date: 2/9/2017

Expiration Date: Continuing

Revision Date: 2/9/2017 12:03:27 PM

Version: 2

Status: Current 

Tags: Training Expenditure

1. Any LWIB that fails to meet the minimum expenditure level will not receive any earned performance incentive bonus for that program year.
2. LWIBs may be placed on “high-risk” status for failure to meet the minimum expenditure level.
 - a. If a grantee or subgrantee is placed on “high-risk” status, special conditions or restrictions may include:
 - 1) Payment on a reimbursement basis;
 - 2) Withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given funding period;
 - 3) Requiring additional, more detailed financial reports;
 - 4) Additional project monitoring;
 - 5) Requiring the grantee or subgrantee to obtain technical or management assistance; or
 - 6) Establishing additional prior approvals.

Complaint and Grievance Procedures (Nondiscrimination)

Chapter: 8 **Section:** 5

Effective Date: 6/10/2005

Expiration Date: Continuing

Revision Date: 12/29/2016 9:02:02 AM

Version: 1

Status: Current 

Tags: Nondiscrimination, Equal Employment Opportunity

This policy sets forth the procedures to be followed at the local and state level regarding grievances and complaints that may occur during the administration of any WIOA funded and related activities. These procedures will outline the receipt, review, and resolution of the grievances and complaints. The policy also requires each local workforce innovation board (LWIB) to develop and maintain a procedure for grievances and complaints from participants and other interested parties as they pertain to WIOA Title IB services and benefits.

Complaint and Grievance Procedures General Requirements

Chapter: 8 **Section:** 5.1

Effective Date: 6/10/2005

Expiration Date: Continuing

Revision Date: 11/22/2016 10:52:00 AM

Version: 1

Status: Current 

Tags: Nondiscrimination, Equal Employment Opportunity

1. There are two types of issues covered by this policy.
 - a. General complaints are those that are non-criminal complaints of violations of WIOA and other related regulations.
 - b. Grievances are those filed against an employer for violations of labor standards.

Please note, criminal complaints alleging fraud, waste, misconduct, or other illegal activity under WIOA must be reported immediately to the Department of Labor's Office of Inspector General as required by 20 CFR 683.620. These types of complaints or grievances are not covered by this policy.

Complaint and Grievance Procedures Definitions

Chapter: 8 **Section:** 5.2

Effective Date: 6/10/2005

Expiration Date: Continuing

Revision Date: 11/22/2016 10:52:20 AM

Version: 1

Status: Current 

Tags: Nondiscrimination, Equal Employment Opportunity

1. The following definitions apply to this policy only.
 - a. "Complaint" means an accusation of wrongdoing or injustice by another person, persons, or organization.
 - b. "Complainant" means the person making the complaint.
 - c. "Days" means calendar days, not business days.
 - d. "Grievance" means an allegation against an employer for a violation of labor standards who receives WIOA Title IB funding.
 - e. "Grievant" means the person submitting a grievance.
 - f. "Respondent" means the person or organization against whom a complaint or grievance has been filed.

Complaint and Grievance Procedures Local Workforce Innovation Area Requirements

Chapter: 8 **Section:** 5.3

Effective Date: 6/10/2005

Expiration Date: Continuing

Revision Date: 11/22/2016 10:52:39 AM

Version: 1

Status: Current 

Tags: Nondiscrimination, Equal Employment Opportunity

Each LWIB shall designate a Grievance/Complaint Officer to be responsible for handling all complaints of violations of WIOA Title IB, regulations, policies, grants, or other agreements under WIOA.

1. Each LWIB should establish, publish, and maintain a procedure for resolving grievances and complaints that allege violations of WIOA Title IB, regulations, policies, grants, or other agreements under WIOA. These procedures must be:
 - a. Readily available to applicants, participants, employees, one-stop partners, service providers, other interested parties, and members of the public.
 - b. Made available in a timely manner when an individual expresses interest in filing a complaint or upon request by any other individual.
 - c. Easily understood by all affected participants and other individuals, including youth and those who are limited-English speaking individuals

Complaint and Grievance Procedures Filing Procedures

Chapter: 8 **Section:** 5.4

Effective Date: 6/10/2005

Expiration Date: Continuing

Revision Date: 11/22/2016 10:53:02 AM

Version: 1

Status: Current 

Tags: Nondiscrimination, Equal Employment Opportunity

At a minimum, the LWIB grievance and complaint procedures must include the following provisions:

