Summer Youth Employment Program Technical Assistance Guide

County of Los Angeles

Community and Senior Services

Workforce Investment Act/

American Recovery and Reinvestment Act

County of Los Angeles

Workforce Investment Act/
American Recovery and Reinvestment Act
Summer Youth Employment Program
Technical Assistance Guide

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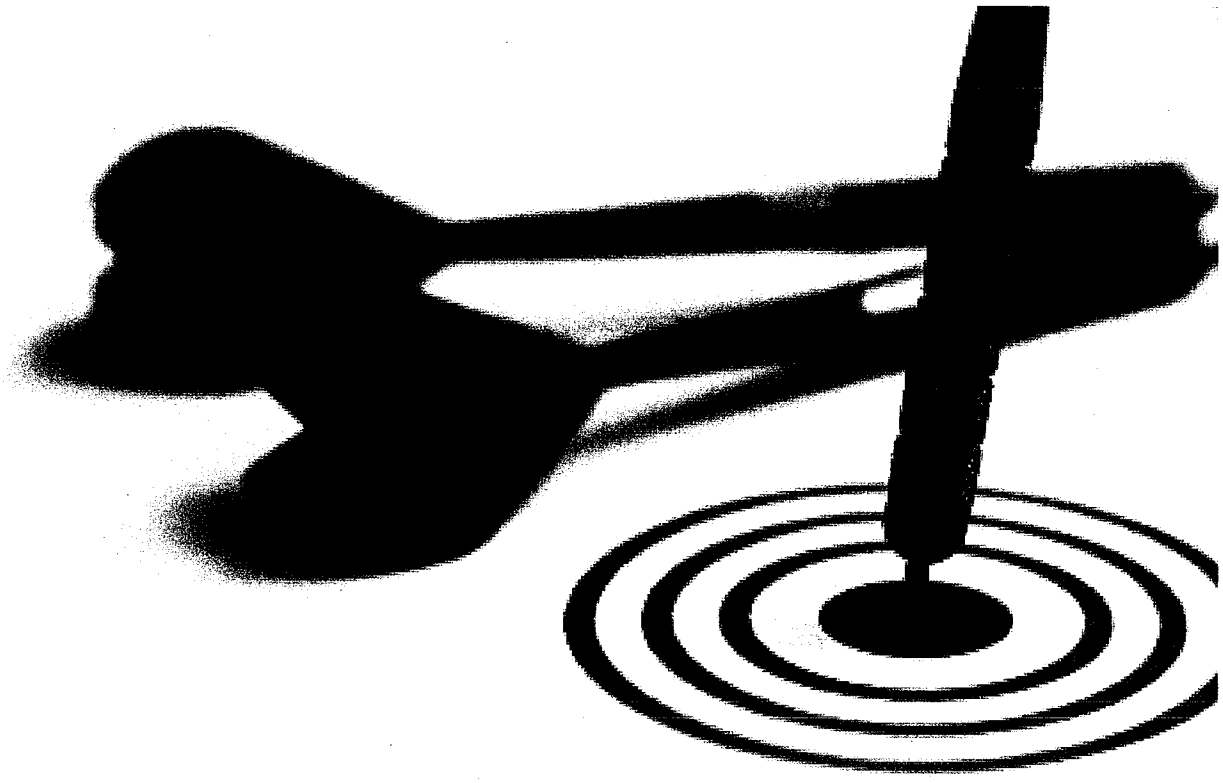
Overview of Program Goals and Requirements



CYNTHIA D. BANKS
Director

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OF LOS ANGELES COUNTY

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Workforce Investment Act (WIA) American Recovery and Reinvestment Act (ARRA) Stimulus Funding Implementation Plan

The American Recovery and Reinvestment Act of 2009 provides significant funding for WIA to support employment and training services as part of comprehensive program to stimulate the U.S. economy. The County requires an effective plan to utilize WIA Stimulus funding and to achieve the training, services and employment objectives envisioned under ARRA.

The following is a summary of the Community and Senior Services (CSS) Implementation Plan for WIA Stimulus Funding under ARRA.

Major Legislative Features and Requirements

Major WIA features of the ARRA legislation to be considered in planning include:

Funding Levels

ARRA will make available $2,950,000,000 across the nation for use under WIA formula grant programs. Based on California's share of the federal Stimulus funding, the State Employment Development Department (EDD) has announced that Los Angeles County will receive a total of $33,698,736:

- Adult Program $6,428,170
- Dislocated Worker Program $11,136,697
- Youth Program $14,920,052
- Rapid Response $1,213,817

Program Timeframe

WIA funds provided under ARRA are considered PY 2008 funds and, therefore, must be expended by the end of PY 2010 (June 30, 2011). However, all federal guidance issued to date regarding the WIA Stimulus program emphasizes that it is Congress' intent, as well as that of the administration, that the majority of these funds be utilized within the first year of availability. The U.S. Department of Labor (DOL) has also made

clear that it expects that local areas will use a significant portion of Youth funds for Summer Employment Program activities and that these funds must be in utilized in the summer of 2009.

While official notification from the State regarding the point at which local areas can incur WIA costs under ARRA is still pending, recent federal guidance indicates that:

"Pursuant to the Recovery Act, the period of availability for WIA and Wagner-Peyser funds is February 17, 2009 through the end of PY 2010 (June 30, 2011), in accordance with existing terms and conditions of the PY 2008 funding agreement."

Target Groups/Service Levels

WIA funds provided under ARRA are made available through the traditional three funds streams that serve the following groups:

Adults: The WIA Adult program serves individuals 22 or over. However, individuals 22 through 24 may also be served under ARRA's WIA Youth Program. Basic eligibility requirements for Adults include documentation of right to work and Selective Service registration for males born on or after January 1, 1960. However, ARRA requires that the priority use of WIA Adult program funds shall be for services to recipients of public assistance and other low income individuals.

Dislocated Workers: Individuals in this category are, generally, those who have been terminated or laid off or have received such notice; are eligible for and have exhausted entitlement to unemployment compensation; and are unlikely to return to a previous industry or occupation.

