

# **Adult, Dislocated Worker, and Youth Programs for the State of Hawaii FY-2018**

## **Program-Specific Requirements for Adult, Dislocated Worker, and Youth Activities under Title I-B**

The Unified or Combined State Plan must include the following with respect to activities carried out under subtitle B--

### **a. Adult, Dislocated Worker, and Youth Activities General Requirements**

#### **1. Regions and Local Workforce Development Areas**

##### **A. Identify the regions and the local workforce development areas designated in the State.**

The State of Hawaii consists of four local workforce development areas that follow the separation of the four county designations in the State. They are:

1. The City and County of Honolulu (Oahu)
2. The County of Maui (includes the islands of Molokai and Lanai)
3. The County of Hawaii (Hawaii Island)
4. The County of Kauai

As there are no contiguous states to Hawaii; and the workforce development areas are designated by counties, there are no designated regions in the State.

##### **B. Describe the process used for designating local areas, including procedures for determining whether the local area met the criteria for “performed successfully” and “sustained fiscal integrity” in accordance with 106(b)(2) and (3) of WIOA. Describe the process used for identifying regions and planning regions under section 106(a) of WIOA. This must include a description of how the State consulted with the local boards and chief elected officials in identifying the regions.**

In January of 1999, the WDC designated these areas utilizing the following criteria:

1. The smallest are for federal Labor Market Information (“LMI”) data is the county level. State LMI data is collected for the islands and the counties, but is not available for sub-areas.
2. On the neighbor islands, the State’s community college system conforms with county jurisdictions. Oahu has four community colleges, with each campus assigned as the lead for subject areas, such that cumulatively, they serve the entire county.
3. The State’s public school districts are county-wide on the neighbor islands. Oahu has four Department of Education districts.

4. An area with too small a population would have difficulty filling and financially supporting the large local boards mandated by the applicable federal legislation. It would also likely receive insufficient funds to run programs. Correspondingly, combining counties or parts of counties would mean additional coordination between Mayors.
5. Hawaii County, which has the largest geographical area and different demographics between east-and west-sides, has government agencies and services in both East and West Hawaii which serve the single count.
6. The counties are well-established political divisions of Hawaii. The WDC consulted with the Mayors of the respective counties at that time and it was agreed that the counties were the most appropriate designations. Further, the City and County of Honolulu meets the criteria for automatic designation, because of its population size. In March 1999 the Governor designated the four counties as workforce investment areas and those areas will continue to be designated under WIOA.

WDC issued WIOA Bulletin No. 03-15 Initial Local Area Designation Under the Workforce Innovation and Opportunity Act (<http://labor.hawaii.gov/wdc/files/2013/01/SN-03-WIOA-03-15-w-Attmts-Initial-Designation.pdf>)

*“Performed Successfully”* - means the Local Area met or exceeded the negotiated levels of performance for the core indicators in Program Year (PY) 2012 (July 1, 2012 - June 30, 2013) described in WIA § 136(b)(2)(A), or the Common Measures in PY 2013 (July 1, 2013 - June 30, 2014), and the local area has not failed any individual measure for the last two consecutive Program Years before WIOA enactment, or if the local area is operating under a Performance Improvement Plan approved by DLIR. It should be noted that the move to Common Measures eliminated the “Employment and Credential Rate” measure for Adults and Dislocated Workers and changed all Youth measures in PY13. For youth programs, successful performance is defined as meeting 5 of 7 measures in PY 2012 and 2 of 3 measures in PY 2013. “Met” is performance that is equal to 80% or more of negotiated levels.

*“Sustained Fiscal Integrity”* - with respect to a Local Area, means that the Secretary, or the State in place of the Secretary, has not made a formal determination, during either of the last two consecutive years preceding the determination regarding such integrity, that either the subgrantee or the administrative entity of the area misspent funds provided under subtitle B (or, if applicable, title I of the Workforce Investment Act of 1998 as in effect prior to the effective date of such subtitle B) due to willful disregard of the requirements of the provision involved, gross negligence, or failure to comply with accepted standards of administration.

Also included in the bulletin was a Summary of Performance for PY 2012 and PY 2013. Successful Performance was achieved by Oahu and Maui; Hawaii and Kauai required a Performance Improvement Plan approved by DLIR.

The State did not identify regions nor planning regions. As there are no contiguous states to Hawaii; and the workforce development areas are designated by counties, and the individual counties do not share a common workforce (the counties are islands separated by an ocean); there are no designated regions in the State.

**C. Provide the appeals process referred to in section 106(b)(5) of WIOA relating to designation of local areas.**

The appeals process is described in WIOA Bulletin 03-15:  
<http://labor.hawaii.gov/wdc/files/2013/01/SN-03-WIOA-03-15-Initial-Designation.pdf>.

An appeal must be in writing and filed with the WDC within fourteen days after notification of the decision. The appeal must contain a specific statement of the grounds upon which the appeal is sought. The WDC will refer the appeal to the DLIR Employment Security Appeals Referees' Office, that office will have 90 days to review the appeal and make a recommendation to the Governor. The final decision rests with the Governor or designee. If the appeal does not result in designation, the entity may request review by the Secretary of Labor. The second level of appeal must be sent within 14 days.

**D. Provide the appeals process referred to in section 121(h)(2)(E) of WIOA relating to determinations for infrastructure funding.**

WDC issued its policy on infrastructure funding on October 3, 2016 and also issued a workbook to assist in the drafting of MOUs and determining cost sharing. The workbook is posted at this link: <https://labor.hawaii.gov/wdc/files/2013/01/Infrastructure-MOU-Workbook-HI-2017-v5.pdf>

If the core and mandatory AJC partners do not agree on how the one-stop infrastructure will be funded, the State policy will be to use each partner's share of the real estate (or space of the one-stop) it occupies; and how many days per month that space is used as the basis for cost allocation. The contributions will be required to be all cash; no in-kind contributions.

It is anticipated that the following costs will be facilities costs (not all inclusive):

- Lease rent (annual amount due for comprehensive center space costs pursuant to a lease or other contractual arrangement)
- Facility maintenance (annual costs for upkeep and maintenance of leased space, including grounds maintenance, trash and shredding, if not included in the lease)
- Property and casualty insurance (annual cost of property and general liability insurance for the space, if not included in the lease)
- Security services (cost of third party contractors and/or camera-based surveillance, if not included in the lease)
- Cleaning services (cost of janitorial services, if not included in the lease)
- Utilities (electricity, water, gas and other utility costs associated with the comprehensive center space, if not in the lease)

The following costs will be technology costs (not all inclusive):

- Telecommunications, including internet (cost of phone and internet connectivity in the resource room and other shared spaces in the comprehensive center)
- Equipment and technology costs (costs of shared computers, printers, fax machines, copiers, postage machines utilized for the operation of the comprehensive center and related maintenance and supply costs)
- Assistive technology for individuals with disabilities (cost of assistive technology enabling individuals with disabilities to utilize the resource room or other services provided at the comprehensive AJC)

Costs to promote integration and streamlining of services:

- Signage (one-time cost associated with new exterior and interior signage displaying the “common identifier”)
- Other “common identifier costs” (printed materials, cost of website changes, business cards, an similar costs incurred to implement the “common identifier”)
- Joint staff training, including staff of comprehensive AJCs
- Receptionist at comprehensive AJC
- Resource room materials at comprehensive AJCs or affiliated sites
- Any allowable cost item (e.g. initial intake or needs assessments) agreed upon by local required partners

Any allocation of cost must also meet the requirements of CFR 200, Subpart E-Cost Principles and other federal grant requirements and the WIOA limitations to how much each partner may contribute to infrastructure costs. The costs are funded by the administrative funds of each program. The limits are:

- Adult, Dislocated Worker, and Youth: shall not exceed 3% of the federal funds provided to the State
- Vocational Rehabilitation: Shall not exceed .75% of the federal funds provided to the State in the second full program year; 1% of the federal funds provided to the State in the third full program year; 1.25% of the federal funds provided to the State in the fourth full program year; 1.5 % of the federal funds provided to the State in the fifth full program year and in each succeeding year.
- Other partners: Shall not exceed 1.5% of the federal funds provided to the State.

The following programs will contribute to the infrastructure cost under this policy:

Title IB, Wagner Peyser, Adult Education, Vocational Rehabilitation, Carl D. Perkins, SCSEP, Unemployment Insurance, and TANF. Other co-located partners will contribute to the costs on the same basis of percent of AJC space occupied and how many days per month the space is occupied.

#### Appeals Process

If a partner appeals the determination of state infrastructure funding contributions, the partner may appeal the determinations through the following process:

1. Within 30 days from the date of receipt of the notice of state infrastructure funding determination by the state, the partner(s) may file an appeal to the State Board in writing indicating why the partner is in disagreement with the determination of the state infrastructure funding contribution.
2. The State Board will review the request for appeal.
3. The State Board will notify the partner of its actions in writing.

## **2. Statewide Activities**

**A. Provide State policies or guidance for the statewide workforce development system and for use of State funds for workforce investment activities.**

WDD has issued WIA and WIOA bulletins, Wagner-Peyser Job Service Bulletins, and “Hirenet Hawaii” Bulletins; and WDC as the current administrative entity for Title I funds has also issued WIOA bulletins starting in 2015. These bulletins provide policies and guidance for the statewide workforce development system for the use of state funds for the workforce investment activities. For accessibility to the workforce system, WIA and WIOA bulletins are posted on the WDC website at: <http://labor.hawaii.gov/wdc/wia-docs/>. (Other policies are listed under the Operating System section.)

The following policies and procedures for statewide funds have been issued:

### **Fiscal Policies/Budget Documents**

#### Adult/Dislocated Worker (DW)/Local Administrative Cost (LAC) Forms

- Instructions: Budget Detail A
- Budget Detail A
- Instructions: Budget Detail A-1
- Budget Detail A-1, Personnel Costs of Subrecipient Staff
- Instructions: Budget Detail A-2
- Budget Detail A-2, Equipment Purchases
- Instructions: Budget Detail A-3
- Budget Detail A-3, Travel: Intra-State
- Instructions: Budget Detail A-4
- Budget Detail A-4, Travel: Inter-State
- Instructions: Budget Detail A-5
- Budget Detail A-5, Contractual Services-Subcontracts
- Instructions: Budget Detail B
- Budget Detail B, Worksheet By Funding Source
- Instructions: Budget Information Summary
- Budget Information Summary

#### Youth Forms

- Instructions: Budget Detail A
- Budget Detail A
- Instructions: Budget Detail A-1
- Budget Detail A-1, Personnel Costs of Subrecipient Staff
- Instructions: Budget Detail A-2
- Budget Detail A-2, Equipment Purchases
- Instructions: Budget Detail A-3
- Budget Detail A-3, Travel: Intra-State
- Instructions: Budget Detail A-4
- Budget Detail A-4, Travel: Inter-State
- Instructions: Budget Detail A-5
- Budget Detail A-5, Contractual Services-Subcontractors
- Instructions: Budget Detail B
- Budget Detail B, Worksheet Funding By Source
- Instructions: Budget Information Summary