1. Local Level Complaints

- a. Complaints must be filed within 180 days of the alleged violations.
- b. All individuals filing complaints shall be free from restraint, coercion, retaliation, and discrimination.
- c. The complainant must file the complaint in writing to the local area Grievance/Complaint Officer.
- d. The complaint must include the following information:
 - 1) Name, address, and telephone number of the complainant;
 - 2) Name, address and telephone number of the person and/or organization that the complaint is against;
 - 3) A clear and concise statement of allegation(s) and facts of the case;
 - 4) The date of the alleged occurrence(s);
 - 5) The provisions of the Workforce Innovation and Opportunity Act, regulations, grants, or other agreements under WIOA Title IB believed to have been violated;
 - 6) The resolution being sought; and
 - 7) The signature of the complainant or their legal guardian/representative.
- e. Upon receipt of a grievance or complaint, the local area Grievance/Complaint Officer or designee, shall acknowledge receipt of the grievance by certified mail, return receipt requested. This must be done within ten (10) days of receipt of the complaint. This acknowledgement shall:
 - 1) Outline the steps to be taken to resolve the matter;
 - 2) Advise the complainant to attempt to reach an informal resolution;
 - 3) Notify all parties of the right to request a hearing if an informal resolution can't be met; and
 - 4) Provide a summary of the issues to be decided.
- f. If a complaint is to be amended or withdrawn, the complainant must make that request in writing.
- g. An opportunity for an informal resolution shall be completed within 60 days of the filing of the grievance or complaint.
- h. If either the complainant or local area Grievance/Complaint Officer deems they are dissatisfied with the local hearing decision or no decision is made within 60 days, the complainant may file an appeal.
- i. Allegations of labor standards violations that are covered under a collective bargaining agreement shall be binding and in accordance with the procedures in the bargaining agreement.
- j. Complaints or grievances may be resolved through an Informal or Formal Hearing process.
 - 1) Informal Resolutions
 - a)

When a complaint or grievance has been resolved through an informal resolution process, the complainant and the local area Grievance/Complaint Officer shall enter into a formal written resolution agreement.

- i) If the complainant and respondent choose to resolve the complaint or grievance through an informal resolution, they must make good faith efforts to do so in writing prior to the scheduled hearing date.
 - (a) Failure to do so by either party does not warrant the complaint to be dismissed, nor should it be taken into consideration as part of the facts to be judged during the resolution process.
 - (b) Informal resolutions should be made at the level where the alleged violation(s) occurred.
- 2) Formal Hearing Resolutions
 - a) Requests for a formal hearing shall be made to the local area Grievance/Complaint Officer within 30 days of filing of a grievance or complaint.
 - i) The local area Grievance/Complaint Officer shall appoint a Hearing Officer to conduct the hearings on complaints.
 - ii) The Hearing Officer shall be an individual who has qualifications necessary to conduct the proceedings and shall be impartial.
 - iii) The complainant may make a request for a change in Hearing Officer within five (5) days of received notification of the hearing schedule and the designation of the Hearing Officer.
 - iv) Only one request for designation of an alternate Hearing Officer may be made by either party for each complaint.
 - b) Written hearing notices shall be sent to the complainant, respondent, and other parties considered appropriate within 15 days prior to the scheduled hearing date to allow for proper preparation of the case. The notice will include the date, time and place of the hearing.
 - i) The Hearing Officer shall conduct the hearing in an informal manner. Technical rules of evidence do not apply.
 - (a) Both parties shall be allowed the opportunity to present evidence, cross-examine witnesses, and be represented by legal counsel.
 - (b) The party requesting the hearing shall have the burden of establishing the facts and the entitlement to relief requested.
 - (c) The respondent shall cooperate by making available any information and to release any documentation requested by the complainant after it is deemed appropriate and relevant to the complaint.
 - (d) The respondent shall also make available any person under their control or employ to testify, if these persons are requested to testify by the complainant.
 - (e) Hearings will only cover those issues listed in the written complaint.
 - ii) Complete records shall be kept of the hearing either via audio recording or by a court reporter.
 - iii) The Hearing Officer or designee will make a written decision and it shall be sent by certified mail, with return receipt requested, within 60 days of the filing of the complaint.
 - iv) The Hearing Officer's decision shall contain the following:
 - (a) The names of the parties involved;
 - (b) A statement of the alleged violations;
 - (c) A statement of the facts presented during the hearing;
 - (d) The issue(s) being decided;
 - (e) Reasons for the decision;
 - (f) A statement of corrective actions or remedies, if appropriate;
 - (g) A statement assuring that all steps included in the complaint procedures have been adhered to; and
 - (h)

Notice that either party has the right to appeal the decision by the Hearing Officer within ten (10) days of receipt of the decision.

