

ATTACHMENTS T,U,V,AA,DD,EE,FF,KK

Attachment T	Region VI Grievance and Complaint Policy
Attachment U	Region VI WDB Organizational Chart
Attachment V	Region VI Guidance Letter 14-16 R-4 Eligibility
Attachment AA	Region VI Guidance Letter 24-16 R-1 One- Stop Certification
Attachment DD	Region VI Guidance Letter 3-15 R-8 On-the- Job Training
Attachment EE	Region VI Guidance Letter 11-16 R-3 Customized Training
Attachment FF	Region VI Guidance Letter 13-16 R-6 Transitional Jobs
Attachment KK	Region VI Business Services Team Business Resource Survey

T

Region VI Grievance and Complaint Policy

**REGION VI WORKFORCE DEVELOPMENT BOARD (Region VI WDB)
WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)
GRIEVANCE/COMPLAINT POLICY AND PROCEDURES**

Purpose:

This document establishes the policy of West Virginia on the development, maintenance and implementation of programmatic grievance and complaint procedures. This policy and related procedures cover complaints alleging noncriminal violations of the requirements of Workforce Innovation and Opportunity Act (WIOA) in the operation of local WIOA programs and activities and transmits policy governing WIOA Title I related grievance and complaint procedures at the local and State level.

Scope:

Title 20 Code of Federal Regulations (CFR) Subpart F Section 683.600 requires that Local Workforce Development Boards (LWDB) and sub-recipients of WIOA Title I grant funds comply with the grievance and complaint provisions of the WIOA. This policy applies to programmatic grievances and complaints pursuant to WIOA Section 181(c) and does not address the procedures for processing complaints alleging discrimination under WIOA Section 188 and/or Title 29 Code of Federal Regulations (CFR) Part 37. Information and complaints involving allegations of fraud, abuse, or other criminal activity must be reported directly to U.S. Department of Labor's (DOL) Office of Inspector General.

REFERENCES:

- WIOA Section 181 (c)
- Title 20 CFR Part 683.600
- Title 29 CFR Part 37

FILING INSTRUCTIONS:

This policy implements the requirements of WIOA Section 181(c) and 20 CFR Part 683.600. Retain this policy until further notice.

BACKGROUND:

Title 20 CFR Section 683.600 requires each LWDB, State, and direct recipient of funds under Title I of WIOA to establish and maintain a procedure for grievances and complaints from participants and other interested parties affected by the local workforce development system, including American Job Center partners, service providers, and the statewide workforce development programs.

POLICY AND PROCEDURES:

Definitions:

Complainant means any participant or other personally interested or personally affected party alleging a non-criminal violation of the requirements of WIOA.

Complaint file is a file that is maintained in a central location within each office which includes a hard copy of each complaint filed along with pertinent documentation.

Days means consecutive calendar days, including weekends and holidays.

Grievance or complaint means a written expression by a party alleging a violation of WIOA, regulations promulgated under WIOA, recipient grants, sub-agreements, or other specific agreements under WIOA. All complaints, amendments to a complaint, and withdrawals shall be in writing. This policy is intended to resolve matters which concern actions arising in connection with the WIOA Title I grant program.

Hearing Officer means an impartial party who shall preside at a hearing on a grievance or complaint.

Local Workforce Development Board includes the Local Workforce Development Area's/Region's administrative entity and any sub-recipients to which the administrative entity has delegated the complaint and grievance resolution process.

Participant means an individual who has been determined to be eligible to participate in, and who is receiving services under, a program authorized by WIOA.

Participant case file means either a hard copy or an electronic file.

Recipient means an entity to which a WIOA grant is awarded directly from DOL to carry out a program under Title I of WIOA. The State is the recipient of funds awarded under WIOA Sections 127 (b)(1)(C), 132(b)(1)(B), and 132(b)(2)(B).

Sub-recipient means an entity to which a sub-grant is awarded, and which is accountable to the recipient (or higher tier sub-recipient) for the use of the funds provided.

Policy:

It is the policy of the State of West Virginia that:

- The principles and procedures set forth in this Policy 3-17, Change 1 shall be used by all West Virginia LWDBs in the development of local-level grievance and hearing procedures; and
- The principles and procedures set forth in this Policy 3-17, Change 1 shall govern the treatment and handling of all grievances or complaints in connection with all WIOA Title I grant programs and activities conducted by the State, or pursuant (directly or indirectly) to sub-grants from the State.

The State Workforce Development Board (SWDB) concurs with this policy and has approved the local policy and procedures contained in this document.

Procedures:

I. GENERAL PRINCIPLES AND REQUIREMENTS

These procedures will guide the receipt, hearing, and resolution of non-criminal grievances and complaints relating to WIOA Title I grant programs and activities that are funded with WIOA Title I grant monies provided to the LWDB by the State. These procedures will be available for use by all individuals and entities, including WIOA Title I grant participants, LWDB staff, sub-recipients of the LWDB, and other interested parties. Local procedures must include "a process which allows an individual alleging a labor standards violation to submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties so provides." [Title 20 CFR Section 683.600(c)(3)].

Additionally, all LWDB's and sub-recipients of WIOA Title I grant funds must make reasonable efforts to assure that information about the content of the grievance and complaint procedures will be understood by affected participants and individuals, including youth and those who are limited English-speaking individuals. Such efforts must comply with the language requirements of Title 29 CFR Section 37.35.

At all levels of the grievance or complaint process, complainants have the right to be represented, at their own expense, by a person(s) of their choosing.

Grievances or complaints must be filed within 30 days of the alleged violation. All grievances or complaints, amendments, and withdrawals must be in writing. All persons filing grievances or complaints shall be free from restraint, coercion, reprisal, or discrimination.

II. LOCAL GRIEVANCE AND COMPLAINT PROCEDURES

Pursuant to Title 20 CFR Sections 683.600 through 683.610, the State Workforce Development Board (SWDB) has established this procedure for resolving grievances and complaints alleging a violation of WIOA Title I, regulations, grants, or other agreements under WIOA. The following outlines the procedures for resolving issues arising in connection with WIOA Title I grant programs operated by the administrative entity for the LWDB and its sub-recipients. Any participant or other interested party adversely affected by a decision or action by the local workforce development system, including decisions by One-Stop partners and services providers, has the right to file a grievance or complaint with the LWDB.