- Budget Information Summary

#### Rapid Response Form

- Instructions: Budget Detail A
- Budget Detail A

#### **WIOA Bulletins**

1. SN-01 WIOA 01-15 Communication System
2. SN-01 WIOA 01-15 Attmt, Mailing List
3. SN-02 WIOA 02-15 PY 15 Allocations
4. SN-02 WIOA 02-15 Attmt, HireNet Maint. Fee
5. SN-03 WIOA 03-15 w-Attmts, Initial Designation
6. SN-03 WIOA 03-15 Initial Designation
7. SN-03 WIOA 03-15 Attmt 3 PY 12, 13 Data Tables
8. SN-03 WIOA 03-15 Attmt 2 Performance Summary
9. SN-03 WIOA 03-15 Attmt 1 Initial Designation Application
10. SN-04 WIOA 04-15 Change 1 w-Attmts, LWDB Certification
  - o SN-04 Attachment 1 LWDB Membership Requirements
  - o SN-04 Attachment 2 Nomination Form for Board Members of LWDB
  - o SN-04 Attachment 3 LWDB Membership Certification Request
11. SN-04 WIOA 04-15 w-Attmts, LWDB Certification
12. SN-04 WIOA 04-15 LWDB Certification
13. SN-05 WIOA Bulletin 05-16 Distribution of WIOA Bulletins
14. SN-06 WIOA Bulletin 06-16 Federal Poverty Income Guidelines
15. SN-07 WIOA Bulletin 07-16 Change 1, Revised PY 16 Allocations
16. SN-07 PY16 WIOA Allocations Bulletin 07-16
17. SN-08 WIOA 08-16, 2016 Lower Living Standard Income Level Attachments
18. SN-08 WIOA Bulletin 08-16, 2016 Lower Living Standard Income Level Guidelines
19. SN-09 WIOA Bulletin 09-16 Initial Local Plan Guidance
  - o SN-09 WIOA Local Plan Attachment I
  - o SN-09 WIOA Definitions Attachment II

- 20. SN-10 Proposed Bulletin 10-16 Change 1, Eligible Training Provider Policies and Procedures for Public Comment
  - o Summary of Proposed Changes
- 21. SN-10 WIOA Bulletin 10-16 , Eligible Training Provider Policies and Procedures
  - o Hawaii ETP Policies and Procedures Attachment I Summary of ETP Changes Attachment II
  - o ETP Public Comments Received
  - o ETP Suggested Fillable Application
- 22. SN-11 WIOA Bulletin 11-16 Conflict of Interest
- 23. SN-12 WIOA Bulletin 12-16 One-Stop Infrastructure Funding and Memoranda of Understanding
- 24. SN-13 WIOA Bulletin 13-16 One-Stop Certification
- 25. SN-14 WIOA Bulletin 14-16 Adult Program Eligibility and Priority of Service
- 26. SN-15 WIOA Bulletin 15-16 Change 1 Financial Reporting Forms and Instructions
  - 1. Form WIOA 1 - Subrecipient's Request for Advance or Reimbursement
  - 2. Form WIOA 1 - Instructions, Subrecipient's Request for Advance or Reimbursement
  - 3. Form WIOA 2 - Expenditure Register; Local Adult, Dislocated Worker, and Administrative Programs
  - 4. Form WIOA 2 - Instructions, Expenditure Register, Adult, Dislocated Worker and Admin. Programs
  - 5. Form WIOA 3 - Expenditure Register; Local Youth Program
  - 6. Form WIOA 3 - Instructions, Expenditure Register, Youth Program
  - 7. Form WIOA 4 - Expenditure Register; Program Income and Non-Federal Funds
  - 8. Form WIOA 4 - Instructions, Expenditure Register, Program Income and Non-Federal Funds
- 27. SN-15 WIOA Bulletin 15-16 Financial Reporting Forms and Instructions
- 28. SN-16 WIOA Bulletin 16-16 Policy on Salary and Bonus Limitations
- 29. SN-17 WIOA Bulletin 17-16 Procurement Policy and Standards
- 30. SN-01 WIOA Bulletin 01-17 WIOA Methods of Administration
- 31. SN-02 WIOA Bulletin 02-17 Change 1 WDC Policy WIOA Methods of Administration (Nondiscrimination Policy)
- 32. SN-02 WIOA Bulletin 02-17 WDC Policy -WIOA Methods of Administration
- 33. SN-03 WIOA Bulletin 03-17 Local Board Review of AEFLA Applications
- 34. SN-03 WIOA Bulletin 03-17 Change 1 Local Board Review of AEFLA Applications

- 35. SN-04 WIOA Bulletin 04-17 Allowable Cost
- 36. SN-05 WIOA Bulletin 05-17 Items of Cost  
WIOA Bulletin 05-17 Attachment-Matrix of Specific Items of Cost
- 37. SN-06 WIOA Bulletin 06-17 Cash Management
- 38. SN-07 WIOA Bulletin 07-17 Policy on Audit Requirements and Resolutions
- 39. SN-08 WIOA Bulletin 08-17 Policy on Records Retention and Access to Records
- 40. SN-09 WIOA Bulletin 09-17 PY17 Planning Estimate Allocations
- 41. SN-10 WIOA Bulletin 10-17 Policy on Oversight and Monitoring
- 42. SN-11 WIOA Bulletin 11-17 Policy on Property and Inventory Management
- 43. SN-12 WIOA Bulletin 12-17 Closeout Reporting Forms & Instructions
  - 1. Form WIOA 5: Closeout Check List (excel)
  - 2. Form WIOA 6: Closeout Reconciliation
  - 3. Form WIOA 7: Subrecipient Release Form
  - 4. Form WIOA 8: Subrecipient Assignment Form
  - 5. Form WIOA 9: Inventory Certification
  - 6. Form WIOA 9 Instructions: Instructions for Inventory Listing
  - 7. Form WIOA 10: Equipment Listing (excel)
  - 8. Form WIOA 11: Subrecipient's Tax Closeout Tax Certification
- 44. SN-13 WIOA Bulletin 13-17 Program Year (PY 17) Final Allocations
- 45. SN-14 WIOA Bulletin 14-17 Recapture and Reallocation
- 46. SN-15 WIOA Bulletin 15-17 Transfer of Funds Request  
Attachment I: Transfer of Funds Request Narrative (fillable pdf)
- 47. SN-16 WIOA Bulletin 16-18 Recording Measurable Skill Gains in HireNet Hawaii  
The following policies and procedures will be issued by December 31, 2018
  - o Sector/Career Pathway Approach
  - o Job Seeker Services (Including Enrollment) Framework
  - o Coordination Points with Other State/Federal Programs
  - o Self-Employment
  - o Business Services Framework
  - o Rapid Response Services



- o Program Monitoring
- o Common Identifiers
- o ~~One-Stop~~ AJC Standard Operations
- o Intellectual Property (Creative Commons)
- o Program Income
- o Debt Collection
- o Petty Cash

Hawaii’s AJCs provide seamless service delivery to employers and participants. The system is dependent on all partners agreeing to shared goals, information-sharing, cost-sharing, and committing to a coordinate effort to achieving them.

The following guidelines and goals have been established:

- Services are delivered “seamlessly” so that participants are unaware that the services provided at the AJC are being delivered by multiple agencies and through multiple funding streams.
- Comprehensive AJCs will provide the full range of services available through designated One-Stop partner programs.
- Comprehensive AJCs will serve as a primary location for employers and job seekers where they receive service provided in a seamless, integrated and efficient manner.
- AJCs are capable of connecting job seekers to the services they need to address their skills gaps: All work-related programs and services are either offered on-site or services are easily accessible through the AJCs.
- Local employers and employer organizations are active partners in the improvement of the local AJCs.
- Local area plans will also indicate how the AJCs will serve employment, reemployment, and training needs of unemployment compensation claimants; the long-term unemployed; the under-employed; dislocated workers (including trade-impacted dislocated workers and displaced homemakers); low-income individuals (including recipients of public assistance); migrant and seasonal farmworkers; veterans; individuals with limited English proficiency; homeless individuals; ex-offenders; older workers; individuals training for nontraditional employment; and individuals with multiple challenges to employment.
- To achieve this, local AJCs are required to move to a fully integrated platform and encouraged to leverage additional local resources as well. This includes exploring centralizing services through single locations so overhead costs are reduced. It will also include moving the provision of services through local centers toward functional integration, wherein customers from multiple programs are served together in common and fundamental processes such as workshops, assessment and career planning, job search/development and case management activities, allowing WIOA Title IB programs to be just one of several sources supporting these critical activities.

Hawaii’s AJCSs and Youth Programs use the PMIS for common intake, case management, statewide labor exchange, and reporting for different programs. The PMIS includes web-based

self-service features that facilitate job searches, career exploration, job matching, job postings, and skills assessment for employers and job applicants. Case managers also have access to these tools, and they have the added capability of viewing services provided to an individual within their local area. This reduces duplication and allows for more effective coordination of services among providers. Self-service resource rooms available in each AJC which include computers with internet access and shortcuts to other web-based job search and recruitment tools, labor market information, and career exploration. The State and all the counties have separate fiscal management systems.

**B. Describe how the State intends to use Governor's set aside funding. Describe how the State will utilize Rapid Response funds to respond to layoffs and plant closings and coordinate services to quickly aid companies and their affected workers. States also should describe any layoff aversion strategies they have implemented to address at risk companies and workers**

Historically, the state of Hawaii has seen a decrease of funding from a high of \$16.8 million in 2001 to a low of \$5.9 million in 2015. Although the Governor's set-aside was restored to 15% of allotted funds for Program Year (PY) 2016, this is **\$495,319 less** than when Hawaii last received 15% of allotted funds in PY 2010 because the total allotment decreased from \$8,736,416 to \$6,061,473. The combination of being a small state with ongoing low unemployment rates has resulted in decreasing amounts for the Governor's set-aside that may compromise the state's ability to perform all functions.

Statewide activities funds will be limited to 15% of the combined funding streams for the adult, youth, and dislocated worker programs. Of the 15% allocation, state level administration funds will be limited to 5% and utilized for costs of administrative functions for WDC and its support staff. The remaining 10% of the statewide activities allocation will be utilized for costs related to state-level program management, evaluation and improvement including maintenance costs of the PMIS, ETPL system, and state monitoring.

WIOA continues the activities that were required under WIA, but adds several additional required activities, such as assistance to State entities and agencies described in the State Plan, alignment of data systems, regional planning, and implementation of industry or sector partnerships. Required statewide activities under WIA and continued under WIOA include: dissemination of information regarding outreach to businesses, dissemination of information on the performance and cost of attendance for programs offered by ETPs, and conducting evaluations.

State Responsibilities

The following *required* statewide employment and training activities will be performed:

1. Ensure delivery of required Rapid Response activities. Develop and implement Rapid Response procedures (assistance to employers and affected employees of mass layoffs, closings, disasters; layoff aversion strategies and outreach to employers);
2. Simplifying the process of Hawaii's Eligible Training Providers' List (ETPL) for wide availability and dissemination by various means. Enter and maintain:

- Data in Hawaii’s ETPL including those providing non-traditional training services and ETPs of registered apprenticeship programs;
- Information identifying eligible providers of on-the-job training (OJT), customized training, incumbent worker training, internships, paid or unpaid work experience opportunities and transitional jobs. WIOA sec. 122(h) exempts providers of on-the-job training and other employer-based training from the requirements at WIOA sec. 122(a)-(f). However, the identity of employers that access WIOA funds for employer-based training, as well as any performance information required by the State under WIOA sec. 122(h)(2) is disclosable;
- Information on effective outreach and partnerships with business;
- Information on effective service delivery strategies and promising practices to serve workers and job seekers;
- Performance information and information on the cost of attendance, including tuition and fees;
- A list of eligible providers of youth activities;
- Information on physical and programmatic accessibility for individuals with disabilities; and
- Access to providers’ past performance information to maximize consumer choice.

