KANSASWORKS STATE BOARD

DRAFT MINUTES/MOTIONS

Wednesday, May 3, 2017

Curtis State Office Building
5th Floor, Suite 530 Meeting Room
1000 SW Jackson Street, Topeka, KS 66612

Items of business that were voted on and approved were:

- Approval of January 19, 2017 Minutes – David Harwood moved – Brad Klinge seconded. Motion passed.

- Approval of Policy Rescission-Todd Newkirk moved, Jim Maher seconded. Motion passed.

  #4-05-01 Enrollment & document Standards

- Approval of Draft Policies– Rob Roberts moved; Gayle Goetz seconded. Motion passed.

  #5-22-00 WIOA Discrimination Complaint Process

  #5-23-00 Selective Service Registration

  #5-25-00 Memorandum of Understanding

  #5-28-00 One-Stop Certification

  #5-29-00 General Complaint Process

  #5-30-00 Restrictions on Core, Intensive & Training Services

  #5-31-00 On-the-Job/Customized Training

- Adjournment – Michael Donnelly moved; Richard Taylor seconded. Motion passed.

The full **KANSAS**WORKS State Board Meeting audio version is available upon request once the minutes are approved.

DRAFT

KANSASWORKS STATE BOARD

Attendance Record: **STATE BOARD MEMBERS**
Meeting Date: 5/03/2017

STATE BOARD MEMBERS	*REIMBURSEMENT REQUESTED Y/N*	*SIGNATURE*
Bendapudi, Neeli		Will Not Attend
Brown, Mike	Y	
Burden, Gregg		
Daniel, Ken		Will Not Attend
Donnelly, Michael		
Estes, Eddie		Via Phone
Faulkner, Tracey		Will Not Attend
Goetz, Gayle		
Gordon, Lana		
Harwood, David	Y	
Kleeb, Marvin		
Klinge, Brad		Present
Lehman, Earnie	Y	
Lynn, Julia		
Maher, Jim	X	
Mayfield, Criss	X	
Minard, Laurie		Will Not Attend

KANSASWORKS STATE BOARD

Attendance Record: **STATE BOARD MEMBERS**
Meeting Date: 5/03/2017

STATE BOARD MEMBERS	*REIMBURSEMENT REQUESTED Y/N*	*SIGNATURE*
Mino, Angelo		
Newkirk, Todd		on guest list
Perry, Carol		Will Not Attend
Roberts, Rob	Yes	Rob Roberts
Sicard, Gene		Will Not Attend
Smathers, Scott		J. Scott Smathers
Taylor, Richard	Y	~~Will Not Attend~~ Richard L. Taylor
Threadgold, Brian	N	Brian Threadgold
Unruh, Dave		Will Not Attend

KANSASWORKS STATE BOARD

Attendance Record: **STATE BOARD GUESTS**
Meeting Date: 5/03/2017

PRINT	SIGNATURE
Janice Blansit	Janice M Blansit
Keely Schneider	
Emily Fitzgerald	
John Bowes	
Joe Sharpe	
John M. Ybarra	
Irene Brewer	
Todd Newkirk	
Brad Klimpe	
Chris Lemon	
Trent Howerton	
Dennis Cooper	
Tyler Trabanic	
Emilie Doerksen	Emilie Doerksen
illegible	illegible

KANSASWORKS State Board
August 2, 2017
Quarterly Program Initiatives Summary

KANSAS HEALTH PROFESSION OPPORTUNITY PROJECT (KHPOP)

The Kansas Health Profession Opportunity Project's (KHPOP) mission is to provide healthcare training and employment opportunities for individuals facing barriers to finding well-paying jobs, leading to self-sufficiency. It is administered through the workforce centers in Kansas.

For the full five year grant period, the total projected participants are 2,000. KHPOP is in the second year of the grant and currently has 729 participants enrolled and 20% are TANF recipients. There have been 364 Healthcare Training Completions and 141 participants have been employed.

WORK OPPORTUNITY TAX CREDIT PROGRAM

The Work Opportunity Tax Credit (WOTC) program continues to strive in growth. In the third quarter of 2017. We have added an additional 126 new employers that will be taking advantage of the tax credit to assist in growing their businesses here in Kansas.

For the quarter, we had 9,744 new applications, processed 5,431 applications resulting in 2,425 certifications for a total tax credit of $6,763,400.00 with an average tax credit of $2,789.03. We in the WOTC unit are excited for 2017 and hope to continue to grow and assist employers expand and strengthen their businesses in Kansas.

REEMPLOYMENT SERVICES AND ELIGIBILITY ASSESSMENT (RESEA)

Reemployment Services and Eligibility Assessment (RESEA) is a collaboration between the Kansas Department of Commerce and the Kansas Department of Labor. The goals of RESEA are to shorten the number of weeks UI benefits are claimed, prevent and detect UI overpayments, decrease the likelihood of claimants exhausting UI benefits, cost savings to the UI trust fund and rapid reemployment for UI claimants.

RESEA is provided in sixteen workforce centers around the state. There are twelve grant-funded positions located at four workforce centers. Wagner-Peyser-funded staff provides RESEA services in offices that do not have dedicated staff. From April to June 2017, 2,156 UI claimants were called in for RESEA services. Claimants called in for RESEA are required to report to a workforce center as a condition to receiving UI benefits.

TRADE ADJUSTMENT ASSISTANCE PROGRAM (TAA)

During the 4th quarter, the Kansas TAA program had petitions certified within the cities of Salina, Wichita, Manhattan and Pittsburgh, impacting an estimated one hundred eighty six workers. There are six pending petitions across the state, from Wichita, Hesston, Salina and Kansas City. We hope to have a determination regarding these pending petitions within the next few months. TAA case managers were busy checking with students receiving semester end grades, syllabi and verifying summer schedules. Twelve workers were on a waiver from training during this time, they along with other laid-off workers were working with their case managers in creating training plans to begin as soon as possible.

TOPEKA JUVENILE CORRECTIONS FACILITY PROJECT

There have been 35 post-secondary students served by the program from January 9th – June 30th. The students earned 332 credit hours in the required courses. Five students complete either the Building Tech or Electrical program during this term and are now classified as "Certified Graduates". The next session begins July 31, 2017 and will include up to 24

WIOA-funded students. This session will be structured to allow classroom training in the morning and work-based training in the afternoon for any students who have completed OSHA and other safety training requirements. The training group will begin converting a former dormitory into a conference center; demolition, electrical, IT infrastructure, plumbing and finishes will all be taught during this current construction project.

The project will train up to 90 individual participants over a two-year period in both classroom and work-based settings.

WORKFORCE INNOVATION FUND (WIF)

Workforce Innovation Fund (WIF) is intended to contribute to the transition of the Kansas workforce system to WIOA with four key objectives: 1) expand and enhance collaboration with core partners, 2) improved outcomes of job seekers with significant barriers to employment, 3) coordinate service deliver, and 4) provide seamless access to multiple WIOA and other programs.

In October 2016, the WIOA Cross-system Training, developed with Vocational Rehabilitation, TANF, SNAP, Adult Education, Corrections, and other WIOA partners, was presented in all the Local Workforce Develop Areas. We have held 14 trainings and 452 staff were trained from the adult education, rehabilitation service, workforce services and economic and employment support programs. We have 70 people registered for the last five face to face trainings to be held in Kansas City, Wichita, Great Bend, Lawrence and Paola through September.

Development of the online modules is underway. The Adult Education Module is under revision based on feedback from the Subject Matter Experts. Workforce Services Experts from the local areas and Commerce will gather at the beginning of August to provide input on the content and design for the online modules for Workforce Services. The Department for Children and Families is deciding how to best develop their modules.

There are On-The-Job Training (OJT) enrollments in all areas. Per the grant, we need to enroll a minimum of 150 individuals in the WIF OJT program statewide by June 2018 and all OJT training must be completed by September 2018. Currently there are 16 individuals enrolled across all five LWDAs and 6 of those individuals have been place with an employer for OJT.

Information on evaluation, training, and quarterly updates can be found on the WIF SharePoint site at http://wif.kansascommerce.com.

DISABILITY EMPLOYMENT IINITIATIVE (DEI)

The purpose of DEI is to increase the number of individuals accessing the workforce system who identify as having a disability; provide training which leads to employment, including work-based training; improve the employment outcomes of these individuals; and enhance the ability of the workforce system to serve individuals with disabilities through partner engagement and coordination of services.

DEI provides funds to LWDBs in three Local Areas to employ one full-time Disability Resource Coordinator who supports other WIOA workforce system staff members as they serve job seekers with disabilities. With guidance from the DRC, Integrated Resource Teams are organized, comprised of multiple case managers from a variety of providers who provide services for different facets of a customer's agreed upon case management plan, which can be sequentially implemented in an order that best meets the customer's needs.

Due to outreach efforts at the State and Local levels, WIOA enrollment continues to increase for customers with disabilities. As previously reported, the percentage of customers with disabilities compared to total WIOA enrollment has increased from 2.23% for the year prior to DEI, to 11.11% for the second year of DEI. This percentage has again increased to 13.98% for the period April 1, 2017 to June 30, 2017.

OLDER WORKER PROGRAMS

Senior Community Service Employment Program (SCSEP)

SCSEP OVERVIEW

- A community service training program that provides paid, part-time, work-based training for unemployed, low-income persons, 55 or older, with poor employment prospects

SCSEP PERFORMANCE

Program Year 2015 – Year to Date		
No. of Authorized Positions		91
No. of Participants		67
Core Performance Measures	**Goal**	**YTD**
Common Measures Entered Employment	44.7%	18.2%
Common Measures Employment Retention	72.7%	85.7%
Common Measures Average Earnings	$ 7,204	$ 8,268
Other Performance Measures		**YTD**
Retention at 1 year		85.7%
Customer Satisfaction – Participant		81.5%

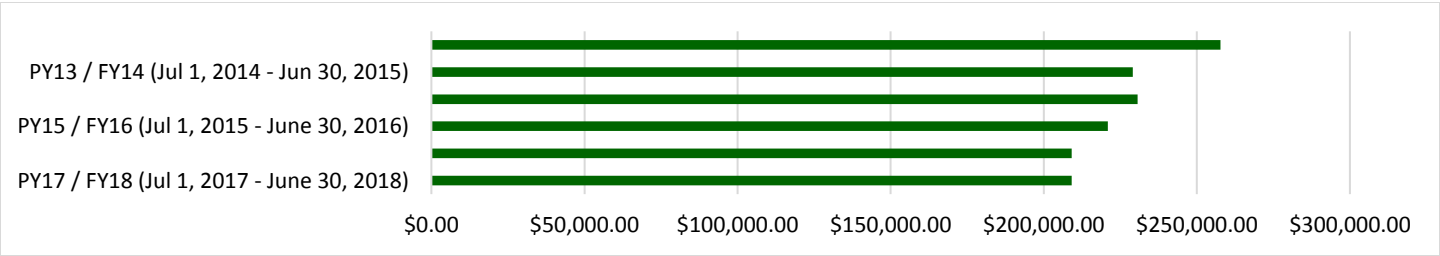
Program Year 2016 – Year to Date – Quarter 3		
No. of Authorized Positions		91
No. of Participants		51
Core Performance Measures	**Goal**	**YTD**
Common Measures Entered Employment	42.4%	18.2%
Common Measures Employment Retention	73.0%	100.0%
Common Measures Average Earnings	$ 7,684	$ 6,890
Other Performance Measures		**YTD**
Retention at 1 year		100.0%
Customer Satisfaction – Participant		Unavailable

Older Kansans Employment Program (OKEP)

OVERVIEW

- OKEP is a State funded employment placement program for Kansas residents 55 or older with availability of intensive one-on-one staff assistance to upgrade job skills through training and education (assessment, resume preparation, counseling, job search training, limited classroom training, job clubs, referrals, job development services, and mentoring services).

HISTORICAL FUNDING & ECONOMIC IMPACT



The economic benefit Kansas receives from OKEP funding is remarkable. The average number of workers served in each of the last three years was 2,103. An average of 935 workers per year were placed in employment. **An average return of $3.29 was realized for every $1 spent in OKEP** during fiscal year 2014, 2015 and 2016. This calculation includes income and sales tax only and does not include indirect returns such as consumer buying power.

STATE-WIDE JOB FAIRS

The next Statewide Job Fair will be held in the spring of 2018 on March 8th in all five of the local areas. The locations will include: Kansas City, Leavenworth, Overland Park, Manhattan, Topeka, Lawrence, Garden City, McPherson, Wichita, El Dorado, and Chanute. Additional details will be determined as the date draws nearer.

WICHITA STATE UNIVERSITY CUSTOMER SERVICE TRAINING

WSU continues their excellent work on the Customer Service project as a result of their Secret Shopper project. Just recently, they concluded online surveys with frontline staff and employers and surveys with business service representatives via the phone. They received excellent participation. The results from these surveys will be available in the near future.

WSU prepared customer service training for both supervisors and frontline staff. The supervisors training was held in Salina on Monday, June 26th and received excellent reviews, including one statement that it was the best customer service training the attendee had ever been to. The training for frontline staff will be held in each local area and will be divided into two sessions (one in July and one in August), with the first focusing on basic customer service and the second session diving into more detailed customer service.

Incarcerated Veteran Release Program (Emporia, KS)
A Pilot Program that assists our nations Veterans that have recently been released for Kansas' Correctional Institutions. This program was initiated by the DVOP (Disabled Veteran Outreach Program) Consultant and Emporia State University to assist our Veterans and the local employers in need of employees. The goal of the program is to integrate recently released incarcerated Veterans back into the community and obtain a second chance for employment, housing, clothing and medical needs.

This program is strictly voluntary, and all services with the local profit and non-profit agencies have been waived based on the communities' needs. Although in its infancy stage looks to be a promising program that will be incorporated across Kansas.

WORKFORCE DATA QUALITY INITIATIVE (WDQI)

Achievements of WDQI Strategic Partnership Activities

- Developed comprehensive data sharing agreements between all partnering agencies (KBOR, KDOL, KSDE, & Commerce).
- www.KSCareerNav.gov is a website developed jointly through the efforts of Commerce, KBOR, KSDE and KDOL. It is intended to aid a user in the selection of education and workforce training providers and examine training costs, expected occupational earnings, job outlooks, and job vacancies. Additionally, by navigating this site, a user has real time access to high demand, high wage occupation opportunities in local areas.
- Research activity was completed during the grant period. The questions submitted to the University of Kansas Center for Research, Inc., an affiliate of the Kansas City Area Education Research Consortium (KC-AERC) for research have been completed.
- Look at outcomes of ABE students as they proceed into post-secondary and the workforce.
- What is the impact of workforce patterns on success of adult learners pre-training, during training, and post-training? Is there a correlation between educational persistence, performance, and outcomes to number of jobs and part-time employment status (derived) held by adult learners? Are these patterns influenced by economic shifts?
  http://www.kansasregents.org/resources/SB155Report2016_final.pdf
  http://www.kansasregents.org/resources/AOKReport2016_final.pdf

WDQI Round V Summary Update – Grant Period ends 07/31/2018

WDQI Rd 5 Grant Objectives

Objective 1: Improving the existing Workforce Longitudinal Data System (WLDS) by integrating, education, workforce and socio-economic data (WIOA Title I, Title II, Title III, and Title IV), developing necessary agreements and ensuring standardized data definitions:

- Establish the policy framework and process to expand the WLDS to include socio-economic and workforce longitudinal data;
- Create a linkage between Registered Apprenticeship, socio-economic and education data systems (Develop performance reports for the following: Entered Employment, Employment Retention, Average Earnings, Credential Rates, In Program Skill Gains, Placement in Employment Education or Training, Earnings after entry into unsubsidized employment and Improving Employer Effectiveness);
- Enhance the data exchange of the workforce and education program inventory information.

Objective 2: Access data through linkages with the Statewide Longitudinal Data System (SLDS) to improve and enhance reporting processes and streamline partner efforts:

- Develop a standardized data collection to better serve individuals with workforce, socio-economic, and education needs related to performance measures outlined in WIOA (Emphasis on individuals with barriers - Vocational Rehabilitation and TANF).

Objective 3: Improve the quality and breadth of workforce and other data in the WLDS, avoiding duplication of effort in data collection, and reporting where possible:

- Improve quality through automated interfaces and enhance workforce data systems through documentation and training;
- Collaborate between partners for data sharing agreements and best practices.

Objective 4: Use WLDS data to evaluate performance measures mandated by federal and state laws to support job training and education programs and to drive continuous program improvement:

- Produce and disseminate performance information

Objective 5: Providing user-friendly information to consumers to aid in the selection of education and training programs, including production and dissemination of workforce training provider performance information as well as bolstering employer access:

- Enhance Web-based Dashboards and Reports
- Improve Eligible Training Provider Linkages and Collection

KANSAS BOARD OF REGENTS
MILITARY ARTICULATION INITIATIVE

The Kansas Board of Regents military articulation continues to grow as many new bridge programs have been added to the inventory, and additional postsecondary institutions are participating. With the continued support from Army University, Ft. Riley, and the Kansas National Guard, additional bridge programs will be added, advancing service members and veterans toward associate and baccalaureate degree programs. The current inventory is housed at: http://www.kansasregents.org/students/military/credit-for-military-alignment

KANSAS ADULT EDUCATION

Kansas Adult Education consists of 20 adult education programs located at community colleges, technical colleges and USDs throughout the state. In FY17, these programs served over 7,100 students, over 4,500 of whom were preparing for the GED exam. During the last year, 56% of students improved their basic skills, 312 industry-recognized credentials were earned, and 936 received their GED. Adult education programs work closely with their WIOA partners, as well as employers, to ensure that Kansans have the opportunity to participate in the education and training necessary to improve employment and meet the needs of our states' workforce. Kansas adult education providers are beginning the FY18 grant year and collaborating with local one-stop partners.

UPCOMING EVENTS AND JOB FAIRS

August 2, 2017 – Foley Equipment Job Fair, Colby, with KANSASWORKS Mobile Center
August 2, 2017 – Job Success Workshop, Junction City Workforce Center
August 2, 2017 – Roll Call for Vets, Topeka Workforce Center
August 2, 2017 – Focus Job Fair, Lawrence Workforce Center
August 3, 2017 – Federal Resume Workshop, Junction City Workforce Center
August 7, 2017 – Adecco Job Fair, Topeka Workforce Center
August 7, 2017 – JM Staffing Job Fair, Topeka Workforce Center
August 7, 2017 – Collaboration 4 Success Job Club, Junction City Workforce Center
August 8, 2017 – State Jobs Applicant Workshop, Topeka Workforce Center
August 8, 2017 – Prairie Band Potawatomi Nation, Topeka Workforce Center
August 8, 2017 – LinkedIn Workshop, Junction City Workforce Center
August 9, 2017 – Allied Staffing Job Fair, Lawrence Workforce Center
August 9, 2017 – Let's Help – Older Kansans Employment Program, Topeka Workforce Center
August 9, 2017 – Job Success Workshop, Junction City Workforce Center
August 10, 2017 – Experienced Workers Workshop, Topeka Workforce Center
August 12, 2017 – Joshua Project Job Fair, Mizpah House of Prayer
August 14, 2017 – Top Resources Job Fair, Lawrence Workforce Center
August 14, 2017 – Collaboration 4 Success Job Club, Junction City Workforce Center
August 15, 2017 – Capital Tile Job Fair, Topeka Workforce Center
August 15, 2017 – Randstad Staffing Job Fair, Topeka Workforce Center
August 18, 2017 – ATA Bus (Flint Hills Area Transportation) Job Fair, Manhattan Workforce Center
August 21, 2017 – JM Staffing Job Fair, Topeka Workforce Center
August 21, 2017 – Collaboration 4 Success Job Club, Junction City Workforce Center
August 22, 2017 – Shawnee County Corrections, Topeka Workforce Center
August 23, 2017 – Allied Staffing Job Fair, Lawrence Workforce Center
August 23, 2017 – Job Success Workshop, Junction City Workforce Center
August 24, 2017 – Job Fair Prep Workshop, Junction City Workforce Center
September 7, 2017 – Patriot's Day Career Fair, Junction City Municipal Building
October 18, 2017 – Veteran Resource Fair, Hays Workforce Center

Kansas Department of Commerce
Workforce Development
Policy and Procedures Manual

Policy Number: 2-09-00

Originating Office: Workforce Development

Subject: Registered Apprenticeship

Issued: October 7, 2005

Programs: USDOL Office of Apprenticeship Training, Employer and Labor Services

Purpose: To provide information about the Kansas Registered Apprenticeship program.

Reference: None.

Background: This document provides general information about the Kansas Registered Apprenticeship Program and how the program related to the workforce development system.

Action: Share with all appropriate staff.

Contact: Questions should be directed to Loretta Shelley, Registered Apprenticeship, (785) 296-4161, TTY (Hearing Impaired): (785) 296-3487, e-mail lshelley@kansascommerce.com.

Attachment: None.

Registered Apprenticeship

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Registered Apprenticeship

Coordination with One-Stop Partners

Every One-Stop Center is required to provide information to jobseekers on the Registered Apprenticeship program. Program Consultants for the Registered Apprenticeship program coordinate and facilitate directly with the One-Stop partners as they work with businesses to assist in the development of standards for skilled occupations. Coordination efforts are ongoing among Registered Apprenticeship, WIA, Temporary Assistance for Families (TAF), Vocational Rehabilitation, Veterans and Adult Basic Education to develop processes for referral of qualified jobseekers.

Coordination with WIA

The state has implemented an initiative to encourage Local Boards to develop procedures to assess individuals enrolled in the Registered Apprenticeship program to determine if they are also eligible for WIA.

Kansas has commenced a special initiative to use WIA Title I funds to provide Registered Apprenticeship training to unemployed persons in high wage, high demand occupations. Through this initiative, Program Consultants for Registered Apprenticeship are located in the Topeka Workforce Center and in the Wichita Workforce Center. These consultants work directly with businesses state wide to develop standards for their skilled occupations and register their programs with the Kansas Apprenticeship Council.

Registered Apprenticeship program sponsors are encouraged to work with the Local Boards to become an Eligible Training Provider for WIA. Individuals participating in the Registered Apprenticeship program are co-enrolled in WIA when appropriate. Coordination of Registered Apprenticeship and WIA ensures program participants receive necessary supportive services.

WIA performance for Adult Entered Employment, Employment Retention, and Earnings Increase and Efficiency will improve through this initiative. Also, the four Youth and Lifelong Learning measures will be positively impacted with major gains anticipated in Placement in Employment or Education, Attainment of a Degree or Certificate, Literacy or Numeracy gains, and Efficiency all improving.

Registered Apprenticeship Program Consultants work directly with business partners to identify skilled occupations as certifiable trades under Registered Apprenticeship program guidelines. To be recognized as a sponsor, the business must demonstrate a commitment to provide on-the-job learning customized for the skilled occupations within that business. The sponsor must also meet the 22 standards established in the Registered Apprenticeship Program. These business partners drive the strategy by participating with the Department of Commerce in joint planning, competency and curriculum development, and determining appropriate lengths of training for on-the-job and customized training opportunities.

The Registered Apprenticeship Program Consultants work with the One-Stop Centers and registered business sponsors to coordinate funds from various programs to help pay the extraordinary costs of training for program participants. Individuals participating in the Kansas Registered Apprenticeship program are co-enrolled in WIA when appropriate. The sponsor may also qualify for partial reimbursement of training costs through the Kansas Industrial Training Program and the Kansas Industrial Retraining Program. Coordination of these services ensures participants in the Kansas Registered Apprenticeship program receive the support services necessary to

complete their training. All funding provided through the various programs is coordinated to ensure no duplication of costs and to leverage resources.

The Registered Apprenticeship Program Consultants are responsible for marketing this incentive to existing and new businesses moving to the state. WIA case managers develop a training plan in cooperation with Registered Apprenticeship program sponsors describing the supportive services necessary for the participant to complete their training. The consultants work with the business to develop a training program that meets on-the-job or customized training requirements for WIA funding and to leverage other resources through education, economic development, and industry associations.

This initiative to integrate the Registered Apprenticeship program into the workforce development system provides the following benefits:

Business Services:

- Skilled jobs are filled through on-the-job or customized training programs utilizing academic training models;
- Worker skills are ensured through a certification of completion; and
- Financial assistance to help defray the extraordinary costs of training.

Workforce Centers:

- Value-added services are provided to the business community;
- The workforce development system is provided greater access to high paying job openings for highly skilled workers;
- The workforce development system becomes more visible in the business community; and
- Performance outcomes are enhanced.

Eligible Training Providers

Registered Apprenticeship program sponsors are encouraged to apply as Eligible Training Providers for WIA. Individuals participating in the Kansas Registered Apprenticeship program co-enrolled in WIA when appropriate. Coordination of these programs ensures participants receive the support services necessary to complete their training and receive a Completion of Apprenticeship Certification. Coordinated efforts are also ongoing among Registered Apprenticeship, WIA, Temporary Assistance for Families (TAF), Vocational Rehabilitation, Veterans and Adult Basic Education.

Benefits for Individuals

Registered Apprenticeship program sponsors identify the minimum qualifications to apply for their apprenticeship program. The eligible starting age can be no less than 16 years of age; however, individuals must usually be 18 years of age to be an apprentice in hazardous occupations. Program sponsors may also identify additional minimum qualifications and credentials to apply, e.g., education, ability to physically perform the essential functions of the occupation, proof of age. All applicants are required to meet the minimum qualifications. Based on the selection method utilized by the sponsor, additional qualification standards, such as fair aptitude tests and interviews, school grades, and previous work experience may be identified.

Benefits for Employers

Registered Apprenticeship is a voluntary industry-driven training program. Individual employers, employer associations or a partnership of business and organized labor, may implement the Registered Apprenticeship program. The Department of Commerce plays a support role to provide technical consultation services on the development of apprenticeship standards.

Employers or groups of employers and unions design, organize, manage, and finance Registered Apprenticeship programs under a set of apprenticeship standards, which include an on-the-job learning outline, related classroom instruction curriculum and the apprenticeship operating procedures. These standards are then registered with the Kansas Apprenticeship Council.

Following are some of the basic Registered Apprenticeship standards:

- Full and fair opportunity to apply for apprenticeship;
- Schedule of work processes in which an apprentice is to receive training and experience on the job;
- Program which includes organized instruction designed to provide apprentices with knowledge in technical subjects related to their trade (e.g., a minimum of 144 hours per year is normally considered necessary);
- Progressively increasing schedule of wages;
- Proper supervision of on-the-job learning with adequate facilities to train apprentices;
- Apprentice's progress, both in job performances and related instruction is evaluated periodically and appropriate records are maintained;
- No discrimination in any phase of selection, employment, or training.