- v) A copy of all decisions will be concurrently sent to the OET staff listed in the contacts tab.

2. State Level Complaints

- a. If a complainant does not receive a satisfactory decision or the decision is not made within 60 days of the filing of the complaint, the complainant may appeal to the State level.
 - 1) All appeals shall be made in writing to the Office of Employment and Training, ATTN: (The OET staff listed in the contacts tab).
 - 2) The respondent may also request a review if the decision is not made in the prescribed timeliness.
 - 3) The request for state review must be made within ten (10) days of notification of the decision and shall be made in writing to the OET staff listed in the contacts tabs.
 - 4) Complaints that are appealed to the State level shall include the same basic elements as the local level hearings. These are:
 - 1) Name, address and telephone number of the complainant;
 - 2) Name, address and telephone number of the person and/or organization that the complaint is against;
 - 3) A clear and concise statement of allegation(s) and facts of the case;
 - 4) The date of the alleged occurrence(s);
 - 5) The provisions of the Workforce Innovation and Opportunity Act, regulations, grants, or other agreements under WIOA Title IB believed to have been violated; and
 - 6) The resolution being sought; and
 - 7) The signature of the complainant or their legal guardian/representative.
 - 5) The appeal must contain specific information supporting the grounds upon which the appeal is sought, a copy of the original written complaint, a transcript of the hearing proceedings, and a copy of the Hearing Officer's written decision.
 - 6) The OET staff listed in the contact tab or their designee will:
 - 1) Review the complaint within 15 days of receipt of the request for appeal;
 - 2) Notify the complainant, LWIA, and other concerned parties by certified mail, return receipt requested, within 20 days after receiving the notice of appeal. The notification shall include the following information:
 - a) The date of the notice, name of the complainant, and name of the party against whom the complaint is filed;
 - b) The date, time, and place of the hearing;
 - c) A statement of the allegations that accurately reflect the content of the original content of the complaint submitted by the complainant; and
 - d) The name, address, and telephone number of the contact person issuing the notice.
 - 3) Conduct a state review to determine whether the local area hearing was conducted in accordance with the local level hearing procedures;
 - 4) Make a final written determination within 60 days of receipt of the appeal;
 - 7) The OET staff listed in the contacts tab will issue a written decision to both the complainant and respondent by certified mail, return receipt requested, with the following information:
 - 1) The names of the parties involved;
 - 2) A statement of the alleged violations and issues related to the alleged violations;
 - 3) A statement of the facts;
 - 4) The decision of the OET staff listed in the contact tab or their designee and the reasons for the decision;
 - 5) A statement of the corrective actions or remedies, if appropriate; and
 - 6)

Notice that either party has the right to appeal the decision by the OET staff listed in the contact tab within 60 days of receipt of the decision

- 8) Remedies that may be imposed for violations of any requirement of this title shall be limited:
 - 1) Suspension or termination of payments under this title;
 - 2) Prohibition of placement of a participant with an employer that has violated any requirement under this title;
 - 3) Where applicable, to reinstatement of an employee, payment of lost wages and benefits, and reestablishment of relevant terms, conditions, and privileges of employment; and
 - 4) Where appropriate, to other equitable relief.

3. Federal Level Complaints

a. Under Title 20 CFR Section 683.630, if the state has not issued a decision within the required 60 day time limit, the complainant can file an appeal to the Secretary of Labor. An appeal must be made within 120 days of the filing of the complaint with the State or the filing of the appeal of a local grievance or complaint with the State. An appeal can also be made if the state renders an adverse decision. The appeal must be filed within 60 days of receipt of the decision.