A. Notice to Affected Parties

Initial and continuing notice of the local grievance and complaint procedures and instructions on how to file a complaint must be:

- Posted in a public location and be made available to any interested parties

and members of the public.

- Made available to each participant. A copy of the written description of the local grievance and complaint procedure shall include (1) Notification that the participant has the right to file a grievance or complaint at any time within 30 days of the alleged violation; (2) Instructions and timeline for filing a grievance or complaint; and (3) Notification that the participant has the right to receive technical assistance. Such information shall be modified, as needed, whenever the procedures are changed.

The LWDB has the responsibility to provide technical assistance to the complainants, including those grievances or complaints against the LWDB. Such technical assistance includes providing instructions on how to file a grievance or complaint, providing relevant copies of documents such as the Act, regulations, local rules, contracts, etc., and providing clarifications and interpretations of relevant provisions. This requirement shall not be interpreted as requiring the LWDB to violate rules of confidentiality.

B. Form and Filing of Grievance or Complaint

The official filing date of the grievance or complaint is the date the written grievance or complaint is received by the LWDB, its service providers, One-Stop partners, or sub-recipients. The filing of the grievance or complaint will be considered a request for a hearing, and the LWDB shall issue a written decision within 60 days for the filing of the grievance or complaint.

The grievance or complaint must be in writing, signed, and dated. For resolution purposes, the SWDB requires that the following information be obtained or provided for all complaints:

- Full name, telephone number, and mailing address of the complainant.
- Full name, telephone number, and mailing address of the respondent.
- A clear and concise statement of the facts and dates describing the alleged violation.
- The provisions of the WIOA, the WIOA regulations, grant, or other agreements under the WIOA, believed to have been violated.
- Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with the law, regulations, or contract; and
- The remedy sought by the complainant.

The absence of any of the requested information shall not be a basis for dismissing the grievance or complaint.

A grievance or complaint may be amended to correct technical deficiencies at any time up to the time of the hearing. The 30-day period in which a grievance or complaint may be filed is not extended for grievances or complaints that are refiled with amendments. Grievances or complaints may be withdrawn at any time prior to the issuance of the hearing officer's decision. The LWDB shall send a copy of the grievance or complaint to the respondent and immediately (within

one business day) notify the State WIOA Unit.

C. Investigation

After the complaint has been filed and the State notified, the LWDB will assign a staff member to investigate the claims being brought forth. WorkForce West Virginia will provide at least one other investigator in all such matters. The scope of the investigation should be limited to the allegations within the grievance or complaint; however, other observable violations that may warrant further investigation can be noted by all parties involved. Each party to the investigation must do their due diligence in obtaining any evidentiary statements as there must be no coercion, leading, or otherwise interfering with the willful and unadulterated obtainment of statements from the complainant, respondent(s), and any witnesses.

The investigation and written summation of all statements and evidence should be completed within 10 working days to allow for a Hearing if an Informal Resolution cannot be reached between the parties.

D. Informal Resolution

The LWDB shall notify the complainant and the respondent of the opportunity for an informal resolution. Respondents must make good faith efforts to resolve all grievances or complaints prior to the scheduled hearing. Failure on the part of either party in the grievance or complaint to exert good faith efforts shall not constitute a basis for dismissing the grievance or complaint, nor shall this be considered part of the facts to be judged in the resolution process. Where a complaint alleges a violation of the WIOA Title I grant or any agreements under WIOA, the LWDB must assure that every grievance or complaint not resolved informally or not withdrawn is given a hearing, regardless of the grievance or complaint's apparent merit or lack of merit.

When a complaint is resolved through the informal resolution process, the LWDB must attempt to contact the complainant and have him or her provide a written withdrawal of the complaint within 10 days of the receipt of the notice of resolution or impasse where a complainant decides not to proceed to an administrative hearing. The LWDB shall maintain copies of correspondence in the local office complaint file and provide a copy of such materials to the State, when requested.

E. Notice of Hearing

Hearings shall be conducted within 30 days of the filing of a grievance or complaint. The complainant and the respondent must be notified, in writing, of the hearing 10 days prior to the date of the hearing. The 10-day notice may be shortened with the written consent of both parties. The hearing notice shall be in writing and contain the following information:

- The date of the notice, name of the complainant, and the name of the party against whom the grievance or complaint is filed.
 - The date, time, and place of the hearing before an impartial hearing officer.
- A statement of the alleged violations. These statements must accurately reflect the content of the grievance or complaint as submitted by the complainant; however, clarifying notes may be added to assure that the grievance or complaint is addressed accurately.
- The name, address, and telephone number of the contact person issuing the notice.

F. Conduct of Hearings

An impartial hearing officer shall conduct the hearing. The LWDB will seek impartial hearing officers from among the staff of legal offices or personnel departments of municipalities or counties that will not be directly affected by, or will not implement the final resolution of, a specific grievance or complaint.

The hearing will be conducted in an informal manner with strict rules of evidence not being applicable and according to the procedures established by the LWDB. Both parties will have the right to present written and/or oral testimony and arguments; the right to call and question witnesses in support of their position; the right to examine records and documents relevant to the issues; and the right to be represented. The hearing will be recorded electronically or by a court reporter.

G. Decision

Not later than 60 days after the filing of the grievance or complaint, the hearing officer shall mail a written decision to both parties by first class mail. The hearing officer's decision shall contain the following information:

- The names of the parties involved.
- A statement of the alleged violation(s) and issues related to the alleged violation.
- A statement of the facts.
- The hearing officer's decision and the reasons for the decision.
- A statement of corrective action or remedies for violations, if any, to be taken; and
- Notice of the right of either party to request a review of the decision by the State Review Panel within 10 days of the receipt of the decision.

H. Appeal

If a complainant does not receive a decision at the LWDB level within 60 days of the filing of the grievance or complaint, or receives an adverse decision, the complainant then has the right to file an appeal with the State.

The complainant may request an appeal hearing by submitting a written notice to:

WorkForce West Virginia
Office of the Commissioner
1900 Kanawha Boulevard East
Building 3, Suite 300
Charleston, WV 25305

III. STATE-LEVEL GRIEVANCE AND COMPLAINT PROCEDURES

Title 20 CFR Section 683.600(d) requires the State to provide a process for dealing with grievances and complaints from participants or interested parties affected by the statewide workforce development programs, resolving appeals of decisions issued at the LWDB level, remanding grievances and complaints related to the local WIOA Title I programs to the LWDB grievance process, and affording an opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint.