Youth: Traditionally, this group includes eligible individuals, ages 14 through 21. However, ARRA extends the age of youth to 24 to allow programs to reach young adults who have become disconnected from both education and the labor market. Eligible youth are those who meet WIA income criteria and demonstrate specific barriers to employment.

In addition, ARRA funding will supplement the County's current WIA Rapid Response resources, which are directed to providing early intervention and assistance to workers facing lay-offs.

Performance and Outcomes

All federal guidance indicates that WIA Stimulus funds should be spent quickly and effectively. Furthermore, States and local areas must ensure that funds are utilized for allowable activities that result in increased employment, skills attainment, wages and other WIA outcomes. The "common measures" currently used to evaluate WIA performance remain in place. Only the Summer Employment Program for youth is exempt. This program is subject to a single performance goal: Work Readiness.

CSS Plan for Delivery of Services

Because of clear and definitive expectations at all levels of government that ARRA's WIA funds be spent expeditiously and effectively, Recovery Act WIA services will be delivered through existing CSS WIA systems and providers, pursuant to the WIB's ARRA Policy No. 1 (described on Page 6, herein):

Adult and Dislocated Worker Programs

WIA requires that a one-stop system be established as the mechanism for job seekers to access core, intensive and training services. ARRA makes no changes to delivery system requirements. Even prior to the implementation of WIA, a network of one-stops was established in the County; the WorkSource Centers. Pursuant to the WIB's recent policy actions, the County will utilize its recently procured centers to deliver WIA Adult and Dislocated Worker services under the Stimulus program.

Emphasis for the WIA Adult and Dislocated Workers Stimulus Funding includes occupational training with institutional/classroom programs delivered by public and private schools on the WIA Eligible Training Provider List (I-TRAIN) and work-based programs, which include customized training and on-the job training (OJT) programs.

Youth Programs

A significant portion of the WIA Youth Stimulus funding will create and expand subsidized work experience opportunities for Youth during the summer of 2009. WIA funding will also offer youth traditional educational and career development services throughout the duration of the grant. The WIB has approved the use of the current 17 youth providers, all of which were competitively procured in 2008.

Rapid Response

The County's WIA Rapid Response program is designed to quickly respond to workers facing layoff due to business closures and mass layoffs by providing on-site assistance, information and support. In partnership with State EDD representatives and providers of other services, the County's Rapid Response contractors make on-site contact with employers, organized labor representatives, and employees to ensure that workers affected by layoffs have access to a full range of resources to ease the impact of dislocation and to promote their reemployment. Whenever possible, the program also seeks to avert layoffs, by linking businesses with economic development and business assistance resources. The County will utilize recently procured contractors to deliver Rapid Response Services funded by ARRA.

Special County Projects, Priorities and Initiatives

In order to coordinate the WIA program with other County ARRA efforts and plans, CSS will implement the WIA Stimulus Plan summarized above in connection with the following projects, priorities and initiatives.

WIB Industry-Based Training Priority

As indicated in the WIB's ARRA Policy No. 3 (page 7 herein), forty-five percent (45%) of all WIA-ARRA Adult and Dislocated funds will be reserved for a combination of training and support/needs-based payments. The WIB will identify targeted industry sectors, which responds to employers' training needs, to be given priority.

DPSS Subsidized Employment Project

On March 3, 2009, Supervisor Knabe introduced a motion that the County CEO determine the feasibility of coordinating 10,000 employment opportunities for DPSS CalWORKS and non-CalWORKS clients with County departments, private sector businesses, non-profit organizations and local municipalities. The CEO's proposal would include a role for CSS and its WIA program to provide occupational training to some of the individuals served by the DPSS TANF TSE Program and make referrals to appropriate employment opportunities. The CEO's proposal would also have the CSS WIA Summer Youth Program provide subsidized employment opportunities for DPSS TANF and GR youth in work experience and internship positions in County departments and with other public and private agencies. CSS would serve as the coordinator for the work experience positions identified by all the County departments for this project and would be the liaison between County departments and the DPSS TSE contractor, as well as WIA contractors.

County Vendor Hiring Requirements

On February 24, Supervisor Ridley-Thomas directed the CEO to develop recommendations to ensure that contractors and vendors who seek to do business with the County be required to provide jobs, job training and similar programs with at-risk youth.

Florence-Firestone Demonstration Project

The WIB has allocated $130,000 to the Florence-Firestone Demonstration Project to provide intensive workforce development services to youth and adults in this community. The CEO has requested that additional resources for project be identified through WIA Stimulus funds. The WIB is, therefore, requested to allocate $450,000 from the WIA Stimulus funds, effective July 2009.

High-Growth and High-Demand Jobs Initiative

As ARRA emphasizes the need to target high-growth/high-demand occupations, including green jobs/skills, higher education providers such as the community colleges and universities (including the University of Southern California) may make available such training to WIA participants. County WIA contractors would access these training programs on behalf of their clients through the existing Individual Training Account (ITA) system available through I-TRAIN.

General Relief Job Training Project

Currently there are more than 5,000 young adults between the ages of 18 and 24 who are on the County's General Relief Case Load. Youth in this category have the need for intensive employment readiness, career development and occupational skills training services. Working closely with DPSS, CSS will ensure that such youth are referred to WIA providers receiving Recovery Act funding.

Coordination with County-Wide Gang Suppression Strategy

On January 6, 2009, the County Board of Supervisors approved the development of a comprehensive prevention, intervention and suppression strategy, aimed at reducing gang membership and violence. Strategies will be piloted in four areas of the County: Florence/Firestone; Harbor Gateway, Pacoima and Monrovia/Duarte. The County will coordinate with WIBs serving these communities to promote the use of WIA/ARRA services to help limit gang affiliation and activities, particularly among youth.