On-the-Job Learning

Every apprentice(s) participating in a Registered Apprenticeship program enters into an apprenticeship agreement with a registered sponsor. The apprenticeship program sponsor and the apprentice agree to the terms of the Standards of Apprenticeship that are incorporated as part of the agreement. The on-the-job component is structured, supervised on-the-job training consisting of at least 2,000 hours depending on the occupation. The actual on-the-job learning is outlined in the Standards of Apprenticeship. A skilled craft worker(s) supervises the apprentice during the term of the apprenticeship. The supervisor reviews, evaluates and maintains records relating to the apprentice's job performance. Upon entry into the apprenticeship program, apprentice(s) are paid a progressively increasing schedule of wages. As the apprentice(s) demonstrate satisfactory progress in both the on-the-job learning and related instruction, they are advanced in accordance with the wage schedule as outlined in the registered Standards of Apprenticeship.

Related Instruction

Related Instruction is a required component of a Registered Apprenticeship program and supplements the on-the-job learning. A minimum of 144 hours per year is required for each occupation. The related instruction may be given in a classroom setting, through trade, industrial or correspondence courses of equivalent value, or other forms of self-study approved by the Kansas Apprenticeship Council.

Kansas Apprenticeship Council Policy Manual

The Kansas Apprenticeship Council is composed of nine members as follows: four members' representatives of management appointed by the Secretary of Commerce, four members' representatives of labor appointed by the Secretary of Commerce and the Secretary of Commerce or the Secretary's designee. All members appointed by the Secretary of Commerce possess considerable knowledge of apprenticeship and apprenticeship programs. The Director of Apprenticeship serves as staff to the Council. The State Director of the U.S. Department of Labor, Office of Apprenticeship Training, Employer and Labor Services, serves as and ex-officio member of the Council.

Kansas Department of Commerce
Workforce Development
Policy and Procedures Manual

Policy Number: 3-11-01 (*Contact updated November 1, 2012)*

Originating Office: Workforce Development

Subject: Priority of WIA Services

Issued: Revised July 17, 2007

Revised: Contact information updated 2/18/13

Program: Workforce Investment Act

Purpose: To transmit policy relating to priority of service for recipients of public assistance and other low-income individuals, older workers, low-income individuals, disabled individuals, and individuals with multiple barriers to employment and training.

References: Section 134(d)(4)(E) of the Workforce Investment Act (WIA) and TEGL 05-03.

Background: Section 134(d)(4)(E) of the WIA specifies that in the event funds allocated to a Local Area for adult employment and training activities under paragraph (2)(A) or (3) of section 133(b) are limited, priority shall be directed to recipients of public assistance and other low-income individuals for intensive services and training services. The Local Workforce Investment Board (Local Board) and the Kansas Department of Commerce (Commerce) shall direct the Job Service/One-Stop Workforce Center (herein referred to as One-Stop Center) to make determinations regarding such priority.

On November 2, 2002, President Bush signed the "Jobs for Veterans Act" (Pub. L. 107-288). Section 2(a) of the Act 38 U.S.C. 4215(a) creates a priority of service for veterans (and some spouses) "who otherwise meet the eligibility requirements for participation" in DOL training programs. TEGL 05-03 provides preliminary guidance for implementation of these provisions.

In addition, in recognition of the trends in workforce demographics, the shrinking of the workforce due to aging and business' demands for workers, Kansas has identified individuals age 55 and over as a viable, experienced sub-population of the workforce.

Action: Distribute to all interested parties.

Contact: Questions should be directed to WIA Administrator, (785) 296-0607, TTY: 711, email workforcesvcs@kansasworks.com.

Attachments: None.

Priority of WIA Services

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Priority of WIA Services

Background

The One-Stop delivery system is built upon the foundation of universal access to services for all individuals. Because funds are limited, the Local Board is required to establish local policies regarding prioritizing service for specific population groups (low-income and public assistance recipient categories). The Local Board policies and criteria for prioritizing must be included in their local WIA five-year strategic plan. When funds allocated for WIA adult services are limited, state policy requires that priority be given to recipients of public assistance and other low-income individuals, and to individuals age 55 and over for intensive services and training services.

Outreach

Through cooperation and coordination among service providers, local outreach efforts should be made to needy families and older individuals. Outreach should also be made to people with disabilities who do not have easy access to transportation to a One-Stop Center or a means to access information through computer linkages. Policy 1-12-00 provides information on basic assistive technology that must be available in the One-Stop Centers to ensure effective communication for individuals with disabilities.

Priority for Veterans

On November 2, 2002, President Bush signed the "Jobs for Veterans Act" (P. L. 107-288). Section 2(a) of the Act 38 U.S.C. 4215(a) creates a priority of service for veterans (and some spouses) "who otherwise meet the eligibility requirements for participation" in DOL training programs. TEGL 05-03 provides preliminary guidance for implementation of these provisions. Specific guidance will soon be issued pertaining to individual DOL programs. In the interim, this TEGL provides several broad examples to illustrate how the veterans' priority principles will be applied to a number of workforce investment system processes. Specific program guidance from ETA will be issued in the near future.

Certain targeting provisions are derived from a statutory mandate that requires a priority or preference for a particular group of participants or requires spending a certain portion of program funds on a particular group of participants. These are mandatory priorities. For example, under the Workforce Investment Act [Sec. 134(d)(4)(E)] there is a mandate that if "funds allocated to a local area for adult employment and training activities...are limited, priority shall be given to recipients of public assistance and other low-income individuals for intensive services and training services."

For these programs with mandatory priorities, the veterans' priority is applied as follows:

- An individual meeting both the veterans' and the mandatory priorities or spending requirement or limitation should obtain the highest preference for the program.
- Nonveterans within the program's mandatory priority should receive a preference over eligible veterans outside the program-specific mandatory priority or spending requirement or limitation.

- Similarly, eligible veterans outside the program-specific mandatory priority or spending requirement or limitation should receive priority over nonveterans outside the priority or spending requirement or limitation (once the spending requirement or limitation is met).

Requirements for Local Policy

Local policy will dictate how individuals in the following categories will be prioritized for service:

1. Individual, or member of a *family* (see **NOTE** below), that receives, cash payments under a Federal, State or local income based public assistance program.

2. Individual, or member of a family, that received a total family income for the six month period prior to application for the program involved (income exclusive of unemployment compensation, child support payments, public assistance payments, and old age and survivors insurance benefits received under section 202 of the Social Security Act) that in relation to family size does not exceed the higher of the following:

    a. At or below the poverty level for an equivalent period; or
    b. 70 percent of the lower living standard income level for an equivalent period.

3. Member of a *household* (see **NOTE** below) that receives food stamps. (This includes members of households determined eligible to receive food stamps within the six month period prior to application, even if food stamps were not received.)]

    NOTE: WIA Section 101(15)(A)(B)(C) provides a specific definition of a family. Family members must be "related by blood, marriage, or decree of the court". The term *household*, as defined by the eligibility guidelines for Food Stamps may include individuals living in a single residence who do not meet the WIA definition of a *family*.)

4. Homeless individual per Section 103 (a) and (c) of the McKinney Act.

5. Individual with a disability whose own income is at or below poverty level or 70 percent of the lower living standard or receives cash payments under a public assistance program, but who is a member of a family whose income does not meet such requirements.

6. An individual meeting both the veteran's priority group, plus one or more priority groups above.

7. An individual meeting a veteran's priority group, but none of the priority groups above.

8. An individual age 55 and over.

Kansas Department of Commerce
Workforce Development
Policy and Procedures Manual

Policy Number: 3-17-01 (*Contact updated November 9, 2012)*

Originating Office: America's Job Link Alliance – Technical Support

Subject: State Performance Accountability System

Issued: 9-6-06

Revised: Contact information updated 2/18/13

Program: Workforce Investment Act (WIA)

Purpose. To revise policy on the State Performance Accountability System to add information related to common measures outcomes; refine definitions for participant and exiter; change customer satisfaction survey procedures; and add PY2005/PY2006 incentive policy.

References. Section 136 of the Workforce Investment Act (WIA); TEGL 17-05, TEGL 8-99; WIA Annual and Quarterly Reporting Guidance.

Background. Section 136 of the Workforce Investment Act (WIA) establishes the WIA performance accountability system. This system includes performance measures to assess the effectiveness of the state and the local areas in achieving continuous improvement of WIA Title I-B funded workforce investment activities and to optimize the return on investment of federal funds in statewide and local workforce investment activities. TEGL 17-05 implemented common measures outcomes for all USDOL employment and training programs.

Action. This policy is incorporated into the Department of Commerce policy and procedures manual as it existed under the Kansas Department of Human Resources.

Contact. Questions should be directed to WIA Administrator, (785) 296-0607, TTY: 711, email workforcesvcs@kansasworks.com.

Attachments. None.

State Performance Accountability System

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STATE PERFORMANCE ACCOUNTABILITY SYSTEM

Background

WIA performance accountability is directly linked to the purpose of the legislation: to increase the employment, retention, and earnings of participants, and to increase occupational skill attainment by participants. The WIA Performance Accountability System establishes a comprehensive performance accountability system to assess the effectiveness of states and local areas in achieving continuous improvement of workforce investment activities, in order to optimize the return on investment of federal funds in statewide and local workforce investment activities.

The Office of Management and Budget, as part of the President's Management Agenda, issued several Directors' memoranda requiring federal programs to implement standardized outcomes for employment and training programs. These broad indicators for performance have been refined by the Employment and Training Administration into the common measures for Adult and Youth that are being applied to all US DOL employment and training programs. TEGL 17-05 defines the common measures, establishes guidance for defining point of participation, point of exit, and customer satisfaction requirements. Where possible, TEGL 17-05 has replaced the WIA performance outcome definition with the common measure outcome definition.

Common Measures

ADULT MEASURES
Entered Employment
Employment Retention
Earnings Change in Six Months (PY 2005) – Average Earnings (PY 2006 Forward)

YOUTH MEASURES
Placement in Employment or Education
Attainment of a Degree or Certificate
Literacy and Numeracy Gains

Performance Groups and Measures

There are four Performance Groups that contain a total of 20 performance measures as follows:

Adult Group #1

1. Entered Employment Rate (CM)
2. Employment Retention Rate (CM)
3. Earnings Change in Six Months (PY 2005) – Average Earnings (PY 2006 Forward) (CM)
4. Employment and Credential Rate (Statutory Measure)

Dislocated Worker Group #2

5. Entered Employment Rate (CM)
6. Retention Rate (CM)
7. Earnings Change in Six Months (PY 2005) – Average Earnings (PY 2006 Forward) (CM)
8. Employment and Credential Rate (Statutory Measure)

Youth Group #3 (see note below)

9. Entered Employment Rate (Statutory Measure)
10. Employment Retention Rate (Statutory Measure)
11. Earnings Change in Six Months (Statutory Measure)
12. Credential Rate (Statutory Measure)
13. Skill Attainment Rate (Statutory Measure)
14. Diploma or Equivalent Attainment Rate (Statutory Measure)
15. Retention Rate (Statutory Measure)
16. Placement in Employment or Education (CM)
17. Attainment of a Degree or Certificate (CM)
18. Literacy and Numeracy Gains (CM)

Note: Measures 9-12 are for Older Youth (age 19-21) and measures 13-15 are for Younger Youth (age 14-18). Measures 16-18 are common measures applying to all youth.

Customer Satisfaction Group #4

19. Participant Satisfaction (Statutory Measure)
20. Employer Satisfaction (Statutory Measure)

Negotiating Performance Levels

The U.S. Department of Labor (USDOL) is required to negotiate with the state to establish expected levels of performance for each of the 17 statutory performance measures. Each Local Board and Chief Elected Official (CEO) negotiates with the state to reach agreement on local area performance for the 17 statutory measures. After performance levels are negotiated, a local area's request for a revision must be based on significant changes in either local or statewide economic conditions, changes in the mix of available services, or changes in customer characteristics.

Measuring Performance

Actual performance is compared to the negotiated performance levels to determine if the state is eligible to receive an incentive award or is subject to sanctions.

Core performance measures apply to adults and dislocated workers who are registered for WIA services beyond self-service and informational services, and to all youth. When significant staff resources are involved, adults and dislocated workers should be registered for WIA services.

Point of Participation

WIA Point of Participation for Adults, Dislocated Workers and Youth

All job seekers who are determined WIA eligible and meet both Conditions 1, 2 AND 3, below, are considered a participant in WIA.

Condition 1 – Individual provides a social security number or identification number in lieu of a social security number and is given the opportunity to provide basic demographic information on age, race, ethnicity and disability status

Condition 2 - Individual Received any service beyond eligibility determination.

Condition 3- Service Provided with WIA Funds

WIA funds were used to provide:
For Adult and Dislocated Workers: core, intensive or training service that the individual received
For Youth: any service that the individual received.

Example: In a One-stop environment, if an individual received only Wagner-Peyser funded core services or TANF funded case management, and did not receive any WIA funded core, intensive or training service, that individual would NOT be registered for WIA. However, an individual who has received WIA funded core, intensive or training services or WIA funded youth service would be registered for WIA even if they would also receive non-WIA funded partner services. This includes service received either at a physical location or electronically that are either fully or partially funded by WIA funds.

Inclusion in WIA Performance Accountability System

Adults and Dislocated Workers

Who needs to be reported in the common measures participant counts?

Policy requires the state to report, in the appropriate participant counts, all individuals who have been determined eligible and receive a service, including self-service and informational activities, in either a physical location (One-Stop Career Center or affiliate site) or remotely through electronic technologies.

Who needs to be included in the performance measures calculations?

All participants who receive a core, intensive, or training service who exit the program are to be included in performance measures calculations, except that Section 136 of WIA expressly excludes WIA Adult and Dislocated Worker program participants who only receive self-service or informational activities from performance calculations.

Self-Service and Informational Activities

According to 20 CFR 666.140(a)(2), **self-service** and **informational activities** are those core services that are made available and accessible to the general public; that are designed to inform and educate individuals about the labor market, their employment strengths and weaknesses, and the range of services appropriate to their situation; and that do not require significant staff involvement with the individual in terms of resources or time. The state interprets the critical terms above as follows:

Self-service occurs when participants serve themselves in accessing workforce investment system information and activities in either a physical location, such as a One-Stop Career Center resource room or partner agency, or remotely via the use of electronic technologies.

Informational activities in a workforce investment setting may include both self-services and staff-assisted core services that are designed to inform and educate a participant about the labor market and to enable a participant to identify his or her individual employment strengths, weaknesses, and the range of services appropriate for the individual. The exception is core services that require significant staff involvement (see below).

Clarification of Significant Staff Involvement

Significant staff involvement is fundamental to determining if a participant will be considered in performance calculations. The critical distinction is determining when a participant has received a level of service that requires significant staff involvement. Significant staff involvement in a workforce investment setting is any assistance provided by staff beyond the informational activities described above regardless of the length of time involved in providing such assistance. Significant

staff involvement includes a staff member's assessment of a participant's skills, education, or career objectives in order to achieve any of the following:

- Assist participants in deciding on appropriate next steps in the search for employment, training, and related services, including job referral;
- Assist participants in assessing their personal barriers to employment; or
- Assist participants in accessing other related services necessary to enhance their employability and individual employment related needs.

A participant who receives this level of service has received a service that involves a significant level of staff involvement; therefore, this participant would be included in the performance measures calculation.

On the other hand, when a staff member provides a participant with readily available information that does not require an assessment by the staff member of the participant's skills, education, or career objectives, the participant is a recipient of informational activities. This includes information such as labor market trends, the unemployment rate, information on businesses that are hiring or reducing their workforce, information on high-growth industries, and occupations that are in demand. A participant is also a recipient of informational activities when a staff member provides the participant with information and instructions on how to access the variety of other services available in the One-Stop Career Center, including the tools in the resource room.
A participant who only receives this level of service has not received a service that involves a significant level of staff involvement; therefore, he/she is a participant who would be excluded from the performance measures calculation.

Inclusion of Participants in Performance Calculations by Program

Although the WIA Adult and Dislocated Worker program participants who access or receive only self-service or informational services are excluded in the WIA performance calculations, these participants should be included in the Wagner-Peyser Act reporting and performance calculations to the degree that Wagner-Peyser Act funds contributed to the core employment and workforce information services received.

In accordance with policy principles articulated in TEGL 17-05, if a participant is served by a specific funding stream, he/she will be counted as a participant in that funding stream's reporting system and/or performance calculations. For example, Wagner-Peyser Act funds are often used to support and maintain One-Stop Career Center operations, electronic tools, job banks, and workforce information services. In these situations, it would be appropriate to include participants who accessed or received Wagner-Peyser Act-funded services in the Wagner-Peyser Act performance accountability system. Where WIA program funds are used in similar ways, participants who receive self-service or informational activities would only be included in the WIA participant and services counts, but would not be counted in the WIA performance measures.

Youth

All Youth who receive WIA Title I services beyond eligibility determination will be included in the performance accountability system.

The following rules determine how participants are registered in the specific WIA funding streams:

- If a specific WIA funding stream serves a participant, the participant will be counted in that WIA funding stream's performance measures (i.e. a participant served by adult funds will be counted in the adult performance measures);

- Participants served by more than one WIA funding stream will be counted in each funding stream's performance measures (i.e. a participant served by youth funds and adult funds will be counted in both the youth performance measures and the adult performance measures);

- Youth will be included in the set of performance measures that apply to their age at the time of participation, regardless of how old the participant is at the time of exit (i.e. youth 14-18 years of age at participation will be included in the younger youth measures; youth 19-21 years of age at participation will be included in the older youth measures); and

- All exit-based measures (which include all core performance measures except the Younger Youth Skill Attainment Rate and the Employer Customer Satisfaction measure) will be in effective when the participant is exited from all WIA Title I and One-Stop partner services. In the case of a youth who becomes an adult while participating in the program, the individual will be counted in both the youth measures and the adult measures. Neither set of exit-based measures shall be applied until that participant is exited from the adult program services (as well as all other WIA Title I or partner services).

Calculating Data for Performance Measures

Reporting Quarters

Except for the Youth Skill Attainment Rate and the Employer Satisfaction measures, all WIA performance measures are directly related to exit from WIA Title I services and One-Stop partner services. Therefore, performance data is collected and reported in deferring periods. Since the primary source for the employment related measures is the Unemployment Insurance (UI) wage files, those measures will have a significant delay in reporting due to the lag in availability of UI quarterly wage records.

UI Wage Records

All performance measures will be calculated using the specific guidance contained in TEGL 17-05. The primary source for all employment related measures, to include Entered Employment Rate, Employment Retention Rate, Employment and Credential Rate, Earnings Change, and Earnings Replacement Rate will be UI wage records. Supplemental sources for wage information can be used only after a request has been made for the UI records and there are no wages available. Supplemental wage information cannot be used to compute Earnings Change or Average Earnings. Only valid UI wage record information may be used to calculate these measures.

Exiter Cohort

Each individual becomes part of the exit cohort. This is a group determined to be exiters within a particular quarter and grouped together for measurement purposes.

- Exit: Participant who does not receive WIA or non-WIA funded partner services for 90 calendar days and no further services are scheduled for future services, except follow-up. The date of exit for an exiter is the date of completion of the last WIA funded or non-WIA funded One-Stop partner service.

  Note: Participants with a planned gap in services of greater than 90 calendar days should not be exited if the gap in service is due to a delay before the beginning of training or a health/medical condition that temporarily prevents the individual from participating in services.

Customer Satisfaction Survey

The customer satisfaction survey captures customer satisfaction data to be compiled and compared at the local, state and national levels. A Customer Satisfaction Score (CSS) will be created for each of the two customer groups -- participants and employers. Beginning July 1, 2006 for Program Year 2006 the state will no longer aggregate Local Area customer satisfaction scores to determine the state customer satisfaction results using the American Customer Satisfaction Index (ACSI) methodology. Rather, the state will be responsible for gathering customer survey information for participants and employers using the state level sampling requirements and calculation methods for ACSI. The state will notify each Local Area of the participants and employers contacted who were served by the Local Area and provide the results of the survey and any comments made by the participant or employer.

Participants from all the funding streams (adults, dislocated workers, older youth, and younger youth) who have completed all WIA program services will constitute the respondent pool for the customer satisfaction survey. All employers who received a substantial service involving contact with One-Stop staff are eligible to be chosen for inclusion in the random sample once the service has been completed or 30 days have elapsed without service. This includes staff facilitated job orders, customized job training, customized labor market information requests, and on-the-job training activities.

Participant Survey

The target number for sampling must be high enough to ensure that the required number of completed interviews is achieved while maintaining the minimum 70 percent contact rate.

Employer Survey

The target number for sampling must be high enough to insure that the required number of completed interviews is achieved while maintaining the minimum 70 percent contact rate.

Survey Procedures

Participant and employer responses to the customer satisfaction survey must be collected by telephone interviews. In-person interviews and mail questionnaires may be used only in situations where the individual does not have a telephone or if the person has a hearing impairment prohibiting use of the telephone. Accommodations should be made to administer surveys and collect results from individuals who are not proficient in the English language.

Participants should be contacted as soon as possible after the date of last WIA funded service, and no later than 60 calendar days after the date of last WIA funded service.

Employers should be contacted as soon as possible after the completion of service, and no later than 60 calendar days after the completion of the service. Employers, who listed a job order where no referrals were made, should be contacted no later than 30 to 60 calendar days after the job order was listed.

Respondents should be told that responding to the survey is voluntary and that the information they provide will be kept confidential. The state will use the questions specified in Attachment G to the WIA

Data Collection and Reporting Package as approved by the Office of Management and Budget. These mandatory questions, and the preamble to the questions, must be asked as written and be the first questions of each survey.

Local Area Customer Satisfaction

Local Areas have two options for collecting and reporting customer satisfaction for annual reporting.

1. A Local Area can accept the state level customer satisfaction results as the customer satisfaction results of the Local Area. The Local Area can accept the participant results, the employer results or both as their customer satisfaction results.
2. A Local Area can continue to conduct their own customer satisfaction surveys for participants, employer or both and report those results annually to the state. The state will not aggregate Local Area surveys into the state results. If a Local Area chooses this method, they can use the ACSI questions as a basis for the survey, but cannot use the ACSI calculation method to obtain survey results. The Local Area can only report the raw averages as the results. Local areas may add other questions to the participant and employer surveys.

Annual Report

The WIA annual report and the WIASRD report of exiter data elements must be submitted not later than September 1 of each year. In addition to the formats specified in the WIA annual report specifications for statistical information, the local areas are encouraged to provided narrative information related to local activities and initiatives related to WIA program services to include One-Stop activities.

Annual Performance Evaluation and Incentive Policy

In an effort to incent exceptional performance, the 2006 Program Year Incentive Award Policy for PY05 performance results has higher incentive award qualification standards.

1) Each LWIB must first pass both customer satisfaction performance measures to qualify for any monetary incentive award. This emphasis on customer satisfaction is necessary for Kansas to work towards qualification for a US DOL incentive award.
2) The threshold for a performance measure to qualify for a monetary incentive award is now 100%.
3) There is also a requirement that each LWIB demonstrate Continuous Improvement as directed by the Workforce Network of Kansas Board.

For Program Year 2006, the state has set aside $200,000 for incentive awards. This money will be divided into two pots – Pot A will have $150,000 to distribute and Pot B will have $50,000 to distribute.

Pot A will be awarded in the following manner to those Local Workforce Investment Boards that meet the following criteria:

Four incentive awards: The state will allocate four separate incentive awards to Local Workforce Investment Boards for exemplary performance results under the WIA Title I-B Youth Grant, Adult Grant, Dislocated Worker Grant and Customer Satisfaction. Depending on the results, a local area might receive no award, one award, two awards, three or four awards.

In order to be considered for an incentive award, an LWIB must first "pass" (meet or exceed 80% of their negotiated performance levels) both customer satisfaction performance measures. If an LWIB passes both customer satisfaction measures, then it must pass each of the performance measures in a category to qualify for an incentive award for that category. If even one performance measure in a specific category is failing, then no incentive award may be received for that category.

Once it has been determined that an LWIB has passed all performance measures in a category and both customer satisfaction performance measures, then incentive awards will be made for each category in the following manner:

Adult Measures: Possible incentive award = $7,500.

There are four performance standards measured in the Adult Category. For each performance standard achieving 100% of the negotiated level, an LWIB will receive $1,000. If an LWIB averages 100% or better for the whole category, the LWIB will receive an additional $3,500.

Dislocated Worker Measures: Possible incentive award = $7,500.

There are four performance standards measured in the Dislocated Worker Category. For each performance standard achieving 100% of the negotiated level, an LWIB will receive $1,000. If an LWIB averages 100% or better for the whole category, the LWIB will receive an additional $3,500.

Youth Measures: Possible incentive award = $10,000.

There are seven performance standards measured in the Youth Category. For each performance standard achieving 100% of the negotiated level, an LWIB will receive $1,000. If an LWIB averages 100% or better for the whole category, the LWIB will receive an additional $3,000.

Customer Satisfaction Measures: Possible incentive award = $5,000.

There are two performance standards measured in the Customer Satisfaction Category. For each performance standard achieving 100% of the negotiated level, an LWIB will receive $1,000. If an LWIB averages 100% or better for the whole category, the LWIB will receive an additional $3,000.

Pot B will be awarded in the following manner to those Local Workforce Investment Boards that meet the following criteria:

Any LWIB achieving an average of 110% in any of the categories listed above will qualify for an additional award. The $50,000 will be divided by the total number of categories that average 110% or better and that amount will be awarded to each of the LWIB's achieving that level.

For example, if Local Area A had 1 category at 110%, Local Area B had 1, Local Area C had 1, Local Area D had 2 and Local Area E had 3, so that there are 8 categories that averaged 110% or better, then the $50,000 would be divided by 8.

$50,000 divided by 8 is $6,250 per category. So Local Area A, B, and C would each receive an award of $6,250, Local Area D would receive an additional $12,500 and Local Area E would receive an additional $18,750.

Certificates of Recognition:

Specially designed certificates of recognition will be awarded to LWIB's for each performance standard achieving 95% to 99%; 100% to 109% and 110% or higher.

Recognition Dinner and Award Ceremony:

A recognition dinner will be held approximately 6 months after the end of the Program Year to recognize the performance levels of each of the Local Workforce Investment Boards.

All incentive dollars not awarded will be retained by the State for provision of corrective action technical assistance and system capacity building.

Kansas Department of Commerce
Workforce Services
Policy and Procedures Manual

Policy Number: 3-29-00 (*Contact updated November 9, 2012)*

Originating Office: Workforce Services

Subject: Revised Incentive and Sanction Policy for Workforce Investment Act Title IB Programs

Issued: April 9, 2008

Revised: Contact information updated 2/18/13

Program: Workforce Investment Act

State Board Approval Date: April 9, 2008

Purpose: To provide Local Areas with guidance on the revised policy related to incentives and sanctions under title IB of the Workforce Invest Act (WIA) for performance accountability purposes.

References: Workforce Investment Act of 1998 (PL 105-2220), Section 136, 20 CFR part 666; TEGL 9-07, KDOC policy number 3-17-01.

Background: For Program Year 2007, Kansas was granted a waiver to replace the existing performance measures at WIA Section 136(b) and (c) with the common measures. The State will no longer report to ETA on the following WIA measures: WIA adult and dislocated worker credential rates; participant and employer customer satisfaction; older youth measures; and younger youth measures. The State will report on the three adult common measures, three youth common measures and three Dislocated Worker common measures. States with approved waivers are accountable for results against 9 performance measures rather than the 17 measures for which other states are accountable. The waiver was granted through June 30, 2009.