3. Conduct evaluations as discussed under § 682.220;

4. Coordinate development of Hawaii’s Unified State Plan for WIOA (with input from the core partners Wagner-Peyser, Adult Education and Vocational Rehabilitation; as well as the Department of Labor and Industrial Relations Research and Statistics Office, the Counties and mandatory AJC partners);

5. Provide technical assistance to the Counties, State entities and agencies and AJC partners in carrying out activities described in the Unified State Plan, including coordination and alignment of data systems used to carry out the requirements of WIOA;

6. Assist the Counties, AJC operators, AJC partners, and service providers with development of staff, staff training to provide opportunities for individuals with barriers to employment to enter in-demand industry sectors or occupations and nontraditional occupations, and with development of exemplary program activities. Assistance will be provided through a variety of methods such as provision of technical assistance, compliance assistance, strategic planning initiatives, or other activities designed to improve or enhance the workforce development system at the local level;

7. The use of regions does not apply to Hawaii where the four counties are islands separated by water. Therefore, the State will assist the Counties with planning local instead of regional service delivery efforts that are required under WIOA sec. 106(c);

8. Assist the Counties by providing information on and support for the effective development, convening, and implementation of industry and sector partnerships;

9. Provide technical assistance to Counties that fail to meet adjusted levels of performance agreed to under § 677.210 of the WIOA regulations;

10. Conduct monitoring and oversight of activities for services to youth, adults, and dislocated workers under WIOA title I, and which may include a review comparing the services provided to male and female youth;

11. Provide additional assistance to Counties that have a high concentration of eligible youth; and
12. Operate a fiscal and management accountability information system, based on guidelines established by the Secretary;
13. Establish the Council membership in accordance with WIOA composition requirements;
14. Support Council meetings and activities;
15. Coordinate and prepare the WIOA Annual Report Narrative (with input from Counties);
16. Negotiate state performance measures with the federal government, subsequently negotiate local performance targets with the Counties;
17. Assist in the development of a statewide employment statistics and Labor Market Information system;
18. Recommend and/or establish WIOA statewide policies;
19. Develop instructions for Counties' Local Plans, review and approve such Plans;
20. Issue substate allocations according to statutory formula based on local data; disseminate instructions for County proposals;
21. Contract Counties to operate WIOA programs in their respective geographical areas;
22. Conduct program and fiscal monitoring of counties (with support from fiscal office);
23. Prepare and submit quarterly and annual program and financial reports;
24. Conduct data validation to verify accuracy of participant reports;
25. Provide technical assistance and training to low performing local areas; and
26. In the event of mass layoffs or disaster, assess the need for additional funds, apply for such funds, and administer funds awarded.

Other offices supporting the state's WIOA administrative functions are the DLIR Fiscal Office for financial management, reporting, and monitoring; Attorney General's Office for reviewing proposed contracts and addressing legal issues; Unemployment Insurance for wage matches; and DLIR Research and Statistics Office for gathering and reporting on labor market information used in plans and allocations. The WDC will pay an appropriate share for these services.

If there are sufficient funds and staff, the following *allowable* statewide employment and training activities will be conducted:

1. State administration of the adult, dislocated worker and youth workforce investment activities, consistent with the 5% administrative cost limitation at WIOA sec. 134(a)(3)(B) and § 683.205(a)(1) of this chapter;
2. Develop and implement innovative programs and strategies designed to meet the needs of all employers (including small employers) in the State, including the programs and strategies referenced in WIOA sec. 134(a)(3)(A)(i);

3. Develop strategies for serving individuals with barriers to employment, and for coordinating programs and services among AJC partners;
4. Support provision of career services in the one-stop delivery system in the State as described in § 678.430 of this chapter and WIOA secs. 129(b)(2)(C) and 134(c)(2);
5. Support financial literacy activities as described in § 681.500 of this chapter and WIOA sec. 129(b)(2)(D);
6. Provide technical assistance to Local Workforce Development Boards (WDBs), chief elected officials, one-stop operators, AJC partners, and eligible providers in local areas on the development of exemplary program activities and on the provision of technology to facilitate remote access to services provided through the one-stop delivery system in the State;
7. Provide technical assistance to local areas that are implementing WIOA Pay-for-Performance contract strategies and conducting evaluations of such strategies. Technical assistance may include providing assistance with data collections, meeting data entry requirements, and identifying level of performance;
8. Carry out activities to facilitate remote access to training services provided through the one-stop delivery system;
9. Activities that include:
  - a. Activities to improve coordination of workforce investment activities, with economic development activities; and
  - b. Activities to improve coordination of employment and training activities with child support services and activities, cooperative extension programs carried out by the Department of Agriculture, programs carried out by local areas for individuals with disabilities (including the programs identified in WIOA sec. 134(a)(3)(A)(viii)(II)(cc)), adult education and literacy activities including those provided by public libraries, activities in the correction systems to assist ex-offenders in reentering the workforce and financial literacy activities; and
  - c. Developing and disseminating workforce and labor market information.
10. Develop and disseminate common intake procedures and related items, including registration processes, across core and partner programs; and
11. Coordinate activities with the child welfare system to facilitate provision of services for children and youth who are eligible for assistance under sec. 477 of the Social Security Act.

### Rapid Response

The Workforce Development Division is serving as the Dislocated Worker Unit providing Rapid Response services statewide through its line operations. WDC assumed responsibility as the state's Dislocated Worker Unit in 2017.

WDC has established a State Rapid Response Coordinator position which was filled in May 2017. WDC is now on the distribution list for WARN notices. The coordinator ensures that the LWDBs and AJCs have been informed of the impending layoffs. The coordinator is responsible for developing policies and procedures for Rapid Response services and Layoff Aversion and for their implementation at the AJCs.

On March 8, 2017, the WDC board approved to move forward with funding the Workforce Development Division to administer rapid response activities for the Kauai and Maui counties, and to provide funding to Oahu WDB and Hawaii County WDB to serve their respective community with rapid response activities, with the coordination with the Statewide Rapid Response Coordinator through June 30, 2019.

The WDC board will continue to assess the effectiveness of the rapid response system and will consider the viability of one of the following three options to implement the improved Rapid Response system. The Rapid Response policy and procedures consistent with WIOA regulations at §§ 682.300 through 682.370 will be issued on an ongoing basis.

#### Statewide Service Provider

Method:

1. The four local boards (Hawaii County, Kauai, Maui, Oahu) receive up to 50% of rapid response funds.
2. With 40% of the funds, the State will competitively procure a statewide provider of rapid response services.
3. The remaining funds will fund a State Rapid Response Coordinator.

#### Local Workforce Development Boards 20%

Method:

1. Twenty percent (20%) of the State's PY 16 dislocated worker allotment has been reserved for rapid response.
2. Half of the 20% will be distributed at the beginning of the program year to local areas for employer engagement and layoff aversion activities.
3. As layoffs, plant closures, and other specified events occur, local areas will apply for funds from the half retained at the state-level.
4. Should there still be funds at the state-level in April 2017, the balance will be distributed to the local areas using the PY 16 dislocated worker allocation formula.

#### Local Workforce Development Boards 100%

Method:

1. The four local boards (Hawaii County, Kauai, Maui, Oahu) receive 90% of the rapid response funds.

Local boards conduct procurements to secure rapid response service providers from their communities that best fit their needs.

Action Steps:

- Issue rapid response policy and procedures consistent with WIOA regulations at §§ 682.300 through 682.370

- Issue 90% of the rapid response funds to local boards using the dislocated worker formula

### On-Site Services

Each county has a Rapid Response Team which is deployed as necessary to respond to the emergency situation. Honolulu's Rapid Response Team is available to be deployed to supplement the county team if necessary. When layoff events impact sufficient numbers (amounts vary from one local area to another) of employees, the locally assembled Rapid Response Teams provide on-site employee meetings that provide workers with information and access to unemployment compensation benefits, comprehensive AJC system services, and employment and training activities including information on the Trade Adjustment Assistance program (TAA) and National Dislocated Worker Grants (NDWG).

When appropriate, the Rapid Response Team will provide additional services on-site to employees, which may include:

- Group or Individual Registration
- Job Search Workshops
- Individual Assessment/Counseling
- Job Search Strategies and Techniques
- Resume Writing
- Interviewing
- TAA Orientations
- Job fairs/Company matching
- Other services as necessary

### Layoff Aversion

To the extent that resources allow, AJC staff have developed and maintained collaborative partnerships through year around employer engagement efforts that can help identify and possibly diminish the impact of potential layoffs. The majority of downsizing events involve small to medium-size food service and retail establishments where there has been little the state can do to avert layoffs. With large downsizing events, AJC staff may organize job fairs and/or on site job matching and job readiness workshops to assist affected employees with the transition to a new job with a different employer or on occasion, a different job with the same employer, thus reducing periods of unemployment.

A layoff aversion strategy is to develop and improve employer relationships so that employers work with WDC in advance of layoff and closure events. The following activities are considered as appropriate employer outreach/contact: participating in job forums; joining industry associations; presentation to industry associations; creating in-branch coffee hours for employers; promoting the State's workforce development services to employers currently utilizing just some of the programs; participating in conferences, canvassing of new business cluster; developing and building further relations with employers while at job fairs; developing special programs to connect employers/employer groups with various workforce system programs; and other activities which build relationships. Service providers will be required to set Employer Outreach contact goals and report on planned activities for Plant Closures and

Employer Outreach. Monthly reports to report outcomes of employer contacts and planned next steps for each employer will be required.

**C. In addition, describe the State policies and procedures to provide Rapid Responses in cases of natural disasters including coordination with FEMA and other entities.**

**HRS §127A Emergency Management is Hawaii’s policy and procedure for responding to disasters, establishes local organizations, confers emergency powers to the Governor and county mayors, and provides programs, in cooperation with other governmental agencies, the private sector, and nonprofit organizations.**

**In the instances of natural disasters, the Governor, the Mayors of the four counties, the State’s Department of Defense, Hawaii Emergency Management Agency (HI-EMA) and the counties’ Emergency Management Departments assess damages, coordinate and deploy local and state services, including as necessary, the Hawaii National Guard, DLIR, DHS, DOH, local emergency responders, and also coordinate with non-governmental agencies and service providers such as the American Red Cross, local community groups, and churches. Request for assistance is generally initiated at the county level. The Red Cross determines with HI-EMA needed shelters and their locations and necessary staffing. The Federal Emergency Management Agency (FEMA) sends staff to those locations along with participating state and local agencies to provide needed services.**

**The State of Hawaii Office of Planning issued “Natural Disaster Economic Recovery Strategy” (December 2014) which outlined existing plans (page 12) at the federal, state, county, and community levels ([http://files.hawaii.gov/dbedt/op/spb/2014\\_nders\\_final.pdf](http://files.hawaii.gov/dbedt/op/spb/2014_nders_final.pdf)). The recovery strategy was developed by a diverse advisory group and stakeholders from governmental, non-governmental, community, and private sector organizations. Within the defined goal of “Forge partnerships between large and small businesses with government agencies to promote coordinated efforts for disaster preparedness, response, and recovery;” there is an opportunity for WDC’s State Rapid Response Coordinator and for the County level coordinator to engage employers and employer groups by partnering with this preparedness effort to develop relationships prior to disasters and to provide information on employment services, layoff aversion and incumbent worker training, and as part of disaster recovery, provide Rapid Response services and funds in the local area where businesses are forced to lay off workers. WDC or the affected county, in consultation with the Mayor, the Director of DLIR and the Governor, may apply for a National Emergency Grant during the recovery period. One of the implementation recommendations is that the State expand the use of USDOL Emergency Grants to support economic recovery and design recovery programs to maximize efficient use of those funds.**

**The FEMA Disaster Declaration includes the availability of public assistance funding for the affected counties.**

#### **Use of Funds:**

**1. The NEG creates temporary employment to perform demolition, cleaning, repair, renovation, and reconstruction of damaged and destroyed public structures, facilities, and lands located within the designated disaster area. Work on private property may only be performed if workers from units of local government are also authorized to conduct, and currently perform, such work.**



**2. The duration of temporary employment must be established and is limited to public and private non-profit agencies. The maximum level of wages paid to a participant is established, excluding the cost of fringe benefits.**

**Eligible Individuals:**

- 1. Workers temporarily or permanently dislocated (unemployed) as a result of the disaster (dislocated workers as defined by WIOA as those who are unemployed and do not receive UI compensation or any other type of income support); and**
- 2. Individuals who are long-term unemployed.**

**Actions:**

- 1. When State and County partners decide to submit a Disaster NEG, the State Rapid Response Coordinator (SRRC) will submit an application which includes a fully documented work plan and budget based on:
  - a. Identification of the temporary jobs and worksites which were or will be created;**
  - b. Timeframes for project activities; and**
  - c. SRRC monitoring and oversight of the grant.****
- 2. Local staff working with Local Boards of the affected counties develop aspects of the plan.**
- 3. After the Disaster NEG is awarded, the State must provide a fully documented work plan for the assistance within 60 days.**

**Disaster Unemployment Assistance (DUA):**

1. The SRRC will also coordinate with Unemployment Insurance (UI). When coordinating with UI, the SRRC will ensure that UI knows the event is being planned as a response to a natural disaster. This information will be provided in the notification. If there is a Presidential declaration for Disaster Unemployment Assistance (DUA), it may impact the information UI provides at a Rapid Response event.
2. DUA provides UI benefits to individuals who are dislocated (unemployed) due to a natural disaster.
3. The FEMA Disaster Declaration will support justification for implementing DUA.
4. UI Telephone Claims Center (TCC) staff are refreshed on DUA procedures so that they may assist customers calling the center with questions related to filing for benefits.
5. The availability of DUA aligns with any previous claims currently on file.