Coordination of WIA and Older American Act Title V Employment Programs

As CSS administers employment programs funded under both WIA and Title V of the Older Americans Act, the CEO has requested that the department and the WIB develop strategies to coordinate Stimulus-funded activities between the two programs in order to ensure that mature workers receive the necessary services and support to benefit from employment opportunities identified under ARRA.

Regional Coordination

The County, CSS and the WIB are committed to participating in regional planning on the use of WIA Stimulus funds, which will include working with the Los Angeles Regional Workforce Collaborative, headed by the Los Angeles Chamber of Commerce. In addition, working with the Department of Human Resources (DHR) and all County departments, CSS will coordinate subsidized employment opportunities available within County departments among all seven WIBs in the County for projects such as the WIA Summer Youth Employment Program as well as the TANF TSE project.

Major Program Planning and Implementation Benchmarks

Significant benchmarks in the process to prepare for the utilization of WIA Stimulus funds and the delivery of services to eligible job seekers within the County will include, at minimum, the following actions at the federal, State and local levels:

Benchmark	***Dates***
• ARRA signed into law	02/17/09
• U.S. DOL responsible for implementing WIA/ARRA program	On-Going
• Funds allotted to States (within 30 days of signing)	03/17/09
• Funds allotted to local areas	04/10/09
• L.A. County WIA/ARRA Program Public Forums begin	04/21/09
• WIA Stimulus Program end date	06/30/11

Workforce Investment Board Policies

The following WIA Stimulus policies were approved by the Los Angeles County Workforce Investment Board (WIB) on April 2, 2009. The WIB established these policies to support implementation of the plan described herein.

Policy 1: Utilize Recently Procured Service Providers to Deliver WIA/ARRA (All Programs)

The County must quickly and effectively select providers to deliver services under the WIA Stimulus-funded Adult, Dislocated Worker and Youth programs. U.S. DOL Training and Employment Notice (TEN) No. 30-08, provides the following guidance:

"States and local areas should explore expedited procurement processes under current state and local law. Where existing processes are a barrier to rapid implementation, states and local areas may contact ETA regional offices to explore the use of waivers to facilitate the rapid implementation of summer employment."

In accordance with this guidance, the WIB approved the use of existing Adult/Dislocated Worker and Youth service providers (procured within the last two years) to deliver WIA/ARRA services. Youth providers will be used to deliver both traditional (year-round) services and services under the stand-alone WIA Summer Employment Program authorized under ARRA.

Policy 2: Implement the WIB's Policy on Priority Services to Recipients of Public Assistance and Other Low Income Individuals for WIA/ARRA Funds (Adult Program)

The section of the ARRA statute concerning the allocation to the WIA Adult program indicates that "priority use of these funds shall be to individuals described in 134(d)(4)(E) of the WIA." Such individuals include recipients of public assistance and

other low-income individuals. Therefore, the WIB approved implementation of its existing "priority service" policy for the WIA/ARRA Adult Program, which states:

Process by which the priority for adult intensive and training services will be applied: WIA section 134(d)(4)(E) and corresponding Federal Regulations section 663.600 establish the need for WIBs to have a system of priority for services to adults when a determination has been made that funds are limited in a local area. When funds to a local area are deemed limited, priority for services to adults must be given to recipients of public assistance and other low-income individuals.

Unless the LACWIB specifically communicates in writing to stakeholders, contractors and the community at-large that funds are limited, any adult may be eligible for intensive and/or training services under the County's WIA program.

When the LACWIB formally communicates that WIA funds are limited, for a prescribed time period, a Priority of Service system will be utilized that mandates:

- *A minimum of seventy percent (70%) of the adults enrolled in intensive or training services be recipients of public assistance or low-income individuals not earning more than 200% of the federally recognized poverty guidelines.*
- *A maximum of thirty percent (30%) of the enrolled adults in intensive or training services could include any individual, regardless of barriers or income status.*

All participants, regardless of target group, will be selected based on his/her appropriateness for service and ability to successfully complete the intensive and/or training services to be provided.

Policy 3: Designate Forty-Five Percent of Funds Specifically for Training and Supportive Services/Needs-Related Payments (Adult and Dislocated Worker Programs)

DOL TEN No. 30-08, which provides initial guidance on the use of WIA funds under ARRA, states:

"Both the Recovery Act and the Conference Report language emphasize that employment and training funds should be primarily spent on services and training and ETA expects states and local areas to keep administrative expenditures to a minimum."

Furthermore, DOL Training Employment and Guidance Letter (TEGL) 14-08 discusses the need to ensure that supportive services and needs-related payments are available to participants. Because of the nature of our nation's changing economy, many unemployed job seekers may need training to increase their skills and gain employment. ETA encourages states and local areas to establish policies that assure that supportive services and needs-related payments are available to job seekers.

Based on DOL guidance regarding the need to emphasize training and need-related/support services under WIA/ARRA programs, the WIB approved a policy requiring that a minimum of forty-five percent (45%) of contracted Adult and Dislocated Worker funds be used for these purposes. Training includes institutional/classroom programs delivered by public and private schools on WIA Eligible Training Provider List (I-TRAIN), work-based programs, which include customized training and on-the-job (OJT) training programs, and other training services authorized under WIA. Needs-related payments and supportive services will be delivered in accordance with the WIA statute and regulations and local policy directives.

Policy 4: Designate a Minimum of Forty Percent of WIA/ARRA Youth Funds for Out of School Youth (Youth Program)

While WIA requires that a minimum 30% of the funds be used for out of school youth, the WIB approved a policy requiring that a minimum of forty percent (40%) of WIA/ARRA Youth Programs funds be utilized for out of school youth.

Policy 5: Designate Eighty Percent of WIA/ARRA Youth Funds for Summer Youth Employment activities. (Youth Program)

DOL is also encouraging local areas to provide as many youth as possible with summer employment opportunities. DOL TEN No. 30-08 states the following regarding utilization of ARRA funds for WIA Youth activities

"The Recovery Act expressly indentifies summer employment for youth as a use of the WIA Youth formula funds and the legislative history clearly provides that 'the conferees are particularly interested in these funds being used to create summer employment opportunities for youth.' ETA strongly encourages states and local areas to use a significant portion of these funds to operate expanded youth employment opportunities during the summer of 2009."