Action: Distribute to all interested parties.

Contact: Questions should be directed to WIA Administrator, (785) 296-0607, TTY: 711, email workforcesvcs@kansasworks.com.

State of Kansas
Workforce Investment Act
Sanctions and Incentives Policy

The number of approved waiver requests have continued to increase and as a result the ETA has reexamined its incentive and sanction policy so waiver states would not be automatically exempted from national incentive eligibility, thereby avoiding a possible disincentive to further program integration.

To accomplish these goals, ETA has reconsidered its interpretation of what it means to "exceed" WIA performance measures, as well as what combination of measures will be considered under the revised incentive and sanction policy to allow both waiver and non-waiver states to be eligible for incentive grants. For purposes of both ETA and State incentives the following measures will be in effect:

WIA Adult and Dislocated Worker Measures:

1. Entered Employment Rate:
2. Employment Retention Rate; and
3. Average Six Months Earnings.

WIA Youth Measures:

1. Placement in Employment or Education;
2. Attainment of a Degree or Certificate; and
3. Literacy and Numeracy Gains.

Similarly, the Kansas Department of Commerce is revising its sanction and incentive policy to more closely reflect ETA changes. In addition three new State Performance measures are being added to the federal measures. No sanctions will apply to the State measures. Only outcomes reported against the applicable performance measures above will be analyzed when considering the application of sanctions. The revised sanction policy is described further in this issuance. Incentive awards however will be made on both federal and State measures. A further description of the new measures and the incentive award system appears later in this Issuance.

Local Area WIA Sanctions Policy

If a Local Area fails to meet its negotiated levels of performance for any of the applicable measures for one year, the Local Area may request technical assistance from the Department of Commerce. If the Local Area fails to achieve 80 percent of the negotiated level of performance for the same measure for two consecutive years, the Local Area may be subject to financial sanctions in the form of a reduction in the annual allotment for the program area, up to a maximum of 4 percent. The application of a financial sanction will be made to the allotment for the program year following the year of poor performance. Any funds recovered from the application of financial sanctions will be made available for performance incentive grants.

The effective use of sanction authority related to performance will include a range of actions, with the ultimate goal of improving services to customers. Financial sanctions will be considered when it is clear the Local Area has not taken reasonable steps to address its poor performance, but levying a financial penalty will not be the sole purpose or result of a sanction.

Any Local Area that failed to meet 80 percent of the negotiated level for a specific performance measure for a second consecutive year will be required to modify its Strategic Plan to incorporate an agreed upon performance improvement plan.

At a minimum, if the Local Area failed to achieve the negotiated level of performance for two years in a row, the State will work with the appropriate Local Area to develop a performance improvement plan. Such a plan will include changes to program goals, as appropriate, as well as design, management or administration remedies that address any deficiencies in program design or service strategy that have inhibited performance, including reporting problems; appropriate technical assistance to improve program services and continued monitoring by the State.

The amount of a financial sanction for poor performance within a program area will be directly related to the number of negotiated performance levels the Local Area failed to meet for measures within that program area for two consecutive years, but will not be more than 4 percent of the annual allotment for the program area.

In addition to the required performance improvement plan, financial sanctions will be applied to the program area in which the Local Area failed to achieve the negotiated level of performance, i.e., adults, youth, and/or dislocated workers.

When determining the amount of a financial sanction, failure to submit accurate and timely monthly reports, quarterly reports and the Annual Report narrative will increase the financial sanction by an additional 1 percent of the annual allotment in the program area that is being sanctioned. If the Local Area failed to submit a timely and accurate report but has met all of its negotiated levels of performance, then a financial sanction will not be imposed.

A financial sanction may be appropriate for any Local Area that failed one or more measures of performance for workforce investment programs. The following describes the maximum amount of a financial sanction, subject to adjustment upon further review. Since there are three measures that will be considered for each of the WIA Adult, Youth and Dislocated Worker programs, the amount of the financial sanction will be based on the number of measures failed in each program area:

Adult/Youth/Dislocated Worker No. of Measures Failed	Maximum Amount of Sanction
1	1%
2	2%
3	3%
*	4%

*Failure to submit an accurate and timely report will increase the level of financial sanction applied to a program by an additional 1 percent if it is otherwise subject to financial sanction.

There are several general factors to consider in relation to sanctions for performance that will be taken into consideration in determining the actual amount of the sanction (up to the maximum percentages as discussed above), such as performance on other indicators, economic conditions, and the progress of performance on the failed measure between the two program years. The Department of Commerce will work with the Local Area to address the seven mitigating factors:

1. The Local Area's performance relative to other Local Areas;
2. The improvement efforts underway;

3. Incremental improvement on the performance measures;
4. Technical assistance previously provided;
5. Changes in economic conditions and program design;
6. The characteristics of participants served compared to the participant characteristics described in the Local Area Plan; and
7. Performance on other core indicators of performance.

It is important to note that the State's primary interest is in ensuring effective and efficient service delivery and successful outcomes for participants served by WIA programs. In addressing the mitigating factors, the Local Area should acknowledge areas where performance is failing and provide documentation that either substantiates actions taken by the Local Area to improve performance throughout the period of performance or that provides sufficient context around the Local Area's actual performance results.

The Department of Commerce will provide a final recommendation for a financial sanction based on their analysis of the information received from the Local Area including responses on the seven factors discussed above. The amount of the sanction for each performance measure missed could be reduced if the Local Area provides relevant and sufficient information to explain the performance failure.

Local Areas may request a review of a decision to impose a sanction in accordance with existing appeal procedures.

Revised Policy for WIA Incentive Grants

As part of the Governor's initiative to positively impact the Kansas economy by focusing on Critical Industries, the **KANSAS**WORKS State Board is establishing State performance goals that are intended to both increase the number of individuals trained in and the resources spent on these industries.

Workforce Investment Act programs can have a positive influence on this initiative in that millions of dollars are spent each year training thousands of individuals in demand occupations. In many instances training is already occurring in the Critical Industries sector, however, by directing a portion of WIA State Incentive dollars to this initiative, it not only showcases current training efforts but provides additional financial incentives for those regions that target Critical Industry training and are able to effectively increase the number of individuals enrolled and placed in targeted Critical Industry training applicable to their regions.

Critical Industries for purposes of WIA incentive grants are defined as: Advanced Manufacturing; Bioscience; Aviation, Energy and Healthcare. While the WIA system is already invested in training in these industries we would like to encourage additional expansion where appropriate and to accomplish this the State has reserved WIA Incentive funds to award to those areas that show not only increases in the number of individuals enrolled in training but specifically those enrolled in and placed in Critical Industries.

For purposes of this policy, the State Board will annually review the designation of Critical Industries during its first regular meeting of the state fiscal year.

Section 503 of the WIA requires the Secretary of Labor to award incentive grants to states that exceed the negotiated levels of performance for WIA title IB programs, the expected levels of performance for WIA title II Adult Education and Family Literacy Act programs, and the levels of performance for the Carl D. Perkins Vocational and Technical Education Act programs.

For the WIA title IB programs, beginning with annual outcomes reported from PY 2007, both USDOL/ETA and the Kansas Department of Commerce is establishing the following criteria to determine incentive eligibility for awards based on performance outcomes for PY 07:

- Performance is at, or above, 90 percent of the negotiated level for each applicable WIA performance measure;
- The score for the average attainment rates for each of the WIA performance groups (adults, dislocated workers, and youth) is above 100 percent;
- The performance outcomes are reported on time and are accurate;
- The State or Local Area has not requested a revision to lower its negotiated performance levels for any measure after the end of the third quarter of the program/performance year (March 31). This requirement only applies to lowering negotiated levels of performance; Local Areas may request a higher negotiated level of performance for a measure at any time.

Incentive Policy for Federal and State Measures

For Program Year 2007, the state has set aside $200,000 for incentive awards. Of this money, $150,000 will be divided equally between the twelve State and Federal performance measures and $50,000 will be set aside for exemplary performance. In an effort to reward outstanding performance for meeting the established measures, Incentive Awards will be based on the following criteria:

Eligibility Threshold:

- To receive an award for the federal measures, an LWIB must meet or exceed 90 percent of each individual standard in order to qualify for an incentive award. If a Local Area fails to meet the 90 percent threshold of any individual standard, the Local Area will be disqualified from receiving an award; and

- The score for the average attainment rates for each of the WIA performance groups (adults, dislocated workers, and youth) is above 100 percent.

- To receive an award for state measures, an average cost-per-enrollment calculation will be used to determine the eligibility of each LWIB for any incentive amount.

Incentive Categories:

- The state will establish three separate incentive categories from which to award funds to Local Boards for meeting performance goals under the WIA Title I-B Adult, Youth and Dislocated Worker programs.
  - Adult: There are three performance measures in the Adult category. For each performance standard achieving 100 percent of the negotiated level, an LWIB will receive $2,500 (maximum $7,500).
  - Youth: There are three performance measures in the Youth category. For each performance standard achieving 100 percent of the negotiated level, an LWIB will receive $2,500 (maximum $7,500).
  - Dislocated Worker: There are three performance measures in the Dislocated Worker category. For each performance standard achieving 100 percent of the negotiated level, an LWIB will receive $2,500 (maximum $7,500).

- The state will establish three separate incentive categories from which to award funds to Local Boards for meeting performance goals established by the state. By using data compiled for each Local Area in Program Year 2006 the following three measures will be established for purposes of State incentive awards:
  - increase in total number of enrollments based on the average cost-per-enrollment calculation; ($2,500)
  - increase in number of trainees enrolled in Critical Industries by 5 percent ($2,500) ; and
  - increase in the percentage of individuals placed in Critical Industries; ($2,500)

Any funds that are not awarded under the twelve Federal and State performance measures will be added to the exemplary performance dollars and awarded to those Local Areas meeting the exemplary performance criteria.

Exemplary Performance

Exemplary Performance will be recognized and awarded to Local Areas which achieve an average of 110 percent or more in any of the above categories. This $50,000 fund will be divided by the total number of categories that average 110 percent or better and that amount will be awarded to each of the LWIB's achieving that level.

Expenditure Requirements

All incentive funds received by Local Areas must be used in accordance with WIA and state policies and regulations.

Kansas Department of Commerce
Workforce Development
Policy and Procedures Manual

Policy Number: 5-06-00

Originating Office: Commerce Regulatory Compliance

Subject: Equal Opportunity Data and Information Collection and Maintenance

Issued:

Program: Programs and activities that are part of the one-stop delivery system and that are operated by one-stop partners listed in section 121(b) of the Workforce Innovation and Opportunity Act (WIOA).

Purpose: To transmit state policy and guidance regarding the collection, use, storage, and confidentiality of documents related to all WIOA applicants/registrants, eligible applicants, participants, terminees, employees, and applicants for employment.

References: 29 CFR Part 38: Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act of 2014 (WIOA); WIOA Section 188.

Background: The Governor must ensure that all WIOA Title I-financially assisted program operators collect and maintain records in a manner consistent with the provisions of 29 CFR Part 38.41-45 and ensure that such programs can provide data and reports to ensure nondiscrimination and equal opportunity.

Action: As required by applicable laws and federal funding agreements entered into under Titles 1-4 of WIOA make this policy available to all programs and activities that are part of the one-stop delivery system and operated by one-stop partners listed in section 121(b) of WIOA.

Contact: Contact: Questions should be directed to John M. Ybarra, WIOA EO Officer, Commerce Regulatory Compliance, (785) 296-5092; TDD: 1-800-766-3777 , e-mail: John.Ybarra@ks.gov.

Attachments: None

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Equal Opportunity Data and Information Collection and Maintenance

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Equal Opportunity Data and Information Collection and Maintenance

Overview

Recipients must collect data and information to verify that they are taking appropriate steps to provide universal access to their WIOA Title I-financially assisted programs and activities. These steps should involve reasonable efforts to include members of both sexes, various racial and ethnic groups, individuals with disabilities, and individuals in differing age groups.

Discrimination Prohibited

29 CFR Part 38.5 states: No individual in the United States may, on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in any WIOA Title I-financially assisted program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIOA Title-I financially assisted program or activity.

Policy Applicability

This policy applies to any recipient, as defined in 29 CFR Part 38.4; to programs and activities that are part of the one-stop delivery system and that are operated by one-stop partners listed in section 121(b) of WIOA, to the extent that the programs and activities are being conducted as part of the one-stop delivery system; as required by applicable laws and federal funding agreements entered into under Titles 1-4 of WIOA; and as provided in 29 CFR Part 38.18, to the employment practices of a recipient and/or one-stop partner, to the extent that the employment is in the administration of or in connection with programs and activities that are being conducted as part of the WIOA Title I or the one-stop delivery system.

The term "recipient" means any entity to which financial assistance under Title I of WIOA is extended, directly from USDOL or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient). Entities connected to the workforce development system may be recipients for purposes of Section 188 and these procedures even if they do not receive assistance in the form of money. For example, recipients subject to these procedures include entities with agreements, arrangements, contracts, sub-contracts, or other instruments for the provision of assistance or benefits under WIOA Title I. For this policy, one-stop partners, as defined in section 121(b) of WIOA are treated as "recipients," and are subject to these non-discrimination and equal opportunity requirements. "Recipient" includes but is not limited to: State-level agencies that administer, or are financed in whole or in part, with WIOA Title I funds; State Workforce Agencies; State unemployment compensation agencies; State and Local Workforce Development Boards; Local Workforce Development Area (LWDA) grant recipients; One-Stop Operators; service providers including eligible training providers (ETP); On-the-Job Training (OJT) employers; Job Corps contractors and center operators; outreach and admissions agencies, placement agencies and other National Program recipients including: Migrant and Seasonal Farmworkers Programs, Native American Programs, National Dislocated Worker Grant Programs, and Youthbuild programs. The United State Department of Labor Civil Rights Center (CRC) notes however, that whether an entity is an additional one-stop partner subject to Section 188 is based on whether that entity has signed a Memorandum of Understanding as an additional partner per the requirements of Section 121 of WIOA and not merely whether that entity is working with or contributing something to a WIOA Title I program.

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Equal Opportunity Data and Information Collection and Maintenance (29 CFR Part 38.41)

All WIOA Title I-financially assisted programs and activities must maintain data on applicants/registrants, eligible applicants, participants, terminees, employees, and applicants for employment for providing information on whether employment practices, services, and/or procedures have a disparate impact on any group based on race/ethnicity, sex, age, and disability status. Each recipient of Title I funds must collect such data and maintain such records, in accordance with procedures prescribed by the United States Department of Labor Civil Rights Center (CRC), as the CRC finds necessary to determine whether the recipient has complied or is complying with the nondiscrimination and equal opportunity provisions of WIOA or this part. The system and format in which the records and data are kept must be designed to allow the Governor and CRC to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with section 188 of WIOA and this part.

Such records must include, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, terminee, applicant for employment, and employee. Beginning on January 3, 2019, each recipient must also record the limited English proficiency and preferred language of each applicant, registrant, participant, and terminee. Such information must be stored in a manner that ensures confidentiality, and must be used only for the purposes of recordkeeping and reporting; determining eligibility, where appropriate, for WIOA Title I-financially assisted programs or activities; determining the extent to which the recipient is operating its WIOA Title I-financially assisted program or activity in a nondiscriminatory manner; or other use authorized by law.

Any medical or disability-related information obtained about an individual, including information that could lead to the disclosure of a disability, must be collected on separate forms. All such information, whether in hard copy, electronic, or both, must be maintained in one or more separate files, apart from any other information about the individual, and treated as confidential. Whether these files are electronic or hard copy, they must be locked or otherwise secured (for example, through password protection).

Knowledge of disability status or medical condition and access to information in related files. Persons in the following categories may be informed about an individual's disability or medical condition and have access to the information in related files under the following listed circumstances:

- Program staff who are responsible for documenting eligibility, where disability is an eligibility criterion for a program or activity.
- First aid and safety personnel who need access to underlying documentation related to a participant's medical condition in an emergency.
- Government officials engaged in enforcing this part, any other laws administered by the Department, or any other Federal laws.

Knowledge of disability status or medical condition only. Supervisors, managers, and other necessary personnel may be informed regarding restrictions on the activities of individuals with disabilities and regarding reasonable accommodations for such individuals.

Discrimination Complaint Log (29 CFR Part 38.41)

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Each recipient must maintain, and submit to CRC via the State Equal Opportunity Officer, upon request, a log of complaints filed with the recipient that allege discrimination on the basis(es) of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin, age, disability, political affiliation or belief, citizenship, and/or participation in a WIOA Title I-financially assisted program or activity. The log must include: the name and address of the complainant; the basis of the complaint; a description of the complaint; the date the complaint was filed; the disposition and date of disposition of the complaint; and other pertinent information. Information that could lead to identification of an individual as having filed a complaint must be kept confidential. Where designation of individuals by race or ethnicity is required, the guidelines of the Office of Management and Budget must be used. A service provider's responsibility for collecting and maintaining the information required under this section may be assumed by the Governor or LWDA grant recipient, as provided in the State's Nondiscrimination Plan.

Information Submission Requirements (29 CFR Part 38.42)

Each grant applicant and recipient must promptly notify the CRC when any administrative enforcement actions or lawsuits are filed against it alleging discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in a WIOA Title I-financially assisted program or activity. This notification must include: the names of the parties to the action or lawsuit; the forum in which each case was filed; and the relevant case numbers.

Each recipient (as part of a compliance review conducted under 29 CFR Part 38.63, or monitoring activity carried out under 29 CFR Part 38.65) must provide the following information:

- The name of any other Federal agency that conducted a civil rights compliance review or complaint investigation, and that found the grant applicant or recipient to be in noncompliance, during the two years before the grant application was filed or CRC began its examination; and
- Information about any administrative enforcement actions or lawsuits that alleged discrimination on any protected basis, and that were filed against the grant applicant or recipient during the two years before the application or renewal application, compliance review, or monitoring activity. This information must include: the names of the parties; the forum in which each case was filed; and the relevant case numbers.

At the discretion of the CRC, grant applicants and recipients may be required to provide, in a timely manner, any information and data that the CRC considers necessary to investigate complaints and conduct compliance reviews on bases prohibited under the nondiscrimination and equal opportunity provisions of WIOA and this part. At the discretion of the CRC, recipients may be required to provide, in a timely manner, the particularized information and/or to submit the periodic reports that the CRC considers necessary to determine compliance with the nondiscrimination and equal opportunity provisions of WIOA or this part. At the discretion of the CRC, grant applicants may be required to submit, in a timely manner, the particularized information that the

CRC considers necessary to determine whether the grant applicant, if financially assisted, would be able to comply with the nondiscrimination and equal opportunity provisions of WIOA or this part. Where designation of individuals by race or ethnicity is required, the guidelines of the Office of Management and Budget must be used.

Required Maintenance of Records by Recipients (29 CFR Part 38.43)

Each recipient must maintain the following records, whether they exist in electronic form (including email) or hard copy, for a period of not less than three years from the close of the applicable program year: the records of applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment; and such other records as are required under this part or by the CRC. Where a discrimination complaint has been filed or compliance review initiated, every recipient that possesses or maintains any type of hard-copy or electronic record related to the complaint (including records that have any relevance to the underlying allegations in the complaint, as well as records regarding actions taken on the complaint) or to the subject of the compliance review must preserve all records, regardless whether hard-copy or electronic, that may be relevant to a complaint investigation or compliance review, and maintain those records for a period of not less than three years from the date of final action related to resolution of the complaint or compliance review.

Access to Data and Information Sources (29 CFR Part 38.44)

Each grant applicant and recipient must permit access by CRC or the CRC's designee during its hours of operation to its premises and to its employees and participants, to the extent that such individuals are on the premises during the course of the investigation, for the purpose of conducting complaint investigations, compliance reviews, or monitoring activities associated with a State's development and implementation of a Nondiscrimination Plan, and for inspecting and copying such books, records, accounts and other materials as may be pertinent to ascertain compliance with and ensure enforcement of the nondiscrimination and equal opportunity provisions of WIOA or this part.

Asserted considerations of privacy or confidentiality are not a basis for withholding information from CRC or the CRC's designee, and will not bar CRC from evaluating or seeking to enforce compliance with the nondiscrimination and equal opportunity provisions of WIOA and this part. Whenever any information that the CRC asks a grant applicant or recipient to provide is in the exclusive possession of another agency, institution, or person, and that agency, institution, or person fails or refuses to furnish the information upon request, the grant applicant or recipient must certify to CRC that it has made efforts to obtain the information and that the agency, institution, or person has failed or refused to provide it. This certification must list the name and address of the agency, institution, or person that has possession of the information and the specific efforts the grant applicant or recipient made to obtain it.

Confidentiality Responsibilities of Grant Applicants, Recipients, and USDOL (29 CFR part 38.45)

Grant applicants, recipients and the CRC must keep confidential to the extent possible, consistent with a fair determination of the issues, the identity of any individual who furnishes information relating to, or assists in, an investigation or a compliance review, including the identity of any individual who files a complaint. An individual whose identity is disclosed must be protected from retaliation.

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Kansas Department of Commerce
Workforce Services
Policy and Procedures Manual

Policy Number: 5-14-00

Originating Office: Commerce Regulatory Compliance

Subject: Discrimination Prohibited Based on National Origin, Including Limited English Proficiency (LEP)

Issued:

Revised: July 19, 2017

Programs: Programs and activities that are part of the one-stop delivery system and that are operated by one-stop partners listed in section 121(b) of the Workforce Innovation and Opportunity Act (WIOA).

Purpose: To transmit state policy and guidance from the U.S. Department of Labor (USDOL) Civil Rights Center with respect to the responsibilities of entities that receive federal financial assistance related to serving persons having Limited English Proficiency (LEP), pursuant to the requirements of Title VI of the Civil Rights Act of 1964 and Section 188 of the Workforce Innovation and Opportunity Act (WIOA) of 2014.

References: Title VI of the Civil Rights Act of 1964, as amended; Section 188 of the Workforce Innovation and Opportunity Act of 2014; WIOA Equal Opportunity and Non-Discrimination Regulations at 29 CFR Part 38.9; USDOL Non-discrimination in Federally Assisted Programs regulations at 29 CFR Part 31; Executive Order 13166 [August 11, 2000]; Civil Rights Center: Enforcement of Title VI of the Civil Rights Act of 1964; Policy Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (Federal Register, Volume 68, No. 103).

Background: USDOL regulations at 29 CFR part 31 require all recipients of federal financial assistance from USDOL to provide meaningful access to limited English proficient (LEP) persons. One-stop partners that receive financial assistance from a federal agency other than USDOL are also subject to the Title VI Civil Rights Act implementing regulations and guidance of that federal agency.

Action: All workforce system partners should develop procedures to assure compliance with this policy as required by applicable laws and federal funding agreements entered into under Titles 1-4 of WIOA.

Contact: Questions should be directed to WIOA EO Officer John M. Ybarra, Commerce Regulatory Compliance, (785) 296-5092; TDD: 1-800-766-3777, e-mail: John.Ybarra@ks.gov.

Attachment: Civil Rights Center, Enforcement of Title VI of the Civil Rights Act of 1964; Policy Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.

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Discrimination Prohibited Based On National Origin, Including Limited English Proficiency (LEP)

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Discrimination Prohibited Based On National Origin, Including Limited English Proficiency (LEP)

Discrimination Prohibited

WIOA Section 188 non-discrimination regulations at 29 CFR Part 38.9(a) state: In providing any aid, benefit, service, or training under a WIOA Title I-financially assisted program or activity, a recipient must not, directly or through contractual, licensing, or other arrangements, discriminate on the basis of national origin, including limited English proficiency (LEP). An individual must not be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under, any WIOA Title I-financially assisted program or activity based on national origin. National origin discrimination includes treating individual beneficiaries, participants, or applicants for any aid, benefit, service, or training under any WIOA Title I-financially assisted program or activity adversely because they (or their families or ancestors) are from a particular country or part of the world, because of ethnicity or accent (including physical, linguistic, and cultural characteristics closely associated with a national origin group), or because the recipient perceives the individual to be of a certain national origin, even if they are not.

Policy Applicability and Coverage

The prohibition against National Origin discrimination applies to any recipient, as defined in 29 CFR Part 38.4; to programs and activities that are part of the one-stop delivery system and that are operated by one-stop partners listed in section 121(b) of WIOA, to the extent that the programs and activities are being conducted as part of the one-stop delivery system; as required by applicable laws and federal funding agreements entered into under Titles 1-4 of WIOA; and as provided in 29 CFR Part 38.18, to the employment practices of a recipient and/or one-stop partner, to the extent that the employment is in the administration of or in connection with programs and activities that are being conducted as part of the WIOA Title I or the one-stop delivery system. Some recipients operate in localities in which English has been declared the official language. Nonetheless, these recipients continue to be subject to federal non-discrimination requirements, including those applicable to the provision of federally assisted services to persons with limited English proficiency (LEP).

The term "recipient" means any entity to which financial assistance under Title I of WIOA is extended, directly from USDOL or through the Governor or another recipient (including any successor, assignee, or transferee, of a recipient). Entities connected to the workforce development system may be recipients for purposes of Section 188 and these procedures even if they do not receive assistance in the form of money. For example, recipients subject to these procedures include entities with agreements, arrangements, contracts, sub-contracts, or other instruments for the provision of assistance or benefits under WIOA Title I. For the purpose of this policy, one-stop partners, as defined in section 121(b) of WIOA are treated as "recipients," and are subject to these non-discrimination and equal opportunity requirements.

"Recipient" includes but is not limited to: State-level agencies that administer, or are financed in whole or in part, with WIOA Title I funds; State Workforce Agencies; State unemployment compensation agencies; State and Local Workforce Development Boards; Local Workforce Development Area (LWDA) grant recipients; One-Stop Operators; service providers including eligible training providers (ETP); On-the-Job Training (OJT) employers; Job Corps contractors and center operators; outreach and admissions agencies, placement agencies and other National Program recipients including: Migrant and Seasonal Farmworkers Programs, Native American Programs, National Dislocated Worker Grant Programs, and Youthbuild programs. The United State Department of Labor Civil Rights Center (CRC) notes however, that whether an entity is an additional one-stop partner subject to Section 188 is based on whether that entity has signed a Memorandum of Understanding as an

additional partner per the requirements of Section 121 of WIOA and not merely whether that entity is working with or contributing something to a WIOA Title I program.

Definition of Limited English Proficiency (LEP) (29 CFR Part 38.4)

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be limited English proficient, or LEP, and entitled to language assistance with respect to a particular type of service, benefit, or encounter. LEP individuals may be competent in English for certain types of communication (e.g. speaking or understanding), but still be LEP for other purposes (e.g. reading or writing).