- 1) All appeals must be sent by certified mail, return receipt requested, to the following address:

Secretary of Labor
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210
Attention: ASET

- 2) A copy of the appeal must be simultaneously provided to the opposing party and to the Employment and Training Regional Administrator as follows:

Regional Administrator – Region 5
U.S. Department of Labor/ETA
230 South Dearborn Street, 6th floor
Chicago, IL. 60604

Rapid Response

Chapter: 9 **Section:**

Effective Date: 5/19/2017

Expiration Date: Continuing

Revision Date: 5/19/2017 1:44:09 PM

Version: 1

Status: Current 

Tags: Rapid Response

Purpose

The U.S. Department of Labor requires the coordination of the workforce, education, and economic development systems through a mandated Rapid Response process. Rapid Response is “a federal service strategy which coordinates services with an employer and employee representative(s) to maximize efforts and avert a planned layoff and/or minimize disruption for individuals and communities in dislocation events.” Responding quickly to recent or imminent layoffs with quality services is key to helping dislocated workers find re-employment and supporting employers and communities as they manage the consequences of job loss.

This policy describes the basic structure of Rapid Response in Illinois. Additional detail is provided in the State of Illinois’ Rapid Response Procedures Manual (forthcoming). This online manual shall be updated regularly by Office of Employment and Training (OET) staff and contains the monitoring, fiscal, performance, and other regulatory requirements; full list of governing legislation and policy letters; and available resources associated with Rapid Response administration.

Rapid Response

Chapter: 9 **Section:** 1

Effective Date: 5/19/2017

Expiration Date: Continuing

Revision Date: 1/2/2018 1:10:08 PM

Version: 2

Status: Current 

Tags: Rapid Response

Rapid Response has been required by and financed under federal workforce legislation since 1988 to ensure that every worker affected by a layoff is given the best opportunity to return to work as soon as possible, and that employers are able to access the skilled workers or other solutions they need. State workforce agencies are responsible for administering Rapid Response and State staff directly provides services, although funds may be provided to Local Workforce Innovation Areas (LWIAs) to serve dislocated workers.

Initiating Rapid Response

Chapter: 9 **Section:** 1.1

Effective Date: 5/19/2017

Expiration Date: Continuing

Revision Date: 5/19/2017 1:42:20 PM

Version: 1

Status: Current 

Tags: Rapid Response

All layoffs, regardless of the number of workers affected, require Rapid Response be initiated in accordance with the following:

1. If fewer than 25 jobs are involved, the response shall be coordinated by the affected local workforce area(s).
2. If 25 or more jobs are involved, the State shall coordinate the response.
3. Specific instances requiring a Rapid Response include the following:
 - a. Announcement or notification of a permanent closure of a business or organization, regardless of the number of workers affected.
 - b. Announcement or notification of a mass layoff, which in Illinois is defined as at least 33% of the workforce or at least 250 workers.
 - c. A mass job dislocation resulting from a disaster as defined by State or local emergency management policies, that meets the State's definition for mass layoff or causing 25 or more workers to become dislocated.
 - d. The filing of a Trade Adjustment Assistance petition.

Rapid Response Teams

Chapter: 9 **Section:** 1.2

Effective Date: 5/19/2017

Expiration Date: Continuing

Revision Date: 5/19/2017 1:42:42 PM

Version: 1

Status: Current 

Tags: Rapid Response

Rapid Response efforts must be tailored to the unique circumstances of each layoff.

1. At a minimum, the following entities must be represented on every Rapid Response team:
 - a. **Illinois Department of Commerce Office of Employment and Training (OET).** In state-level events, an OET Workforce Development Specialist shall schedule, coordinate, and facilitate the initial meeting and Rapid Response outreach meetings; ensure that a Plan for Services has been approved; and document Rapid Response efforts in the Dislocation Event Tracking System (DETS), including designating state-level dislocation events as inactive in DETS.
 - b. **Local Workforce Innovation Area (LWIA).** In local-level events, the LWIA shall schedule, coordinate, and facilitate the initial meeting and Rapid Response outreach meetings; coordinate the development of the Plan for Services; document Rapid Response efforts in DETS, including designating state-level dislocation events as inactive in DETS; and conduct preliminary assessments of the affected workers to determine their eligibility for services and their specific needs for locally available services.
 - c. **Illinois Department of Employment Security (IDES).** In either a state-level or local-level event, an IDES staff person shall present an overview of the services available locally through IDES at outreach meetings. Trade Act Program services such as Trade Readjustment Assistance (TRA) and Alternative Trade Adjustment Assistance (ATAA)/Reemployment Trade Adjustment Assistance (RTAA) shall be discussed when applicable.
 - d. **Employee or union representative(s).** A representative of the affected employees and/or unions provides support for various strategies to maximize employee involvement in Rapid Response outreach.
2. Other entities that may be involved in Rapid Response include the following:
 - a. **Illinois Department of Commerce Regional Economic Development (RED) Team.** RED Team staff may have relevant and timely economic development and workforce development information to aid in understanding local circumstances and opportunities. They may also assist in providing access to decision-makers within the affected companies.
 - b. **Illinois Emergency Management Agency (IEMA).** In the event of a natural or manmade disaster that causes job loss, an IEMA representative may be invited to join the Rapid Response team.
 - c. **Illinois Department of Labor.** Is responsible for investigating Worker Adjustment and Retraining Notification (WARN) Act complaints.
 - d. **Other Community Partners.** Other organizations, agencies or entities with experience in working with populations similar to those affected by the layoff may be invited to lend their expertise and resources.