**Rapid Response Team:**

1. Options for meeting places across Hawaii will depend on the type and severity of the natural disaster along with the location of the affected workers. If there is a Presidential declaration for Individual Assistance (IA), FEMA will open Disaster Recovery Centers (DRCs). These centers may not be ideal for holding a formal presentation but will likely be a gathering place for those affected by the natural disaster. Other location options where the Rapid Response event may take

place include Red Cross Stations, community buildings not affected by the disaster, and the nearest American Job Center

2. Each county has a Rapid Response Team which is deployed to respond to emergency situations. Honolulu's Rapid Response Team is available for deployment to supplement the county team if necessary. When layoff events impact sufficient numbers (amounts vary from one local area to another) of employees, the locally assembled Rapid Response Teams provide on-site employee meetings that provide workers with information and access to unemployment compensation benefits, comprehensive AJC services, and employment and training activities including information on the Trade Adjustment Assistance program (TAA) and National Dislocated Worker Grants (NDWG).

3. When appropriate, the Rapid Response Team will provide additional services on-site to employees, which may include:

- a. Group or Individual Registration
- b. Job Search Workshops
- c. Individual Assessment/Counseling
- d. Job Search Strategies and Techniques
- e. Resume Writing
- f. Interviewing
- g. TAA Orientations
- h. Job fairs/Company matching
- i. Other services as necessary

4. The Team(s) visit community locations in significantly impacted areas (i.e., shelters, libraries, schools, etc.) to assist businesses and impacted individuals, and to provide on-the-ground information and support regarding state-level efforts.

5. Staff does the following for impacted businesses and individuals:

- a. Register them in the PMIS to facilitate eligibility for program services;
- b. Connect impacted workers with appropriate employment opportunities through the Disaster NEG;
- c. Assist impacted workers to apply for DUA benefits; and

post links and emergency phone numbers where businesses and workers can contact appropriate agencies for services.

**D. Describe how the State provides early intervention (e.g., Rapid Response) to worker groups on whose behalf a Trade Adjustment Assistance (TAA) petition has been filed. (Section 134(a)(2)(A).) This description must include how the State disseminates benefit information to provide trade-affected workers in the groups identified in the TAA petitions with an accurate understanding of the provision of TAA benefits and services in such a way that they are transparent to the trade-affected dislocated worker applying for them (Trade**

**Act Sec. 221(a)(2)(A) and Sec. 225; Governor-Secretary Agreement). Describe how the State will use funds that have been reserved for Rapid Response to provide services for every worker group that files a TAA petition.**

Local area MOUs that are submitted with their Local Area Plans will include an identification of the local area Rapid Response Coordinator, and a description of Rapid Response responsibilities for that area to ensure coordination of services during Rapid Response.

Employers will send notices of closings and layoffs under the federal WARN Act and a state plant closing law to the DLIR Director. Upon receipt, the Director's Office will forward them to WDD, DLIR Unemployment Insurance Division, and DLIR Research and Statistics Office. Companies also will transmit a notice required under WARN to the Mayor of the county in which a closing will occur.

WDD will immediately initiate contact with the affected employer to obtain details about the impending event and share information about AJC services for affected workers. If a union represents affected workers, a labor-management committee will be formed, if feasible, to jointly assess needs and implement Rapid Response services, with the understanding that services will not be a forum for any collective bargaining issues. Information about Trade Adjustment Act (TAA) benefits and qualifying conditions will be provided to the employer/Labor-Management Committee, and the employer or union will be encouraged to file a TAA petition for employees who may be eligible for TAA. If they do not file a petition, the AJC or WDD will submit one to ensure that eligible workers receive TAA benefits.

**Rapid Response Team:**

If the number of workers to be laid off is significant, WDD will mobilize a Rapid Response Team for deployment at the employer's site or another site that is convenient for affected workers. Core members will consist of the following:

- DLIR Unemployment Insurance Division
- AJC Operator
- Workforce Development Division

Depending on needs of the workers, other Rapid Response Team members will include, but not be limited to, the following:

- State Department of Human Services
- Training Providers
- Banks/Credit Unions
- Consumer Credit Counseling Center
- Community Based Organizations
- State Department of Health

Group orientations on AJC services will be planned and scheduled with the employer or Labor-Management Committee, during or around work hours and prior to lay-offs, to the extent possible.

Topics to be covered during Rapid Response group sessions will be customized for each layoff and generally will include the topics below. Approaches will depend on type of employer and educational and skill levels of employees.

- Unemployment Insurance benefits and eligibility requirements;
- Work registration requirements and jobs listed in the PMIS;
- Labor market information and trends;
- Job counseling and job training programs, including remedial/literacy education;
- Priority of services and additional services for veterans;
- TAA benefits (if eligible);
- Financial assistance such as welfare, Supplemental Nutrition Assistance Program (formerly called Food Stamps), child care subsidies, and subsidized health insurance; and
- Survey of training needs. (This survey will be used to determine the kinds of services needed and projected costs, which will help plan training and other services and assist in determining whether formula funds are sufficient or WIOA National Emergency Grant funds should be requested.)

Other Rapid Response topics, such as the following, will be included for group sessions, as appropriate:

- COBRA;
- Credit counseling and loan assistance;
- Grief/trauma counseling, or other mental health services;
- Housing assistance, and/or
- Social services provided by Community-Based Organizations.

Because of the breadth of topics covered during Rapid Response sessions, only those staff members who are experienced and knowledgeable will participate as presenters. Services for individuals, such as filing for UI (after layoff), registration in the PMIS, and applying for financial assistance may be provided immediately following group sessions, if workers need assistance for these services. Job fairs also will be scheduled, as appropriate, specifically for the laid-off workers in conjunction with, or shortly after Rapid Response sessions. In addition, job search workshops and literacy or skills training may be provided for the workers to prepare them for the job market prior to or shortly after layoff.

In addition to reacting to layoff notices, Rapid Response will include business service teams to expand the rapid response infrastructure in each local area so that Rapid Response becomes proactive and on-going to serve businesses and their workers more effectively. Prior to layoffs occurring, during which businesses are in crisis management mode, closer working relationships with local businesses will be developed to support workforce needs of employers in a more consistent and comprehensive manner through their cycles of growth and decline. More services and tools of the One-Stop system will be made available to businesses on a continuing basis through an aggressive outreach effort, and businesses will make better use of these services to improve the capacity of their workforce. These strategies give businesses more opportunities to avert layoffs by sustaining a resilient and competitive workforce. AJC staff will be trained to detect early warning signs of possible financial difficulties of businesses and provide advance assistance and information to ease any difficulties should a plant closure occur. The improved

collaborations with businesses will enable AJC staff to quickly recognize re-employment opportunities for laid off workers. In addition, stronger collaborations with more partners will be developed to expand and better coordinate the network of resources for more assistance toward employers and workers.

## **b. Adult and Dislocated Worker Program Requirements**

### **1. Work-Based Training Models**

If the State is utilizing work-based training models (e.g. On-the-job training, Incumbent Worker training, Transitional Jobs, and Customized Training) as part of its training strategy and these strategies are not already discussed in other sections of the plan, describe the State's strategies for how these models ensure high quality training for both the participant and the employer.

With the low-unemployment rate the State is experiencing, but also with major skills gaps in different sectors, apprenticeships and work-based training will be an important method to narrow the gap and fill those jobs with employees with the requisite skills. The WDC Board members representing training and trade organizations and the Board's Employer Engagement and Sector Strategies and Career Pathways committees are tasked with creating the linkages necessary to increase work-based training and apprenticeship opportunities and to expand those programs to new sectors and industries that are not thought of as traditional sponsors of work-based training and apprenticeships; but who cannot meet their employment needs because of skill gaps in the workforce. The committees will also ensure that participants earn industry recognized certifications; that employers have input into the content of the training programs; that the programs are designed to provide high quality training; and that the outcomes of the programs result in highly skilled employees and employers have a qualified pool of applicants.

In addition, the Employment and Training Fund (ETF) is funded by the State through an assessment of .01 percent of taxable wages. It was established by the Legislature in 1992 (HRS §383-128). ETF's purpose is to create a more diversified job base with an emphasis on small businesses by serving the training needs for industries included in the State's economic development strategy as recommended by DEBDT, and training needs identified by the local boards, employer organizations, industry or trade associations, and labor organizations.

ETF funds three programs:

#### **1) Statewide and Countywide Training Grants through ETF's Macro Program**

The Macro Program provides grants to business associations and consortia to develop customized training projects where there are critical skill shortages. The program enhances the State's employer engagement efforts by outreaching, enrolling, and facilitation of contacts with employers and training providers for the delivery of incumbent worker training. These grants provide "seed money" for innovative education and training curricula and program design. Each plan must include, but is not limited to, a needs assessment, project guidelines, marketing and delivery plan, and a self-sufficiency component to ensure the continuation of training beyond the grant period. Business and industry consortia are required to provide at least 50% cash and/or in-kind contribution to strengthen their commitment to the project.

2) Employer Referral Program also known as the Micro Program offers training opportunities to individual businesses.

This program enables employers to register their workers for existing short-term, non-credit training courses offered by ETF-approved public and private training providers in order to upgrade employees' skills and capabilities to meet the competitive demands of the workplace. The program is open to all within a company: owners, managers, supervisors, and workers. The ETF will pay 50% of the cost (up to a \$800 tuition cap) for any course taken that meets its eligibility criteria. Employees must be referred by their employer.

### 3) Volunteer Internship Program (VIP)

Developed by DLIR in January 2011, the Volunteer Internship Program (VIP) was created to stimulate job growth in Hawaii. Initial funding for VIP was derived through the Reed Act in early 2010 in response to significant job loss at the time. It is funded through the States' ETF program. VIP allows job seekers, especially those receiving unemployment insurance (UI) benefits, to volunteer at businesses to explore a career field, exposure to the career, and workforce training. During the course of the internship, claimants are exempt from their three weekly job searches and continue to receive their UI benefits. Upon successful completion of training, interns receive certification of the job skills acquired and consideration for employment. Benefits to businesses include: pre-screening of qualified individuals, ability to assess the intern's readiness for employment and limited medical coverage for injuries sustained by an intern. The opportunity to train through VIP is limited to 16-32 hours per week for 4-8 weeks. In PY 2016 there were 123 intern-employer matches in the State of Hawaii.

DVR's Summer Youth Program which places youth in work-based employment is described in other parts of the plan.

## **2. Registered Apprenticeship**

Describe how the State will incorporate Registered Apprenticeship into its strategy for service design and delivery (e.g., job center staff taking applications and conducting assessments).

Hawaii has adopted standards that conform to federal regulations and apprenticeship sponsors that meet the standards of apprenticeship may seek approval and registration by the DLIR Director (HRS §372-3). The legislatively established State Apprenticeship Council (SAC), an advisory body to the DLIR Director on matters concerning apprenticeship programs, consists of an equal number of businesses and labor organization members, DLIR Director, and community college, to review proposed new apprenticeship programs and their modifications and to promote the expansion of apprenticeship programs (HRS §372-4). Apprenticeships have demonstrated value with excellent results with high employee retention, good wages, and a skilled workforce. Combining classroom instruction with structured on-the-job learning supervised by qualified journeyworkers is the ultimate employer-driven strategy for work-based learning. Businesses determine the skills required of their journeyworkers and develop an on-the job training plan with classroom curriculum that produces the skills required of their workers. It is a customized approach to training that directly meets business workforce needs.