Reasonable Steps to Ensure Meaningful Access to LEP Persons (29 CFR Part 38.9)

Recipients must take reasonable steps to ensure meaningful access to each LEP individual served or encountered so that LEP individuals are effectively informed about and/or able to participate in the program or activity. To ensure meaningful access for LEP persons recipients should conduct an individualized assessment that balances the following four factors:

1. Frequency of contact a participant or beneficiary is required to have with the program or activity;
2. Nature and importance of the program or activity to the participant or beneficiary;
3. Number or proportion of LEP persons eligible to be served or likely to be directly or significantly affected by the program or activity; and
4. Resources available to the service provider to carry out the program or activity.

Recipients must provide written training materials in appropriate non-English languages by written translation or by oral interpretation or summarization; and oral training content in appropriate non-English languages through in-person interpretation or telephone interpretation.

A recipient should monitor and ensure that every program delivery avenue (*e.g.,* electronic, in person, telephonic) conveys in the appropriate languages how an individual may effectively learn about, participate in, and/or access any aid, benefit, service, or training that the recipient provides. As a recipient develops new methods for delivery of information or assistance, it is required to take reasonable steps to ensure that LEP individuals remain able to learn about, participate in, and/or access any aid, benefit, service, or training that the recipient provides.

Any language assistance services, whether oral interpretation or written translation, must be accurate, provided in a timely manner and free of charge. Language assistance will be considered timely when it is provided at a place and time that ensures equal access and avoids the delay or denial of any aid, benefit, service, or training at issue.

A recipient must provide adequate outreach and notice to LEP individuals of the existence of interpretation and translation services and that these language assistance services are available free of charge. A recipient shall not require an LEP individual to provide their own interpreter.

A recipient shall not rely on an LEP individual's minor child or adult family or friend(s) to interpret or facilitate communication, except: an LEP individual's minor child or adult family or friend(s) may interpret or facilitate

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communication in emergency situations while awaiting a qualified interpreter; or the accompanying adult (but not minor child) may interpret or facilitate communication when the information conveyed is of minimal importance to the services to be provided or when the LEP individual specifically requests that the accompanying adult provide language assistance, the accompanying adult agrees to provide assistance, and reliance on that adult for such assistance is appropriate under the circumstances. When the recipient permits the accompanying adult to provide such assistance, it must make and retain a record of the LEP individual's decision to use their own interpreter.

Where precise, complete, and accurate interpretations or translation of information and/or testimony are critical for adjudicatory or legal reasons, or where the competency of the interpreter requested by the LEP individual is not established, a recipient may decide to provide its own, independent interpreter, even if an LEP individual wants to use their own interpreter as well.

With Regard to Vital Information:

For languages spoken by a significant number or portion of the population eligible to be served, or likely to be encountered, a recipient must translate vital information in written materials into these languages and make the translations readily available in hard copy, upon request, or electronically such as on a Web site. Written training materials offered or used within employment-related training programs as defined under 29 CFR part 38.4(t) are excluded from these translation requirements. However, recipients must take reasonable steps to ensure meaningful access as stated in 29 CFR Part 38.9(b).

For languages not spoken by a significant number or portion of the population eligible to be served, or likely to be encountered, a recipient must take reasonable steps to meet the particularized language needs of LEP individuals who seek to learn about, participate in, and/or access the aid, benefit, service, or training that the recipient provides. Vital information may be conveyed orally if not translated.

Recipients must include a "Babel notice," indicating in appropriate languages that language assistance is available, in all communications of vital information, such as hard copy letters or decisions or those communications posted on Web sites. To the extent otherwise required by this part, once a recipient becomes aware of the non-English preferred language of an LEP beneficiary, participant, or applicant for aid, benefit, service, or training, the recipient must convey vital information in that language.

Written Language Access Plan (29 CFR Part 38.9)

Recipients should develop a written language access plan to ensure that LEP individuals have meaningful access. Recipients that develop, implement, and periodically revise a written language assistance plan are more likely to fulfill their obligation of taking reasonable steps to ensure access to programs and activities by LEP individuals. The guidelines set forth below provide a clear framework for developing a written plan that will ensure meaningful access to LEP individuals. Developing and implementing a written plan has many benefits, including providing the recipient with a roadmap for establishing and documenting compliance with nondiscrimination obligations and ensuring that LEP beneficiaries receive the necessary assistance to participate in the recipient's programs and activities.

The elements of a successful LEP plan are not fixed. Written LEP plans must be tailored to the recipient's specific programs and activities. And, over time, plans will need to be revised to reflect new recommendations

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and government guidance; changes in the recipient's operations, as well as the recipient's experiences and lessons learned; changing demographics; and stakeholder and beneficiary feedback. Nonetheless, a recipient that develops an LEP plan incorporating the elements identified below will benefit greatly in accomplishing its mission and providing an equal opportunity for LEP individuals to participate in its programs and activities. A written LEP plan should identify and describe:

1. The process the recipient will use to determine the language needs of individuals who may or may seek to participate in the recipient's program and activities (self- or needs-assessment).
2. The results of the assessment, *e.g.*, identifying the LEP populations to be served by the recipient.
3. Timelines for implementing the written LEP plan.
4. All language services to be provided to LEP individuals.
5. The manner in which LEP individuals will be advised of available services.
6. Steps individuals should take to request language assistance.
7. The manner in which staff will provide language assistance services.
8. What steps must be taken to implement the LEP plan, *e.g.*, creating or modifying policy documents, employee manuals, employee training material, posters, Web sites, outreach material, contracts, and electronic and information technologies, applications, or adaptations.
9. The manner in which staff will be trained to ensure that: staff know about LEP policies and procedures; and staff having contact with the public are trained to work effectively with in-person and telephone interpreters.
10. Steps the recipient will take to ensure quality control, including monitoring implementation, establishing a complaint process, timely addressing complaints, and obtaining feedback from stakeholders and employees.
11. The manner in which the recipient will document the provision of language assistance services.
12. The schedule for revising the LEP plan.
13. The individual(s) assigned to oversee implementation of the plan (*e.g.*, LEP Coordinator or Program Manager.)
14. Allocation of resources to implement the plan.

Updating the Language Access Plan (USDOL LEP Guidance-Federal Register, Volume 68, No. 103).

Recipients should, where appropriate, have a process for determining, on an ongoing basis, whether new documents, programs, services, and activities need to be made accessible for LEP individuals, and they may want to provide notice of any changes in services to the LEP public and to employees. In addition, recipients should consider whether changes in demographics, types of services, or other factors require annual evaluation of LEP plans. Less frequent evaluation may be more appropriate where demographics, services, and needs are more static. One good way to evaluate the LEP plan is to seek feedback from the community. In their reviews, recipients may want to consider assessing changes in:

- Current LEP populations in service area or population affected or encountered;
- Frequency of encounters with LEP language groups;
- Nature and importance of activities to LEP persons;
- Resource availability, including technological advances, additional resources, and costs imposed;
- Whether existing assistance is meeting the needs of LEP persons;
- Whether staff knows and understands the LEP plan and how to implement it;
- Legislation or program requirements governing the recipient’s program or activity; and

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- Whether identified sources for assistance are still available and viable.

In addition to these elements, effective plans set clear goals, management accountability, and opportunities for community input and planning throughout the process.

Providing Notice

Recipients must provide adequate notice to LEP individuals of the existence of interpretation and translation services and that these language assistance services are available free of charge. Examples of notification that recipients should consider include:

- Posting signs in intake areas and initial points of contact explaining to LEP persons how to access free language services. The signs should be translated into the most common languages encountered.
- Stating in outreach documents, brochures, booklets, etc. that language services are available from the recipient. These statements should be translated into the most common languages and could be ‘‘tagged’’ onto the front of common documents.
- Working with community-based organizations and other stakeholders to inform LEP individuals of the recipients’ programs and activities, including the availability of language assistance services.
- Using a telephone voice mail menu with the most common languages encountered providing information about available language assistance services and how to access them.
- Including notices in local newspapers in languages other than English.
- Airing notices on non-English language radio and television stations about the availability of language assistance and how to access it.
- Making presentations and/or posting notices at schools, faith-based and other community organizations.

Oral Language Interpretation Guidance

When providing oral assistance, recipients should ensure competency of the language service providers, no matter which of the following strategies are used. Competency requires more than self-identification as bilingual. Some bilingual staff and community volunteers, for instance, may be able to communicate effectively in a language other than English when communicating information directly in that language, but may not be competent to interpret in and out of English. Likewise, they may not be able to do written translations. Competency to interpret, however, does not necessarily mean formal certification as an interpreter, although certification is helpful. When using interpreters, recipients should ensure that interpreters:

- Demonstrate proficiency and ability to communicate information accurately in both English and in the other language and be able to identify and employ the appropriate mode of interpreting (*e.g.*, consecutive, simultaneous, summarization, or sight translation);
- Have knowledge in both languages of any specialized terms or concepts peculiar to the recipient’s program or activity and of any particularized vocabulary and phraseology used by the LEP person;
- Understand and follow confidentiality and impartiality rules to the same extent the recipient employee for whom they are interpreting and/or to the extent their position requires; and
- Understand and adhere to their role as interpreters without deviating into a role as counselor, legal advisor, or other roles.

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Telephone Interpreter Lines

Telephone interpreter service lines offer speedy interpreting assistance in many different languages. They may be particularly appropriate where the mode of communicating with an English proficient person would also occur over the phone. Although telephonic interpretation services are useful in many situations, it is important to ensure that, when using such services, the interpreters are competent to interpret any technical or legal terms specific to a particular program that may be important to the conversation. Nuances in language and non-verbal communication can often assist an interpreter and cannot be recognized over the phone. Video teleconferencing may sometimes help to resolve this issue. In addition, where documents are being discussed, it is important to give telephonic interpreters adequate opportunity to review the documents prior to the discussion. Any other logistical problems should also be anticipated. CRC states in 29 CFR Part 38.9 that because low-cost commercial telephonic oral interpretation services, are widely available, recipients should, at a minimum provide telephonic interpretation services to ensure meaningful access.

Hiring Bilingual Staff

When particular languages are encountered often, hiring bilingual staff offers one of the best, and often most economical, options. Recipients can, for example, fill public contact positions, such as One-Stop Career Center receptionists with staff who are bilingual and competent to communicate directly with LEP persons in the appropriate language. If bilingual staff is also used to interpret between English speakers and LEP persons, or to orally interpret written documents from English into another language, they should be competent in the skill of interpreting. Being bilingual does not necessarily mean that a person has the ability to interpret. In addition, there may be times when the role of the bilingual employee may conflict with the role of an interpreter (for instance, a bilingual hearings examiner would probably not be able to perform effectively the role of an administrative hearing interpreter and hearings examiner at the same time, even if the hearings examiner were a qualified interpreter).

Contracting for Interpreters

Contract interpreters may be a cost-effective option when there is no regular need for a particular language skill. In addition to commercial and other private providers, many community-based organizations provide interpretation services for particular languages. Contracting with and providing training regarding the recipient's programs and processes to these organizations can be a cost-effective option for providing language services to LEP persons from those language groups.

Using Community Volunteers

Community-based organizations may provide a cost-effective supplemental language assistance for a recipient's less critical programs and activities. To the extent the recipient relies on community volunteers, it is often best to use volunteers who are trained in the information or services of the program and can communicate directly with LEP persons in their language. Just as with all interpreters, community volunteers used to interpret between English speakers and LEP persons, or to orally translate documents, should be competent in the skill of interpreting and knowledgeable about applicable confidentiality and impartiality rules. Recipients should

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consider formal arrangements with community-based organizations that provide volunteers to address these concerns and to help ensure that services are available on a regular basis.

Four Factors for Determining Reasonable Efforts (USDOL LEP Guidance)

1. **The Number or Proportion of LEP Persons Served or Encountered in the Eligible Service Population**

One factor in determining what language services recipients should provide is the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population. The greater the number or proportion of these LEP persons, the more likely language services are needed. Ordinarily, persons ``eligible to be served, or likely to be directly affected, by'' a recipient's program or activity are those who are served or encountered in the eligible service population. This population will be program-specific, and includes persons who are in the geographic area that has been approved by a federal grant agency as the recipient's service area. However, where, for instance, a recipient serves a large LEP population, the appropriate service area is most likely determined by considering local service areas and not the entire population served by the recipient. This, for example, could occur in a local workforce development area (LWDA) that manages more than a single One-Stop Career Center. Instead of being guided by a population survey for the local area, each One-Stop Career Center may wish to assess its local service population.

2. The Nature and Importance of the Program, Activity, or Service Provided by the Recipient

The more important the activity, information, service, or program, or the greater the possible consequences of the contact to LEP individuals, the more likely language services are needed. A recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for a LEP individual. However, recipients are providing a service to assist individuals in employment, and should consider that LEP individuals can be learning English and another skill at the same time. For example, a recipient may not need to make accessible certain health care practitioner courses to LEP persons if the ability to be fully proficient in English is a legitimate requirement of such training and the recipient has made a legitimate determination that a LEP person would not be eligible to work in the field in the local job market and at the level for which the training is targeted. However, in order for such determinations to be legitimate, recipients should conduct an objective analysis and not rely on stereotypes or anecdotal evidence regarding level of English proficiency required for such employment, and should consider the impact that participation in English-as-a-Second-Language courses may have on the ability of the LEP person to utilize the training.

3. The Resources Available to the Recipient and Costs

A recipient's level of resources and the costs that would be imposed on it may have an impact on the nature of the steps it should take in providing language services. Smaller recipients with more limited budgets are not expected to provide the same level of language services as are larger recipients with larger budgets. In addition, ``reasonable steps'' may cease to be reasonable when the costs imposed substantially exceed the benefits. Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns. Large entities and those entities serving a significant number or proportion of LEP persons should ensure that their resource limitations are well-substantiated before using this factor as a reason to limit language assistance. Such recipients may find it useful

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to be able to articulate, through documentation or in some other reasonable manner, the process used for determining that language services would be limited based on resources or costs. Small recipients with limited resources may find that entering into a telephonic interpretation service contract will prove cost effective.

4. Frequency of Contacts

Recipients should assess the frequency with which they have or should have contact with LEP individuals from potential language groups seeking assistance. The more frequent the contact with a particular language group, the more likely that enhanced language services in that language are needed. The steps that are reasonable for a recipient that serves a LEP person on a one-time basis will be very different than those expected from a recipient that serves LEP persons daily. It is also advisable to consider the frequency of different types of language contacts. For example, frequent contacts with Spanish-speaking people who are LEP may require certain assistance in Spanish. Less frequent contact with different language groups may suggest a different and less intensified solution. If an LEP individual accesses a program or service on a daily basis, a recipient has greater duties than if the same individual's program or activity contact is unpredictable or infrequent. But even recipients that serve LEP persons on an unpredictable or infrequent basis should use this balancing analysis to determine what to do if a LEP individual seeks services under the program in question. This plan need not be intricate. It may be as simple as being prepared to use one of the commercially-available telephonic interpretation services to obtain immediate interpreter services.

Attachment: Civil Rights Center, Enforcement of Title VI of the Civil Rights Act of 1964; Policy Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.

http://www.gpo.gov/fdsys/pkg/FR-2003-05-29/pdf/03-13125.pdf

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Kansas Department of Commerce
Workforce Services
Policy and Procedures Manual

Policy Number: 5-33-00

Originating Office: Commerce Regulatory Compliance

Subject: Equal Access for Job Seekers with Disabilities

Issued:

Revised: July 19, 2017

Program: Programs and activities that are part of the one-stop delivery system and that are operated by one-stop partners listed in section 121(b) of the Workforce Innovation and Opportunity Act (WIOA).

Purpose: To implement the nondiscrimination and equal opportunity provisions contained in WIOA Section 188 and to transmit state policy guidance to ensure equal access for job seekers with disabilities.

References: Americans with Disabilities Act (ADA) regulations at 28 CFR Part 35.149-35.150; WIOA Section 188 Non-Discrimination Regulations at 29 CFR Part 38 and 29 CFR Part 33.

Background: Recipients shall operate each service, program, or activity so that the service, program or activity, when viewed in its entirety is readily accessible to and useable by individuals with disabilities. Recipients must administer WIOA Title I-financially assisted programs and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

Action: As required by applicable laws and federal funding agreements entered into under Titles 1-4 of WIOA make this policy available to all programs and activities that are part of the one-stop delivery system and operated by one-stop partners listed in section 121(b) of WIOA.

Contact: Questions should be directed to WIOA EO Officer John M. Ybarra, Commerce Regulatory Compliance, (785) 296-5092; TDD: 1-800-766-3777, e-mail: John.Ybarra@ks.gov. ADA related questions may be directed to the State ADA Coordinator Anthony Fadale at 785-296-1389 or Anthony.Fadale@dcf.ks.gov.

Attachments:

1. USDOL Civil Rights Center (CRC) WIOA Section 188 Disability Reference Guide.
2. Americans with Disabilities Act Title II: A Primer for State and Local Governments
3. USDOJ ADA Title II guidance to State/Local Government Employment Service Systems
4. Information Technology Policy 1210-State of Kansas Web Accessibility Requirements
5. Kansas Department of Administration ADA Coordinator Resource Website

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Equal Access for Job Seekers with Disabilities

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Equal Access for Job Seekers with Disabilities

Background

WIOA Section 188 and Federal non-discrimination regulations at 29 CFR Part 38 are modeled after the Americans with Disabilities Act Amendments Act (ADAAA) of 2008 and the implementing regulations and guidance issued by the United States Department of Justice (DOJ), as well as the implementing regulations and guidance issued by the United States Equal Employment Opportunity Commission (EEOC). WIOA Section 188 and 29 CFR Part 38 will promote consistent application of nondiscrimination obligations across Federal enforcement programs and accordingly enhance compliance among entities subject to WIOA Section 188 and the various titles of the Americans with Disabilities Act (ADA).

Discrimination Prohibited

WIOA Section 188 and Title 29 CFR Part 38 prohibit discrimination on the bases of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status, or participation in a program or activity that receives financial assistance under Title I of WIOA.

Policy Applicability

This policy applies to any recipient, as defined in 29 CFR Part 38.4; to programs and activities that are part of the one-stop delivery system and that are operated by one-stop partners listed in section 121(b) of WIOA, to the extent that the programs and activities are being conducted as part of the one-stop delivery system; as required by applicable laws and federal funding agreements entered into under Titles 1-4 of WIOA; and as provided in 29 CFR Part 38.18, to the employment practices of a recipient and/or one-stop partner, to the extent that the employment is in the administration of or in connection with programs and activities that are being conducted as part of the WIOA Title I or the one-stop delivery system.

The term "recipient" means any entity to which financial assistance under Title I of WIOA is extended, directly from USDOL or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient). Entities connected to the workforce development system may be recipients for purposes of Section 188 and these procedures even if they do not receive assistance in the form of money. For example, recipients subject to these procedures include entities with agreements, arrangements, contracts, sub-contracts, or other instruments for the provision of assistance or benefits under WIOA Title I. For this policy, one-stop partners, as defined in section 121(b) of WIOA are treated as "recipients," and are subject to these non-discrimination and equal opportunity requirements.

"Recipient" includes but is not limited to: State-level agencies that administer, or are financed in whole or in part, with WIOA Title I funds; State Workforce Agencies; State unemployment compensation agencies; State and Local Workforce Development Boards; Local Workforce Development Area (LWDA) grant recipients; One-Stop Operators; service providers including eligible training providers (ETP); On-the-Job Training (OJT) employers; Job Corps contractors and center operators; outreach and admissions agencies, placement agencies and other National Program recipients including: Migrant and

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Seasonal Farmworkers Programs, Native American Programs, National Dislocated Worker Grant Programs, and Youthbuild programs. The United State Department of Labor Civil Rights Center (CRC) notes however, that whether an entity is an additional one-stop partner subject to Section 188 is based on whether that entity has signed a Memorandum of Understanding as an additional partner per the requirements of Section 121 of WIOA and not merely whether that entity is working with or contributing something to a WIOA Title I program.

Discrimination Prohibited Based on Disability (29 CFR Part 38.12)

In providing any aid, benefit, service or training under a WIOA Title I-financially assisted program or activity, a recipient must not, directly or through contractual, licensing or other arrangements, on the basis of disability:

- Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefits, service, or training, including meaningful opportunities to seek employment and work in competitive integrated settings;

- Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefits, services, or training that is not equal to that afforded others;

- Provide a qualified individual with a disability with any aid, benefit, service, or training that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as the provided to others;

- Provide different, segregated, or separate aid, benefit, service, or training to individuals with disabilities, or to any class of individuals with disabilities, unless such action is necessary to provided qualified individuals with disabilities with any aid, benefit, service, or training that is as effective as those provided to others, and consistent with the requirements of the Rehabilitation Act as amended by WIOA, including those provisions that prioritize opportunities in competitive integrated employment;

- Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards; or otherwise limit a qualified individual with a disability in enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any aid, benefit, service or training.

- A recipient must not, directly or through contractual, licensing, or other arrangements, aid or perpetuate discrimination against qualified individuals with disabilities by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, service, or training to registrants, applicants, or participants.

- A recipient must not deny a qualified individual with a disability the opportunity to participate in WIOA Title I-financially assisted programs or activities despite the existence of permissibly separate or different programs or activities.

- A recipient must administer WIOA Title I-financially assisted programs and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

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- A recipient must not, directly or through contractual, licensing, or other arrangements, use standards, procedures, criteria, or administrative methods:
    - That have the purpose or effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability;
    - That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the WIOA Title I-financially assisted program or activity with respect to individuals with disabilities; or
    - That perpetuate the discrimination of another entity if both entities are subject to common administrative control or are agencies of the same State.

- In determining the site or location of facilities, a grant applicant or recipient must not make selections that have any of the following purposes or effects on the basis of disability:
    - Excluding qualified individuals from a WIOA Title I-financially assisted program or activity;
    - Denying qualified individuals the benefits of such a program or activity; or
    - Subjecting qualified individuals to discrimination; or
    - Defeating or substantially impairing the accomplishment of the disability-related objectives of either:
    - The WIOA Title I-financially assisted program or activity; or the nondiscrimination and equal opportunity provisions of WIOA or this policy.

- A recipient, in the selection of contractors, must not use criteria that subject qualified individuals with disabilities to discrimination on the basis of disability.

- A recipient must not administer a licensing or certification program in a manner that subjects qualified individuals with disabilities to discrimination on the basis of disability, nor may a recipient establish requirements for the programs or activities of licensees or certified entities that subject qualified individuals with disabilities to discrimination on the basis of disability. The programs or activities of entities that are licensed or certified by a recipient are not, themselves, covered by this part.

- A recipient must not impose or apply eligibility criteria that screen out or tend to screen out individuals with disabilities or any class of individuals with disabilities from fully and equally enjoying any aid, benefit, service, training, program, or activity, unless such criteria can be shown to be necessary for the provision of any aid, benefit, service, training, program, or activity being offered.

- Nothing in this part prohibits a recipient from providing any aid, benefit, service, training, or advantages to individuals with disabilities, or to a particular class of individuals with disabilities, beyond those required by this part.

- A recipient must not place a surcharge on a particular individual with a disability, or any group of individuals with disabilities, to cover the costs of measures, such as the provision of auxiliary aids or program accessibility, that are required to provide that individual or group with the nondiscriminatory treatment required by WIOA Title I or this part.

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- A recipient must not exclude, or otherwise deny equal aid, benefits, services, training, programs, or activities to, an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.
    - The exclusion of an individual without a disability from the benefits of a program limited by federal law to individuals with disabilities, or the exclusion of a specific class of individuals with disabilities from a program limited by Federal statute or Executive Order to a different class of individuals with disabilities, is not prohibited by this part

- This policy does not require a recipient to provide any of the following to individuals with disabilities
    - Personal devices, such as wheelchairs;
    - Individually prescribed devices, such as prescription eyeglasses or hearing aids;
    - Readers for personal use or study; or
    - Services of a personal nature, including assistance in eating, toileting, or dressing.

- Nothing in this policy requires an individual with a disability to accept any accommodation, aid, benefit, service, training, or opportunity provided under WIOA Title I or this part that such individual chooses not to accept.

- Nothing in this policy authorizes the representative or guardian of an individual with a disability to decline food, water, medical treatment, or medical services for that individual.

- Nothing in this policy provides the basis for a claim that an individual without a disability was subject to discrimination because of a lack of disability, including a claim that an individual with a disability was granted auxiliary aids or services, reasonable modifications, or reasonable accommodations that were denied to an individual without a disability.

Program and Physical Accessibility Requirements

Americans with Disabilities Act (ADA) Title II-5.1000-2000: Program Accessibility- A public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as "program accessibility," applies to all existing facilities of a public entity. Public entities, however, are not necessarily required to make each of their existing facilities accessible.

Public entities may achieve program accessibility by a number of methods. In many situations, providing access to facilities through structural methods, such as alteration of existing facilities and acquisition or construction of additional facilities, may be the most efficient method of providing program accessibility. The public entity may, however, pursue alternatives to structural changes in order to achieve program accessibility. Nonstructural methods include acquisition or redesign of equipment, assignment of aides to beneficiaries, and provision of services at alternate accessible sites. Public entities should make every effort to ensure that alternative methods of providing program access do not result in unnecessary segregation.

ADA Title II-Program Access Limitations: There are limits to a public entity's program access obligations. Entities are not required to take any action that would result in undue financial and administrative burdens. The decision that an action would result in an undue burden must be made by a

high level official, no lower than a Department head, having budgetary authority and responsibility for making spending decisions, after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in an undue burden, a public entity must take any other action that would not result in an undue burden but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity.

Programmatic Accessibility (29 CFR Part 38.13)-All WIOA Title I-financially assisted programs and activities must be programmatically accessible, which includes providing reasonable accommodations for individuals with disabilities, making reasonable modifications to policies, practices, and procedures, administering programs in the most integrated setting appropriate, communicating with persons with disabilities as effectively as with others, and providing appropriate auxiliary aids or services, including assistive technology devices and services, where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the program or activity.

Physical Accessibility-No qualified individual with a disability may be excluded from participation in, or be denied the benefits of a recipient's service, program, or activity or be subjected to discrimination by any recipient because a recipient's facilities are inaccessible or unusable by individuals with disabilities. Recipients that are subject to Title II of the ADA must also ensure that new facilities or alterations of facilities that began construction after January 26, 1992, comply with the applicable federal accessible design standards, such as the ADA Standards for Accessible Design (1991 or 2010) or the Uniform Federal Accessibility Standards (UFAS). In addition, recipients that receive federal financial assistance must meet their accessibility obligations under Section 504 of the Rehabilitation Act and the implementing regulations at 29 CFR part 32. Some recipients may be subject to additional accessibility requirements under other statutory authority, including Title III of the ADA, that is not enforced by CRC. As indicated in 29 CFR Part 38.3(d)(10), compliance with this part does not affect a recipient's obligation to comply with the applicable ADA Standards for Accessible Design.

Reasonable Accommodations/Modifications for Individuals with Disabilities (29 CFR Part 38.14)

With regard to any aid, benefit, service, training, and employment, a recipient must provide reasonable accommodations to qualified individuals with disabilities who are applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment, unless providing the accommodation would cause undue hardship.

- In those circumstances where a recipient believes that the proposed accommodation would cause undue hardship, the recipient has the burden of proving that the accommodation would result in such hardship.