Rapid Response Services

Chapter: 9 **Section:** 1.3

Effective Date: 5/19/2017

Expiration Date: Continuing

Revision Date: 5/19/2017 1:43:02 PM

Version: 1

Status: Current 

Tags: Rapid Response

Five state-supported Rapid Response services must be made available as appropriate:

1. Establishing on-site contact with employers and employee representatives;
2. Providing information on and access to available employment and training activities;
3. Helping establish a labor-management committee of volunteer members to assess the employment and training needs of dislocated workers and obtain services to meet those needs;
4. Providing emergency assistance adapted to the specific closure, layoff, or disaster; and
5. Providing assistance to the local community in developing a coordinated response and accessing State economic development assistance.

Supporting Business through Rapid Response

Chapter: 9 **Section:** 1.4

Effective Date: 5/19/2017

Expiration Date: Continuing

Revision Date: 5/19/2017 1:43:20 PM

Version: 1

Status: Current 

Tags: Rapid Response

Rapid Response supports businesses in two major ways.

1. First, it helps meet existing and future talent needs of growing companies by offering incumbent worker training programs to help upgrade workers' skills.
2. Second, in the case of layoffs and plant closings, the Rapid Response team can quickly coordinate services and provide immediate aid to companies and their workers. Rapid Response can provide customized services on-site at affected companies, accommodate any work schedules, and assist company leadership and workers through the difficult transitions associated with job loss.

Primary Steps in Rapid Response

Chapter: 9 **Section:** 1.5

Effective Date: 5/19/2017

Expiration Date: Continuing

Revision Date: 5/19/2017 1:43:43 PM

Version: 1

Status: Current 

Tags: Rapid Response

The state- or local-level coordinator shall be responsible for ensuring the five primary steps in Rapid Response are taken for each dislocation event. These are summarized below and described in detail in the Rapid Response Procedures Manual (forthcoming).

1. Rapid Response is most often initiated by a “WARN notice,” a federal requirement of employers who are planning layoffs, or through the filing of a petition under the Trade Adjustment Assistance (TAA) Program, which helps workers whose employment is affected as a result of foreign trade.
 - a. Both State and local workforce staff must be informed of the event and, depending on the size of the impending layoffs, a team at the appropriate level is mobilized.
2. If circumstances permit, Rapid Response team members should share background information and agree on a response plan and point person to lead the teams.
 - a. The WARN Act requires that Initial contact be made within 48 hours.
3. The team schedules an initial meeting with the employer and union or employee representative(s) to understand the circumstances of the layoffs and discuss available resources.
 - a. An important goal of the initial meeting is to schedule dates for outreach meeting(s) to inform workers of resources available to assist them in re-employment.
4. As soon as practical after the meeting with the employer, an outreach meeting is scheduled with the dislocated workers so they may be informed of all available resources available to help them with re-employment.
 - a. This meeting should occur at the employment site or a nearby location during working hours or another time convenient to the employees to facilitate attendance and participation.
 - b. The dislocated workers shall be asked to complete a short survey to provide information about their current work, employment plans, and needed assistance.
5. The final step of Rapid Response is to develop and implement an effective Plan for Services in consultation with the employer and employee/union representative.
 - a. Information collected from the surveys will help guide the provision of career and training services and referral to other partners for additional services.
 - b. Rapid Response team members, in consultation with the employer and employee/union representative, shall participate in developing a Plan for Services. At a minimum, the Plan for Services must include the following:
 - 1) The role of each Rapid Response team member;
 - 2) A matrix of the specific services that will be provided to workers and any special service arrangements;
 - 3) The timeline for services to be carried out;
 - 4) The funding sources to cover the cost of the dislocation event;

- 5) Performance goals; and
- 6) An outreach strategy for informing affected workers of the services available to them and conducting formal intake.