In cases where the State has imposed either administrative or financial/monetary sanction(s) resulting from monitoring, investigations, or audits, the complainant may file an appeal with the State through the procedures established in their Audit Resolution guidance.

A. State-Level Informal Resolution and Hearing Procedures

All complaints of noncriminal violations of the requirements of WIOA by the State, or complaints by individuals or interested parties affected by the statewide workforce development program shall be filed in writing with the Office of the Commissioner, WorkForce West Virginia. All requests for State hearings shall include the same basic elements necessary for local level hearings. These are:

- Full name, telephone number, and mailing address of the complainant,
- Full name, telephone number, and mailing address of the respondent,
- A clear and concise statement of the facts and dates describing the alleged violation,
- The provisions of the WIOA, the WIOA regulations, grant, or other agreements under the WIOA, believed to have been violated,
- Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with the WIOA law, regulation, or contract; and
- The remedy sought by the complainant.

Upon receipt of the request for a State hearing, the Commissioner or his/her designee shall review the grievance or complaint and shall provide an opportunity for an informal resolution. The Commissioner shall notify the complainant and the respondent within 10 days of receipt of the grievance or complaint and proceed with the informal resolution process. If the State cannot resolve the grievance or complaint informally, then a hearing will be held.

Hearings on any grievance or complaint shall be conducted within 30 days of the filing of a grievance or complaint. The complainant and the respondent shall be notified in writing of the hearing 10 days prior to the date of hearing. The hearing notice shall advise the following:

- The date, time, and place of the hearing before an impartial hearing officer.
- The pertinent sections of the WIOA or any other federal regulations involved.
- A statement of the alleged violations. These statements must accurately reflect the content of the grievance or complaint as submitted by the complainant. However, clarifying notes may be added to assure that the grievance or complaint is addressed accurately.
- The name, address, and telephone number of the contact person issuing the notice.

B. Appeals of LWDB Decisions or Requests for WFWV Review

1. A complainant may file a request for review with WFWV if no decision has been issued at the LWDB level within the 60-day time limit. A complainant may file an appeal if the LWDB has issued an adverse decision. The request for a WFWV review or appeal shall be filed or postmarked (if mailed) within 10 days from the date on which the complainant received an adverse decision from LWDB or 15 days from:

- The date on which a complainant should have received a decision regarding a locally filed complaint, which is defined as five days from the date the decision was due, or

2. All requests for review or appeals shall include the following:

- The full name, telephone number, and mailing address of the complainant,
- The full name, telephone number, and mailing address of the LWDB,
- A statement of the basis of the request or appeal, and
- Copies of relevant documents, such as the complaint filed at the LWDB and the local decision, if any.

3. WFWV shall request the record of the hearing from the LWDB and shall review the record. WFWV shall notify the concerned parties and the LWDB by first class mail, certified with a return receipt, of the following information at least 10 days before a scheduled hearing:

- The date of the notice, name of the complainant, and the name of the party against whom the complaint is filed.
- The date, time, and place of the hearing before a hearing officer.
- A statement of the alleged violations. This statement shall accurately reflect the content of the complaint as submitted by the complainant.
- The name, address, and telephone number of the contact person issuing the notice.

C. Hearing

1. The WFWV hearing shall be conducted in an informal manner with strict rules of evidence not being applicable. Both parties shall have the right to

present written and/or oral testimony under oath and arguments; the right to call and question witnesses; the right to request and examine records and documents relevant to the issues, and the right to be represented. The hearing shall be recorded.

2. The WFWV hearing officer shall be an Administrative Law Judge (ALJ).

D. Referral of Local Grievances or Complaints

Grievances or complaints filed directly with the State related to the local WIOA programs will be remanded to the LWDB grievance process in accordance with LWDB Grievance and Complaint Procedures.

E. Remedies

1. Remedies that may be imposed for a violation of any requirement under WIOA Title I shall be limited to:

- Suspension or termination of payments under WIOA Title I,
- Prohibition of placement of a participant with an employer that has violated any requirement under WIOA Title I,
- Reinstatement, where applicable, of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment; and
- Where appropriate, to other equitable relief.

2. Nothing in paragraph 1 shall be construed to prohibit a complainant from pursuing a remedy authorized under another federal, State, or local law for a violation of WIOA Title I.

F. Federal-Level Appeal Process

Under Title 20 CFR Section 683.610(a)(1), if the State or Local Workforce Development Board has not issued a decision within the required 60-day time limit, the complainant can file an appeal to the Secretary of Labor. The appeal must be filed with the Secretary of Labor no later than 120 days of the filing of the grievance or complaint with the State, or the filing of the appeal of a local grievance or complaint with the State.

In cases where a decision has been reached and the State issued an adverse decision, the complainant can file an appeal to the Secretary of Labor within 60 days of the receipt of the decision being appealed.

The request for appeal must be submitted by certified mail, return receipt to:

Secretary

U.S. Department of Labor

200 Constitution Avenue, NW

Washington, D.C. 20210

Attention: ASET

A copy of the appeal must be simultaneously provided to the Region 2 ETA

Regional Administrator, U.S. Department of Labor—Employment and Training Administration, Suite 825 East, The Curtis Center, 170 South Independence Mall West, Philadelphia, PA 19106, and the opposing party.

ACTION:

All recipients and sub-recipients of WIOA Title-I funding through the Workforce Development Board of West Virginia shall utilize the grievance and complaint procedures specified in this policy or ensure that any policies or procedures established by the recipient or sub-recipient are in accordance with these requirements.

INQUIRIES:

Please direct inquiries about this directive to the Region VI Workforce Development Board at 304-368-9530.

COMPLETE, SIGN AND MAIL AN ORIGINAL SIGNATURE COPY OF THE FORM ON PAGES 12-13 TO:

**REGION VI WORKFORCE DEVELOPMENT BOARD
17 MIDDLETOWN ROAD
WHITE HALL, WV 26554**

KEEP A COPY OF THE COMPLETED FORM FOR YOUR RECORDS.

**REGION VI WORKFORCE DEVELOPMENT BOARD
WORKFORCE INNOVATION AND OPPORTUNITY ACT GRIEVANCE/COMPLAINT FORM**
PLEASE PRINT ALL INFORMATION.