In accordance with this guidance, the WIB approved a requirement that eighty percent (80%) of WIA/ARRA Youth funds be allocated for Summer Youth Employment activities, as defined within guidance notices/letters published by DOL.

Policy 6: Ensure Contractor Review of Private Sector Work Experience Sites (Youth Program)

DOL TEGL 14-08 indicates that local areas should consider a combination of public sector, non-profit and private sector summer employment opportunities. ETA recommends adopting selection criteria to ensure that one employer is not favored at the expense of another employer. Therefore, the WIB approved a policy requiring that, prior to entering into Youth Summer Employment Program agreements with private sector employers, contractors must evaluate the capacity of such sites to provide a quality work experience and ensure that one employer is not favored at the expense of another employer.

Policy 7: Support for Special County WIA/ARRA Projects and Initiatives (All Programs)

The County seeks to provide coordinated services to its residents and to maximize efficiencies whenever possible. To this end, WIA Stimulus funding and services must be integrated and coordinated with other County ARRA efforts and plans. Therefore, the WIB approved a policy indicating that the special County projects and initiatives described herein should be supported by WIA/ARRA funds.

On April 24, 2009, the WIB approved the following policies:

Policy 8: Priority Service for Mature Workers (Adult and Dislocated Worker Programs)

The Los Angeles County WIB is at the forefront of national workforce development programs in recommending strategies to better serve mature workers in connection with WIA program and services. The WIB has established a Mature Worker Council to review and suggest policies on matters connected to the aging of the workforce in many industries and the employment and training needs of mature workers. Therefore, the WIB approved a policy indicating that five percent (5%) of all WIA/ARRA Adult and Dislocated Program funds be expended on services for eligible participants who are mature workers, which the WIB's Mature Worker Council has defined as individuals who are 45 or older.

Policy 9: Priority Service for Veterans (Adult and Dislocated Worker Programs)

Over the last several years, the County WIB has made a number of efforts to promote services to veterans and has convened various organizations providing workforce services to veterans to discuss methods for improving service delivery to this important target group. The availability of WIA/ARRA funds will increase opportunities for veterans to receive needed job training and placement assistance. Therefore, the WIB approved a policy indicating that five percent (5%) of all WIA/ARRA Adult and Dislocated Program funds be expended on services for eligible participants who are veterans.

April 29, 2009
(CountyWIAStimulusPlan-Version11)

County of Los Angeles
Workforce Investment Board

WIA/ARRA Youth Program Policies

1.	**Designate a Minimum of Forty Percent of WIA/ARRA Youth Funds for Out of School Youth**

While WIA requires that a minimum 30% of the funds be used for out of school youth, the WIB approved a policy requiring that a minimum of forty percent (40%) of WIA/ARRA Youth Programs funds be utilized for out of school youth.

Approved: April 2, 2009

2.	**Designate Eighty Percent of WIA/ARRA Youth Funds for Summer Youth Employment activities.**

DOL is also encouraging local areas to provide as many youth as possible with summer employment opportunities. DOL TEN No. 30-08 states the following regarding utilization of ARRA funds for WIA Youth activities

"The Recovery Act expressly indentifies summer employment for youth as a use of the WIA Youth formula funds and the legislative history clearly provides that 'the conferees are particularly interested in these funds being used to create summer employment opportunities for youth.' ETA strongly encourages states and local areas to use a significant portion of these funds to operate expanded youth employment opportunities during the summer of 2009."

In accordance with this guidance, the WIB approved a requirement that eighty percent (80%) of WIA/ARRA Youth funds be allocated for Summer Youth Employment activities, as defined within guidance notices/letters published by DOL.

Approved: April 2, 2009

3.	**Ensure Contractor Review of Private Sector Work Experience Sites**

DOL TEGL 14-08 indicates that local areas should consider a combination of public sector, non-profit and private sector summer employment opportunities. ETA recommends adopting selection criteria to ensure that one employer is not favored at the expense of another employer. Therefore, the WIB approved a policy requiring that, prior to entering into Youth Summer Employment Program agreements with private sector employers, contractors must evaluate the capacity of such sites to provide a quality work experience and ensure that one employer is not favored at the expense of another employer

Approved: April 2, 2009

County of Los Angeles
Workforce Investment Board

WIA/ARRA Summer Youth Employment Program (SYEP)

Useful References/Web Sites

1.	U.S. Department of Labor Employment and Training Administration ARRA Site
http://www.doleta.gov/recovery/	

2.	California Employment Development Department ARRA Site
http://www.edd.ca.gov/Jobs_and_Training/California_recovery.htm	

3.	California Workforce Association (CWA)
http://www.calworkforce.org/	

4.	CWA Wiki Page on Summer Youth Employment
http://summeryouth.pbworks.com/	

5.	American Recovery and Reinvestment Act (Official Site)
http://www.recovery.gov/	

6.	National Association of Workforce Development Professionals
www.nawdp.org	

7.	National Association of Workforce Boards
www.nawb.org	

8.	U.S. Department of Labor Employment and Training Administration Youth Site
www.doleta.gov/Youth_services/eta_default.cfm	

9.	WorkSource California
www.worksourcecalifornia.com/	

Recruitment

County of Los Angeles

Workforce Investment Act/American Recovery and Reinvestment Act
Summer Youth Employment Program