Dislocated Worker Emergency (1E) Assistance Application (Pending)

Chapter: 9 **Section:** 2

Effective Date: 7/19/2016

Expiration Date: Continuing

Revision Date: 1/2/2018 1:10:26 PM

Version: 1

Status: Current 

Tags: DW State Reserve 1E, Rapid Response

Policy to be determined.

Entry into the Dislocation Event Tracking System (DETS)

Chapter: 9 **Section:** 3

Effective Date: 4/1/2009

Expiration Date: Continuing

Revision Date: 1/2/2018 1:10:49 PM

Version: 1

Status: Current 

Tags: DETS, Rapid Response, TAA

This policy is to be used in conjunction with the Dislocated Events Tracking System (DETS) Manual. The DETS Manual provides guidance on how dislocation events are to be entered into IWDS. Entering a dislocation event in DETS is only one activity in addressing the needs of the impacted workers.

Although it is recognized that the circumstances of each closing, layoff or disaster may vary and present unique problems not anticipated or provided for in the procedures, recording and documenting events must be consistent and accurate. Therefore, the following policy is in place concerning the entry of dislocation events into DETS:

Dislocation Event Notification

Chapter: 9 **Section:** 3.1

Effective Date: 4/1/2009

Expiration Date: Continuing

Revision Date: 11/23/2016 9:47:04 AM

Version: 1

Status: Current 

Tags: DETS, Rapid Response, TAA

1. Notification of a dislocation event must be in writing and may occur via a WARN notice, the employer, or some other form of communication such as a Trade petition certification, newspaper article, or other methods.
2. In instances where the LWIA learns of a dislocation through some other form of communication as identified above, the LWIA must:
 - a. Contact the business within 2 business days of learning of the event to verify that in fact a dislocation event has or will occur; and
 - b. Inform the business of their obligations of the Federal and Illinois WARN as outlined below:
 - 1) If the event affects 50 or more workers, the LWIA must inform the business of their obligations under the WARN Act; or
 - 2) If the event affects less than 50 workers, but more than 25 workers, the LWIA must inform the business of their obligations under Illinois WARN; or
 - 3) If the event affects less than 25 workers, only verification that an event actually occurred is needed.

Regardless of how the initial notification is received the following information needs gathered and verified prior to the initial entry into DETS. Information italicized in Section 3 below and the Completing Initial Entry section of this policy is required if the event meets a WARN definition and must be included in the WARN Notice.

3. Verification of the Event

The following information must be verified and used to establish a DETS event within 48 hours of learning of a dislocation. This is the minimum information required to establish the event.

- a. Federal Employment Identification Number (FEIN);
- b. Unemployment Insurance Account Code (UIACCT);
- c. North American Industry Classification System (NAICS);
- d. ***Affected site address***
- e. ***Company contact and phone number; and***
- f. County, Region, and LWIA where the dislocation is occurring.

Initial DETS Recording

Chapter: 9 **Section:** 3.2

Effective Date: 4/1/2009

Expiration Date: Continuing

Revision Date: 11/23/2016 1:28:24 PM

Version: 1

Status: Current 

Tags: DETS, Rapid Response, TAA

The size of the dislocation determines whether the initial DETS entry occurs at OET or at the LWIA.

1. For Dislocation Events (WARN or Trade WARN) affecting 50 or more workers:
 - a. LWIA's must not create DETS Records for any events (Dislocation and Trade) affecting 50 or more workers (all such events will be created by OET).
 - 1) If an LWIA is notified of an event affecting 50 or more workers, they must contact OET within 2 business days to ensure the notification has been received.
 - 2) The LWIA (along with the Workforce Development Specialist) will receive a copy of the processed WARN Notice and DETS ID once the event is created.
 - b. All dislocation events that affect 50 or more workers that do not have a corresponding recent WARN letter must have a "Information for DETS Entry" form (OET/DETS Form # 001) completed and sent to OET for event set up.
2. The LWIA must create all Dislocation Events (Local WARN) and Trade Certified Events (Local Trade) affecting less than 50 workers.
 - a. The LWIA must enter the event into DETS within 48 hours of learning of a dislocation.
 - b. At a minimum, the LWIA must enter the information found in Section 3 of the Dislocation Event Notification section of this policy into DETS. This information will then populate to the Illinois workNet Layoff Assistance webpage (link is in the references tab) .
 - c. The LWIA must complete and file a "Information for DETS Entry" form (OET/DETS Form # 001) for all dislocation events that affect less than 50 workers that do not have a corresponding recent WARN.
3. Existing/New DETS Events

Before a new DETS event is created, verification must be made that there is no existing DETS Event for the dislocation event.