- The recipient must make the decision that the accommodation would cause such hardship only after considering all factors listed in the definition of "undue hardship" in 29 CFR Part 38.4. The decision must be accompanied by a written statement of the recipient's reasons for reaching that conclusion. The recipient must provide a copy of the statement of reasons to the individual or individuals who requested the accommodation.

- If a requested accommodation would result in undue hardship, the recipient must take any other action that would not result in such hardship, but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the aid, benefits, services,

training, or employment provided by the recipient. A recipient must also make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless making the modifications would fundamentally alter the nature of the service, program, or activity.

- In those circumstances where a recipient believes that the proposed modification would fundamentally alter the program, activity, or service, the recipient has the burden of proving that the modification would result in such an alteration.
- The recipient must make the decision that the modification would result in such an alteration only after considering all factors listed in the definition of "fundamental alteration" in 29 CFR Part 38.4. The decision must be accompanied by a written statement of the recipient's reasons for reaching that conclusion. The recipient must provide a copy of the statement of reasons to the individual or individuals who requested the modification. If a modification would result in a fundamental alteration, the recipient must take any other action that would not result in such an alteration, but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the aid, benefits, services, training, or employment provided by the recipient.

Communications with Individuals with Disabilities (29 CFR Part 38.15)

A recipient must take appropriate steps to ensure that communications with individuals with disabilities, such as beneficiaries, registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, members of the public, and their companions are as effective as communications with others. For purposes of this policy, "companion" means a family member, friend, or associate of an individual seeking access to an aid, benefit, service, training, program, or activity of a recipient, who, along with such individual, is an appropriate person with whom the recipient should communicate.

Auxiliary Aids and Services-A recipient must furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities, including beneficiaries, registrants, applicants, eligible applicants/registrants, participants, members of the public, and companions, an equal opportunity to participate in, and enjoy the benefits of, a WIOA Title I-financially assisted service, program, or activity of a recipient. The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. In determining what types of auxiliary aids and services are necessary, a recipient must give primary consideration to the requests of individuals with disabilities. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.

ADA Title II-Public entities are required to give primary consideration to the type of auxiliary aid or service requested by the person with the disability. They must honor that choice, unless they can demonstrate that another equally effective means of communication is available or that the aid or service requested would fundamentally alter the nature of the program, service, or activity or would result in undue financial and administrative burdens. If the choice expressed by the person with a disability would result in an undue burden or a fundamental alteration, the public entity still has an obligation to provide another aid or service that provides effective communication, if possible. The decision that a particular aid or service would result in an undue burden or fundamental alteration must be made by a

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high level official, no lower than a Department head, and must be accompanied by a written statement of the reasons for reaching that conclusion.

Interpreters-A recipient must not require an individual with a disability to bring another individual to interpret for him or her. A recipient must not rely on an adult accompanying an individual with a disability to interpret or facilitate communication except:

- In an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or
- Where the individual with a disability specifically requests that an accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance is appropriate under the circumstances.
- A recipient must not rely on a minor child to interpret or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available.

Video Remote Interpreting (VRI) Services-A recipient that chooses to provide qualified interpreters via VRI services must ensure that it provides:

- Real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high-quality video images that do not produce lags, choppy, blurry, or grainy images, or irregular pauses in communication;
- A sharply delineated image that is large enough to display the interpreter's face, arms, hands, and fingers, and the participating individual's face, arms, hands, and fingers, regardless of the individual's body position;
- A clear, audible transmission of voices; and adequate training to users of the technology and other involved individuals so that they may quickly and efficiently set up and operate the VRI.

Electronic and Information Technology-When developing, procuring, maintaining, or using electronic and information technology, a recipient must utilize electronic and information technologies, applications, or adaptations which:

- Incorporate accessibility features for individuals with disabilities;
- Are consistent with modern accessibility standards, such as Section 508 Standards (36 CFR part 1194) and the World Wide Web Consortium's (W3C) Web Content Accessibility Guidelines (WCAG) 2.0 AA; and
- Information Technology Policy 1210 Revision 2 - State of Kansas Web Accessibility Requirements (See Attachment); and
- Provide individuals with disabilities access to, and use of, information, resources, programs, and activities that are fully accessible, or ensure that the opportunities and benefits provided by the electronic and information technologies are provided to individuals with disabilities in an equally effective and equally integrated manner.

Telecommunications-Where a recipient communicates by telephone with beneficiaries, registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, and/or members of the public, text telephones (TTYs) or equally effective telecommunications systems must be used to communicate with individuals who are deaf or hard of hearing or have speech impairments.

When a recipient uses an automated-attendant system, including, but not limited to, voicemail and messaging, or an interactive voice response system, for receiving and directing incoming telephone calls, that system must provide effective real-time communication with individuals using auxiliary aids

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and services, including TTYs and all forms of FCC-approved telecommunications relay systems, including internet-based relay systems. A recipient must respond to telephone calls from a telecommunications relay service established under title IV of the Americans with Disabilities Act (ADA) in the same manner that it responds to other telephone calls.

Information and Signage-A recipient must ensure that interested individuals, including individuals with visual or hearing impairments, can obtain information as to the existence and location of accessible services, activities, and facilities. A recipient must provide signage at the public entrances to each of its inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities. The signage provided must meet the Standards for Accessible Design under the Americans with Disabilities Act. Alternative standards for the signage may be adopted when it is clearly evident that such alternative standards provide equivalent or greater access to the information. See 36 CFR part 1191, appendix B, section 103. The international symbol for accessibility must be used at each primary entrance of an accessible facility.

Fundamental Alteration-This section does not require a recipient to take any action that it can demonstrate would result in a fundamental alteration in the nature of a WIOA Title I-financially assisted service, program, or activity. In those circumstances where a recipient believes that the proposed action would fundamentally alter the WIOA Title I-financially assisted program, activity, or service, the recipient has the burden of proving that compliance with this section would result in such an alteration.

The decision that compliance would result in such an alteration must be made by the recipient after considering all resources available for use in the funding and operation of the WIOA Title I-financially assisted program, activity, or service, and must be accompanied by a written statement of the recipient's reasons for reaching that conclusion. If an action required to comply with this section would result in the fundamental alteration described above, the recipient must take any other action that would not result in such an alteration or such burdens, but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by the recipient.

Service Animals (29 CFR Part 38.16)

Generally, a recipient shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability. A recipient may ask an individual with a disability to remove a service animal from the premises if:

- The animal is out of control and the animal's handler does not take effective action to control it; or
- The animal is not housebroken.

If an animal is properly excluded-If a recipient properly excludes a service animal the recipient must give the individual with a disability the opportunity to participate in the WIOA Title I-financially assisted service, program, or activity without having the service animal on the premises.

Animal under handler's control-A service animal must be under the control of its handler. A service animal must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (*e.g.*, voice control, signals, or other effective means). Additional guidance regarding service animals is available at 29 CFR part 38.16.

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Mobility Aids and Devices (29 CFR Part 38.17)

Use of wheelchairs and manually-powered mobility aids-A recipient must permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities, in any areas open to pedestrian use.

Use of other power-driven mobility devices-A recipient must make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless the recipient can demonstrate the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements the recipient adopted. In determining whether a particular other power-driven mobility device can be allowed in a specific facility as a reasonable modification a recipient must consider:

- The type, size, weight, dimensions, and speed of the device;
- The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- The facility's design and operational characteristics (*e.g.,* whether its WIOA Title I-financially assisted service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);
- Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility; and
- Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws.

Attachment A: USDOL Civil Rights Center WIOA Section 188 Disability Reference Guide

http://www.dol.gov/oasam/programs/crc/Section188Guide.pdf

Attachment B: Americans with Disabilities Act Title II: A Primer for State and Local Governments

https://www.ada.gov/regs2010/titleII_2010/title_ii_primer.html

Attachment C: USDOJ ADA Title II guidance to State/Local Government Employment Service Systems

https://www.ada.gov/olmstead/olmstead_guidance_employment.htm

Attachment D: Information Technology Policy 1210-State of Kansas Web Accessibility Requirements

https://oits.ks.gov/kito/itec/itec-policies/itec-policy-1210

Attachment E: Kansas Department of Administration ADA Coordinator Resource Website

https://admin.ks.gov/offices/personnel-services/policies-and-programs/ada

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Kansas Department of Commerce
Workforce Services
Policy and Procedures Manual

Policy Number: 5-34-00

Originating Office: Commerce Regulatory Compliance

Subject: Equal Opportunity Notification, Communication, and Assurance

Issued:

Revised: July 19, 2017

Program: Programs and activities that are part of the one-stop delivery system and that are operated by one-stop partners listed in section 121(b) of the Workforce Innovation and Opportunity Act (WIOA).

Purpose: To transmit state policy and guidance regarding the requirement that the Local Workforce Development Board (LWDB), their American Job Centers, and service providers are responsible for ensuring that adequate systems are in place to notify and communicate their obligation to operate programs and activities in a nondiscriminatory manner.

References: WIOA Section 188 Non-Discrimination Regulations at 29 CFR Parts 38.34-40; Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Age Discrimination Act of 1975 as amended; and Title XI of the Education Amendment Act of 1972, as amended.

Background: In addition to the protection of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is providing employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities that receive Federal assistance. Sections 501, 504 and 505, of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity that receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with reasonable accommodation, can perform the essential functions of a job.

Action: Make this policy available to all programs and activities that are part of the one-stop delivery system and operated by one-stop partners listed in section 121(b) of WIOA as required by applicable laws and federal funding agreements entered into under Titles 1-4 of WIOA.

Contact: **Contact:** Questions should be directed to WIOA EO Officer John M. Ybarra, Commerce Regulatory Compliance, (785) 296-5092, TDD: 1-800-766-3777, e-mail: John.Ybarra@ks.gov.

Attachment: None.

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Equal Opportunity Notification, Communication, and Assurance

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Equal Opportunity Notification, Communication, and Assurance

Overview

Federal regulations at 29 CFR Part 38.34 require recipients to establish and maintain a notification and communication system that makes all registrants, applicants, eligible applicants/registrants, applicants for employment, employees, subrecipients that receive Workforce Innovation and Opportunity Act (WIOA) Title I-financial assistance from the recipient, and members of the public aware of its obligation not to discriminate. Further, this notification and communication system must clearly express the rights of members of these groups to file discrimination complaints at any available level. The objective is to ensure awareness of the non-discrimination and equal opportunity provisions of WIOA Section 188.

Discrimination Prohibited

29 CFR Part 38.5 states: No individual in the United States may, on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in any WIOA Title I-financially assisted program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection any WIOA Title I-financially assisted program or activity.

Policy Applicability

This policy applies to any recipient, as defined in 29 CFR Part 38.4; to programs and activities that are part of the one-stop delivery system and that are operated by one-stop partners listed in section 121(b) of WIOA, to the extent that the programs and activities are being conducted as part of the one-stop delivery system; as required by applicable laws and federal funding agreements entered into under Titles 1-4 of WIOA; and as provided in 29 CFR Part 38.18, to the employment practices of a recipient and/or one-stop partner, to the extent that the employment is in the administration of or in connection with programs and activities that are being conducted as part of the WIOA Title I or the one-stop delivery system.

The term "recipient" means any entity to which financial assistance under Title I of WIOA is extended, directly from USDOL or through the Governor or another recipient (including any successor, assignee, or transferee, of a recipient). Entities connected to the workforce development system may be recipients for purposes of Section 188 and these procedures even if they do not receive assistance in the form of money. For example, recipients subject to these procedures include entities with agreements, arrangements, contracts, sub-contracts, or other instruments for the provision of assistance or benefits under WIOA Title I. For the purpose of this policy, one-stop partners, as defined in section 121(b) of WIOA are treated as "recipients," and are subject to these non-discrimination and equal opportunity requirements. "Recipient" includes but is not limited to: State-level agencies that administer, or are financed in whole or in part, with WIOA Title I funds; State Workforce Agencies; State unemployment compensation agencies; State and Local Workforce Development Boards; Local Workforce Development Area (LWDA) grant recipients; One-Stop Operators; service providers including eligible training providers (ETP); On-the-Job Training (OJT) employers; Job Corps contractors and center operators; outreach and admissions agencies, placement agencies and other National Program recipients including: Migrant and Seasonal Farmworkers Programs, Native American Programs, National Dislocated Worker Grant Programs, and Youthbuild programs. The United State Department of Labor Civil Rights Center (CRC) notes however, that whether an entity is an additional one-stop partner

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subject to Section 188 is based on whether that entity has signed a Memorandum of Understanding as an additional partner per the requirements of Section 121 of WIOA and not merely whether that entity is working with or contributing something to a WIOA Title I program.

Equal Opportunity Notice and Communication Requirements

Recipient Obligations to Disseminate Equal Opportunity Notice-A recipient must provide initial and continuing notice as defined in 29 CFR Part 38.36 that it does not discriminate on any prohibited basis. This notice must be provided to:

- Registrants, applicants, and eligible applicants/registrants;
- Participants;
- Applicants for employment and employees;
- Unions or professional organizations that hold collective bargaining or professional agreements with the recipient;
- Subrecipients that receive WIOA Title I financial assistance from the recipient; and
- Members of the public, including those with impaired vision or hearing and those with limited English proficiency (LEP).

As provided in 29 CFR Part 38.15, the recipient must take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others and that this notice is provided in appropriate languages to ensure meaningful access for LEP individuals as described in 29 CFR Part 38.9.

Equal opportunity Notice/Poster-The notice must contain the following specific wording:

Equal Opportunity Is the Law

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases: Against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

The recipient must not discriminate in any of the following areas:

- Deciding who will be admitted, or have access, to any WIOA Title I-financially assisted program or activity;
- Providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

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What To Do If You Believe You Have Experienced Discrimination

If you think that you have been subjected to discrimination under a WIOA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

- The recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or
- The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW., Room N-4123, Washington, DC 20210 or electronically as directed on the CRC Web site at www.dol.gov/crc.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient). If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

Recipient Obligations to Publish Equal Opportunity Notice-At a minimum, the Equal Opportunity Notice required by 29 CFR Parts 38.34-35 must be:

- Posted prominently, in reasonable numbers and places, in available and conspicuous physical locations and on the recipient's Web site pages;
- Disseminated in internal memoranda and other written or electronic communications with staff;
- Included in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available; and
- Provided to each participant and employee; the notice must be made part of each employee's and participant's file. It must be a part of both paper and electronic files, if both are maintained.
- Provided in appropriate formats to registrants, applicants, eligible applicants/registrants, applicants for employment and employees and participants with visual impairments. Where notice has been given in an alternate format to registrants, applicants, eligible applicants/registrants, participants, applicants for employment and employees with a visual impairment, a record that such notice has been given must be made a part of the employee's or participant's file.
- Provided to participants in appropriate languages other than English as required in 29 CFR Part 38.9.

Notice Requirement for Service Providers-The Governor or the LWDA grant recipient, as determined by the Governor and as provided in that State's Nondiscrimination Plan, will be responsible for meeting the notice requirement provided in 29 CFR Parts 38.34 and 38.35 with respect to a State's service providers.

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Publications, Broadcasts, and other Communications-Recipients must indicate that the WIOA Title I-financially assisted program or activity in question is an "equal opportunity employer/program," and that "auxiliary aids and services are available upon request to individuals with disabilities," in recruitment brochures and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper, to staff, clients, or the public at large, to describe programs financially assisted under Title I of WIOA or the requirements for participation by recipients and participants. Where such materials indicate that the recipient may be reached by voice telephone, the materials must also prominently provide the telephone number of the text telephone (TTY) or equally effective telecommunications system, such as a relay service, videophone, or captioned telephone used by the recipient, as required by 29 CFR Part 38.15.

Recipients that publish or broadcast program information in the news media must ensure that such publications and broadcasts state that the WIOA Title I-financially assisted program or activity in question is an equal opportunity employer/program (or otherwise indicate that discrimination in the WIOA Title I-financially assisted program or activity is prohibited by Federal law), and indicate that auxiliary aids and services are available upon request to individuals with disabilities. A recipient must not communicate any information that suggests, by text or illustration, that the recipient treats beneficiaries, registrants, applicants, participants, employees or applicants for employment differently on any prohibited basis specified in 29 CFR Part 38.5, except as such treatment is otherwise permitted under Federal law or this part.

Communication of Notice in Orientations-During each presentation to orient new participants, new employees, and/or the general public to its WIOA Title I-financially assisted program or activity, in person or over the internet or using other technology, a recipient must include a discussion of rights and responsibilities under the nondiscrimination and equal opportunity provisions of WIOA and this part, including the right to file a complaint of discrimination with the recipient or the Civil Rights Center (CRC). This information must be communicated in appropriate languages as required in 29 CFR Part 38.9 and in formats accessible for individuals with disabilities as required in this part and specified in 29 CFR Part 38.15.

Affirmative Outreach-Recipients must take appropriate steps to ensure that they are providing equal access to their WIOA Title I-financially assisted programs and activities. These steps should involve reasonable efforts to include members of the various groups protected by these regulations including but not limited to persons of different sexes, various racial and ethnic/national origin groups, various religions, individuals with limited English proficiency, individuals with disabilities, and individuals in different age groups. Such efforts may include, but are not limited to:

- Advertising the recipient's programs and/or activities in media, such as newspapers or radio programs, that specifically target various populations;
- Sending notices about openings in the recipient's programs and/or activities to schools or community service groups that serve various populations; and
- Consulting with appropriate community service groups about ways in which the recipient may improve its outreach and service to various populations.

Communications with Individuals with Disabilities-A recipient must take appropriate steps to ensure that communications with individuals with disabilities, such as beneficiaries, registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, members of the public, and their companions are as effective as communications with others. For purposes of this section, "companion" means a family member, friend, or associate of an individual seeking access to an

aid, benefit, service, training, program, or activity of a recipient, who, along with such individual, is an appropriate person with whom the recipient should communicate. Additional guidance on services to persons with disabilities is available at 29 CFR Part 38.12-15.

Limited English Proficiency (LEP)-Federal regulations at 29 CFR Part 38.9 require recipients to take reasonable steps to ensure meaningful access to each limited English proficient (LEP) individual served or encountered so that LEP individuals are effectively informed about and/or able to participate in the program or activity. Reasonable steps generally may include, but are not limited to, an assessment of an LEP individual to determine language assistance needs; providing oral interpretation or written translation of both hard copy and electronic materials, in the appropriate non-English languages, to LEP individuals; and outreach to LEP communities to improve service delivery in needed languages.

A recipient should ensure that every program delivery avenue (*e.g.,* electronic, in person, telephonic) conveys in the appropriate languages how an individual may effectively learn about, participate in, and/or access any aid, benefit, service, or training that the recipient provides. As a recipient develops new methods for delivery of information or assistance, it is required to take reasonable steps to ensure that LEP individuals remain able to learn about, participate in, and/or access any aid, benefit, service, or training that the recipient provides. A recipient must provide adequate notice to LEP individuals of the existence of interpretation and translation services and that these language assistance services are available free of charge.

To access LEP guidance and the equal opportunity and non-discrimination notices in English and other foreign languages please contact:

Kansas Department of Commerce
John M. Ybarra
WIOA EO Officer
Commerce Regulatory Compliance
1000 S.W. Jackson Street, Suite 100
Topeka, Kansas 66612-1354
(785) 296-5092 TDD: 1-800-766-3777
e-mail: John.Ybarra@ks.gov

Nondiscrimination and Equal Opportunity Assurance

Each application for financial assistance, under Title I of WIOA, as defined in 29 CFR Part 38.4, must include the following assurance:

As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it has the ability to comply with the nondiscrimination and equal opportunity provisions of the following laws and will remain in compliance for the duration of the award of federal financial assistance:

Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national

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origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity;

- *Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;*
- *Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;*
- *The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and*
- *Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.*

The grant applicant also assures that, as a recipient of WIOA Title I financial assistance, it will comply with 29 CFR part 38 and all other regulations implementing the laws listed above. 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.

The assurance is considered incorporated by operation of law in the grant, cooperative agreement, contract or other arrangement whereby Federal financial assistance under Title I of WIOA is made available, whether it is explicitly incorporated in such document and whether there is a written agreement between the United States Department of Labor (USDOL) and the recipient, between the USDOL and the Governor, between the Governor and the recipient, or between recipients. The assurance also may be incorporated in such grants, cooperative agreements, contracts, or other arrangements by reference.

Continuing State Programs-Each Strategic Four-Year State Plan submitted by a State to carry out a continuing WIOA financially assisted program or activity must provide the text of this assurance as a condition to the approval of the Four-Year Plan and the extension of any WIOA Title I assistance under the Plan. The State also must certify that it has developed and maintains a Nondiscrimination Plan under 29 CFR Part 38.54.

Duration and Scope of the Assurance-Where the WIOA Title I-financial assistance is intended to provide, or is in the form of, either personal property, real property, structures on real property, or interest in any such property or structures, the assurance will obligate the recipient, or (in the case of a subsequent transfer) the transferee, for the longer of:

- The period during which the property is used either:
- For a purpose for which WIOA Title I financial assistance is extended; or
- For another purpose involving the provision of similar services or benefits; or
- The period during which either the recipient retains ownership or possession of the property; or
- The transferee retains ownership or possession of the property without compensating the Departmental grantmaking agency for the fair market value of that ownership or possession.

In all other cases, the assurance will obligate the recipient for the period during which WIOA Title I financial assistance is extended.

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Implementing the Salary and Bonus Limitations in Public Law 109-234

Kansas Department of Commerce
Workforce Services
Policy and Procedures Manual

Policy Number: 5-35-00 (Replaces 1-06-01)

Originating Office: Workforce Services

Subject: Implementing the Salary and Bonus Limitations in Public Law 109-234

Issued: 08-02-2017

Revised: 06-13-2017

Programs: Workforce Innovation and Opportunity Act

Purpose: To inform WIOA sub-recipients of limitations on salary and bonus payments that can be made with funds appropriated to ETA and provide guidance on implementing this new provision.

Reference: Public 20 CFR Part 683.290, PL 109-234 Section 7013, PL 109-149 Section 101, OMB Circular A-133, Uniform Guidance Part 200 Subpart F, TEGL 5-06

Background: On June 15, 2006, President Bush signed into law an emergency supplemental appropriations bill, Public Law 109-234. Section 7013 of this public law limits salary and bonus compensation for individuals who are paid by funds appropriated to the Employment and Training Administration (ETA) and provided to recipients and sub- recipients.

Action: All recipients of ETA appropriated funds should become familiar with the requirements of Public Law 109-234 and §683.290. Recipients shall inform all staff, sub-recipients (sub- grantees) and local workforce boards of the contents of these instructions. Discretionary grantees should similarly familiarize themselves, and their sub- recipients (sub-grantees) with this guidance. If not already done, all affected ETA fund recipients or sub-recipients must implement these new requirements retroactively to the date of enactment.

Contact: Questions should be directed to (785) 296-0607, TTD 1-800-766-3777, e-mail workforceservices@ks.gov

Attachment: None.

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Implementing the Salary and Bonus Limitations in Public Law 109-234

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Policy Guidance
This policy guidance provides the workforce system with information on programs that are impacted by this provision; the effective date and cycles of funding that are impacted; covered individuals and transactions; the application limitation, related grant and contract modifications; action required; and where to direct inquires.

Programs Impacted by this Provision
The salary and bonus limitation applies to all programs and activities undertaken through grants and contracts funded by an appropriation to ETA. Therefore, this limitation applies to all programs administered by ETA, unless the program falls within an exception outlined below.

The salary and bonus limitation also applies to programs funded by an ETA appropriation, but administered by another agency. For example, certain programs funded by ETA appropriations are administered by the Department of Labor's Veterans Employment and Training Service or the Department of the Interior. ETA will inform agencies which administer such programs of this new requirement. Any questions should be directed to the administering agency.

A recipient or sub-recipient may receive funds from ETA that are a combination of funds appropriated to ETA and funds that are not appropriated to ETA. In this situation, the limitations of section 7013 apply to the portion of the funding that is appropriated to ETA.

Exceptions

This limitation does not apply to programs funded by H-1B grant funds. These funds are received from employer paid fees and are not appropriated. Therefore, the programs they fund are not covered by the salary and bonus limitation.

The limitation does not apply to the Disaster Unemployment Assistance (DUA) program. These funds are appropriated to the Federal Emergency Management Agency (FEMA) and transferred to ETA.

The limitation does not apply to that portion of fees, wages, salary or total compensation not impacted by section 7013 of PL 109-234.

Any limitation on payments to individuals contained in grants or contracts with ETA, which are more restrictive than Public Law 109-234, are not changed by Public Law 109-234. For example, any limitation on consultant fees in grants or contracts are generally more restrictive than the limitations in Public Laws 109-234, when broken down as an hourly rate and will continue to apply.

Covered Individuals and Transactions
The provision in §683.290limits the use of funds used by a recipient or sub-recipient to pay for salary and bonuses of an individual. Examples of recipients include entities and their funded partners that receive contracts and grants from ETA. Examples of sub-recipients include sub-grantees. Any salary or bonus payments made by a recipient or a sub-recipient to an individual are covered by this limitation. This limitation applies to such payments regardless of whether they are paid as a direct or an indirect cost.

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However, this limitation does not apply to "contractors" as defined in 2 CFR 200.23 performing duties described in 2 CFR 200.330. A contractor means a dealer, distributor, merchant, or other seller providing goods or services that are required for the conduct of a federal program. Characteristics indicative of a payment for goods and services received by a vendor are when the organization: (1) provides the goods and services within normal business operations; (2) provides similar goods or services to many different purchasers; (3) operates in a competitive environment; (4) provides goods or services that are ancillary to the operation of the federal program; and (5) is not subject to compliance requirements of the federal program.

For example, an office supply business that provides "off the shelf" paper, printers, computers, software, etc. to other businesses, individuals, as well as to grant programs would be a vendor. Also, a training institution which provides one of its accounting courses/classes to any interested individual as well as to clients of an ETA funded grant program is acting as a vendor. However, when that same training institution develops and administers a training course specifically for an ETA funded program it is acting as a subrecipient even if others are allowed to attend and pay for the course/class at the institution's tuition rate.

Application of the Limitation

The law sets the limit on salaries and bonuses at a rate equivalent to no more than Executive Level II. A salary table providing this rate is listed on the Federal Office of Personnel Management Web site (www.opm.gov) under Federal Salaries & Wages. These levels are adjusted annually and the Web site is updated annually.

Individuals can receive payments from non-ETA sources in addition to ETA funds . For example, an entity may receive funds from other federal programs, from the state, from municipalities, or even private funds. In those instances the total sum of any employee's salary and bonuses may be higher than Executive Level II. In instances where ETA funds only pay a portion of the salary, the ETA funds may only be charged for the share of the employee's salary attributable to the work on the ETA grant or contract. That portion cannot exceed its proportional share of the Executive Level II rate

Bonuses

The restriction applies to both salaries and bonuses. The sum of all bonuses received over the previous 12-mont period when added to the employee's salary may not at any time exceed the limitation. For example, an employee paid at $162,000 may not receive bonuses in any 12-month period that exceeds $3,200, if the limitation is $165,200.