Three (3) federal grants were awarded to DLIR to promote the expansion of apprenticeship programs into other occupations and industries and encourage diversity in the apprentice population. As a time-honored workforce strategy, apprenticeship programs can now benefit more employers, industries, and occupations with the use of these grants to support the development of new programs. The American Apprenticeship Initiative grant originally targeted apprenticeship programs in Information Technology, and healthcare occupations were added

later. Under the State Expansion Grant, apprenticeship programs are being developed primarily in healthcare and culinary occupations. This grant uses an intermediary, Kapiolani Community College, to perform most of the paperwork involved in developing and reporting apprenticeship programs for employers. This has proven to be an appealing feature for businesses and has succeeded in finalizing the participation of many more employers. The Accelerator grant is being used mainly to promote development of apprenticeship programs and encourage diversity in apprenticeship programs through forums for businesses, educators, and workforce development professionals. It is also being used to convert internal manual records into electronic records to streamline reports and access data more quickly.

The WDC board's Sector Strategies and Career Pathways and Employer Engagement Committees will invite input from the SAC and to be part of a sub-committee to provide input on apprenticeships, skill gaps, industry needs, industry recognized certification, and best-practices.

Partnerships with the registered apprenticeship programs continues with the AJCs providing assistance and support to apprenticeship programs for their recruitment events. As the construction industry has rebounded, there is a shortage of qualified construction workers; there is an opportunity to increase available apprenticeship programs.

WDC members include those conducting workforce training and apprenticeship programs within their organizations. Efforts to increase employer engagement will encourage employers to take a proactive role in defining training standards and shaping training curriculum and program design so program graduates will be more likely to succeed in the employer's workplace.

With regard to apprenticeship programs, the DLIR is the State Apprenticeship Agency to administer apprenticeship programs in the State of Hawaii. This facilitates the sharing of apprenticeship information across programs. As the lead for carrying out State Apprenticeship program responsibilities, the WDD registers apprenticeship programs and apprentices, reports to the USDOL, monitors programs, and provides staff support to the State Apprenticeship Council, which is an advisory body to the DLIR Director regarding apprenticeship programs.

Notices of recruitments for apprentices are shared with One-Stop Centers so they can refer suitable individuals to apprenticeship sponsors; lists of active apprenticeship programs and their minimum requirements are maintained on the DLIR WDD website; and coordination between AJC services and apprenticeship programs are supported to the extent possible. All AJCs are familiar with the major apprenticeship sponsors, and the sponsors have regularly participated in local Job Fairs or Construction Expos. The ARRA SESP grant also encouraged additional linkages between AJCs and apprenticeship programs by fostering referrals from AJC referrals to specific apprenticeship programs that became Eligible Training Providers (ETP) for the adult and dislocated worker programs.

### **3. Training Provider Eligibility Procedure**

Provide the procedure, eligibility criteria, and information requirements for determining training provider initial and continued eligibility, including Registered Apprenticeship programs (WIOA Section 122).

WDC issued a Change 1 to the ETP policy. This new policy replaced the Kumuaao website, which was located in on a separate site with a site accessible from the WDC homepage. It is

expected that an ETP module will be included in future procurements for a participant management information system so that the ETP list will be accessible from that system.

The new policy eliminates the need for providers to interact and post to a website that many felt were cumbersome and a barrier to provider participation. The new ETP list will consist of three categories: Eligible Training Providers, Career Services/Prevocational Training, and Apprenticeships.

The new policy did not change any provider requirements, but simplified the application for private providers and significantly simplified the application for UH System campuses.

WDC issued an Eligible Training Provider Policy and Procedure Bulletin which is posted along with the attachments on the WDC website. The link to the bulletin:

<https://labor.hawaii.gov/wdc/files/2016/06/SN-10-WIOA-Bulletin-10-16-Eligible-Training-Provider-Policies-and-Procedures.pdf>

The Policies and Procedures are posted at: <https://labor.hawaii.gov/wdc/files/2016/06/SN-10-WIOA-Bulletin-10-16-Eligible-Training-Provider-Policies-and-Procedures.pdf>

In the policy, WDC established criteria, information requirements and procedures regarding the eligibility of training providers to receive funds. This guidance provides criteria and procedural instruction on transitional, initial and subsequent eligibility requirements, establishes enforcement and appeal procedures and outlines the roles and responsibilities of the State and Local Boards for maintaining the integrity of the ETPL and the quality of the training programs offered on it. All providers are required to submit information on performance outcomes to determine eligibility for listing and to facilitate informed customer choice. It is important to note that eligibility for listing is based on the performance outcomes achieved by the entire cohort of students in each program.

The policy provides the minimum requirements for Local Boards to use in establishing their own policies and procedures for soliciting and approving training provider programs and classes for inclusion on the ETPL. Local standards may be stricter than those of the State Board.

The draft policy was posted for comments and the final policy included changes suggested by those comments.

The State and Local Boards shall use the following procedures to establish the eligibility of Training Providers to receive WIOA funds before WIOA participants are enrolled into their programs:

#### **Continued Eligibility for Existing Providers**

- Eligibility is determined on a program-by-program basis. To continue receiving WIOA funds, ETPs must renew continued eligibility for each approved program every two years.
- Providers must contact the Local Board(s) to begin the renewal process.

#### **Initial Eligibility for New Providers**

1. New providers that did not have any programs certified under WIA must be evaluated based on the requirements set forth in WIOA, as follows:



- a. Providers must submit an application to the Local Board(s) for the training program(s) they wish to offer. In addition to any local requirements, providers must follow the process outlined and submit required student and performance data as listed on Appendices C and D. Timelines for the submission of data will be issued at a later date.
- b. Providers are eligible only for programs that qualify and are approved by the State and Local Boards.
  2. Providers must submit evidence of accreditation and/or licensure from the appropriate state or other governing body (see Section II.B. Licensing).
  3. Distance learning programs are eligible only when offered by institutions that are fully accredited by a recognized accrediting body (see Section II. E. Technology-Based Learning).
  4. Initial eligibility is limited to a period of one fiscal year for each approved program. “Fiscal year” is defined as the 12-month period commencing on the date when initial eligibility is approved for the applicable program. [WIOA Section 122(a)(4)(B), TEGL 41-14]
  5. The provider must renew its eligibility and establish continued eligibility for each approved program to continue receiving WIOA funds after the program’s one-year period of initial eligibility ends. [WIOA Section 122(c)(2)]
  6. Thereafter, providers must contact the Local Board(s) every two years to renew each program’s continued eligibility to receive WIOA funds. [WIOA Section 122(c)(2)]
  7. Local Boards are responsible for the retention of the original hard copy of the ETP application and have them available for monitoring.
  8. The Local Board shall provide a written notice of determination of acceptance or rejection of an initial application to an applying entity within thirty calendar days of the receipt of the completed initial eligibility determination application. [WIOA Section 122(c)(1)]
  9. Local Board policy shall determine the circumstances under which reconsideration of an application may be afforded to an entity whose initial application was denied. [WIOA Section 122(c)(1)]

### **Apprenticeship Programs**

1. Registered Apprenticeship programs are not subject to the same application and performance information requirements or to a period of initial eligibility or initial eligibility procedures as other providers because they go through a detailed application and vetting process to become a Registered Apprenticeship program sponsor with the United States Department of Labor. [TEGL 41-14]
2. Registered Apprenticeship programs are automatically qualified for the ETPL as long as the program remains registered with the United States Department of Labor, Office of Apprenticeship and/or until the program asks to be removed from the ETPL by notifying the State Board by email at: [dllr.workforce.council@hawaii.gov](mailto:dllr.workforce.council@hawaii.gov).
3. The State Board will notify *current* Registered Apprenticeship programs of their automatic qualification for the ETPL. As new programs are approved, DLIR/WDD will notify the sponsors that the program is automatically qualified for the ETPL. Both current and new Registered Apprenticeship sponsors will then contact the State Board by email

at [dllr.workforce.council@hawaii.gov](mailto:dllr.workforce.council@hawaii.gov). to gain access to the ETPL website to enter the following information:

- a. Occupations included within the Registered Apprenticeship program;
  - b. The name and address of the Registered Apprenticeship program sponsor;
  - c. The name and address of the Related Technical Instruction provider, and the location of instruction if different from the program sponsor's address;
  - d. the method and length of instruction; and,
  - e. The number of active apprentices.
4. At the end of each program year, the State Board will ask WDD for a list of all Registered Apprenticeship programs that were either voluntarily or involuntarily deregistered. These programs will be removed from the list.

Registered Apprenticeship program sponsors that do not provide the Related Technical Instruction portion of the apprenticeship program may be required to submit additional information about their educational provider, including the cost of instruction.

Pre-apprenticeship programs do *not* automatically qualify for the ETPL. They are subject to the same requirements as regular ETPs.

### **Criteria to become an ETP**

#### **A. Types of Training Providers**

1. Training providers must meet one of the following criteria to be eligible for the ETPL:
  2. Higher education institutions that provide a program that leads to a recognized postsecondary credential;
  3. Registered Apprenticeship programs under the National Apprenticeship Act;
  4. Public or private training providers, which may include:
  5. joint labor-management organizations; and
  6. adult education and literacy providers - if services are provided with occupational skills training;
  7. Local Boards, if they meet the conditions of WIOA § 107(g)(1); and
  8. Community Based Organizations (CBOs) or private organizations of demonstrated effectiveness under contract with the Local Board

#### **B. Licensing**

Hawaii requires significant consumer protection through its licensing requirements. Training providers must be licensed by the appropriate Hawaii or Federal licensing authority, as required by law.

1. Training providers must be licensed or certified by the appropriate governing board or agency. Specific occupations have governing boards that issue licenses, such as the Hawaii Board of Barbering and Cosmetology or the Hawaii Motor Vehicle Repair Industry Board. Other

occupations such as Nurse Aide are certified through entities contracted by the State Department of Commerce and Consumer Affairs and pilots or aviation schools are approved by the Federal Aviation Administration (FAA).

2. Trade, vocational, or technical schools are usually licensed by the Hawaii Department of Education (HIDOE) unless they are exempt or accredited by another recognized entity. Accredited postsecondary institutions with a physical presence in the state are authorized by the Hawaii Postsecondary Education Authorization Program (HPEAP), see the HPEAP website and Hawaii Administrative Rules Title 8 Chapter 101.
3. Private postsecondary training providers, who apply for a Hawaii Private Postsecondary license and are denied due to a determination that the training program is not vocational in nature, are not eligible to be listed on the ETPL.
4. Training providers that provide adult education and literacy activities in combination with occupational skills training are not required to be licensed. However, the provider of the occupation skills training must be licensed if a training license is required by law.
5. Apprenticeships are not licensed but must be registered with the Workforce Development Division in the State of Hawaii, Department of Labor and Industrial Relations.

#### **C. Training Courses Exempt from State Department of Education Licensure**

1. Schools maintained or classes conducted by employers for their own employees where no fee or tuition is charged;
2. Courses of instruction given by fraternal society, benevolent order, or professional organization to its members and which are not operated for profit;
3. Flying schools qualified under the Federal Aviation Administration;
4. Classes conducted for fewer than five students at one time and the same time;
5. Classes or courses of instruction which are conducted for twenty or fewer class sessions during any twelve-month period;
6. A vocational, hobby, recreation, or health classes or courses;
7. Courses of instruction on religious subjects given under the auspices of a religious organization; or
8. Schools registered by the State Department of Commerce and Consumer Affairs. [Eff 12/1/87; comp 3/15/01] (Auth: HRS §302A-101, §302A-424, §302A-427) (Imp: HRS §302A-1112, §302-A-101, §302-A-424, §302A-425)

#### **D. Business and WIOA Requirements**

Training providers must:

1. Have a physical and permanent Hawaii mailing address. Post office boxes (P.O. Boxes or private rental mailboxes) are not considered a physical address. This requirement does not apply to third-party providers. Refer to: <http://cca.hawaii.gov/hpeap/>
2. Be a legal entity, registered to do business in Hawaii.
3. Be current with tax obligations as required by Hawaii Revised Statutes 103D-310(c) and verified by a "Certificate of Vendor Compliance" issued by Hawaii Compliance Express, <https://vendors.ehawaii.gov/hce/splash/welcome.html>.