	Center Name	Address	Phone	Fax	Contact	Email
1	Career Partners - Rosemead	3505 N. Hart Avenue, Rosemead, CA 91770	(626) 569-1106	(626) 569-1181	Johnene Leyba	jleyba@careerpartners.org
2	Archdiocesan Youth Employment Services of Catholic Charities of Los Angeles, Inc.	3250 Wilshire Boulevard, Suite 1010, Los Angeles, CA 90010	(213) 736-5456	(213) 736-5654	Robert Gutierrez	Robert@aye-la.org
3	City of Compton	700 North Bullis Road, Compton, CA 90221	(310) 605-3060	(310) 605-3067	Kimberly McKenzie	kmckenzie@comptoncity.org
4	Communities in School	17625 South Central Avenue #E, Carson, CA 90746	(310) 637-7422	(310) 638-2965	Artricia Woods	Artricia @aol.com
5	Hub Cities	2677 Zoe Avenue, Huntington Park, CA 91255	(323) 586-4700	(323) 586-3553	Jeff Kennelly	kennelly@hubcities.org
6	Maravilla Foundation	5729 Union Pacific Avenue, Commerce, CA 90022	(323) 869-4549	(323) 721-0356	Alex Sotomeyer	Alexsot@aol.com
7	Southeast Area Social Services Funding Authority (SASSFA)	10400 Pioneer Boulevard, Santa Fe Springs, CA 90670	(562) 946-2237	(562) 321-6190	Kirk Kain	kkain@sassfa.org
8	East San Gabriel Consortium (L.A.Works)	5200 Irwindale Ave. Irwindale,CA 91706	(626) 960-3964 Ext. 2246	(626) 962-0064	Shelly Laddusaw	shelly.laddusaw@laworks.org
9	Asian American Drug Abuse Program, Inc. (AADAP)	5318 S. Crenshaw Blvd., Los Angeles, CA 90043	(323) 293-6284	(323) 295-4075	Mike Watanabe – E.D.	miwat@aadapinc.org
10	Door of Hope	1414 S. Atlantic Blvd., Los Angeles, CA 90022	(323)262-2777	(323) 262-3610	Shirley A. Melendez – E.D.	melendezshirley@yahoo.com
11	Goodwill Industries	342 San Fernando Road, Los Angeles, CA 90031	(323) 223-1211	(323) 539-2049	Robert Soule – E.D.	rsoule@goodwillsocal.org
12	Jewish Vocational Services (JVS)	6505 Wilshire Blvd. ,Los Angeles, CA 90048	(323) 761-8888	(323) 761-8581	Angie Cooper- P.M.	acooper@jvsla.org
13	L.A. County Office of Education (LACOE)	3055 Wilshire Blvd., Suite 1100, Los Angeles, CA 90010	(562) 803-8203	(213) 637-3117	Williams Elkins – E.D.	elkins_bill@lacoe.edu
14	Mexican American Opportunities Foundation (MAOF)	972 S. Goodrich Blvd., Commerce, CA 90022	(323) 890-1555	(323) 890-1556	Enrique Aranda – E.D	earanda@maof.org
15	Special Services for Groups (SSG)	19401 S. Vermont Avenue, Suite A-200, Torrance, CA 90502	(310) 323-6887	(310) 323-1570	Sarah Bream – P.M.	srbream@aol.com
16	Watts Labor Community Action Center (WLCAC)	10950 S. Central Avenue, Los Angeles, CA90059	(323) 563-5639	(323) 566-7211	Timothy Watkins – E.D.	timothy@wlcac.org

WIA/ARRA Summer Youth Employment Program (SYEP)

Target Groups

In conducting outreach and recruitment for their Summer Youth Employment Programs, contractors should make every effort to coordinate with County agencies to identify and enroll WIA-eligible youth from the following categories.

- Foster Youth
- Probation Youth
- CalWORKS Youth
- Gang-Affiliated Youth

A cross-referral relationship should be established and maintained with agencies responsible for serving these youth.

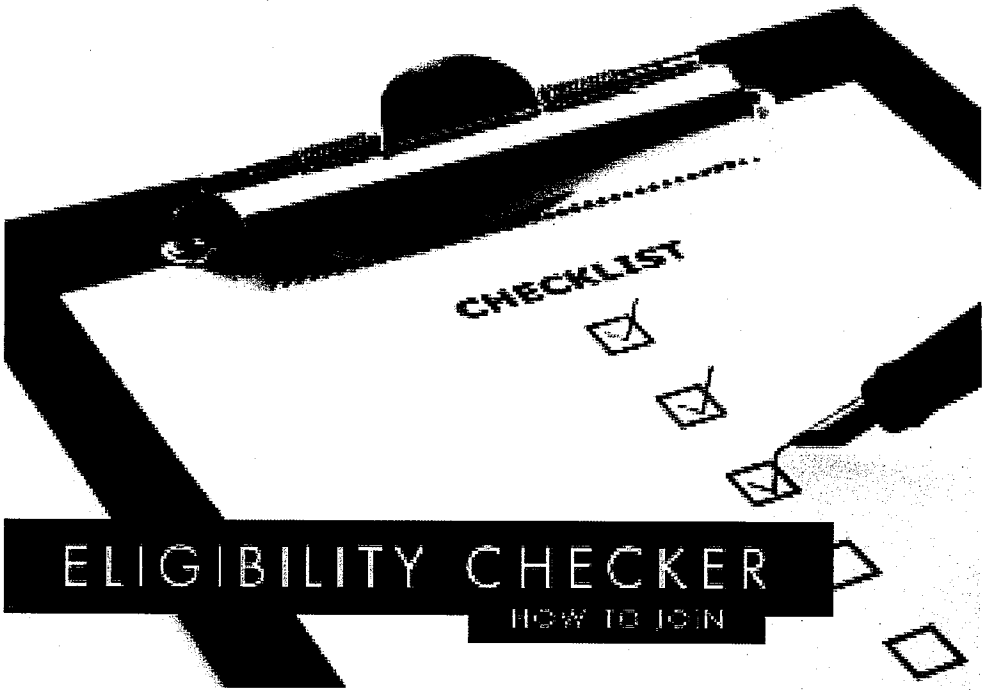
County of Los Angeles
WIA/ARRA Summer Youth Employment Program (SYEP)

County Vendor At-Risk Youth Hiring Priority

On February 24, 2009, Supervisor Ridley-Thomas directed the County's Chief Executive Officer to develop recommendations to ensure that contractors and vendors who seek to do business with the County be required to provide jobs, job training and similar programs to at-risk youth.