Grant and Contract Modifications

Locally awarded contracts and sub-awards of ETA funds should contain provisions informing the recipient of salary limitations under Public Law 109-234 and 20 CFR Part 683.290.

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Kansas Department of Commerce
Workforce Development Division
Policy and Procedures Manual

Policy Number: 5-36-00
(Replaces 3-25-00)

Originating Office: Legal Services

Subject: Local Area Contracts for Administrative Services

Issued:

Program: Workforce Innovation and Opportunity Act

Purpose: Section 184; Fiscal Controls of the Workforce Innovation and Opportunity Act (WIOA), allows the State to establish fiscal control and fund accounting procedures for safeguarding the expenditure of funds.

References: Section 184 of the Workforce Innovation and Opportunity Act

Background: Every provider receiving funds under Title I of the Workforce Innovation and Opportunity Act (WIOA) shall comply with the appropriate uniform administrative requirements for grants and agreements applicable for the type of entity receiving the funds. Standards have been established to ensure fiscal accountability and prevent waste, fraud and abuse in all programs administered under the Act and its implementing regulations.

Public funds that are targeted toward societal improvement should be targeted as effectively as possible towards the designated need. Improving the welfare of program participants should be the primary objective of expenditures of these public funds. The incentive of receiving "profit" is the reward for taking a risk in the marketplace. When expenditures are paid in a cost reimbursement manner, the element of risk is eliminated. To increase the availability of administrative funds, and to safeguard the public trust, no profit, bonuses, or incentives will be paid for the delivery of administrative services associated with WIOA programs. All local area contracts for administrative services will be solely on a cost-reimbursement basis. As of this issuance, any extensions or addendums to existing agreements/contracts for administrative services must also be exclusively on a cost-reimbursement basis. All entities, whether chartered as Non-Profit, Profit, or Public are eligible to deliver administrative services under these parameters.

Action: Distribute to all interested parties. All local agreements for administrative services shall conform to the provisions of this policy.

Contact: Questions regarding this policy should be directed to Robert E. North, (785) 296-1913, TDD: 1-800-766-3777, rnorth@kansascommerce.com

Attachments: None.

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Local Area Contracts for Administrative Services

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Local Area Contracts for Administrative Services

Definitions

Cost-reimbursement Contract

Cost-reimbursement of contracts provide for payment of allowable incurred costs, to the extent prescribed in the contract. These contracts establish an estimate of total cost for the purpose of obligating funds and establishing a ceiling that the ~~contractor~~sub-recipient may not exceed (except at its own risk) without the approval of the contracting officer.

Reasonable Costs

A cost may be considered *reasonable* if the nature of the goods or services acquired or applied, and the amount involved therefore, reflects the action that a prudent person would have taken under the circumstances prevailing at the time the decision to incur the cost was made. Major considerations involved in the determination of the reasonableness of a cost are:

1. Whether or not the cost is of a type generally recognized as necessary for the operation of the administrative services provided or the performance of the contract;

2. Restraints or requirements imposed by such factors as arm's-length bargaining, Federal and State laws and regulations, and terms and conditions of the contract;

3. Whether or not the individuals concerned acted with due prudence in the circumstances, considering their responsibilities to the ~~contractor~~sub-recipient, the Federal Government, and the public at large; and,

4. The extent to which the actions taken with respect to the incurrence of the cost are consistent with established policies and practices applicable to the work of the contracting entity, including other contracts and agreements.

Cost-Reimbursement Method of Payment

Cost-reimbursement contracts normally specify the results expected, but do not connect payment to achievement of particular outcomes. Payment is based on level-of-effort, which essentially means documenting hours worked by project staff (as well as documenting all other costs). The units being purchased when delivery of administrative services is sought are essentially units of **time**, rather than units of verifiable **achievement**. Thus, input/effort (hours worked), not output/performance (results achieved) is the most suitable basis for documenting payment for provision of administrative services.

In response to the objection that these kinds of services are regularly purchased in the private sector using fixed-price contracts, it is helpful to recall that expenditure of private funds need only satisfy their private source of origin. There is no requirement that procurement with private funds be competitive, be conducted as a transparent process, and be reasonably priced and structured in an appropriate form of agreement. For private funds there is no implicit public accountability expectation or code of conduct driven by the concept that "public service is a public trust." The expectation of public accountability is a fundamental reason why governments do not operate like private businesses and why the delivery of publicly funded work is ordinarily subject to stringent verification consistent with the terms of its purchase.

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For decision-makers who object to the seeming disconnect between payment and performance under this form of agreement, it is important to bear in mind that if the results expected and specified are not achieved, it is just as easy to cancel or to not renew a cost-reimbursement agreement as it is to not renew a fixed-price agreement.

Commencing with this issuance, all local area contracts for administrative services will be solely on a cost-reimbursement basis. As of this date, any extensions or addendums to existing agreements/contracts for administrative services must also be solely on a cost-reimbursement basis.

Because of the exceptionally low risk reflected by a compensation arrangement under which a loss is nearly impossible, and payment by the U.S. Treasury is guaranteed, any local area contract for administrative services shall not provide for any profit, fees, bonuses, or other incentive payments.

State Policy Guidelines

1. Contracts must be on a cost-reimbursement basis only. A contract for administrative services may provide that the subrecipient be reimbursed for allowable costs incurred in performing the contract, but shall not include any profit, fees, bonuses, or other incentive payments.

2. Contracts must be sufficiently specific to ensure that funds are used in compliance with all applicable Federal and State laws, policies, and regulations. Contracts must assure that costs are reasonable and necessary for performing the described administrative duties.

3. Contracts shall be awarded only to responsible ~~contractor~~sub-recipients possessing the ability to perform successfully under the terms and conditions of the procurement. Consideration shall be given to such matters as ~~contractor~~sub-recipient competence, experience, integrity, ability to comply with public policy, record of past performance, and financial and technical resources.

Contract Minimum Provisions/Conditions

At a minimum, the following provisions or conditions shall be addressed in the contract.

1. Compliance with WIOA - Contracts shall contain provisions requiring compliance with WIOA, its implementing regulations, and State WIOA policies, including those pertaining to reporting.

2. Termination for Cause and for Convenience - All contracts shall contain suitable provisions for termination by the grantee including the manner by which termination will be carried out and the basis for settlement.

3. Termination for Default - All contracts shall contain a suitable provision under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the ~~contractor~~sub-recipient.

4. Equal Employment Opportunity - All contracts shall assure compliance with the nondiscrimination and equal opportunity provisions of WIOA Section 188 and its implementing regulations.

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5. Access to ~~Contractor~~Sub-recipient's Records - Contracts shall include a provision to the effect that the Grantor, the State, the U.S. Office of Inspector General, the U.S. Department of Labor, or any other duly authorized representatives, shall have access to any books, documents, papers, and records of the ~~contractor~~sub-recipient that are pertinent to the specific contract for the purpose of making audit, examination, excerpts, copies, and transcriptions. The ~~contractor~~sub-recipient shall allow reasonable access to personnel for purposes of interviews and discussions related to such documents.

6. Maintenance of Records - A provision shall be included in the contract that requires the ~~contractor~~sub-recipient to maintain all required records for three years after the awarding entity makes final payment and all other pending matters are closed. The records shall be sufficient enough to detail the significant history of the procurement.

7. Damages - Contracts shall contain provisions or conditions that allow for administrative, contractual, or legal remedies, and provide for such sanctions and penalties as may be appropriate, in instances where the ~~contractor~~sub-recipient violates or breaches the contract terms.

8. Table of Contents – Contracts shall have a Table of Contents with pages consecutively numbered to ascertain the totality of the contracting instrument.

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Kansas Department of Commerce
Workforce Services
Policy and Procedures Manual

Policy Number: 5-37-00

Originating Office: Workforce Services

Subject: Sanction Policy for Workforce Innovation and Opportunity Act Title I Programs

Issued:

Program: Workforce Innovation and Opportunity Act

State Board Approval Date:

Purpose: To provide Local Areas with policy and guidance related to State sanctions under title I of the Workforce Innovation and Opportunity Act (WIOA) for performance accountability.

References: Workforce Innovation and Opportunity Act Section 116 & 184, 20 CFR parts 677 Subpart D & 683 Subpart G.

Background: Kansas may be subject to financial sanction(s) if it fails to submit timely, accurate and complete performance reports, or fails to meet adjusted levels of performance. Each local area is subject to the same indicators of performance that apply to the State and the cumulative performance of the local areas directly impacts the State's ability to meet adjusted levels of performance.

Action: Distribute to all interested parties.

Contact: Questions should be directed to Administrator, (785) 296-0607, TDD: 1-800-766-3777 email workforcesvcs@ks.gov.

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State of Kansas
Workforce Innovation and Opportunity Act Sanctions Policy

Local Area WIOA Sanctions Policy

Following two years of complete data reporting on any indicator sufficient to establish adjusted levels of performance; if any Local Area failing to meet 80% of its adjusted levels of negotiated performance for any of the applicable Title I measures for one year, the Local Area must accept technical assistance from the Department of Commerce. If the Local Area fails to achieve 80 percent of the adjusted negotiated level of performance for the same measure for two consecutive years, the Local Area may be subject to financial sanctions in the form of a reduction in the annual allotment for the applicable program area, up to a maximum of 4 percent. The application of a financial sanction will be made to the allotment for the program year following the year of poor performance. Any funds withheld from the application of financial sanctions may be made available for technical assistance projects.

The effective use of sanction authority related to performance will include a range of actions, with the ultimate goal of improving services to customers. Financial sanctions will be considered when it is clear the Local Area has not taken reasonable steps to address its poor performance, but levying a financial penalty will not be the sole purpose or result of a sanction.

Any Local Area that failed to meet 80 percent of the negotiated level for a specific performance measure for a second consecutive year will be required to modify its Strategic Plan to incorporate an agreed upon performance improvement plan.

At a minimum, if the Local Area failed to achieve the negotiated level of performance for two years in a row, the State will work with the appropriate Local Area to develop a performance improvement plan. Such a plan will include changes to program goals, as appropriate, as well as design, management or administration remedies that address any deficiencies in program design or service strategy that have inhibited performance, including reporting problems; appropriate technical assistance to improve program services and continued monitoring by the State.

The amount of a financial sanction for poor performance within a program area will be directly related to the number of negotiated performance levels the Local Area failed to meet for measures within that program area for two consecutive years, but will not be more than 4 percent of the annual allotment for the program area.

In addition to the required performance improvement plan, financial sanctions will be applied to the program area in which the Local Area failed to achieve the negotiated level of performance, i.e., adults, youth, and/or dislocated workers.

When determining the amount of a financial sanction, failure to submit accurate and timely monthly reports, quarterly reports and the Annual Report narrative will increase the financial sanction by an additional 1 percent of the annual allotment in the program area that is being sanctioned. If the Local Area failed to submit

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a timely and accurate report but has met all of its negotiated levels of performance, then a financial sanction will not be imposed.

A financial sanction may be appropriate for any Local Area that failed one or more measures of performance for workforce investment programs. The following describes the maximum amount of a financial sanction, subject to adjustment upon further review. Since there are three measures that will be considered for each of the WIOA Adult, Youth and Dislocated Worker programs, the amount of the financial sanction will be based on the number of measures failed in each program area:

Adult/Youth/Dislocated Worker No. of Measures Failed	Maximum Amount of Sanction
1	1%
2	2%
3	3%
*	4%

*Failure to submit an accurate and timely report will increase the level of financial sanction applied to a program by an additional 1 percent if it is otherwise subject to financial sanction.

There are several general factors to consider in relation to sanctions for performance that will be taken into consideration in determining the actual amount of the sanction (up to the maximum percentages as discussed above), such as performance on other indicators, economic conditions, and the progress of performance on the failed measure between the two program years. The Department of Commerce will work with the Local Area to address the seven mitigating factors:

1. The Local Area's performance relative to other Local Areas;
2. The improvement efforts underway;
3. Incremental improvement on the performance measures;
4. Technical assistance previously provided;
5. Changes in economic conditions and program design;
6. The characteristics of participants served compared to the participant characteristics described in the Local Area Plan; and
7. Performance on other core indicators of performance.

It is important to note that the State's primary interest is in ensuring effective and efficient service delivery and successful outcomes for participants served by WIOA programs. In addressing the mitigating factors, the Local Area should acknowledge areas where performance is failing and provide documentation that either substantiates actions taken by the Local Area to improve performance throughout the period of performance or that provides sufficient context around the Local Area's actual performance results.

The Department of Commerce will provide a final recommendation for a financial sanction based on their analysis of the information received from the Local Area including responses on the seven factors discussed above. The amount of the sanction for each performance measure missed could be reduced if the Local Area provides relevant and sufficient information to explain the performance failure.

If a local area fails to meet 80% of the adjusted levels of performance for the same indicator for a third

consecutive year, the Governor/Governor's designee must take corrective action which includes the development of a Local Area reorganization plan requiring:

1. Appointment and certification of a new Local WDB
2. Prohibiting the use of eligible providers and one-stop partners who have been identified as achieving poor levels of performance
3. Any other significant action(s) as the Governor/Governor's designee determines appropriate

Local Areas may request a review of a decision to impose a sanction in accordance with existing appeal procedures.

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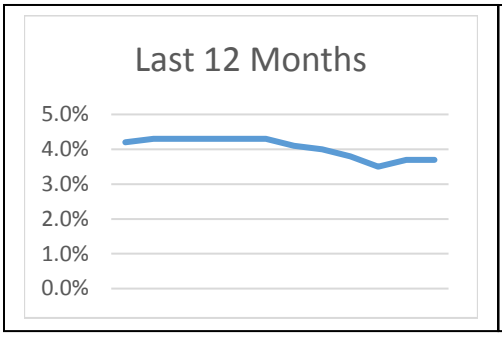
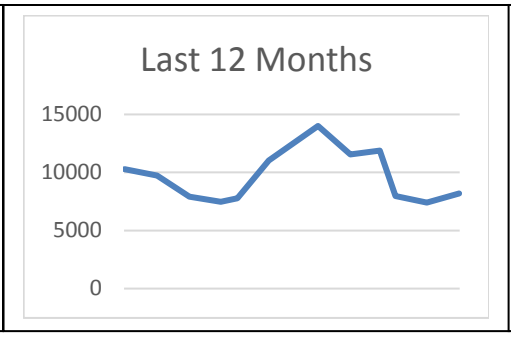
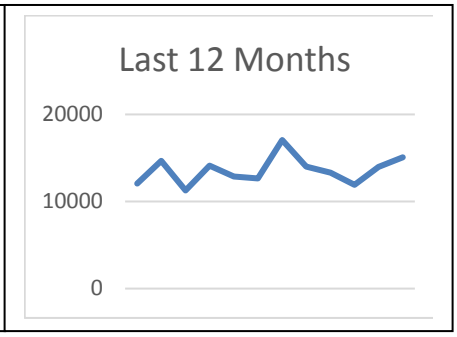
KANSASWORKS STATE BOARD

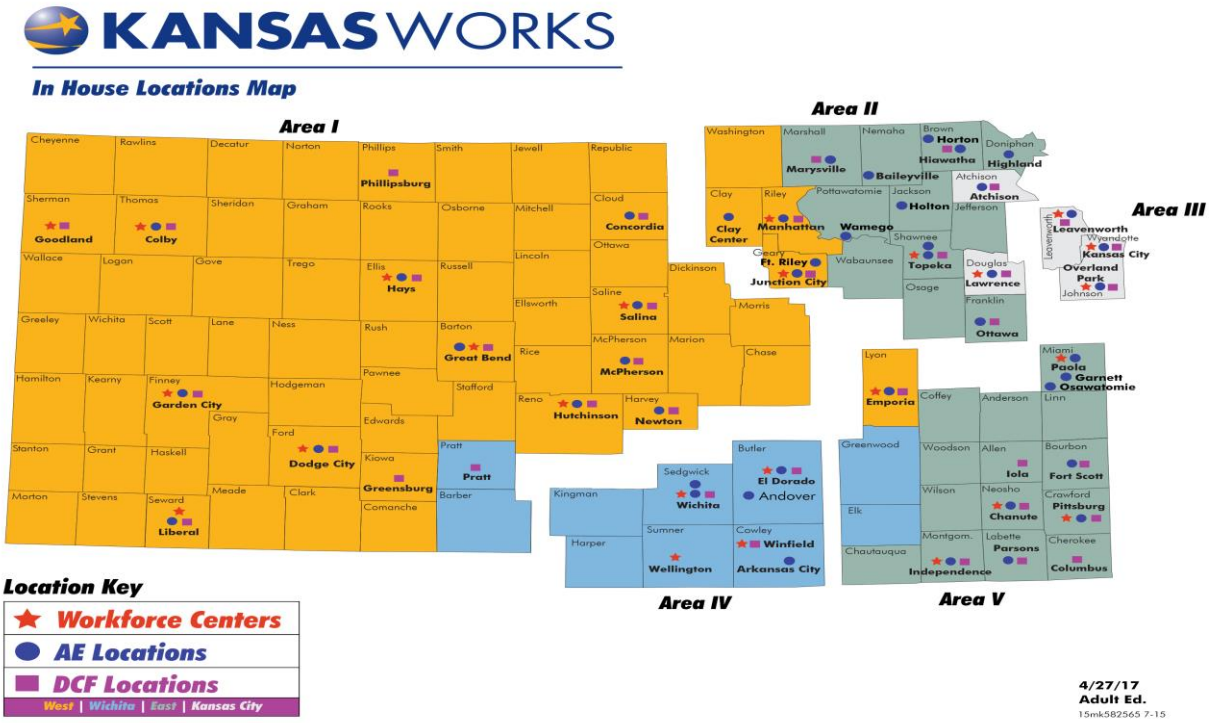
State Performance Accountability Measures
July 2017

Kansas Unemployment Rate–Jun 17	Unemployment Claimants–July 1, 2017	Workforce Ctr Traffic – Jun 17
3.7%	**8,197**	**15,072**

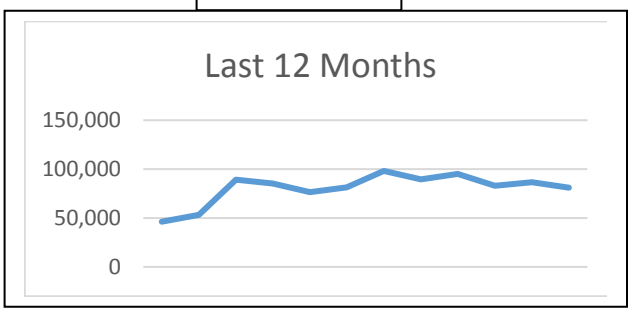


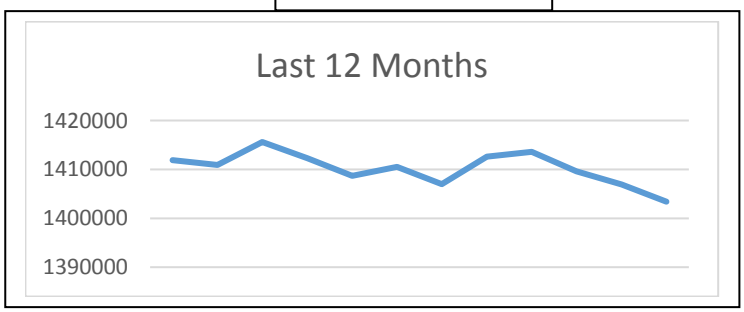






KANSASWORKS.COM Visitors – June 2017	Total Kansas Non-Farm Employment (SA) – June 17
81,096	**1,403,400**





WIA Performance Reporting

WIA Title I - Adult: PY 2015								
	LA I	LA II	LA III	LA IV	LA V	Statewide	Goal	Sanction
Entered Employment	96.0%	83.6%	70.8%	84.0%	77.9%	75.2%	74.0%	59.2%
Employment Retention	95.1%	94.2%	90.4%	91.7%	90.2%	91.2%	85.4%	68.3%
Average Earnings	$15,730	$16,942	$17,067	$20,878	$14,647	$17,317	$14,000	$11,200

WIA Title I - Dislocated Worker: PY 2015								
	LA I	LA II	LA III	LA IV	LA V	Statewide	Goal	Sanction
Entered Employment	96.8%	90.0%	82.0%	84.7%	87.6%	85.7%	81.0%	64.8%
Employment Retention	97.9%	98.6%	90.8%	92.7%	91.5%	93.6%	91.0%	72.8%
Average Earnings	$15,416	$15,637	$20,671	$26,046	$19,293	$21,259	$18,300	$14,640

WIA Title I - Youth: PY 2015								
	LA I	LA II	LA III	LA IV	LA V	Statewide	Goal	Sanction
Placement in Emp or Edu	84.5%	65.9%	70.7%	66.7%	75.7%	71.7%	71.0%	56.8%
Attain Degree or Certificate	75.0%	79.2%	70.4%	79.2%	69.9%	74.4%	72.0%	57.6%
Literacy / Numeracy Gains	55.6%	53.3%	40.3%	47.1%	9.3%	36.3%	52.5%	42.0%

WIA Title I - Adult: PY 2016								
	LA I	LA II	LA III	LA IV	LA V	Statewide	Goal	Sanction
Entered Employment	86.4%	67.2%	71.2%	67.4%	74.2%	70.9%		
Employment Retention	93.4%	90.5%	85.5%	84.6%	88.7%	87.0%		
Average Earnings	$17,269	$19,135	$16,856	$19,806	$14,861	$17,436		

WIA Title I - Dislocated Worker: PY 2016								
	LA I	LA II	LA III	LA IV	LA V	Statewide	Goal	Sanction
Entered Employment	86.8%	75.0%	83.3%	72.4%	83.3%	78.0%		
Employment Retention	95.4%	80.0%	92.9%	91.1%	90.2%	91.6%		
Average Earnings	$15,739	$15,504	$20,852	$30,706	$17,718	$23,199		

WIA Title I - Youth: PY 2016								
	LA I	LA II	LA III	LA IV	LA V	Statewide	Goal	Sanction
Placement in Emp or Edu	93.8%	56.7%	71.2%	73.8%	78.4%	71.0%		
Attain Degree or Certificate	66.7%	60.0%	66.1%	70.0%	52.0%	62.1%		
Literacy / Numeracy Gains	33.3%	8.0%	36.4%	16.7%	11.8%	18.8%		

WIOA Performance Reporting

(WIOA Performance Reporting Begins October 2017)

WIOA Title I - Adult: PY 2016								
	LA I	LA II	LA III	LA IV	LA V	Statewide	Goal	Sanction
Employment Q2	**Data Available in October 2017**						78.7%	63.0%
Employment Q4	**Career Service Participants - 3124**						70.8%	56.6%
Median Earnings	**Training Service Participants - 958**						$6,097	$4,878
Credential Rate							54.8%	43.8%

WIOA Title I - Dislocated Worker: PY 2016								
	LA I	LA II	LA III	LA IV	LA V	Statewide	Goal	Sanction
Employment Q2	**Data Available in October 2017**						83.0%	66.4%
Employment Q4	**Career Service Participants - 593**						75.3%	60.2%
Median Earnings	**Training Service Participants - 285**						$7,685	$6,148
Credential Rate							54.3%	43.4%

WIOA Title I - Youth: PY 2016								
	LA I	LA II	LA III	LA IV	LA V	Statewide	Goal	Sanction
Employment Q2	**Data Available in October 2017**						74.0%	59.2%
Employment Q4	**Participants Served - 1012**						71.4%	57.1%
Credential Rate							60.6%	48.5%

WIOA Title II - Adult Basic Education								
						Statewide	Goal	FY 16
Educational Functioning Level Gain	**See page 6 of Performance Report**					56.0%	57.55%	N/A
Credentials Achieved						312	N/A	N/A
High School Diplomas Achieved						932	N/A	N/A
GED Achievement Rate						87%	70%	N/A

WIOA Title III - Wagner Peyser								
	LA I	LA II	LA III	LA IV	LA V	Statewide	Goal	Sanction
Entered Employment	**Data Available in October 2017**						66.5%	53.2%
Employment Retention	**Participants Served - 40,380**						69.8%	55.8%
Average Earnings							$4,523	$3,618

WIOA Title IV - Vocational Rehabilitation								
						Statewide	Goal	Sanction
Integrated Employment	**See page 7 of Performance Report**					1021		
Average hourly wage						$10.30		
Average hours per week						28		
Employment Income Main Source						72.4%		
Youth Integrated Employment						323		

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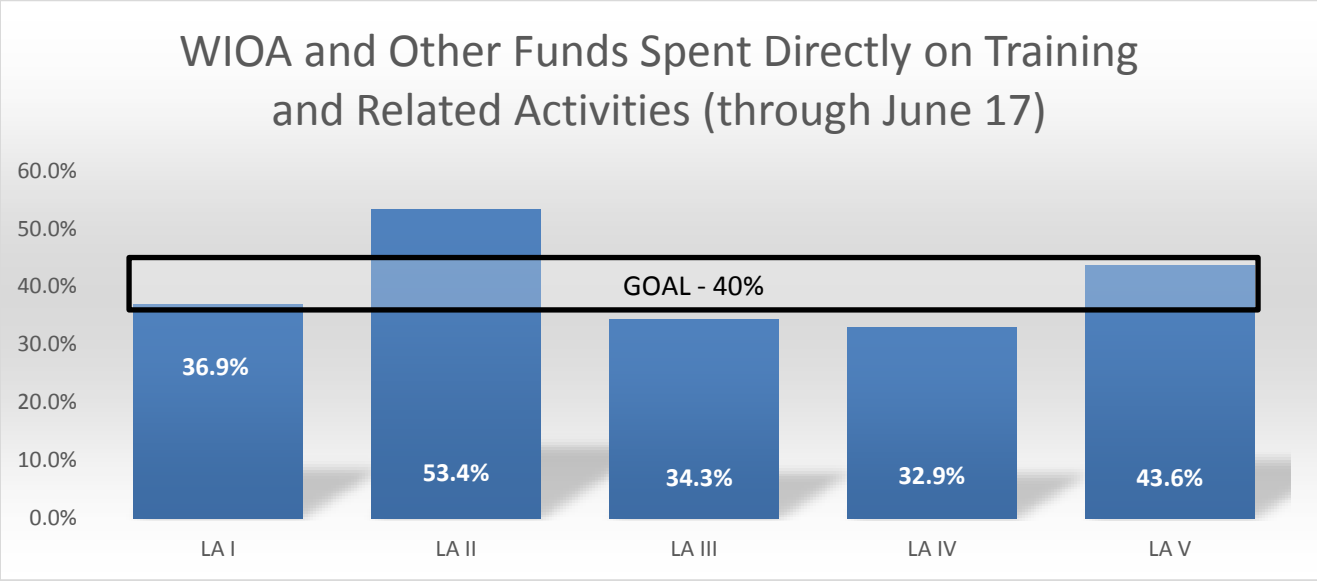
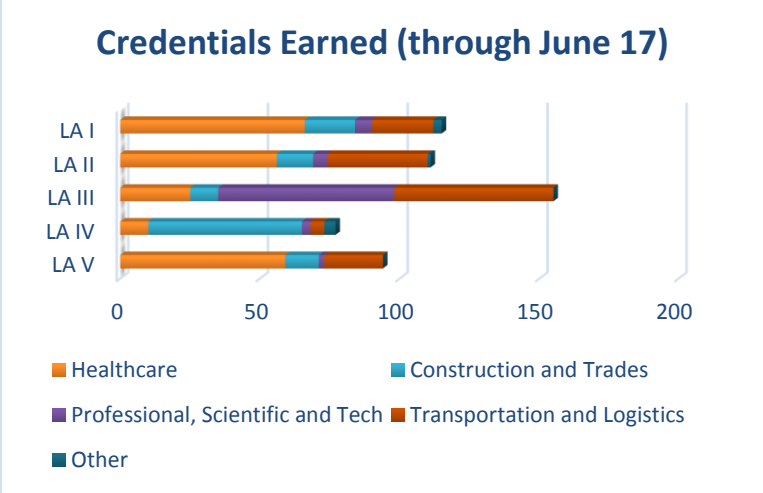
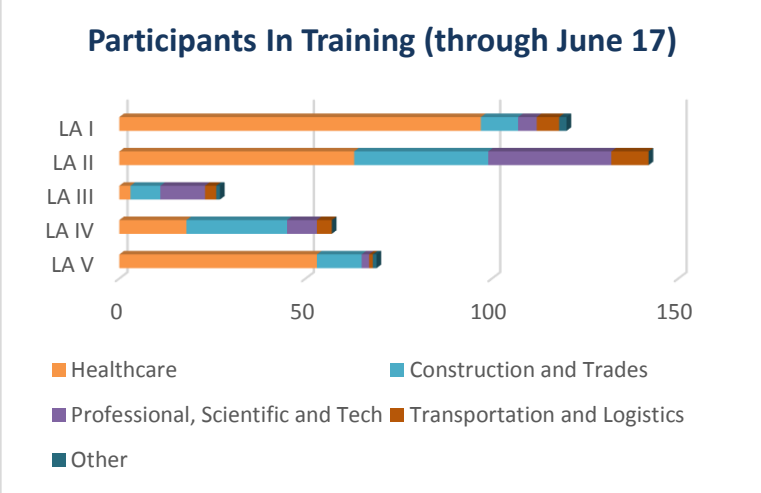
WIOA Title I – Participant Expenditures