4. Have a valid Certificate of Liability Insurance for the amount of at least \$2 million in General Aggregate for each occurrence that includes the following language:
  - a. “The State of Hawaii and its four counties, the City and County of Honolulu, the County of Maui, the County of Hawaii, and the County of Kauai, including all of their departments and attached agencies, their officers, employees and agents are named as additional insured, as respects the named insured’s activities on their behalf.”
5. Not be associated with occupations that pay commission only and not be debarred by the state or the federal government as they would not eligible to be included on the ETPL.
6. Have provided training for at least one year at the time of application and have a proven track record of students successfully completing the programs and meeting all state performance standards. Training providers that have been training in another state for more than a year, and have recently opened a new campus in Hawaii do not need to train a year in Hawaii to be listed on the ETPL. Registered Apprenticeships do not need to complete a year of training participants to be eligible for the ETPL.
7. Have at least five students enrolled in a program for the minimum performance standards to be used in determining eligibility.
8. Have refund policies specifying when refunds for tuition and other costs associated with the training program will be allowed. Refund policies that indicate that no refunds will be made are not acceptable. Refund policies must be written and published so that students are aware of how to request a refund.
9. Have a grievance policy which provides for due process for students to file complaints with an organization against faculty, staff, or other college employees. Grievance policies must be written and published so that students are aware of how to file a complaint.
10. Offer training programs that:
  - a. Relate to in-demand industry sectors and occupations in Hawaii;
  - b. Are aligned with industry sector strategies and career pathways; and
  - c. Are job driven.
11. Have the ability to:
  - a. Provide information on whether the provider is in a partnership with
    12. business, including information about the quality and quantity of employer partnerships;
      - a. Offer programs that lead to recognized postsecondary certificates and credentials;
      - b. Describe each program of training services to be offered;
      - c. Produce verifiable program-specific information describing:
        13. Qualifications and credentials of the provider’s instructors;
        14. Minimum program enrollment requirements;
        15. Information pertaining to program performance, costs, methods of instruction, length, and schedule.

- a. Meet the needs of local employers and participants;
- b. Train individuals with barriers to employment; and
- c. Train individuals who are employed. (refer to Bureau of Labor Statistics glossary: <http://www.bls.gov/bls/glossary.htm>)

16. Comply with non-discrimination and equal opportunity provisions of WIOA, which include prohibitions against:
17. discrimination on the basis of age, disability, sex, race, color, national origin, or political affiliation or belief, or student status; (WIOA prohibits discrimination against an individual who is a participant in a program or activity that receives WIOA funds solely because of the individual's status as a WIOA program participant.)
18. discrimination against certain noncitizens; (WIOA prohibits discrimination against individuals authorized by the Attorney General to work in the United States.) and
19. assistance for facilities used for religious instruction or religious worship; (WIOA prohibits the use of funds to employ WIOA participants to carry out construction, operation, or maintenance of any facility used for religious instruction or worship, with the exception of maintenance of facilities that are not primarily used for religious instruction or worship and are operated by organizations providing services to WIOA participants.)
20. Comply with the all applicable federal and state laws.

#### **E. Technology-Based Learning**

Local Boards must ensure access to training services throughout the state, including rural areas, by approving programs that use technology- based learning and meet all state and local requirements. Training providers using technology-based learning, also referred to as distance, online, web-based or computer-based learning, must meet the following requirements:

1. Be licensed to provide training in Hawaii;
2. Has a mechanism for student interaction with an instructor or instructors;
3. Ensures periodic assessment of each student;
4. Because the student and teacher are not place- or time-bound in distance learning/on-line training programs, the provider must have a policy describing the responsibilities of each party in the distance learning experience;
5. Has a mechanism to track students' participation in the ETPL training program;
6. Complies with any additional requirements of the Local Board.

#### **F. Other Eligibility Factors**

The State Board will also consider the following factors when determining the eligibility of training providers:

1. Information reported to state agencies on federal and state training programs other than those provided under WIOA;
2. Record of submitting timely and accurately performance reports; and
3. Other factors as needed.

## **ETPL Performance Measures**

At a minimum, eligibility criterion must include performance expectations. Standards for performance are set by the State and the Local Boards. Providers must submit accurate and timely performance data and cost information as listed on Appendices C and D for all students, not just WIOA participants, in their classes. Program-specific performance data will be verified by the State Board at these points:

- when reviewing an application for initial eligibility;
- when reviewing an application for continued eligibility; and
- every twenty-four months following a determination of continued eligibility (*i.e.*, when reviewing an application for renewal of continued eligibility).

Data on the following indicators of performance will be required [WIOA Section 116(b)(2)(A)(i)(I)-(IV)]:

- a. unsubsidized employment during the second (2<sup>nd</sup>) quarter after exit must be equal to or greater than 50 percent;
- b. unsubsidized employment during the fourth (4<sup>th</sup>) quarter after exit must be equal to 65 percent;
- c. median earnings of students who are in unsubsidized employment during the 2<sup>nd</sup> quarter after exit are equal to or greater than 70 percent of the Lower Living Standard Income Level (LLSIL) for a family of one of the current year for the specific local area; and
- d. credential attainment rate must be equal to or greater than 50 percent (if applicable).

### **Evaluation Period**

The evaluation period is the last two program years, which begins July 1st and ends June 30th of the second year.

## **ETPL Performance Reports**

### **A. Performance Data Submitted by the Training Provider**

Training providers must annually submit the following levels of performance achieved by all students in all programs on the ETPL for public distribution. Data must include all WIOA and non-WIOA students who participated in each training program [WIOA Section 116(d)]:

1. The percentage of students in unsubsidized employment during the 2<sup>nd</sup> quarter after exit from the program;
2. The percentage of students in unsubsidized employment during the 4<sup>th</sup> quarter after exit from the program;
3. The median quarterly earnings of students in unsubsidized employment during the 2<sup>nd</sup> quarter after exit from the program;
4. The percentage of students who obtain a recognized postsecondary credential or a secondary school diploma or its equivalent (GED or HiSet) during participation or within a year after exit (A secondary school diploma or its equivalent is only counted if the student is also employed or

enrolled in another education or training program leading to a recognized postsecondary credential within one year after exit); and

5. The total number of individuals that successfully complete the program of study or equivalent.

#### **B. Performance Measures Calculated by the WIOA Program**

1. The total number of WIOA participants who received training services through the Adult and Dislocated Worker programs disaggregated by the type of training entity.

2. The total number of participants who exited from training services, disaggregated by the type of entity that provided the training during the most recent program year and the preceding three program years;

3. The average cost per participant for the participants who received training services disaggregated by the type of entity that provided the training, during the most recent program year and the past three program years; and

4. The number of individuals with barriers to employment served by the Adult and Dislocated Worker program disaggregated by each subpopulation of such individuals and by race, ethnicity, sex, and age.

5. Average cost-per-participant for WIOA participants who received training services for the most recent program year and three preceding program years, disaggregated by type of training entity.

#### **Notification of Ineligibility or Termination**

In rare cases, providers can be or become ineligible and not placed on or is taken off the ETPL for reasons, such as failure to meet standards, submitting inaccurate information, or other violations of WIOA requirements.

#### **A. Application or Initial Eligibility Denials**

A training provider or program may be denied initial eligibility for the following reasons:

1. The application is not complete or information was not provided in a timely manner.
2. The training program does not meet the WIOA definition of training services, which is a program of one or more courses or classes or a structured regimen that leads to:
3. A recognized postsecondary credential, secondary school or equivalent;
4. Employment, or
5. A measurable skill gain toward such a credential or employment.
6. The training program does not result in a federally or locally recognized credential.
7. Performance data is not included with the application or does not meet the minimum performance measures.
8. The training program does not support occupations in demand within the local area.

9. The training provider is not in compliance with the WIOA statute, regulations, or any agreement executed under the WIOA.

10. The State or Local Board determines that the training provider intentionally supplied inaccurate information.

#### **B. Reapplication**

When a training provider or program is denied for any reason other than lack of documentation or information, the provider must wait six months to reapply.

#### **C. Denial or Termination Notice**

Within ten days after a Local Board determines that a training provider's application does not meet the eligibility criteria, or that a provider's eligibility should be terminated, the Local Board shall issue a denial or termination notice to the training provider. A notice shall be issued listing each training program denied or terminated. The notice shall be mailed to the training provider at the address listed on the application and to the attention of the contact person identified on the application. The notice shall clearly:

1. Display the "date mailed";
2. Identify the program that was denied or terminated;
3. State specific reason(s) for the action; and
4. State that the training provider has the right to appeal to the Local Board within 14 calendar days of the date the notice is mailed.
5. The Local Board shall send a copy of the notification to the State Board.

### **Training Provider/Program Removals from the ETPL**

#### **A. Removal of Training Programs**

A training program may be removed from the ETPL for the following reasons:

1. The State or Local Board determines that the training provider supplied inaccurate information.
2. The training program no longer meets the WIOA definition of occupational skills training.
3. The program does not meet minimum performance standards. If there were no WIOA participants in the training program during the past year, there will be no performance data to review for continued eligibility. The Local Board must examine the demand for the related occupation to determine if there is still local demand for it and decide whether to keep the program on the ETPL for another year. If no WIOA participants enroll in the training program for more than two years, it must be removed from the ETPL.

#### **B. Removal of Training Providers**



A training provider may be removed from the ETPL for the following reasons:

1. All of a training provider's programs have been removed.
2. The training provider has not maintained required licenses and liability insurance or is found to be noncompliant with the training providers' assurances.
3. The training provider is not in compliance with the WIOA regulations, or any agreement executed under the WIOA.
4. The training provider is found knowingly to make false claims to prospective participants about costs or WIOA eligibility.

**C. Removal Due to Higher Performance Standards**

Local areas that have implemented higher performance standards may remove programs that have not met requirements based on their local ETPL policy for removal of programs.

**Appeal Procedure**

To appeal a termination or denial of eligibility, the training provider must file the written appeal with the Local Board within 14 calendar days of the date the notice was mailed. Throughout this appeal procedure, "Local Board" refers to "the Local Board or its designee."

**A. Administrative Reconsideration**

Within ten working days of receiving the appeal, the Local Board shall review the appeal and may reverse the original decision if an administrative error was made, or if additional information from the training provider changes the basis of the original decision.

1. If the Local Board reverses its prior decision of termination or denial of eligibility, Local Board shall:
  - a. Forward the written decision, with the basis for the decision, and a copy of the appeal file to the State Board;
  - b. Notify the training provider in writing of the decision and its basis and that the Local Board has notified the State Board; and
  - c. Return the provider to the Initial or Renewal Eligibility process.
2. If the Local Board determines to continue to deny eligibility, the Local Board shall:
  - a. Inform the training provider in writing of its decision to deny reversal of the original decision, including a basis for that denial;
  - b. Provide the training provider with information regarding the further appeals process.

**B. Formal Appeal**

1. Within 14 calendar days from the date the decision from 2.b. above was mailed, the training provider may file a formal appeal with the DLIR's Employment Security Appeals Referees' Office (ESARO).
2. Within 30 calendar days of the receipt of the formal appeal, a hearing officer from the ESARO will:

a. Conduct a hearing at which the training provider and the Local Board will be allowed to present their cases; no new information will be allowed;

b. Decide the case based on the review of the written record and the hearing arguments; and

c. No later than 30 working days of the conclusion of the hearing, issue a written decision to the training provider and the Local Board. The hearing officer's decision will be final and conclusive

If the hearing officer reverses the denial, the Local Board shall comply with the decision in a prompt and efficient manner. Procedures shall be followed for designating the training provider as eligible, inclusion of the training provider's program on the statewide list, and written notification to the training provider.