As this policy is implemented, it is likely that such vendors will be referred to WIA/ARRA SYEP contractors in order to identify at-risk youth for work experience opportunities within their companies.

WIA Youth Eligibility



LOS ANGELES COUNTY
WIA Summer Youth Program
DIRECTIVE

Number: ARRA/WIA D09-08	**Subject: ARRA WIA Summer Youth Employment Program Mandatory Forms**	
Date: 5/13/09	**Effective Date: Immediately**	**Page 1 of 1**

TO: WIA YOUTH CONTRACTORS:

Purpose

This directive provides guidance for the implementation of the WIA Summer Youth Employment Program funded by the American Recovery and Reinvestment Act (ARRA) of 2009.

The purpose of this directive is to clarify which documents are mandatory as to content and format. This requirement will support clarity and consistency in both establishing eligibility, reporting, tracking and maintaining compliance.

The following attached forms are mandatory:

1. Universal Application (Revised 5/13/09)
2. Work Readiness Pre & Post Test
3. Individual Service Strategy
4. Consent and Release Agreement
5. SYEP Time Sheet
6. File Check List

Although there are a number of forms and documents that will need to be included in a youth participant's file, the above six forms may not be altered and must be used as represented in this directive.

This Directive and attachments will be available on www.worksourcecalifornia.com.

If you have any questions regarding this directive, please contact Barbara Banck at (213) 351-8924 or by e-mail at bbanck@css.lacounty.gov.

Josie Marquez, Executive Director
Workforce Investment Board

Attachments

WIA/ARRA
Summer Youth Employment Program(SYEP)
2009 Universal Application

**Applicants must be at least age 14 and less than age 25 at the time of application*

Applicant Information

Social Security Number	Employment Status
– –	Employed_____ Unemployed_____

Last Name	First Name	Middle Initial

Address	Apt #	City	Zip Code

Home Phone	Cell Phone	Emergency Phone #1	Emergency Phone #2

Email Address (if applicable)	Facebook or MySpace Address

Date of Birth	Current Age	Are you a U.S Citizen?	If you are not a U.S. Citizen, are you authorized to work in the U.S?
____ ____ ____ Mo. Day Year	_____	Yes No	Yes No

If you are a male age 18 or older, are you registered with Selective Service*? (You must be registered with Selective Service in order to work in this program). Males under 18 and females skip this question

Yes____ No_____ Selective Service: #_____

Gender **Male____** **Female ____**

Married **Yes____** **No_____**

Limited English **Yes____** **No_____**

Have you ever been convicted of a Felony? Yes_____ No_____ **Are you on Probation? Yes_____ No_____**

Education Status

Are you currently attending school?
Yes ____ No ____
If so, will you be attending Summer School?
Yes _____ No ____

Name of School:

If no, did you: ☐ already graduate/get a GED? ☐ drop-out of high school? **What is the highest grade you completed?** _____

If yes, what is your current grade? (circle one) Grade: 8 9 10 11 12 13 14 15 16 **Or** Transition Program_____

Family Information

	Monthly Income	Income Source(s) :
What is your family size? _____	$	
Do you or your family receive Food Stamps and/or Cash Aid (TANF, CalWorks, GR, etc)?	Yes	No
Are you Pregnant or Parenting?	Yes	No
Are you Homeless?	Yes	No
Are you a Runaway?	Yes	No
Are you currently or have been in Foster Care?	Yes	No

To the best of my knowledge and belief, the above information is true and complete. I understand that the information on the Application for Employment is used to determine eligibility for public funds, and it will be treated with confidentiality, while being subject to verification.

_____ _____
Signature Date

PARENTAL CONSENT (REQUIRED FOR APLLICANTS BETWEEN 14 AND 17 YEARS OF AGE)

My son/ daughter/ ward has my permission to participate in all activities of the County of Los Angeles SYEP. I hereby authorize and request emergency medical treatment to be performed as required.

_____ _____
Parents Signature (if under 18 years old) Date

This project is funded by Los Angeles County Workforce Investment Board. Equal Opportunity Employer. Auxiliary aids and services are available upon request to individuals with disabilities. TDD/TTY

WIA/ARRA SUMMER YOUTH EMPLOYMENT PROGRAM (SYEP)
WORK READINESS PRE-TEST

Participant:	**Date:**
Interviewer/Rater:	**Pre-Test Score:**

Participant must receive a passing score on 8 of 10 indicators to be meet Work Readiness requirements.

Please check appropriate box for each indicator/competency.

	Work Readiness Indicator	**Pass**	**Fail**
1.	Follows Instructions	☐ Responds accurately and appropriately to verbal and written instructions.	☐ Does not respond accurately and appropriately to verbal and written instructions.
2.	Completes Tasks Accurately	☐ Carefully completes all tasks and assignments.	☐ Does not carefully complete all tasks and assignments.
3.	Demonstrates "Learner's Attitude"	☐ Demonstrates a clear interest in tasks and assignments.	☐ Does not demonstrate a clear interest in tasks and assignments.
4.	Accepts Constructive Criticism	☐ Always reacts appropriately and positively to corrections and guidance.	☐ Does not always react appropriately and positively to corrections and guidance.
5.	Punctual/Timely	☐ Always arrives and completes task on schedule.	☐ Does not always arrive on time and does not always complete tasks on schedule.
6.	Consistent	☐ Consistently demonstrates positive work behaviors and skills.	☐ Does not consistently demonstrate positive work behaviors and skills.
7.	Presents Self Appropriately	☐ Dress, grooming, mannerisms and speech are work appropriate.	☐ Dress, grooming, mannerisms and speech are not work appropriate.
8.	Communicates Clearly	☐ Expresses thoughts and ideas clearly .	☐ Does not express thoughts and ideas clearly.
9.	Drug/Alcohol Free Behavior	☐ Demonstrates a commitment to drug- and alcohol-free behavior.	☐ Does not demonstrate a commitment to drug- and alcohol-free behavior.
10.	Positive Attitude	☐ Demonstrates a positive work attitude.	☐ Does not demonstrate a positive work attitude.
	Total Pass/Fail Scores:		

Comments:

Interviewer/Rater Signature:

WIA/ARRA SUMMER YOUTH EMPLOYMENT PROGRAM (SYEP)
WORK READINESS POST-TEST

Participant:	**Date:**
Supervisor/Rater:	**Post-Test Score:**

Participant must receive a passing score on 8 of 10 indicators to be meet Work Readiness requirements.