- a. If there is no existing DETS event, the dislocation event must have a new DETS event created.
- b. If there is an existing DETS event, a new DETS event must be created if:
 - 1) The event is more than 18 months old;
 - 2) There are five (5) or fewer active participants; or
 - 3) There have not been any recent supplemental layoff notifications or workshop activity.
- c. Additionally, for Trade certified events:
 - 1) The existing event does not match the specific location and worker group as specified in the Certification.
 - 2) A new DETS event must be created if:

- a) Layoffs occurred prior to the Impact Date of the Certification; or
- b) Regardless of the size of a Trade Event, a separate DETS event must exist for each Trade certification (i.e., two certifications cannot be attached to one DETS event);

4. Public Event selection

At initial entry of a DETS event (regardless of the number of workers affected), the LWIA (or OET) must decide whether the event may be made public to viewers in Illinois workNet.

Note: When entering an event into DETS, all events are defaulted to "Yes" on the Event Summary Screen in the "Make Event Public" field.

- a. If an event should be hidden from public view, the selection of this field must be changed to "No". Examples of reasons for making an event hidden from public view may include:
 - 1) The company has notified the LWIA or OET of an impending event, but it has not been publicly announced yet (this could prevent a stampede in outside activity prior to the public notice);
 - 2) The company has notified the LWIA or OET of an impending event, but they are seeking financial assistance to avert the event; or
 - 3) An employee has notified the LWIA that they have been or will be laid off, but verification has not been made with the company.
- b. Once an event should become public knowledge (i.e., it no longer meets the reasons as outlined in Section a. above), the DETS record must be updated with the selection of this field to "Yes". This makes the event viewable in DETS and in Illinois workNet.

Completing Initial DETS Entry

Chapter: 9 **Section:** 3.3

Effective Date: 4/1/2009

Expiration Date: Continuing

Revision Date: 11/23/2016 1:29:07 PM

Version: 1

Status: Current 

Tags: DETS, Rapid Response, TAA

Either prior to or at the initial on-site workshop the information below must also be verified and entered into DETS. If gathering at the initial on-site workshop, record the information in DETS within 48 hours of the workshop. All information will populate to the Illinois workNet Layoff Assistance webpage (link is in the references tab) once entered and selected as a public event.

1. Event type as outlined in the DETS manual from the following:
 - a. If the event affects 50 or more workers
 - 1) WARN; or
 - 2) Trade WARN.
 - b. If the event affects less than 50 workers (local event):
 - 1) Local; or
 - 2) Trade Local.
2. ***Number of affected workers;***
3. ***First layoff date/separation date;***
4. ***If planned action is temporary or permanent;***
5. ***Job titles and number affected in each job classification;***
6. ***Whether there is union representation;***
7. ***Existence of bumping rights.***

Additional Data DETS Entry Requirements

Chapter: 9 **Section:** 3.4

Effective Date: 4/1/2009

Expiration Date: Continuing

Revision Date: 11/23/2016 9:48:37 AM

Version: 1

Status: Current 

Tags: DETS, Rapid Response, TAA

In addition to the information required to be entered into DETS, the following data must be entered in the "Edit Job" page of the Case Management section of IWDS for each customer served from this event by any LWIA:

1. DETS ID of the associated dislocation event must be entered;
2. Selection of "Yes" or "No" must be made to indicate that the customer Received Rapid Response Services; and
3. The date corresponding to the Last Date Received Rapid Response Services by the customer must be entered.
4. The requirements of this section are not required for customers being served from an out-of-state Trade Certification where Illinois is the Agent State.

Maintaining DETS

Chapter: 9 **Section:** 3.5

Effective Date: 4/1/2009

Expiration Date: Continuing

Revision Date: 11/21/2016 9:12:34 AM

Version: 1

Status: Current 

Tags: DETS, Rapid Response, TAA

1. LWIAs must ensure all information for events entered into DETS is maintained with current information.
2. Information must be updated in DETS within 5 business days of notification of a change.
3. OET/DETS Form #001 - "Information for DETS Event Entry" form must be used to gather the updated information.