COMPLAINANT CONTACT INFORMATION

Name: _____
If Organization, Name of Contact Person: _____
Address: _____
Street City Zip
Phone #: _____ Cell phone #: _____

RESPONDENT CONTACT INFORMATION

Name: _____
If Organization, Name of Contact Person: _____
Address: _____
Street City Zip
Phone #: _____ Cell phone #: _____

Please provide the following information: (You are encouraged to seek technical assistance from the Region VI WDB staff in completing this section, if needed. You may attach additional pages if necessary.)

1. Please provide a clear and concise statement of the facts and dates describing the alleged violation:

2. What provisions of the WIOA, the WIOA regulations, grant, or other agreements under the WIOA, were violated?

3. Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with the law, regulations, or contract.

Remedy Sought:

Complainant Printed Name _____

Complainant Signature _____

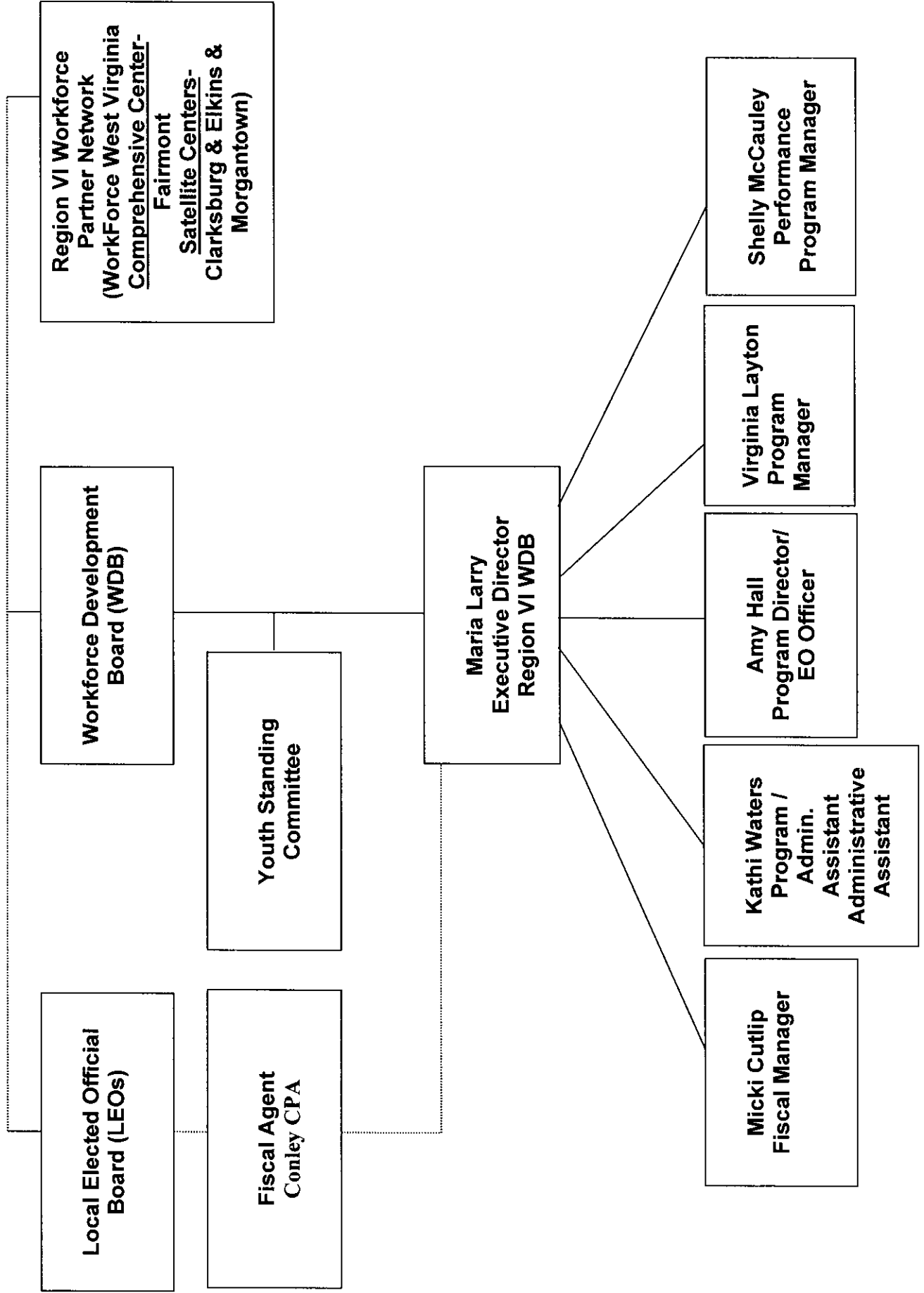
Date _____

For Region VI WDB use only: Date Received _____ Initials _____
--

U

Region VI Organizational Chart

Region VI Organizational Chart



V

Region VI Guidance Letter 14-16 R-4 Eligibility

Region VI Workforce Development Board 17 Middletown Road White Hall, WV 26554	Eligibility
	Date November 6, 2020

Region VI Guidance Letter 14-16, R-4

To: All Workforce West Virginia system stakeholders
All WorkForce West Virginia Centers
All Local Training Providers

From: Region VI Workforce Development Board

Subject: Eligibility

1. **Purpose:** This guidance notice on eligibility and registration ensures that every Workforce Innovation and Opportunity Act (WIOA) participant who receives WIOA Program funded services is eligible and registered to receive those services.
2. **References:** WIOA Section 3(2), (5), (15), (16), (36), WIOA Section 129(a)(1)(B) and (C), CFR Part 680, and Workforce West Virginia WIOA Guidance Notice 6-16, Change 2 and the Region VI Guidance Letter 1-15, R-5.
3. **Background:** The WIOA authorizes a workforce investment system to provide workforce preparation and employment to eligible adults, dislocated workers and youth. WIOA provides authority to state and local governments to establish their own eligibility policies, procedures and definitions, as long as they are consistent with the WIOA and its associated regulations.
4. **Policy:**

Statutory and State Eligibility Requirements for Adult and Dislocated Workers

Individuals wishing to receive employment and training services funded through the adult and dislocated worker programs must meet all of the following requirements:

- Be legally authorized to work in the United States;
- Be 18 years of age or older;
- Be properly registered for selective service (Applies only to all males born on or after January 1, 1960.) Refer to Region VI Guidance Letter 2-16, Selective Service Registration, for details.
- Be a resident of the state of West Virginia, or if not a state resident, been employed and dislocated from a West Virginia employer.