Please check appropriate box for each indicator/competency.

	Work Readiness Indicator	**Pass**	**Fail**
1.	Follows Instructions	☐ Responds accurately and appropriately to verbal and written instructions.	☐ Does not respond accurately and appropriately to verbal and written instructions.
2.	Completes Tasks Accurately	☐ Carefully completes all tasks and assignments.	☐ Does not carefully complete all tasks and assignments.
3.	Demonstrates "Learner's Attitude"	☐ Demonstrates a clear interest in tasks and assignments.	☐ Does not demonstrate a clear interest in tasks and assignments.
4.	Accepts Constructive Criticism	☐ Always reacts appropriately and positively to corrections and guidance.	☐ Does not always react appropriately and positively to corrections and guidance.
5.	Punctual/Timely	☐ Always arrives and completes task on schedule.	☐ Does not always arrive on time and does not always complete tasks on schedule.
6.	Consistent	☐ Consistently demonstrates positive work behaviors and skills.	☐ Does not consistently demonstrate positive work behaviors and skills.
7.	Presents Self Appropriately	☐ Dress, grooming, mannerisms and speech are work appropriate.	☐ Dress, grooming, mannerisms and speech are not work appropriate.
8.	Communicates Clearly	☐ Expresses thoughts and ideas clearly .	☐ Does not express thoughts and ideas clearly.
9.	Drug/Alcohol Free Behavior	☐ Demonstrates a commitment to drug- and alcohol-free behavior.	☐ Does not demonstrate a commitment to drug- and alcohol-free behavior.
10.	Positive Attitude	☐ Demonstrates a positive work attitude.	☐ Does not demonstrate a positive work attitude.
	Total Pass/Fail Scores:		

Comments:

Work Site Supervisor/Rater Signature:

WIA/ARRA SUMMER YOUTH EMPLOYMENT PROGRAM (SYEP)
INDIVIDUAL SERVICE STRATEGY

Participant Information

Name	Date of Birth	Last 4 Digits of SSN
Age	**Phone**	**E-Mail**

Past Work Experience

From/To	Job Title	Duties

Work-Related Interest and Preferences

Do you like working indoors ☐ or outdoors ☐?	Other preference:
Do you like working with children Yes ☐ No ☐ ?	Other preference:

Skills and Aptitudes

Please check all that apply.

Office Equipment	Computer Programs	Clerical	Creative	Other
☐ Computer	☐ Word	☐ Keyboarding	☐ Drawing	☐ Gardening
☐ Fax Machine	☐ Excel	☐ Typing	☐ Painting	☐ Babysitting
☐ Calculator	☐ PowerPoint	☐ Phones	☐ Graphic Design	☐ Bilingual
☐ Copier	☐ Other:	☐ Other:	☐ Photography	Language:
☐ Other:	☐ Other:	☐ Other:	☐ Other:	☐ Other:

Other skills/aptitudes:

Service Considerations

Are there physical limitations or medical conditions that may restrict your ability to perform certain jobs?
Yes ☐ No ☐

If Yes, please explain:	
Medication: Yes ☐ No ☐	If Yes, for what purpose:

Barriers

Please check all that apply.

☐ Special Education	☐ Pregnant	☐ Single HOH	☐ Criminal
☐ GED Needed	☐ Parenting	☐ Language Barrier	☐ Homeless
☐ High School Dropout	☐ Single Parent	☐ Alcohol/Substance	☐ Other:

Describe Barriers:

Service Plan

Youth will participate in the following activities. Please check all that apply.

☐ Paid Work Experience	☐ Work Readiness	☐ Other:
☐ Supportive Services	☐ Supervisor Evaluation	☐ Other:

I have completed the information within this Individual Services Strategy and I have reviewed and understand the service in which I will participate as part of my involvement in WIA/ARRA SYEP.

Student Signature:	**Date:**
Staff Signature:	**Date:**

COUNTY OF LOS ANGELES
COMMUNITY AND SENIOR SERVICES
CONSENT AND RELEASE AGREEMENT

I, _____, agree to the following:

1. I understand that provisions of law, including but not limited to Welfare & Institutions Code Section 10850, make information related to receipt of public social services confidential. I further understand that these laws protect the identity of applicants and recipients of public assistance, such as myself, from the unauthorized release of confidential welfare information.

2. I understand that my identity including my photograph and/or a videotape recording of me indicating that I am a recipient of public social services is confidential information.

3. I understand that the County would like to photograph persons receiving services through Community and Senior Services (CSS). I understand that I am not required to provide an interview or release any information to the media for this use.

4. I understand that by signing this agreement, the County may photograph, videotape, and release my identity for use in the CSS intranet, the CSS public website, a County Newsletter or other publication promoting County services and programs.

5. I understand that I have the right to give or withhold my permission to allow the County to photograph or videotape me, and that the decision on whether to permit the County to photograph or videotape me will not affect my ability to receive social service benefits.

6. I voluntarily consent and authorize the County of Los Angeles, its agents and employees to release my identity and any other confidential information provided by me for the purposes stated herein. I understand and agree that I will receive no money or other benefits from the County of Los Angeles or any other party as a result of consenting to the release of such information.

7. I agree to release the County of Los Angeles, its agents, and employees from any liability whatsoever, including for injuries, damages and losses, known or unknown, resulting from giving confidential information provided by me and about me to the media with my consent.

8. I acknowledge that before signing this consent and release agreement, I have carefully read and fully understand its terms.