WIOA Title I Participants Earning Credentials in High Demand Sectors – PY 2016





Apprenticeship Participants Enrolled in Job-Driven Programs

By Demographic				
Male	Female	Minorities	Veterans	**Total**
1549	135	321	154	**1684**
By Occupation				
Electrical	HVAC / Plumbing	Manufacturing and Other	Hospitality	**Total**
584	236	580	284	**1684**
Registered Apprenticeship Program Sponsors				**239**
Registered Apprenticeship Graduates this Quarter				**110**
Registered Apprenticeship New Enrollments this Quarter				**174**

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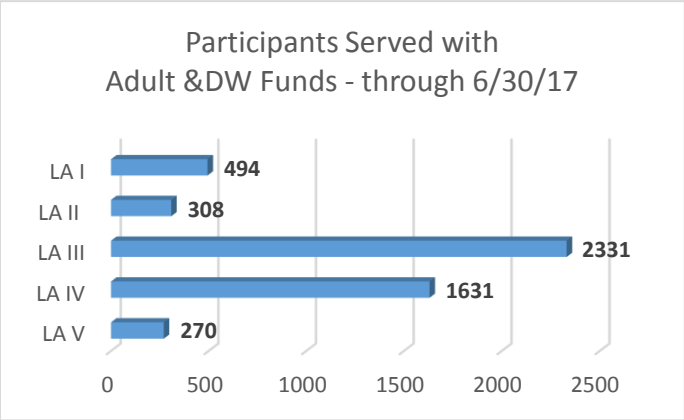
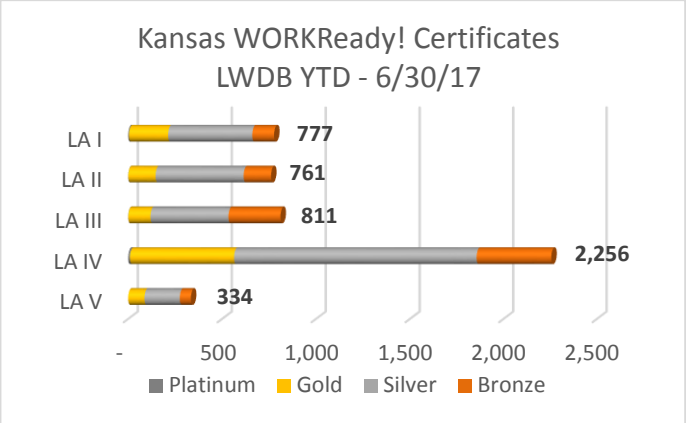
WIOA Title I

Participants Served & WORK*Ready!* Certificates

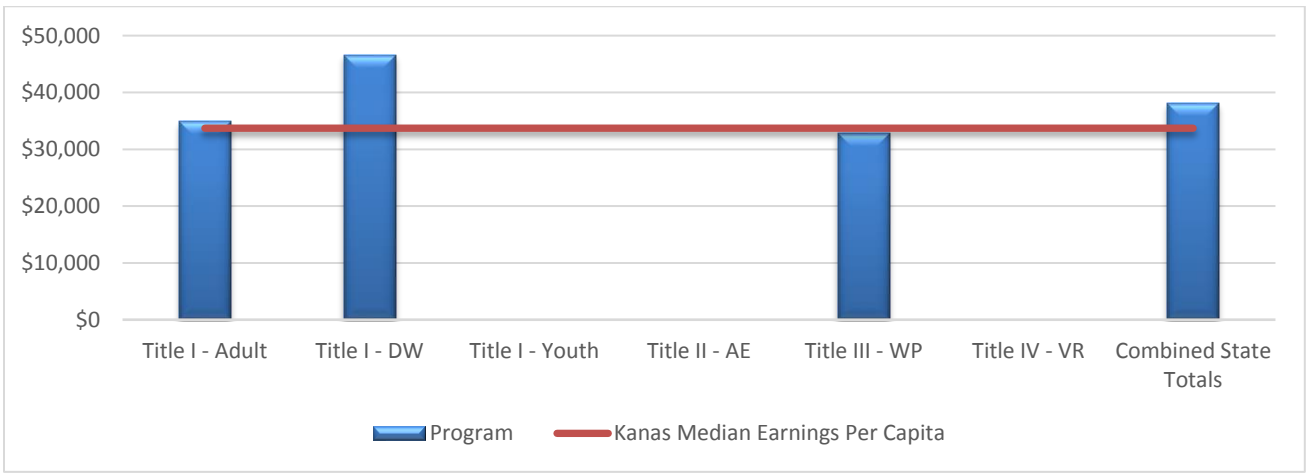




WIOA Totals by Service and Barrier

Participants Served				Title I - Adult	Title I - DW	Title I - Youth	Title II - ABE	Title III - WP	Title IV - VR	Combined State Totals
	Total Served			**4,082**	**878**	**1,012**	**0**	**40,380**	**0**	**46,352**
		By Service								
		Career Services		3,124	593	581	0	40,380	0	**44,678**
		Training Services		958	285	431	0	0	0	**1,674**
		By Barrier to Employment								
		Displaced Homemakers		21	19	7	0	309	0	**356**
		English Language Learners		281	83	554	0	2,378	0	**3,296**
		Exhausting TANF		22	0	18	0	39	0	**79**
		Ex-offenders		415	20	177	0	2,463	0	**3,075**
		Homeless		86	2	38	0	523	0	**649**
		Long-term unemployed		625	72	279	0	3,853	0	**4,829**
		Low-income		1,828	129	801	0	7,242	0	**10,000**
		Migrant and Seasonal Farmworkers		1	0	0	0	38	0	**39**
		Individuals with Disabilities		417	19	270	0	2,567	0	**3,273**
		Single Parents		659	83	138	0	5,584	0	**6,464**
		Youth in foster care or aged out		9	0	98	0	179	0	**286**
		Veterans		**329**	**90**	**0**	**0**	**3,598**	**0**	4,017

Participants Employed at or above Median State Wage



KANSAS ADULT EDUCATION

Quarter 4 Report
April 1, 2017 – June 30, 2017

Kansas State Workforce Board
August 2, 2017

The following Q4 data is submitted as per the Workforce Innovation and Opportunity Act Combined State Plan for Kansas.

1. Educational Functioning Level gain: 56%
Kansas adult education providers utilize the TABE assessment which determines the initial learning level for each student. An Educational Functioning Level (EFL) gain is a documented gain based on the initial assessment. The reported percentage represents the number of students who completed the level of instruction for which they were enrolled. (State target = 57.55%)

2. Credentials Achieved: 312
Students who achieved an industry-recognized credential.
(No state target as this is a new WIOA measure)

3. High School Diplomas Achieved: 932
Kansas administers the GED test, and 87% of those attempting the test achieved their GED. (State target = 70%)

**FY17 data not yet finalized. Final FY17 data will be submitted with FY18 Q1 report*

Connie Beene
State Director, Adult & Career Technical

Kansas
Department for Children and Families
Rehabilitation Services

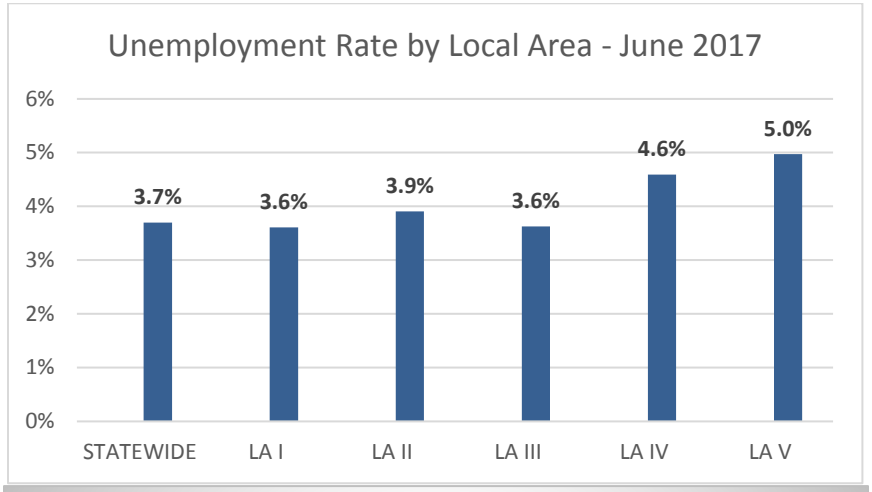
Strong Families Make a Strong Kansas

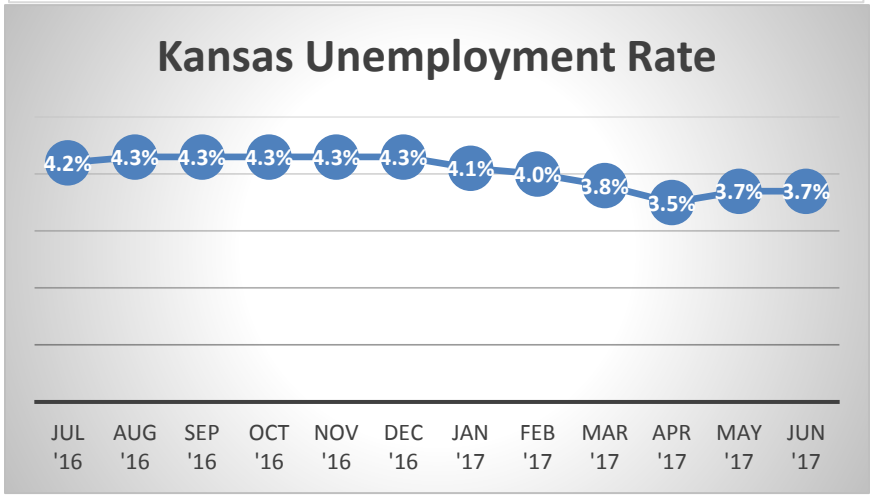
Vocational Rehabilitation (Title IV of the Workforce Innovation and Opportunity Act)
State Fiscal Year 2017 Year-to-Date (July 1, 2016 to June 30, 2017)

Services to empower Kansans with disabilities to achieve competitive integrated employment and self-reliance

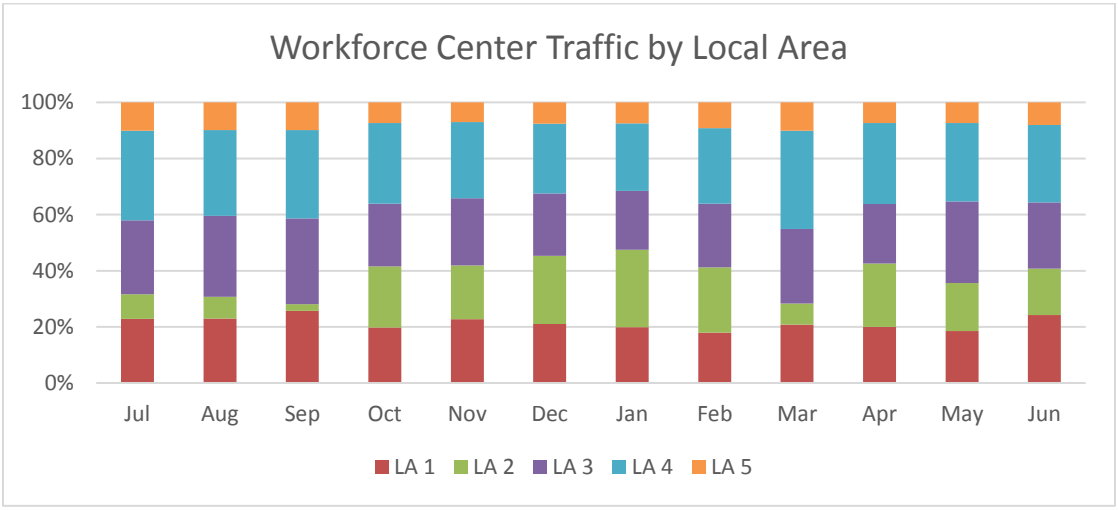
Indicator	SFY 2017
Number of persons achieving competitive integrated employment (stable employment for at least 90 days)	1,021
Average hourly wage	$10.30
Average hours worked per week	28
Percent of persons employed who report their own income as their primary source of support at case closure, a significant milestone toward self–sufficiency	72.4%
Number of youth (aged 24 and younger) achieving competitive integrated employment (stable employment for at least 90 days)	232

Unemployment Details





Workforce Center Traffic Details



PY16	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	TOTAL
Statewide	**12,054**	**14,687**	**11,268**	**14,112**	**12,881**	**12,657**	**17,060**	**14,000**	**13,329**	**11,931**	**13,968**	**15,072**	**163,019**
LA 1	2,760	3,378	2,892	2,792	2,925	2,659	3,388	2,518	2,768	2,389	2,589	3,657	**34,715**
LA 2	1,046	1,138	270	3,069	2,466	3,080	4,721	3,252	1,010	2,685	2,387	2,484	**27,608**
LA 3	3,188	4,227	3,449	3,163	3,088	2,817	3,571	3,180	3,535	2,535	4,062	3,553	**40,368**
LA 4	3,836	4,494	3,541	4,049	3,493	3,146	4,109	3,764	4,675	3,439	3,895	4,170	**46,611**
LA 5	1,224	1,450	1,116	1,039	909	955	1,271	1,286	1,341	883	1,035	1,208	**13,717**

KANSASWORKS State Board
FY17/Q4 Quarterly Expenditure Report
August 2, 2017

LOCAL AREA I
PY16/FY17
Q4 YTD
07/01/16 - 6/30/17

	Current Allocation + Carry In	Operational Expenditures	Youth Work Experience Percentage	Direct Participant Expenditures (trg & supp svcs)	Percent Spent Directly on Participant	Total Funds Expended	Percent of Funds Expended	Total Partcpnts Served	Cost per Participant Served	Balance Remaining
Administration	$ 236,796.00	$ 113,084.52				$113,084.52	47.76%			$ 123,711.48
Adult	$ 792,468.58	$ 486,007.66		$224,745.41	31.6%	$710,753.07	89.69%	335	$ 2,121.65	$ 81,715.51
Dislocated Worker	$ 440,555.00	$ 187,717.08		$ 1,398.84	0.7%	$189,115.92	42.93%	153	$ 1,236.05	$ 251,439.08
Youth	$ 735,393.47	$ 291,021.39	46%	$333,098.45	53%	$624,119.84	84.87%	222	$ 2,811.35	$ 111,273.63
A & DW Total	$1,233,023.58	$673,724.74		$226,144.25	25.1%	$899,868.99	72.98%	488	$ 1,843.99	$ 333,154.59
WIOA Program Total	$1,968,417.05	$964,746.13		$559,242.70	36.7%	$1,523,988.83	77.42%	710	$ 2,146.46	$ 444,428.22
Other funds/grants available (report all funds available):									Cost per	
DEI	$301,139.66	$60,454.68		$53,893.21	47.1%	$114,347.89	37.97%		#DIV/0!	$ 186,791.77
KHPOP CY1, CY3, CY5	$317,028.41	$36,251.95		$67,373.77	65.0%	$103,625.72	32.69%		#DIV/0!	$ 213,402.69
KHPOP CY2, CY4	$551,740.40	$202,455.75		$105,862.20	34.3%	$308,317.95	55.88%		#DIV/0!	$ 243,422.45
PACES					#DIV/0!	$0.00	#DIV/0!		#DIV/0!	$ -
Rapid Response	$70,000.00	$31,214.01			0.0%	$31,214.01	44.59%		#DIV/0!	$ 38,785.99
Rapid Response Add'l. Asst.	$198,534.20			$133,603.76	100.0%	$133,603.76	67.30%		#DIV/0!	$ 64,930.44
WIF	$38,000.00				#DIV/0!	$0.00	0.00%		#DIV/0!	$ 38,000.00
Apprenticeship Accelerator	$24,000.00				#DIV/0!	$0.00	0.00%		#DIV/0!	$ 24,000.00
					#DIV/0!	$0.00	#DIV/0!		#DIV/0!	$ -
Total Other funds/grants:	$1,500,442.67	$330,376.39		$360,732.94	52.2%	$691,109.33	46.06%	-	#DIV/0!	$ 809,333.34
TOTALS (excluding youth):	$2,733,466.25	$1,004,101.13		$586,877.19	**36.9%**	$1,590,978.32	58.20%	488	$ 3,260.20	$ 1,142,487.93

**Direct Training Expenditure (Policy 5-07-00)*

LOCAL AREA II
PY16/FY17
Q4 YTD
07/01/16 - 6/30/17

	Current Allocation + Carry In	Operational Expenditures	Youth Work Experience Percentage	Direct Participant Expenditures (trg & supp svcs)	Percent Spent Directly on Participant	Total Funds Expended	Percent of Funds Expended	Total Part Served	Cost per Participant Served	Balance Remaining
Administration	$281,170.11	$211,606.34				$211,606.34	75.26%			$69,563.77
Adult	$1,772,141.15	$475,402.86		$596,480.48	55.6%	$1,071,883.34	60.49%	287	$ 3,734.79	$700,257.81
Dislocated Worker	$158,794.68	$91,222.49		$53,207.00	36.8%	$144,429.49	90.95%	21	$ 6,877.59	$14,365.19
Youth	$1,194,783.60	$433,458.97	28%	$211,327.03	32.8%	$644,786.00	53.97%	212	$ 3,041.44	$549,997.60
A & DW Total	$1,930,935.83	$566,625.35		$649,687.48	**53.4%**	$1,216,312.83	62.99%	308	$ 3,949.07	$714,623.00
WIOA Program Total	$3,125,719.43	$1,000,084.32		$861,014.51	46.3%	$1,861,098.83	59.54%	520	$ 3,579.04	$1,264,620.60
Other funds/grants available (report all funds available):									Cost per	
KHPOP CY1, CY3, CY5					#DIV/0!	$0.00	#DIV/0!		#DIV/0!	$0.00
KHPOP CY1 (new)	$551,740.40	$172,729.87		$201,629.12	54%	$374,358.99	67.85%		#DIV/0!	$177,381.41
Rapid Response					#DIV/0!	$0.00	#DIV/0!		#DIV/0!	$0.00
Rapid Response Add'l. Asst.					#DIV/0!	$0.00	#DIV/0!		#DIV/0!	$0.00
Workforce Innovation Fund	$279,486.00	$ 12,918.42		$ -	0%	$12,918.42	4.62%		#DIV/0!	$266,567.58
Registered Apprenticeship Accelorator	$21,000.00	$ 272.33		$ -	0%	$272.33	1.30%		#DIV/0!	$20,727.67
Registered Apprenticeship Extension	$199,548.80						0.00%			
Total Other funds/grants:	$831,226.40	$185,920.62		$201,629.12	52%	$387,549.74	46.62%	-	#DIV/0!	$443,676.66
TOTALS (excluding youth):	$2,762,162.23	$752,545.97		$851,316.60	53%	$1,603,862.57	58.07%	308	$ 5,207.35	$1,158,299.66

**Direct Training Expenditure (Policy 5-07-00)*

KANSASWORKS State Board
FY17/Q4 Quarterly Expenditure Report
August 2, 2017

LOCAL AREA III
PY16/FY17
QX YTD
07/01/16 - 6/30/17

	Current Allocation + Carry In	Operational Expenditures	Youth Work Experience Percentage	Direct Participant Expenditures (trg & supp svcs)	Percent Spent Directly on Participant	Total Funds Expended	Percent of Funds Expended	Total Partcpnts Served	Cost per Participant Served	Balance Remaining
Administration	$435,290.80	$337,242.91				$337,242.91	77.48%			$98,047.89
Adult	$1,287,380.69	$794,404.57		$368,737.13	31.7%	$1,163,141.70	90.35%	2,063	$563.81	$124,238.99
Dislocated Worker	$656,622.95	$377,721.25		$222,936.54	37.1%	$600,657.79	91.48%	267	$2,249.65	$55,965.16
Youth	$1,067,302.41	$793,914.75	22%	$129,029.95	14.0%	$922,944.70	86.47%	161	$5,732.58	$144,357.71
A & DW Total	$1,944,003.64	$1,172,125.82		$591,673.67	33.5%	$1,763,799.49	90.73%	2,330	$757.00	$180,204.15
WIOA Program Total	$3,011,306.05	$1,966,040.57		$720,703.62	26.8%	$2,686,744.19	89.22%	2,491	$1,078.58	$324,561.86
Other funds/grants available (report all funds available):									Cost per	
DEI	$172,000.00	$62,060.96		$26,893.01	30.2%	$88,953.97	51.72%		#DIV/0!	$83,046.03
KHPOP CY1, CY3, CY5	$93,856.43	$38,368.56		$55,487.87	59.1%	$93,856.43	100.00%		#DIV/0!	$0.00
KHPOP CY2, CY4	$390,815.83	$147,309.51		124,535.86	45.8%	$271,845.37	69.56%		#DIV/0!	$118,970.46
KHPOP Impact Study	$20,000.00	$8,847.73		$ -	0.0%	$8,847.73	44.24%		#DIV/0!	$11,152.27
Rapid Response	$79,369.75	$66,875.77		$ -	0.0%	$66,875.77	84.26%		#DIV/0!	$12,493.98
Rapid Response Add'l. Asst.	$0.00	$0.00		$ -	#DIV/0!	$0.00	#DIV/0!		#DIV/0!	$0.00
Workforce Innovation Grant	$138,877.00	$33,916.29		$658.75	1.9%	$34,575.04	24.90%		#DIV/0!	$104,301.96
	$16,411.00	$267.30		$0.00	0.0%	$267.30	1.63%		#DIV/0!	$16,143.70
					#DIV/0!	$0.00	#DIV/0!		#DIV/0!	$0.00
Total Other funds/grants:	$911,330.01	$357,646.12		$207,575.49	36.7%	$565,221.61	62.02%	-	#DIV/0!	$346,108.40
TOTALS (excluding youth):	$2,855,333.65	$1,529,771.94		$799,249.16	**34.3%**	$2,329,021.10	81.57%	2,330	$ 999.58	$526,312.55

**Direct Training Expenditure (Policy 5-07-00)*

LOCAL AREA IV
PY16/FY17
Q4 YTD
07/01/16 - 06/30/17

	Current Allocation + Carry In	Operational Expenditures	Youth Work Experience Percentage	Direct Participant Expenditures (trg & supp svcs)	Percent Spent Directly on Participant	Total Funds Expended	Percent of Funds Expended	Total Partcpnts Served	Cost per Participant Served	Balance Remaining
Administration	$335,497.00	$251,086.24				$251,086.24	74.84%			$84,410.76
Adult	$1,441,410.00	$1,041,685.11		$75,263.49	6.7%	$1,116,948.60	77.49%	1,197	$ 933.12	$324,461.40
Dislocated Worker	$614,843.00	$399,228.06		$113,230.15	22.1%	$512,458.21	83.35%	373	$ 1,373.88	$102,384.79
Youth	$1,357,208.00	$777,386.73	20%	$323,595.38	29%	$1,100,982.11	81.12%	218	$ 5,050.38	$256,225.89
A & DW Total	$2,056,253.00	$1,440,913.17		$188,493.64	11.6%	$1,629,406.81	79.24%	1,570	$ 1,037.84	$426,846.19
WIOA Program Total	$3,413,461.00	$2,218,299.90		$512,089.02	18.8%	$2,730,388.92	79.99%	1,788	$ 1,527.06	$683,072.08
Other funds/grants available (report all funds available):									Cost per	
DEI	$124,762.00	$85,153.64		$65,069.34	43.3%	$150,222.98	120.41%		#DIV/0!	($25,460.98)
KHPOP CY1, CY3, CY5	$551,740.00	$169,527.51		$101,793.90	37.5%	$271,321.41	49.18%		#DIV/0!	$280,418.59
KHPOP CY6, CY8	$412,687.00	$61,948.74		$52,630.61	45.9%	$114,579.35	27.76%		#DIV/0!	$298,107.65
General Funds					#DIV/0!	$0.00	#DIV/0!		#DIV/0!	$0.00
PACES/SIF/OWNE					#DIV/0!	$0.00	#DIV/0!		#DIV/0!	$0.00
Rapid Response	$81,200.00	$78,708.21			0.0%	$78,708.21	96.93%		#DIV/0!	$2,491.79
Rapid Response Add'l. Asst.					#DIV/0!	$0.00	#DIV/0!		#DIV/0!	$0.00
CSBG					#DIV/0!	$0.00	#DIV/0!		#DIV/0!	$0.00
Youth Fund	$30,774.42				#DIV/0!	$0.00	0.00%		#DIV/0!	$30,774.42
KEEP (H-1B Visa Grant)					#DIV/0!	$0.00	#DIV/0!		#DIV/0!	$0.00
Senior Comm. Service Program	$825,000.00	$189,311.23		$583,782.59	75.5%	$773,093.82	93.71%		#DIV/0!	$51,906.18
Total Other funds/grants:	$2,026,163.42	$584,649.33		$803,276.44	57.9%	$1,387,925.77	68.50%	-	#DIV/0!	$638,237.65
TOTALS (excluding youth):	$4,082,416.42	$2,025,562.50		$991,770.08	**32.9%**	$3,017,332.58	73.91%	1,788	$ 1,687.55	$1,065,083.84