There are no additional eligibility criteria for the adult program. However, priority for career and training services funded by and provided through the adult program shall be given to veterans or eligible spouses, recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient for receipt of those career services determined appropriate to obtain or retain employment.

Additional Statutory Eligibility Requirements for Dislocated Workers

In addition to the requirements listed above, an individual must also fall into one or more of the following eligibility categories as outlined in section 3(15)(A-E) of WIOA:

Category A: Terminated or Laid Off, or Received a Notice of Termination or Layoff from Employment

- Has been terminated or laid off or has received a notice of termination or layoff from employment; AND
- Is eligible for or has exhausted entitlement to unemployment compensation; OR
- Has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a state unemployment compensation law; AND
- Is unlikely to return to a previous industry or occupation.

Category B: Plant Closure or Substantial Layoff

- Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of or any substantial layoff (*substantial layoff defined as the layoff of a minimum of 40% of the total company workforce of a plant, facility, or enterprise (inclusive of all locations)*); OR
- Is employed at a facility where the employer has made a general announcement that such facility will close within 180 days; OR
- For purposes of eligibility to receive services other than training services described in section 134(c)(3) of WIOA, career services described in section 134(c)(2)(A)(xii) of WIOA, or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close.

Category C: Self-Employed Individual

- Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of natural disasters; or general economic conditions in the community where the individual resides.

Category D: Displaced Homemaker

- Is a displaced homemaker.

Category E: Military Spouse

- Is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty state of such member; OR
- Is the spouse of a member of the Armed Forces on active duty and who meets the criteria of a displaced homemaker who is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Statutory and State Eligibility Requirements for Youth

Youth must meet basic eligibility requirements to participate in the WIOA Youth program. Both In School and Out of School Youth must meet the following eligibility requirements:

- be a citizen or noncitizen authorized to work in the U.S.; and
- meet selective service registration requirements; and
- Be a resident of the state of West Virginia, or if not a state resident, been employed and dislocated from a West Virginia employer.

Additional eligibility requirements for In School Youth include:

- An individual who is between 14 and 21 years of age;
- An individual who is attending school, including secondary and post-secondary school (as defined by State law);
- A low income individual (see Definition of Key terms Section); and
- One or more of the following:
 - Basic skills deficient;
 - An English language learner;
 - An offender;
 - A homeless individual;
 - Pregnant or parenting;
 - A youth who is an individual with a disability;

An individual who requires additional assistance to complete an educational program or to secure or hold employment *See Region VI Guidance Letter 19-16 Definition of Youth Who Needs Additional Assistance.*

Additional eligibility requirements for Out of School Youth include:

- An individual who is not attending any school (including secondary or post-secondary);
- An individual between the ages of 16 and 24 years of age; and
- One or more of the following:
 - A school dropout;
 - A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter;

- A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is—
 - Basic skills deficient; or
 - An English language learner.
- An individual who is subject to the juvenile or adult justice system;
- A homeless individual, a runaway, an individual in foster care, or an individual who has aged out of the foster care system;
- An individual who is pregnant or parenting;
- A youth who is an individual with a disability;
- A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.
See Region VI Guidance Letter 19-16 Definition of Youth Who Needs Additional Assistance.

An eligible in-school youth or an out of school youth who have their high school diploma or GED and are basic skills deficient or an English language learner must also meet low-income definition (WIOA Section 3, 36).

Up to 5% of youth registered may be classified as not low income but meet the other requirements.

ACTION: The Region VI Workforce Development Board will make all stakeholders in the Region VI Workforce area aware of this policy.

EXPIRATION

DATE: Effective November 6, 2020, until rescinded or modified by the Region VI Workforce Development Board.

AA

Region VI Guidance Letter 24-16 R-1
One Stop Designation, Certification, and Monitoring

Region VI Workforce Development Board 17 Middletown Road White Hall, WV 26554	WIOA One-Stop Designation, Certification and Monitoring
	Date July 9, 2020

Region VI Guidance Letter No. 24-16, R-1

To: All WorkForce West Virginia Center Supervisors and Staff
All Partners and Stakeholders of the Region VI Workforce Development Board One-Stop System

From: Region VI Workforce Development Board (WDB)

Subject: Comprehensive One Stop Designation, Certification and Monitoring

1. PURPOSE: To communicate requirements for the designation and certification of a Comprehensive One-Stop in the Region VI WDB under the Workforce Innovation and Opportunity Act of 2014 (WIOA).

2. REFERENCE: Workforce Innovation and Opportunity Act of 2014 (WIOA) Section 121, and 20 CFR, 678.300(c) and 678.305, and 678.800, and Workforce West Virginia WIOA Guidance Notice 5-16.

3. BACKGROUND: The Workforce Innovation and Opportunity Act of 2014 is designed to increase access to, and opportunities for, the employment, education, training, and support services that individuals need to succeed in the labor market, particularly those with barriers to employment. This is accomplished by providing all customers access to high-quality one-stop centers that connect them with the full range of services available in their communities. Under WIOA, partner programs and entities that are jointly responsible for workforce and economic development, educational, and other human resource programs collaborate to create a seamless customer-focused one-stop delivery system that integrates service delivery across all programs and enhances access to the programs' services. WIOA requires local boards in each local area, with the agreement of the chief local elected officials, to establish a one-stop delivery system and conduct oversight of that system. The system must include at least one comprehensive physical center in each local area.

In Region VI, the Fairmont Workforce West Virginia Center has been designated as the single regional Comprehensive One-Stop Center by vote of the Region VI Workforce Development Board and the Region VI Local Elected Officials board at their quarterly meeting of March 9th and 10th, 2017, respectively.

4. POLICY: It is the policy of the Region VI WDB to evaluate and re-certify the designated comprehensive one-stop center and one-stop delivery system every 3 years based on criteria which must evaluate the effectiveness, including customer satisfaction, physical and programmatic accessibility, and continuous improvement. The Region VI WDB will review and update the evaluation criteria every 2 years.

Monitoring of the one-stop operator will be scheduled yearly.