**4. Describe how the State will implement and monitor the priority for public assistance recipients, other low-income individuals, and individuals who are basic skills deficient in accordance with the requirements of WIOA sec. 134(c)(3)(E), which applies to individualized career services and training services funded by the Adult Formula program.**

Hawaii's workforce development system is committed to a priority of service system where the individuals most in need, with additional barriers to employment will be served first. This WIOA priority of service policy is in alignment with the second goal of the workforce development system in Hawaii, which is to: "prioritize services to vulnerable populations with barriers to employment as described under WIOA, including homeless individuals and Native Hawaiians, which are currently in critical concern in the State."

WDC's policy was issued on October 4, 2016. The policy requires local boards to issue their own policy on priority of service by January 1, 2017 that may include other populations with additional barriers to employment. The local board has the discretion to identify populations in the local area who are not low-income, basic skills deficient, or recipients of public assistance, but who are individuals documented as having other barriers to employment.

The success in achieving priority of service for the targeted groups within the Adult program will be measured by a state-established formula comparing the percentage of individuals in the five statutory priority targeted groups (public assistance recipients, other low-income individuals, basic skills deficient, both underemployed and low-income and individuals with a disability), who were enrolled in the Adult program versus the percentage of all other individuals who were enrolled in the program.

WDC will utilize the results from the PMIS as well as a file review to monitor adherence to the priority of service policy on a quarterly basis.

The goal of the workforce system is to serve a greater percentage of Adult customers from the priority targeted groups than all other individuals (at least 51% of Adult participants from

priority groups). If it is determined that a Title I program operator is not meeting this goal the program operator will be expected to have a corrective action plan to conduct active outreach to recruit the priority groups.

In Program Year 2016, the percentage of new Adult customers from the targeted priority groups will be used to establish a baseline for each local area.

The State has determined that unless the funds allocated to a local area for WIOA Adult employment and training activities are sufficient to provide adequate services to at least 25% of that area's adult poverty population, the funds will be considered limited. Currently, the funds are considered limited in all the local areas, therefore, priority of service will be given to recipients of public assistance and those meeting the definition of low-income

They are identified when accessing AJC core services as well as through referrals from agencies serving this target population. Public assistance recipients are identified through coordination with the Department of Human Services (DHS), which administers the Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP) and other federal and state-funded assistance programs. The Work Opportunity Tax Credit is also available to employers as an inducement to hire this target group.

In addition to training, supportive services such as work clothes, transportation assistance, housing and child care may be provided. Where possible, alternate funding is sought to provide other services.

## **5. Describe the State's criteria regarding local area transfer of funds between the adult and dislocated worker programs.**

WDC issued WIOA Bulletin No. 15-17 on September 20, 2017, Policy on Transfer of Funds Between Adult and Dislocated Worker Allocations.

### **GUIDELINES FOR TRANSFER REQUESTS**

- a) The transfer must not adversely impact an area's capacity to adequately provide appropriate services to individuals in need of such services provided by the program subject to the reduced funding.
- b) The transfer must not adversely impact the area's ability to achieve program performance measures established for the current or subsequent years.
- c) The local area must obligate, at a minimum 80% of all funds budgeted to the receiving funding stream by the end of the first program year. Funds must be 100% expended by the end of the second program year.
- d) Funds not eligible for transfer requests: Youth program funds; Adult or Dislocated Worker funds re-allocated by WDC; Rapid Response funds; and other discretionary dislocated worker grants.
- e) Funds may not be transferred between program years.
- f) Transfer requests may be submitted anytime during the first year of the life of the funds, but must be submitted at least 30 days before the end of the second year.

g) If a local area transfers 100% of its Dislocated Worker formula funds allocation, and a dislocation event occurs in the area, the request for Rapid Response funds will be considered on a case by case basis.

h) Program costs must not be shifted to or from another federal program to overcome fund deficiencies or avoid restrictions imposed by law, regulations or agreements.

i) All transfers of funds are subject to the priority of service requirement. Section 134(c)(3)(E) requires that priority of service be given to recipients of public assistance, other low-income individuals, and individuals who are skills deficient. Additionally, TEGL 3-15 further emphasizes that Local Areas must give priority of services regardless of the levels of funds.

**Transfer requests must include the following information:**

a) WIOA program year;

b) the amount of the proposed transfer;

c) an impact analysis describing the impact to the program from which funds are being moved and the impact to the program which will receive the funds.

The impact analysis must include the following:

1) The situation necessitating the transfer, including local conditions, labor market, economic, etc.

2) How the funds transfer will impact participant levels in both programs.

3) A description of how the receiving program's participants will benefit from the transfer as well as how the impact on the contributing program will be mitigated, including how the remaining participants will be served.

4) The transfer's effect on current providers on training and other services.

5) A description of the expected impact on WIOA performance outcomes for both programs.

**c. Youth Program Requirements**

With respect to youth workforce investment activities authorized in section 129 of WIOA,—

**1. Identify the State-developed criteria to be used by local boards in awarding grants or contracts for youth workforce investment activities and describe how the local boards will take into consideration the ability of the providers to meet performance accountability measures based on primary indicators of performance for the youth program as described in section 116(b)(2)(A)(ii) of WIOA in awarding such grants or contracts.\***

\* Sec. 102(b)(2)(D)(i)(V)

The provider should be familiar with the local area; have a demonstrated record of success in provision of youth services and running youth programs. If the provider operates youth programs in other locations, the local area is advised to request the provider's history of performance results in order to assess the provider's ability to meet performance goals. In evaluating the

service providers, certain criteria such as the ability to meet performance goals should be weighted more heavily.

The criteria to be used in awarding grants for youth workforce investment activities:

Program management and organizational capacity; past outcomes; program design; program components; collaboration with other youth serving agencies; budget; leveraged resources and sustainability; employer and educational institution collaboration or partnerships; ability to meet the performance accountability measures based on performance indicators for youth.

In addition to ensure quality job-driven training programs

The Youth Program must be designed to;

a) Provide an objective assessment of the academic levels, skill levels, and service needs of each youth which shall include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs of such youth, for the purpose of identifying appropriate services and career pathways. A new assessment of a youth shall not be required if it is appropriate to use a recent assessment conducted by another education or training program.

b) Develop service strategies for each youth that are directly linked to one or more of the indicators of performance described in section 116(b)(2)(A)(ii) of WIOA, and that will identify career pathways that include education and employment goals (including, in appropriate circumstances, nontraditional employment), appropriate achievement objectives, and appropriate services for the youth taking into account the assessment conducted, except that a new service strategy it is appropriate to use a recent service strategy developed for the youth under another education or training program.

c) Provide the following:

i. activities leading to the attainment of a secondary school diploma or its recognized equivalent, or recognized postsecondary credential;

ii. preparation for postsecondary educational and training opportunities;

iii. strong linkages between academic instruction and occupational education that lead to the attainment of recognized postsecondary credentials;

iv. preparation for unsubsidized employment opportunities, in appropriate cases; and

v. effective connections to employers, including in-demand industry sectors and occupations of the local and regional labor market.

**Required Program Elements:** In order to support the attainment of a secondary school diploma or its recognized equivalent, entry into postsecondary education, and career readiness for youths, the program shall provide elements consisting of:

a) Tutoring, study skills training, instruction, and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential;

- b) Alternative secondary school services, or dropout recovery services, as appropriate;
- c) Paid and unpaid work experiences that have as a component academic and occupational education, which may include:
  - i. summer employment opportunities and other employment opportunities available throughout the school year;
  - ii. pre-apprenticeship programs;
  - iii. internships and job shadowing; and
  - iv. on-the-job training opportunities;
- d) Occupational skill training, which include priority consideration for training programs that lead to recognized postsecondary credentials that are aligned with in-demand industry sectors or occupations in the local area;
- e) Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;
- f) Leadership development opportunities, which may include community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors, as appropriate;
- g) Supportive services;
- h) Adult mentoring for the period of participation and a subsequent period, for a total of not less than 12 months;
- i) Follow-up services for not less than 12 months after the completion of participation, as appropriate;
- j) Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate;
- k) Financial literacy education;
- l) Entrepreneurial skills training;
- m) Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and
- n) Activities that help youth prepare for and transition to postsecondary education and training.

**Required Information and Referral: the youth provider** shall ensure that each youth shall be provided:

- a) Information on the full array of applicable or appropriate services that are available by the provider or other eligible providers; and
- b) Referral to appropriate training and educational programs that have the capacity to serve the youth either on a sequential or concurrent basis.

Additionally, in order to meet the basic skills and training needs of all youths, youths not meeting the enrollment requirements of a particular training program shall be referred for further assessment, as necessary, and to other appropriate programs which may be able to serve them on a sequential or concurrent basis.

Youth providers are required to negotiate performance goals with WDC under WIOA (which was also required under WIA) to assess the effectiveness in achieving continuous improvement of workforce investment activities funded under the WIOA and in order to optimize the return on investment of federal funds in workforce investment activities.

The primary indicators of performance for the youth program shall include, but are not limited to:

1. The percentage of program participants who are in education or training activities, or in unsubsidized employment, during the second quarter after exit from the program;
2. The percentage of program participants who are in education or training activities, or in unsubsidized employment, during the fourth quarter after exit from the program;
3. The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;
4. The percentage of program participants who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent, during participation in or within one year after exit from the program; and
5. The percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains toward such a credential or employment.

**Monitoring and Evaluation:** The local board and the provider shall implement sufficient procedures for annually monitoring this award to ensure the proper and effective expenditure of funds and the achievement of program goals.

**Data and Reporting Requirements:** The provider is required to submit separate program data and written monthly fiscal reports for the Youth Program to the WDC.

**2. Describe the strategies the State will use to achieve improved outcomes for out-of-school youth as described in 129(a)(1)(B), including how it will leverage and align the core programs, any Combined State Plan partner programs included in this Plan, required and optional one-stop partner programs, and any other resources available.**

Hawaii supports the federal vision focusing efforts on out-of-school-youth and those with the most difficult barriers to their becoming contributing members of society. The State's strategy for providing comprehensive, integrated services to eligible youth is to ask that LWDB's, as part of their local planning process, to prepare a comprehensive youth plan that (a) identifies the percent-age of youth funds allocated for older youth, (b) concentrates on the neediest youth described at the end of this section, and (c) formalizes coordination of local agencies, which could include:

- Adult Education and Family Literacy,

- Vocational Rehabilitation,
- Department of Education, Special Education Services Branch,
- Community Services Block Grant recipients,
- Housing & Urban Development employment and training programs,
- Job Corps,
- State Office of Youth Services,
- Family Court,
- Department of Human Services -Foster Care,
- TANF (Temporary Assistance for Needy Families),
- ALU LIKE, Inc.,
- faith-based organizations and community-based organizations,
- University of Hawaii Community College System, and
- State of Hawaii, Department of Defense (Youth Challenge and About Face).

Items covered in an interagency agreement will include a description of each agency's role in achieving the following for youth with disabilities, Youth in and Aging out of Foster Care, Youth Offenders, Children of Incarcerated Parents, Homeless Youth, Pregnant and Parenting Teens:

1. Partners' recruitment of out-of-school youth from housing projects, welfare families, entry level jobs, and malls,
2. Delivery of appropriate services to ameliorate risks,
3. GED test preparation,
4. Employment preparation,
5. Post-secondary education preparation,
6. Access to financial resources and support services to assist transition into post-secondary education, and
7. Follow up with mentoring and course correction.