**Direct Training Expenditure (Policy 5-07-00)*

KANSASWORKS State Board
FY17/Q4 Quarterly Expenditure Report
August 2, 2017

LOCAL AREA V
PY16/FY17
Q4 YTD
07/01/16 - 06/30/17

	Current Allocation + Carry In	Operational Expenditures	Youth Work Experience Percentage	Direct Participant Expenditures (trg & supp svcs)	Percent Spent Directly on Participant	Total Funds Expended	Percent of Funds Expended	Total Partcpnts Served	Cost per Participant Served	Balance Remaining
Administration	$1,010,538.01	$178,586.94		$ -	0.0%	$178,586.94	17.67%			$831,951.07
Adult	$407,882.84	$391,342.75		$275,290.28	41.3%	$666,633.03	163.44%	206	$ 3,236.08	($258,750.19)
Dislocated Worker	$1,016,776.82	$159,778.96		$92,033.11	36.5%	$251,812.07	24.77%	59	$ 4,268.00	$764,964.75
Youth	$1,418,420.85	$547,434.10	31%	$215,921.14	28.3%	$763,355.24	53.82%	201	$ 3,797.79	$655,065.61
A & DW Total	$1,424,659.66	$551,121.71		$367,323.39	40.0%	$918,445.10	64.47%	265	$ 3,465.83	$506,214.56
WIOA Program Total	$2,843,080.51	$1,098,555.81		$583,244.53	34.7%	$1,681,800.34	59.15%	466	$ 3,609.01	$1,161,280.17
Other funds/grants available (report all funds available):									Cost per	
DEI					#DIV/0!	$0.00	#DIV/0!		#DIV/0!	$0.00
KHPOP CY1, CY3, CY5	$ 551,740.40	$130,553.95		$158,599.81	54.8%	$289,153.76	52.41%		#DIV/0!	$262,586.64
KHPOP CY2, CY4					#DIV/0!	$0.00	#DIV/0!		#DIV/0!	$0.00
NEG OJT					#DIV/0!	$0.00	#DIV/0!		#DIV/0!	$0.00
PACES					#DIV/0!	$0.00	#DIV/0!		#DIV/0!	$0.00
Rapid Response					#DIV/0!	$0.00	#DIV/0!		#DIV/0!	$0.00
Rapid Response Add'l. Asst.					#DIV/0!	$0.00	#DIV/0!		#DIV/0!	$0.00
					#DIV/0!	$0.00	#DIV/0!		#DIV/0!	$0.00
Total Other funds/grants:	$551,740.40	$130,553.95		$158,599.81	54.8%	$289,153.76	52.41%	-	#DIV/0!	$262,586.64
TOTALS (excluding youth):	$1,976,400.06	$681,675.66		$525,923.20	**43.6%**	$1,207,598.86	61.10%	466	$ 2,591.41	$768,801.20

**Direct Training Expenditure (Policy 5-07-00)*

STATE-WIDE
PY16/FY17
Q4 YTD
07/01/16 - 06/30/17

	Current Allocation + Carry In	Operational Expenditures	Youth Work Experience Percentage	Direct Participant Expenditures (trg & supp svcs)	Percent Spent Directly on Participant	Total Funds Expended	Percent of Funds Expended	Total Partcpnts Served	Cost per Participant Served	Balance Remaining
Administration	$2,299,291.92	$1,091,606.95				$1,091,606.95	47.48%			$1,207,684.97
Adult	$5,701,283.26	$3,188,842.95		$1,315,771.70	29%	$4,504,614.65	79.01%	5,875	$ 766.79	$1,196,668.61
Dislocated Worker	$2,887,592.45	$1,215,667.84		$481,406.81	28%	$1,697,074.65	58.77%	1,956	$ 867.60	$1,190,517.80
Youth	$5,773,108.33	$2,843,215.94	29%	$879,874.03	24%	$3,723,089.97	64.49%	3,603	$ 1,033.23	$2,050,018.36
A & DW Total	$8,588,875.71	$4,404,510.79		$1,797,178.50	29%	$6,201,689.29	72.21%	7,831	$ 791.97	$2,387,186.42
WIOA Program Total	$14,361,984.04	$7,247,726.73		$2,677,052.54	27%	$9,924,779.27	69.10%	11,434	$ 868.00	$4,437,204.77
Other funds/grants available (report all funds available):									Cost per	
DEI	$597,901.66	$207,669.28		$174,450.42	46%	$382,119.70	63.91%		#DIV/0!	$215,781.96
KHPOP CY1, CY3, CY5	$2,066,105.64	$547,431.84		$653,932.46	54%	$1,201,364.30	58.15%		#DIV/0!	$864,741.34
KHPOP CY2, CY4	$1,355,243.23	$411,714.00		$283,028.67	41%	$694,742.67	51.26%		#DIV/0!	$660,500.56
Rapid Response	$230,569.75	$176,797.99		$0.00	0%	$176,797.99	76.68%		#DIV/0!	$53,771.76
Rapid Response Add'l. Asst.	$478,020.20	$12,918.42		$133,603.76	91%	$146,522.18	30.65%		#DIV/0!	$331,498.02
PACES	$0.00	$0.00		$0.00	#DIV/0!	$0.00	#DIV/0!		#DIV/0!	$0.00
KHPOP Impact Study	$20,000.00	$8,847.73		$0.00	0%	$8,847.73	44.24%		#DIV/0!	$11,152.27
General Funds	$0.00	$0.00		$0.00	#DIV/0!	$0.00	#DIV/0!		#DIV/0!	$0.00
CSBG	$0.00	$0.00		$0.00	#DIV/0!	$0.00	#DIV/0!		#DIV/0!	$0.00
Youth Fund	$30,774.42	$0.00		$0.00	#DIV/0!	$0.00	0.00%		#DIV/0!	$30,774.42
Total Other funds/grants:	$4,778,614.90	$1,365,379.26		$1,245,015.31	48%	$2,610,394.57	54.63%	-	#DIV/0!	$2,168,220.33
TOTALS (excluding youth):	$13,367,490.61	$5,769,890.05		$3,042,193.81	**35%**	$8,812,083.86	65.92%	11,434	$ 770.69	$4,555,406.75

**Direct Training Expenditure (Policy 5-07-00)*

Training Expenditure Narratives

Quarter	Fiscal Year	State Board Meeting
4	2017	08/02/17

Per Policy 5-07-00, a brief narrative must be submitted when benchmark is not attained (<35% or >45%).

Local Area I

Percent Spent Directly on Participant
36.9%

Narrative not Necessary. Goal Met.

Local Area II

Percent Spent Directly on Participant
53.4%

Narrative not Necessary. Goal met

Local Area III

Percent Spent Directly on Participant
34.3%

The WIOA training percentage for Adult & DW for the year is 33.5%. This compares favorably to the same period last year (June 16) of 27.8%. The training percentage for all grants is 34.3% This is very close to the target (35%) in the submitted plan to increase the training percentage in LA3 over the last three years. However, the late start on the Workforce Innovation Grant and the Registered Apprenticeship Expansion Grant has affected our total participant training percentage. Additionally,
the year-end Youth Work Experience for PY16 Youth Funds is 21.9%.

Local Area IV

Percent Spent Directly on Participant
32.9%

Local Area IV seeks opportunities to leverage resources and align services, as a result spending percentages on direct client services in the WIOA Adult and Dislocated worker programs are low due to co-enrollments in related programs such as DEI, KHPOP and TAA. This strategy allows the area to operate and staff the four workforce centers and provide job seekers pre-employment workshops and staff assisted career services. There are a large number of enrollments pending with registered apprenticeship electrical and plumbers and pipefitters that are likely to increase the spending on direct client services for this program year.

Local Area V

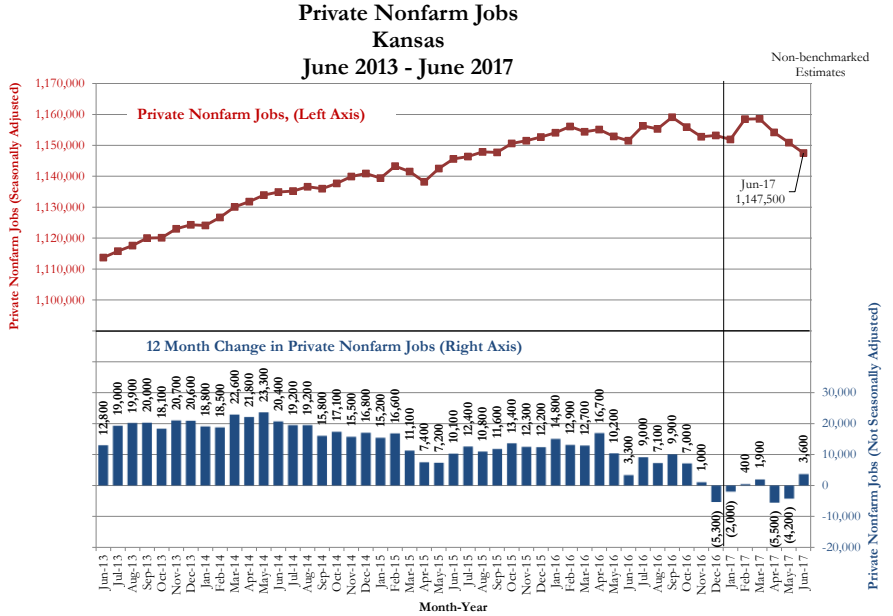
Percent Spent Directly on Participant
43.6%

Narrative not necessary. Goal Met.

Labor Market Statistics

Prepared for
Kansas Workforce Meeting
August 2, 2017

Kansas Department of Labor



Source: Kansas Department of Labor, Labor Market Information Services, in conjunction with the Bureau of Labor Statistics, Current Employment Statistics (CES) program.

June 2017 Not Seasonally Adjusted Nonfarm Jobs

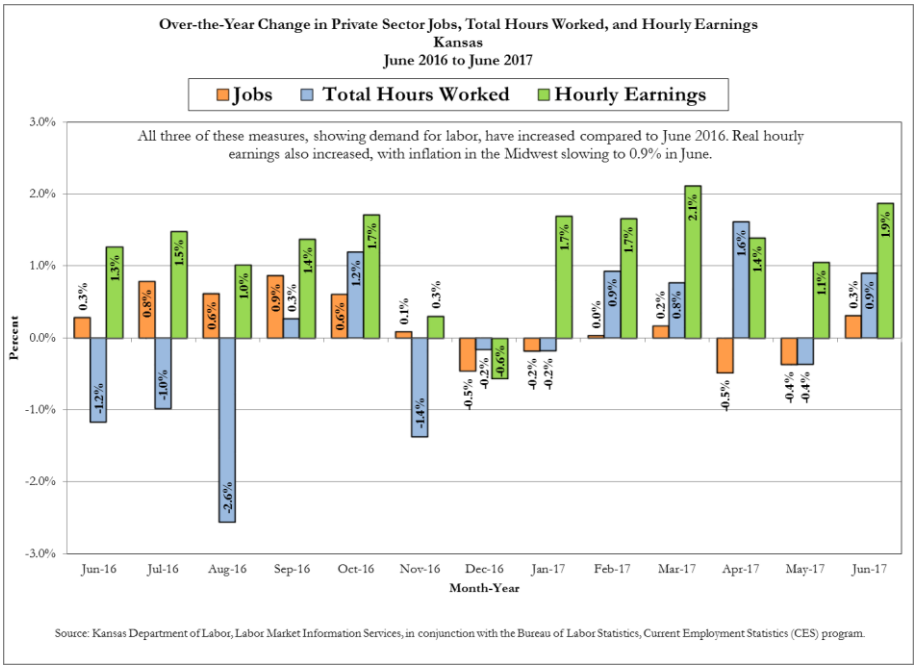
Place of Work Data

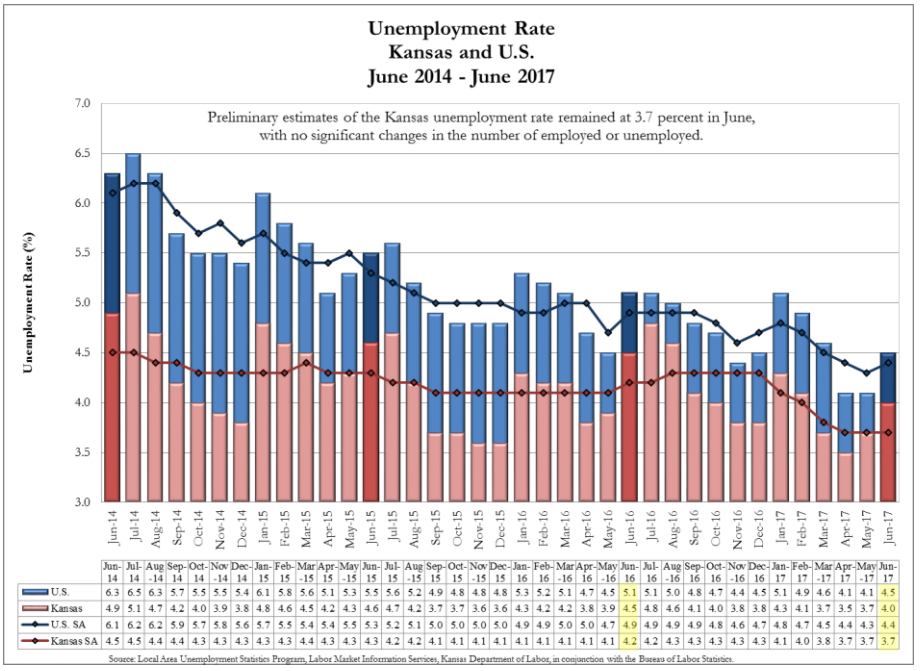
	June	Month Change		12 Month Change	
	2017	Absolute	Percent	Absolute	Percent
TOTAL NONFARM	**1,413,000**	**-2,700**	**-0.2%**	**3,700**	**0.3%**
GOVERNMENT	**251,900**	**-10,600**	**-4.0%**	**100**	**0.0%**
TOTAL PRIVATE	**1,161,100**	**7,900**	**0.7%**	**3,600**	**0.3%**
GOODS-PRODUCING	*230,400*	*4,800*	*2.1%*	*200*	*0.1%*
Mining and Logging	7,000	300	4.5%	200	2.9%
Construction	63,900	2,600	4.2%	500	0.8%
Manufacturing	159,500	1,900	1.2%	-500	-0.3%
PRIVATE SERVICE-PROVIDING	*930,700*	*3,100*	*0.3%*	*3,400*	*0.4%*
Trade, Transportation and Utilities	267,300	1,500	0.6%	600	0.2%
Information	19,400	-400	-2.0%	-1,300	-6.3%
Financial Activities	86,400	800	0.9%	400	0.5%
Professional and Business Services	178,700	0	0.0%	1,500	0.8%
Education and Health Services	197,900	-200	-0.1%	2,900	1.5%
Leisure and Hospitality	131,800	2,000	1.5%	400	0.3%
Other Services	49,200	-600	-1.2%	-1,100	-2.2%

Industries in green added the most jobs over the year, and industries in red lost the most jobs over the year.

Nonfarm job statistics on subsectors will be furnished upon request.

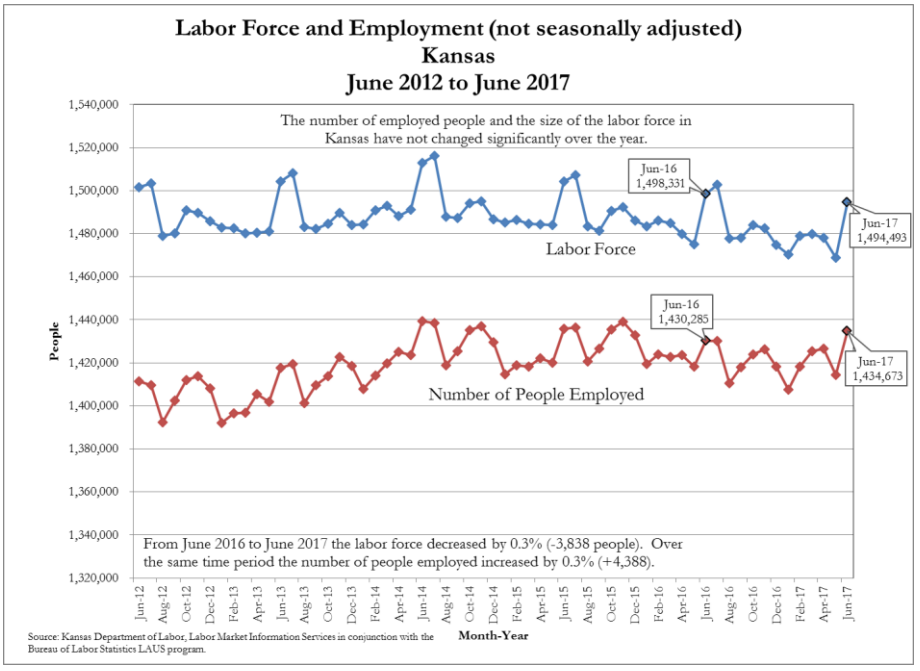
Source: Kansas Department of Labor, Labor Market Information Services, in conjunction with the Bureau of Labor Statistics, Current Employment Statistics (CES) program.



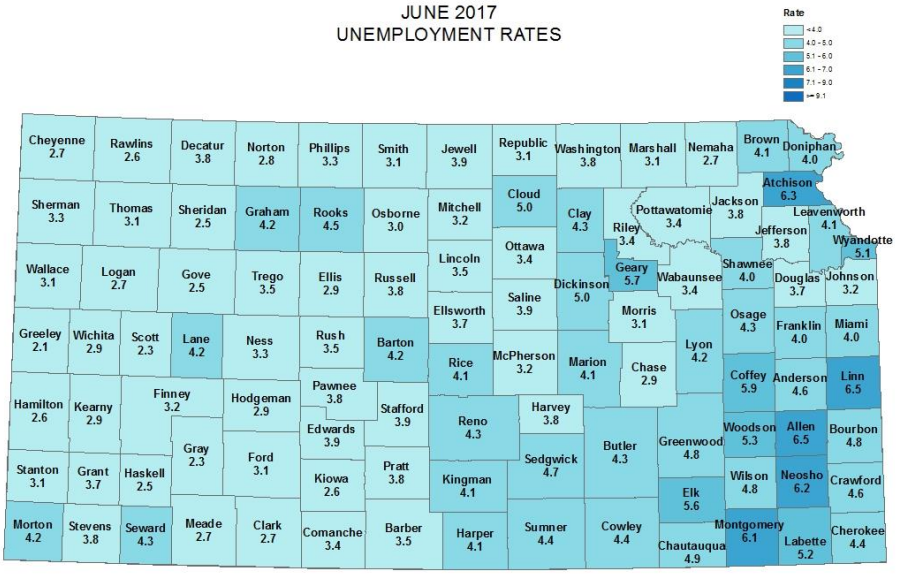


	Jun-14	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17
U.S.	6.3	6.5	6.3	5.7	5.5	5.5	5.4	6.1	5.8	5.6	5.1	5.3	5.5	5.6	5.2	4.9	4.8	4.8	4.8	5.3	5.2	5.1	4.7	4.5	5.1	5.1	5.0	4.8	4.7	4.4	4.5	5.1	4.9	4.6	4.1	4.1	4.5
Kansas	4.9	5.1	4.7	4.2	4.0	3.9	3.8	4.8	4.6	4.5	4.2	4.3	4.6	4.7	4.2	3.7	3.7	3.6	3.6	4.3	4.2	4.2	3.8	3.9	4.5	4.8	4.6	4.1	4.0	3.8	3.8	4.3	4.1	3.7	3.5	3.7	4.0
U.S. SA	6.1	6.2	6.2	5.9	5.7	5.8	5.6	5.7	5.5	5.4	5.4	5.5	5.3	5.2	5.1	5.0	5.0	5.0	5.0	4.9	4.9	5.0	5.0	4.7	4.9	4.9	4.9	4.9	4.8	4.6	4.7	4.8	4.7	4.5	4.4	4.3	4.4
Kansas SA	4.5	4.5	4.4	4.4	4.3	4.3	4.3	4.3	4.3	4.4	4.3	4.3	4.3	4.2	4.2	4.1	4.1	4.1	4.1	4.1	4.1	4.1	4.1	4.1	4.2	4.2	4.3	4.3	4.3	4.3	4.3	4.1	4.0	3.8	3.7	3.7	3.7

Source: Local Area Unemployment Statistics Program, Labor Market Information Services, Kansas Department of Labor, in conjunction with the Bureau of Labor Statistics.

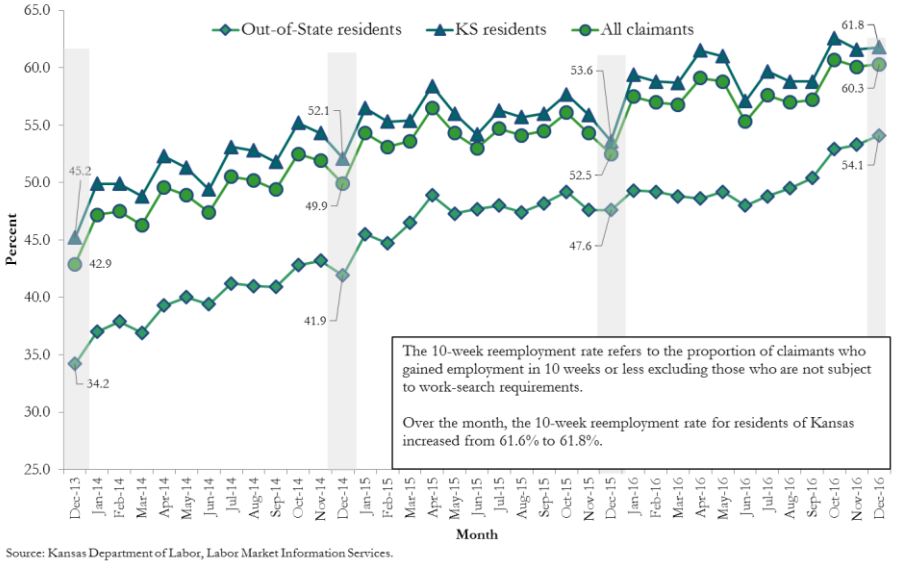


Source: Kansas Department of Labor, Labor Market Information Services in conjunction with the Bureau of Labor Statistics LAUS program.



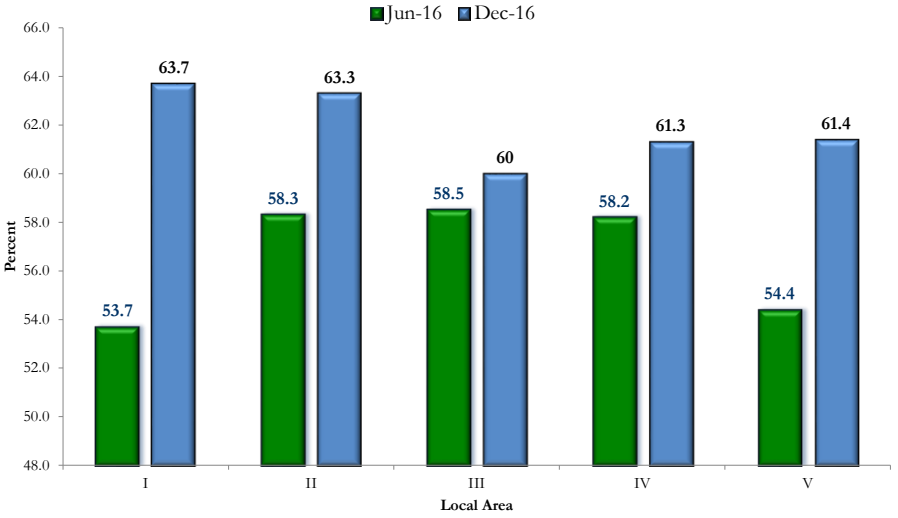
Note: County unemployment rates are only available not seasonally adjusted
Source: Kansas Department of Labor, Labor Market Information Services, in conjunction with the Bureau of Labor Statistics, Local Area Unemployment Statistics (LAUS)
Created: July 2017

10-Week Reemployment Rates
Kansas and Out-of-State Residents
December 2013 to December 2016 (12-month rates)



Source: Kansas Department of Labor, Labor Market Information Services.

10-Week Reemployment Rates
Local Area
Change in 6 month period (12-month rates)



Source: Kansas Department of Labor, Labor Market Information Services.

Questions

Kansas Department of Labor

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Kansas Health Profession Opportunity Project

KANSASWORKS.com

KHPOP's Mission

- **KHPOP**'s mission is to provide training and employment opportunities for individuals facing barriers to finding well-paying jobs, leading to self-sufficiency.

KANSASWORKS.com

Whose Eligible

KHPOP provides opportunities to enter health care professions to:

- ✓ Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP) recipients.
- ✓ Youth aging out of foster care
- ✓ Recently separated or disabled veterans
- ✓ High school dropouts pursuing GED completion
- ✓ Low-income individuals at or below 200 percent of poverty level.

KANSASWORKS.com

What Professions

Participants have been trained in a variety of health care occupations, including but not limited to:

- ❖ Certified Nurse Aide
- ❖ Certified Medication Aide
- ❖ Home Health Aide
- ❖ Licensed Practical Nurse
- ❖ Medical Assistant
- ❖ Pharmacy Technician
- ❖ Registered Nurse
- ❖ Health Support Specialist

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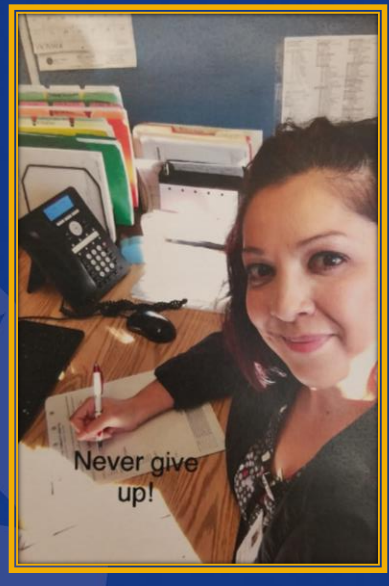
KHPOP 2 Enrollment/Between 10/01/15 - 07/24/17

	Actual	Year 2 Goal	% of Projected Year 2 Goal	5 year Goal
Cumulative Enrolled	738	800	92%	2,000
TANF Enrollment	78	150	52%	375
Begin Healthcare Training	283	680	42%	1,700
Complete Healthcare Training	211	442	48%	1,105
Employed in Healthcare	128	244	52%	610

KHPOP Success Story!



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