5. ACTION: Evaluations of effectiveness through the monitoring process will include:

- how well the one-stop center integrates available services for participants and businesses;
- meets the workforce development needs of participants;
- meets the employment needs of local employers;
- operates in a cost-efficient manner;
- coordinates services among the one-stop partner programs;
- provides access to partner program services to the maximum extent practicable, including providing services outside of regular business hours where there is a workforce need as identified by the Region VI WDB;
- how well the one-stop center ensures equal opportunity for individuals with disabilities to participate in or benefit from one-stop center services, including how well the centers and delivery systems take actions to comply with the disability-related regulations implementing WIOA sec. 188, set forth at 29 CFR part 38.

The Region VI Workforce West Virginia One Stop System Partners and Stakeholders will be made aware of this policy. Each WDB and LEO Board Member will be given a copy of this policy.

3. EXPIRATION DATE: This policy will become effective July 9, 2020, and shall be in effect until revised or cancelled by the Region VI WDB.

Attachment: Region VI One Stop Operator Monitoring Tool

Attachment – Region VI One Stop Operator Monitoring Tool

REGION VI ONE-STOP OPERATOR MONITORING TOOL

Purpose: Role of the One-Stop operator codified at WIOA Title 1, Section 121(d); Title 20, Code of Federal Regulations, Part 678.620

Identifier	Objective	Meeting Expectations		Technical Assistance Required		Comments
		Yes	No	Yes	No	
Program Coordination	Assisting the Partner Network in coordinating the development of a training and communication plan for the One-Stop System comprehensive/affiliate cntrs -----					
	Convening Partnership meetings -----	---	----	-----	-----	-----
	Leading and convening partners in the design and implementation of functional integration of the services of the One-Stop System	---	----	-----	-----	-----
Resource Management	Working with the Partner Network and the RVI WDB to define and provide a means to meet common operational needs, such as training, technical assistance, and additional resources, etc					
Outreach Recruitment, and Marketing	Working with the Region VI WDB and Partner Network to recruit and integrate additional partners into the One-Stop System -----					
	Coordinate outreach to business/ job seeker customers (includes coordinating the development of marketing, outreach, and labor market information materials w/ support from and final approval of the RVI WDB -----	---	----	-----	-----	-----
	Assisting the RVI WDB in coordination/ implementation of Rapid Response activities, & serving as the Region VI WDB representative to those activities	---	----	-----	-----	-----
Communication and Information Dissemination	Promoting services available through the One-Stop System, including development of marketing /outreach materials w/ support and final approval from the RVI WDB -----					
	Represent the Reg VI WFWV One-Stop System at community meetings to promote services/discuss partnership opportunities	---	----	-----	-----	-----

Identifier	Objective	Meeting Expectations		Technical Assistance Required		Comments
		Yes	No	Yes	No	
Partner Cross-Training	Facilitating sharing of data and information					
Continuous Improvement	Evaluating customer needs and satisfaction data to continually refine and improve service strategies, including exploring implementing a real-time customer feedback model ----- Serving as a liaison between the Region VI WDB and the Partner Network,					
Reporting	Customer Satisfaction Form results tracked/reported to Partner Network and Region VI WDB ----- Monthly activity reports submitted in timely fashion and with sufficient detail to show contract performance progress					
One-Stop Certification	Complying with all federal, state, and local policies governing the operations of a One-Stop Operator ----- Ensuring the Region VI WDB's policies and procedures are effectively communicated and carried out through the One-Stop System ----- Ensuring EEO requirement are met, including coordinating staff training, and assuring EEO posters and processes are in place					

Additional Comments:

Monitored by: _____ Date: _____

DD

Region VI Guidance Letter 3-15 R-8
On-the-Job Training Policy

Region VI Workforce Development Board 17 Middletown Road White Hall, WV 26554	Classification: On-the-Job Training Policy Date February 25, 2022
---	---

Region VI Guidance Letter No. 3-15, R-8

To: All WorkForce West Virginia Managers and staff
All Career Planners/Eligibility Determination Staff
All Local Service Providers
From: Region VI Workforce Development Board (WDB)
Subject: On-the-Job Training Policy

1. PURPOSE: To establish policy on requirements and benefits available under Region VI Workforce Development Board Dislocated Worker/Adult funded On-the-Job Training activities.
2. REFERENCE: The Workforce Innovation and Opportunity Act (WIOA) sec 3(44), sec 134(c)(3)(G)(ii)(II),sec 134(c)(3)(H), and 20 CFR 680.700-750.
3. BACKGROUND: The Workforce Innovation and Opportunity Act provides for On-the-Job training activities (hereinafter referred to as OJT). OJT is training by an employer that is provided to a paid participant while engaged in productive work in a job that:
 - A) provides knowledge or skills essential to the full and adequate performance of the job;
 - B) provides reimbursement to the employer of up to 25%-75% of the wage rate of the participant for the extraordinary costs of providing the training and additional supervision related to the training; and
 - C) is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant as appropriate.
4. POLICY: The Region VI Workforce Development Board will authorize the use of WIOA Dislocated Worker (DW) monies (dependent upon the availability of DW funds in the current budget year) to fund OJT activities within the region for customers who: meet the definitions of a Dislocated Worker; and reside in Region VI; or reside out-of-state/out-of-region and whose most recent dislocation was from a business located in Region VI.

The Region VI Workforce Development Board will authorize the use of WIOA Adult (AD) monies (dependent upon the availability of AD funds in the current budget year) to fund OJT activities within the region for customers who: meet the definitions of an Adult; and reside in Region VI.

Region VI will write OJT's for eligible customers of the Region VI service area with companies located in or outside of the Region VI service area.

OJT's will only be written for positions providing full time, permanent employment. (The only exception to this provision could be contracts written with employers for an apprentice participating in an apprenticeship program.)

Region VI will reimburse 50% - 75% of the training wages for those employers paying \$10 an hour or more to eligible OJT participants, based on the size of the employer at the specific location of training as follows:

EMPLOYER SIZE	MAXIMUM REIMBURSEMENT RATE
1-99 employees	75% of wages
100 + employees	50% of wages

OR

Region VI will reimburse 25% of the training wages for those employers paying less than \$10 hour, but not less than \$8.75 an hour to eligible OJT participants (regardless of the employer size).