As discussed before, Hawaii's apprenticeship programs, work-based learning, pre-apprenticeship programs will be included in the planning of Sector Strategies and Career Pathway committee. The information on these programs is available to all case managers at AJCs and core partners so that those programs may be considered for the individual's plan. Information is also posted on the WDD website. Cross-training for staff of AJCs, Adult Education, and Vocational Rehabilitation will help to ensure participant access to these programs.

The Local Boards are responsible for the performance outcomes of their service providers. Quarterly reports will be generated by the PMIS. Consistent management will help providers and the Local Boards respond to low performance in a timely manner. The provider and the Local Board should identify the causes of the underperformance and determine if technical assistance, training, or other assistance is necessary and identify a course of action. Follow up evaluations and performance goals should also be set. Written assessments of progress and of the performance issues should also be sent to the WDC. WDC's Performance Measures and Accountability committee will be reviewing the performance outcomes for each local area. This committee will also ensure that corrective action is taken and that performance improves.



**3. Describe how the state will ensure that all 14 program elements described in WIOA section 129(c)(2) are made available and effectively implemented, including quality pre-apprenticeship programs under the work experience program element.\***

\* Sec. 102(b)(2)(D)(i)(I)

Although individual youth participants need not participate in all 14 program service elements. Participation in the program service elements is based on a youth's objective assessment and individual service strategy. Local grant recipients do not need to provide all 14 program service elements with WIOA funds if certain services are already accessible for all eligible youth in the local area. Local areas should identify the extent to which the 14 program service elements are available or already being provided in the local area through a combination of resource mapping, competitive selection of providers, or through community partnerships.

Each local board will be responsible for mapping the 14 program service elements and how and where the programs are provided. The information will be available to AJC case managers and to all core partners and AJC Partners. Cross-training for staff of AJCs, Adult Education, and Vocational Rehabilitation will help to ensure participant access to all program elements. Through monitoring, analyzing quarterly reports, and periodic review of case files, WDC will provide program oversight to ensure that participants are able to access the required program elements.

**4. Provide the language contained in the State policy for “requiring additional assistance to enter or complete an educational program, or to secure and hold employment” criterion for out-of-school youth specified in WIOA section 129(a)(1)(B)(iii)(VIII) and for “requiring additional assistance to complete an education program, or to secure and hold employment” criterion for in-school youth specified in WIOA section 129(a)(1)(C)(iv)(VII). If the state does not have a policy, describe how the state will ensure that local areas will have a policy for these criteria.**

Local Boards are responsible for establishing local definitions and eligibility documentation requirements for “requires additional assistance” as it relates to both out-of-school youth (OSY) and in-school youth (ISY). The local policy must be reasonable, quantifiable, and based on evidence that the specific characteristic of the youth identified in the policy objectively requires additional assistance. Examples could include, but are not limited to, the following:

- Has repeated at least one secondary grade level or are one year over age for grade.
- Has a core grade point average (GPA) of less than 1.5.
- For each year of secondary education, are at least two semester credits behind the rate required to graduate from high school.
- Is an emancipated youth.
- Has aged out of foster care.
- Is a dropout or has been suspended five or more times or has been expelled.
- Has received court/agency referrals mandating school attendance.
- Is deemed at risk of dropping out of school by a school official.

- Has been referred to or are being treated by an agency for a substance abuse related problem.
- Has experienced recent traumatic events, are victims of abuse, or reside in an abusive environment as documented by a school official or other qualified professional.
- Has serious emotional, medical or psychological problems as documented by a qualified professional.
- Is gang affiliated.
- Is a refugee/immigrant.
- Has a family history of chronic unemployment.
- Has a substance abuse problem or has a history of having such a problem
- Has a parent or legal guardian who is incarcerated

**5. Include the State definition, as defined in law, for not attending school and attending school as specified in WIOA Section 129(a)(1)(B)(i) and Section 129(a)(1)(C)(i). If State law does not define “not attending school” or “attending school,” indicate that is the case and provide the state policy for determining whether a youth is attending or not attending school.**

Hawaii State Statute: §302A-1132 Attendance compulsory; exceptions.

(a) Unless excluded from school or excepted from attendance, all children who will have arrived at the age of at least five years on or before July 31 of the school year, and who will not have arrived at the age of eighteen years, by January 1 of any school year, shall attend either a public or private school for, and during, the school year, and any parent, guardian, or other person having the responsibility for, or care of, a child whose attendance at school is obligatory shall send the child to either a public or private school. Attendance at a public or private school shall not be compulsory in the following cases:

Where the child is physically or mentally unable to attend school (deafness and blindness excepted), of which fact the certificate of a duly licensed physician shall be sufficient evidence;

Where the child, who has reached the fifteenth anniversary of birth, is suitably employed and has been excused from school attendance by the superintendent or the superintendent’s authorized representative, or by a family court judge;

Where, upon investigation by the family court, it has been shown that for any other reason the child may properly remain away from school; Where the child has graduated from high school;

Where the child is enrolled in an appropriate alternative educational program as approved by the superintendent or the superintendent’s authorized representative in accordance with the plans and policies of the department, or notification of intent to home school has been submitted to the principal of the public school that the child would otherwise be required to attend in accordance with department rules adopted to achieve this result; or

Where: (A) The child has attained the age of sixteen years; (B) The principal has determined that: (i) The child has engaged in behavior which is disruptive to other students, teachers, or staff; or (ii) The child’s non-attendance is chronic and has become a significant factor that hinders the child’s learning; and (C) The principal of the child’s school, and the child’s teacher or counselor, in consultation with the child and the child’s parent, guardian, or other adult having

legal responsibility for or care of the child, develops an alternative educational plan for the child. The alternative educational plan shall include a process that shall permit the child to resume school. The principal of the child's school shall file the plan made pursuant to subparagraph (C) with the child's school record. If the adult having legal responsibility for or care of the child disagrees with the plan, then the adult shall be responsible for obtaining appropriate educational services for the child.

(b) Any employer who employs a child who is excused from school attendance in accordance with subsection (a)(2) shall notify the child's school within three days upon termination of the child's employment.

(c) Beginning with the 2016-2017 school year, any parent, guardian, or other person having the responsibility for, or care of, a child who will be at least five years of age on or before July 31 of the school year shall enroll the child in a public school kindergarten unless the child is enrolled at a private school or the child's attendance is otherwise exempt under this section. [L 1996, c 89, pt of §2 and am c 162, §2; am L 2014, c 76, §3]

In addition to the State statute, WDC uses the following criteria for out-of-school youth: Out-of-School youth means an individual who is: not attending any school (as defined under State law); not younger than age 16 or older than age 24; and one or more of the following: a school dropout; a youth who is within the age of compulsory school attendance but has not attended school for at least the most recent complete school year calendar quarter; a recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is either basic skills deficient or an English language learner; an individual who is subject to the juvenile or adult justice system; a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994); a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act, or in an out-of-home placement; an individual who is pregnant or parenting; a youth who is an individual with a disability; a low-income individual who requires additional assistance to enter or complete an education program or to secure or hold employment.

**6. If using the basic skills deficient definition contained in WIOA Section 3(5)(B), include the State definition which must further define how to determine if an individual is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society. If not using the portion of the definition contained in WIOA Section 3(5)(B), indicate that is the case.**

The State will use the WIOA definition.

#### **d. Single-area State Requirements**

In States where there is only one local workforce investment area, the governor serves as both the State and local chief elected official. In such cases, the State must submit any information required in the local plan (WIOA section 106(d)(2)). States with a single workforce area must include—

- 1. Any comments from the public comment period that represent disagreement with the Plan. (WIOA section 108(d)(3).)**
- 2. The entity responsible for the disbursement of grant funds, as determined by the governor, if different from that for the State. (WIOA section 108(b)(15).)**
- 3. A description of the type and availability of WIOA title I Youth activities and successful models, including for youth with disabilities. (WIOA section 108(b)(9).)**

Not applicable

- 4. A description of the roles and resource contributions of the one-stop partners.**
- 5. The competitive process used to award the subgrants and contracts for title I activities.**
- 6. How training services outlined in section 134 will be provided through individual training accounts and/or through contracts, and how such training approaches will be coordinated. Describe how the State will meet informed customer choice requirements regardless of training approach.**
- 7. How the State Board, in fulfilling Local Board functions, will coordinate title I activities with those activities under title II. Describe how the State Board will carry out the review of local applications submitted under title II consistent with WIOA secs. 107(d)(11)(A) and (B)(i) and WIOA sec. 232.**
- 8. Copies of executed cooperative agreements which define how all local service providers will carry out the requirements for integration of and access to the entire set of services available in the one-stop delivery system, including cooperative agreements with entities administering Rehabilitation Act programs and services.**

#### **e. Waiver Requests (optional)**

States wanting to request waivers as part of their title I-B Operational Plan must include a waiver plan that includes the following information for each waiver requested:

- 1. Identifies the statutory or regulatory requirements for which a waiver is requested and the goals that the State or local area, as appropriate, intends to achieve as a result of the waiver and how those goals relate to the Unified or Combined State Plan;**
- 2. Describes the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers;**
- 3. Describes the goals of the waiver and the expected programmatic outcomes if the request is granted;**

**4. Describes how the waiver will align with the Department’s policy priorities, such as:**

- A. supporting employer engagement;**
- B. connecting education and training strategies;**
- C. supporting work-based learning;**
- D. improving job and career results, and**
- E. other guidance issued by the Department.**

**5. Describes the individuals affected by the waiver, including how the waiver will impact services for disadvantaged populations or individuals with multiple barriers to employment; and**

**6. Describes the processes used to:**

- A. Monitor the progress in implementing the waiver;**
- B. Provide notice to any local board affected by the waiver;**
- C. Provide any local board affected by the waiver an opportunity to comment on the request;**
- D. Ensure meaningful public comment, including comment by business and organized labor, on the waiver.**
- E. Collect and report information about waiver outcomes in the State’s WIOA Annual Report**

**7. The Secretary may require that States provide the most recent data available about the outcomes of the existing waiver in cases where the State seeks renewal of a previously approved waiver;**

The State will make waiver requests as necessary.

### **Title I-B Assurances**

The State Plan must include assurances that:

1. The State has implemented a policy to ensure Adult program funds provide a priority in the delivery of training services and individualized career services to individuals who are low income, public assistance recipients and basic skills deficient;   Yes
2. The State has implemented a policy to ensure local areas have a process in place for referring veterans with significant barriers to employment to career services provided by the JVSG program’s Disabled Veterans’ Outreach Program (DVOP) specialist;   Yes
3. The state established a written policy and procedure that set forth criteria to be used by chief elected officials for the appointment of local workforce investment board members.   Yes

4. The State established written policy and procedures to ensure local workforce investment boards are certified by the governor every two years in accordance with WIOA section 107(c)(2). Yes
5. Where an alternative entity takes the place of a State Board, the State has written policy and procedures to ensure the alternative entity meets the definition under WIOA section 101(e) and the legal requirements for membership. Yes
6. The State established a written policy and procedure for how the individuals and entities represented on the State Workforce Development Board help to determine the methods and factors of distribution, and how the State consults with chief elected officials in local areas throughout the State in determining the distributions. Yes
7. The State will not use funds received under WIOA Title I to assist, promote, or deter union organizing in accordance with WIOA section 181(b)(7). Yes
8. The State distributes adult and youth funds received under WIOA equitably throughout the State, and no local area suffers significant shifts in funding from year-to-year during the period covered by this plan. Yes
9. If a State Workforce Development Board, department, or agency administers State laws for vocational rehabilitation of persons with disabilities, that board, department, or agency cooperates with the agency that administers Wagner-Peyser services, Adult and Dislocated Worker programs and Youth Programs under Title I. Yes
10. The State agrees to report on the impact and outcomes of its approved waivers in its WIOA Annual Report. Yes
11. The State has taken appropriate action to secure compliance with the Uniform Guidance at 2 CFR 200 and 2 CFR 2900, including that the State will annually monitor local areas to ensure compliance and otherwise take appropriate action to secure compliance with the Uniform Guidance under section WIOA 184(a)(3); Yes