OJT contracts will not be written with an employer who has previously exhibited a pattern of failing to provide OJT participants with continued long-term employment with wages, benefits, and working conditions that are equal to those provided to regular employees who have worked a similar length of time and are doing the same type of work.

Funds provided to employers for OJT must not be used to directly or indirectly assist, promote or deter union organizing.

Funds provided to employers for OJT shall not be used to displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any currently employed employee (as of the date of the participation).

An OJT contract cannot be written with an employer for a participant if:

>Any other individual employed by the employer is on layoff from the same or any substantially equivalent job; or

>The employer has terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling the vacancy so created with the OJT participant; or

>The job is created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals (as of the date of the participation).

The Region VI Workforce Development Board Executive Director may waive provisions of this policy when the Executive Director determines it is necessary in order to serve individuals with special circumstances.

IMPLEMENTATION DATE: Effective February 25, 2022 until rescinded or modified by the Region VI Workforce Development Board.

EE

Region VI Guidance Letter 11-16 R-2
Customized Training

Region VI Workforce Development Board 17 Middletown Road White Hall, WV 26554	Classification: Customized Training
	Date: January 10, 2022

Region VI Guidance Letter 11-16, R-2

To: All WorkForce West Virginia Center Managers and staff
All WIOA Career Planner/Eligibility Determination staff
All Local Service Providers

From: Region VI Workforce Development Board (Region VI WDB)

Subject: Customized Training for Adults and Dislocated Workers

1. PURPOSE: To establish policy on requirements and benefits available under Region VI Workforce Development Board Adult and Dislocated Worker funded Customized Training Activities.

2. REFERENCE: WIOA Section 3(14) and 20 CFR, Parts 680.710(c) and 680.760-770.

3. BACKGROUND: The Workforce Innovation and Opportunity Act provides for customized training activities. Customized training is training is designed to meet the needs of an employer or group of employers in the public, private non-profit, or private sector. A contract may be developed between the employer or registered apprenticeship program sponsor and the Region VI WDB in the form of a reimbursement to an employer of not more than 50 percent of the employer's cost of training WIOA eligible participants to compensate for the employer's extraordinary costs of training individuals. The training is conducted with a commitment by the employer to employ an individual upon successful completion of the training.

4. ACTION: 1) Customized training shall be for an occupation for which there is a demand in the area served or for occupation(s) determined to be in sectors of the economy having a high potential for sustained demand or growth and or job retention. Region VI defines a "Demand Occupation" as:

A. Occupations listed on the current list of West Virginia Demand Occupations for Workforce Investment Area 6; or

B. Occupations showing a minimum of 2% growth rate on the current list of Long Term West Virginia Demand Occupations for Workforce Investment Area 6; or

C. Occupations showing a minimum of 25 projected openings on the current list of Long Term West Virginia Demand Occupations for Workforce Investment Area 6; or

*Additionally, for purposes of funding WIOA customized training, a Demand Occupation will include all the above provisions, plus documentation of support employment in customized training occupation following completion of training.

2) Customized training opportunities should be encouraged in occupations providing

upward mobility and development of new careers and/or job retention.

3) Authorized customized training for a participant shall be limited to a period of time generally required for the acquisition of skills needed for the position within a particular occupation. The training plan for each individual must document:

- A. How training was justified
- B. How current skills were evaluated
- C. How the training length was determined based on existing skills.

4) Customized Training contracts may be written for employed workers under the following conditions, which include, but are not limited to:

- A. The employee is not earning a self-sufficient wage or wages comparable to or higher than wages from previous employment; and
- B. The training relates to the introduction of new technologies, new production or service procedures, upgrading to new jobs that require additional skills, and or workplace literacy.

5) The employer shall select the training provider and approve the curriculum. Training services can be provided through the following:

- A. Community colleges, school districts, area vocational technical centers, state universities, or licensed and certified private institutions and community based organizations.
- B. Conducting the training at the business's own facility, at the training provider's facility or at a combination of sites.
- C. Instruction provided by either full or part-time educators or professionals from the business
- D. Online and/or distance learning courses only under certain circumstances – will be decided upon on a case-by-case basis.
- E. On the job training provided by the employer.

6) The employer requesting customized training assistance must be in good standing with the West Virginia State Unemployment Insurance and Worker's Compensation systems. The employer must also be in compliance with all applicable West Virginia state tax laws and current with all West Virginia state taxes payable by the employer to the state of West Virginia.

If awarded funding for Customized Training, the employer agrees to:

- * Train the participant for the job through a structured approach;
- * Retain the participant at the end of training;
- * Be in compliance with all appropriate state and federal laws as required (WC, UI, OSHA, etc.)
- * Agree to provide the same benefits and working conditions as those similarly employed at the company.

Conditions under which training will not be approved:

- * Training for positions which are seasonal, intermittent or temporary employment
- * Employment that is less than full time
- * Jobs that pay less than minimum wage
- * Occupations that are not demand occupations as identified by Region VI Workforce Development Board
- * Jobs which would result in the displacement of any currently employed worker, including partial displacement such as a reduction in amount of non-overtime work, wages, or employment benefits.
- * Jobs that, if filled, would replace any worker who is on layoff or involved in a labor dispute.
- * Jobs that would impair an existing contract for services or collective bargaining agreement and no such activity that would be consistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and

the employer concerned.

- * Jobs with an employer who has exhibited a pattern of failing to provide WIOA funded training participants with continued long-term employment as regular employees with wages and working conditions at the same level as similarly situated employees.
- * The employer has relocated to the region from another location in the United States within 120 days and if the relocation resulted in jobs lost by employees at the original location.

Funding Award Guidelines:

- * Employers, at a minimum, must provide a 50% matching contribution to the training project. The match may be in the form of cash or negotiated in-kind as approved by the Region VI WDB.
- * No reimbursements will be given for employer's training costs incurred prior to the approval of the training by the Region VI WDB.
- * Region VI WDB retains the right to terminate or reduce funding, in whole or in part, if sufficient local, State or Federal funds are not available.

Reporting Requirements:

- * Each funded employer will submit to the Region VI WDB data on each trainee including: name, date training started and ended, total number of hours of training completed, date hired and starting wage. *In the case of current employees, additional data to submit includes job title before and after training, wage before and after training, and whether the trainee was advanced to a higher level.*

Reimbursable Training Expenses must be pre-approved and may include, but not be limited to:

- * Instructors'/trainers salaries (actual time of instruction/training)
- * Curriculum development
- * Tuition / delivery of training costs
- * Textbooks / manuals
- * Materials, supplies, and training equipment only under certain conditions - (to be determined on a case-by-case basis – dependent upon the use of the supplies during training – Ex.-If a finished product is completed during training, and then sold for profit by the employer, the cost of the materials and supplies for that training would not be considered reimbursable.)
- * Trainee wages under certain conditions – to be determined on a case-by-case basis.
- * Trainee travel time under certain conditions – to be determined on a case-by-case basis.

Non-Reimbursable Training Expenses, including, but not limited to:

- * Purchase of capital equipment (production equipment)

The Region VI Workforce Development Board Executive Director may waive provisions of this policy when the Executive Director determines it is necessary in order to serve individuals with special circumstances.

IMPLEMENTATION

DATE: Effective January 10, 2022, until rescinded or modified by the Region VI Workforce Development Board.

FF

Region VI Guidance Letter 13-16 R-6
Transitional Jobs

Region VI Workforce Development Board 17 Middletown Road White Hall, WV 26554	Transitional Jobs
	Date January 10, 2022

Region VI Guidance Letter 13-16, R-6

To: All Workforce West Virginia system stakeholders
All WorkForce West Virginia Centers
All Local Training Providers

From: Region VI Workforce Development Board

Subject: Transitional Jobs

- 1. Purpose:** The purpose for this guidance letter is to provide guidance on the use of Transitional Jobs as part of the regional service strategy of the Region VI Workforce Development Board.
- 2. References:** Workforce Innovation and Opportunity Act of 2014 (WIOA), Section 134(d)(5); 20 CFR §680.830, §680.840, §680.900, §680.150, Workforce West Virginia WIOA Policy No. 3-16, and Region VI Guidance Letter 7-15, R-5.
- 3. Background:** A transitional job is one that provides 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. The Region VI Workforce Development Board may use up to 10 percent of the combined total of adult and dislocated worker allotments for transitional jobs. Transitional jobs must be combined with comprehensive career services (§680.150) and supportive services (§680.900) when deemed appropriate.
- 4. Action:** Region VI will use transitional jobs as an employment strategy that seeks to overcome employment barriers and transition people with labor market barriers into work using wage-paid, short-term employment that combines real work, skill development and supportive services. Transitional Jobs program participants will earn a paycheck, learn skills, may become eligible for the Earned Income Tax Credit, and receive intensive mentoring and support.

The Transitional Jobs program in Region VI will have at a minimum, the following 3 components:

1. Paid work experience reimbursed to the employer at a rate of 100%

2. Classroom training provided at the rate of 8 hours for every 32 hours of actual work performed. (The 8 hours will be in addition to the contracted hours of paid work experience and can be paid or unpaid time.)
Classroom training experience is defined as soft skills, occupational skills, financial literacy, etc.-including referrals to Adult Education and SPOKES as appropriate.
3. Supportive services necessary to enable an individual to participate in Transitional Job training services as determined appropriate through assessment of the needs of each individual.

Each individual participating in Transitional Training can utilize up to a maximum of 1040 training hours. These training hours can be used with one or more employers as needed.

If the employer chooses to retain the participant after completion of the Transitional Job Training, an OJT contract may be developed if the position meets the guidelines governing OJT in Region VI.

The Region VI Workforce Development Board Executive Director may waive provisions of this policy when the Executive Director determines it is necessary in order to serve individuals with special circumstances.

A copy of this policy can be obtained from The Region VI Workforce Development Board or by downloading from the website-www.regionviwv.org, Public Information tab, Guidance Letters.

EXPIRATION

DATE: Effective January 10, 2022, until rescinded or modified by the Region VI Workforce Development Board.

KK

**Region VI Business Services Team
Business Resources Survey**



Region VI Business Services Team Business Resource Survey



Introduction: The Region VI Workforce Development Board and its Business Services Team is dedicated to serving businesses and organizations in our service area. This survey will help provide you, our valued regional employers, to be directed to the most effective resources for your needs, according to the responses in this easy to complete survey.

Company Name: _____

Location of business in WV: _____
County **City**

Approximately how many employees work at the WV location? _____

Business locations outside of WV: _____

Are you currently hiring? Yes No

If so, for what position/s and approximately how many openings:

Position: _____ # of Openings: _____

Position: _____ # of Openings: _____

Position: _____ # of Openings: _____

Describe the product or service your company offers: _____

What prompted you to contact our organization? _____

Currently, what are the top 2 priorities for your business?

1. Recruiting/Hiring/Staffing
2. Training for current or new employees
3. Expansion/new property needed
4. New equipment needed

Would you like information on any of the following?

1. Employing Veterans
2. Employing individuals with disabilities
3. Hiring participants of "Second Chance" programs
4. Tax Credits
5. ADA Accommodations
6. Visa Sponsorship
7. Posting Job Orders for open positions
8. Other: _____



Does your business participant in/employ any of the following?

1. Apprenticeships/Apprentices
2. Internships/Interns
3. On-the-Job Training
4. Temporary/seasonal employees

What positions does your business have the most difficulty in hiring?

1. Lead Management Positions (CFO, COO, etc.)
2. Essential Staff (Training/degree required; HR, Operations, Accounting, Admin, etc.)
3. Entry Level (No training/degree required)

What are some of the barriers to staffing you have experienced?

1. Lack of applications
2. Lack of qualified applicants
3. Applicants do not show for scheduled interviews
4. Applicants cannot pass a background check
5. Applicants cannot pass a drug screen
6. Lack of transportation
7. Lack of child care
8. Other: _____

How do you typically recruit for open positions?

1. Newspaper
2. Social Media (Facebook, Twitter, etc.)
3. LinkedIn
4. Job Platform/s (Indeed, Monster, etc.)
5. TV Ads
6. Radio Ads
7. Other: _____

Thank you for taking the time to complete this survey! If you have indicated you would like more information, or if you would like to be contacted for other topics not listed here, please complete the contact information below. Your requests will be forwarded to the appropriate agencies/organizations for assistance.

Company contact name and title: _____

Contact Phone #: _____

Contact Email: _____

**Disclaimer: By completing this survey, your information will be shared with the Region VI Businesses Services Team.*