9. I understand that I may cancel this authorization at any time by notifying *[please indicate name and contact information for contact person to cancel authorization]:*

_____

Print Name Phone Number

10. I understand that this release expires one year from the date of my signature.

Signature	Date	Witness Signature	Date
Print Name		Print Name	
Home Address	Phone Number	Phone Number	

If signed by other than the applicant/recipient of services, state the relationship and authority to do so:

_____

Relationship Authority

Date: _____ Witness: _____

COUNTY OF LOS ANGELES
COMMUNITY AND SENIOR SERVICES
CONSENT AND RELEASE AGREEMENT

I, _____, agree to the following:

1. I understand that provisions of law, including but not limited to Welfare & Institutions Code Section 10850, make information related to receipt of public social services confidential. I further understand that these laws protect the identity of applicants and recipients of public assistance, such as myself, my child, or a minor in my custody from the unauthorized release of confidential welfare information.

2. I understand that the identity of my child or a minor in my custody including a photograph and/or a videotape recording of him or her indicating that he or she is a recipient of public social services is confidential information.

3. I understand that the County would like to photograph persons receiving services through Community and Senior Services (CSS). I understand that I am not required to provide an interview or release any information to the media for this use.

4. I understand that by signing this agreement, the County may photograph, videotape, and release the photograph of my child or a minor in my custody for use in the CSS intranet, the CSS public website, a County Newsletter or other publication promoting County services and programs.

5. I understand that I have the right to give or withhold my permission to allow the County to photograph or videotape me, my child, or a minor in my custody and that the decision on whether to permit the County to photograph or videotape me will not affect my ability to receive social service benefits.

6. I voluntarily consent and authorize the County of Los Angeles, its agents and employees to release my identity, my child's identity or the identity of a minor in my care, and any other confidential information provided by me for the purposes stated herein. I understand and agree that I will receive no money or other benefits from the County of Los Angeles or any other party as a result of consenting to the release of such information.

7. I agree to release the County of Los Angeles, its agents, and employees from any liability whatsoever, including for injuries, damages and losses, known or unknown, resulting from giving confidential information provided by me and about me to the media with my consent.

8. I acknowledge that before signing this consent and release agreement, I have carefully read and fully understand its terms.

9. I understand that I may cancel this authorization at any time by notifying *[please indicate name and contact information for contact person to cancel authorization]:*

_____

Print Name Phone Number

10. I understand that this release expires one year from the date of my signature.

_____	_____
Signature Date	Witness Signature Date
_____	_____
Print Name	Print Name
_____	_____
Home Address Phone Number	Phone Number

If signed on behalf of a minor state the relationship and authority to do so:

_____

Relationship to Minor Authority

Date: _____ Witness: _____

WIA/ARRA Summer Youth Employment Program (SYEP) Time Sheet

EMPLOYEE NO.	AGENCY NAME AND ADDRESS			SITE	PERIOD ENDING
NAME LAST	FIRST			JOB TITLE	
DATE	FROM	LUNCH FROM	LUNCH TO	TO	TOTAL
				TOTAL HOURS	

I CERTIFY THAT ALL THE INFORMATION ON THIS REPORT IS TRUE AND CORRECT

APPROVED:

EMPLOYEE SIGNATURE DATE

SUPERVISOR SIGNATURE DATE

WIA/ARRA SUMMER YOUTH EMPLOYMENT PROGRAM (SYEP)

Part I: ELIGIBILITY DOCUMENTATION & FILE CHECKLIST

ONE DOCUMENT FROM EACH CATEGORY BELOW IS REQUIRED (WITH THE EXCEPTION OF CATEGORIES 5 & 6 WHICH WILL VARY)

1. AGE/BIRTHDAY VERIFICATION

- ❑ CALIFORNIA ID CARD
- ❑ DRIVER LICENSE
- ❑ BIRTH CERTIFICATE
- ❑ BAPTISMAL CERTIFICATE W/BIRTHDATE & BIRTHPLACE
- ❑ SCHOOL CARD/RECORDS
- ❑ LEGAL RESIDENT CARD
- ❑ DMV INSTRUCTION PERMIT

2. LEGAL WORK STATUS

- ❑ I-9 -
  - ❑ One item from List A **or** One item form List B & **and** One from List C
  - ❑ Signed by applicant & agency staff

3. SELECTIVE SERVICE/VETERAN STATUS

(Males born after 12/31/59)

- ❑ SELECTIVE SERVICE REGISTRATION
- ❑ DD214

4. BARRIER VALIDATION

- ❑ _____
- ❑ _____
- ❑ 6TH BARRIER (per County Directive WIAD09): _____

For an additional assistance with eligibility documentation Review County Directive WIA D09-02

5. INCOME VERIFICATION (FAMILY INCOME)*

- ❑ MOST RECENT PAY STUB**
- ❑ EMPLOYER LETTER (S) Verifying Gross Earnings/Dates Of Employment
- ❑ UNEMPLOYMENT INSURANCE DOCUMENT***

6. PUBLIC ASSISTANCE (IF APPLICABLE)

- ❑ CURRENT PUBLIC ASSISTANCE LETTER OR COPY OF CHECK/ NOTICE OF ACTION
- ❑ CURRENT FOOD STAMP VERIFICATION

7. FAMILY SIZE

- ❑ Social Security cards
- ❑ Birth certificate
- ❑ _____

*Verification For Every Member Of Your Family Who Lives With You And Worked During The 6 Months Prior To Your Appointment. Must Be Current Within 60 Days

**Within 60 Days Current With YTD Or Minimum Of 3 Most Recent Pay Stubs - Need 6 Months Prior To Appointment

***If Receiving UI Benefits, Must Bring In The Latest Payment Stub

Part II: OTHER REQUIRED FORMS

INTAKE FORMS

- ❑ Grievance Procedures*
- ❑ Nepotism Statement
- ❑ Parental Releases
  - ❑ Agency Application
  - ❑ MIS Application
  - ❑ MIS Enrollment Forms
  - ❑ Photo Release
  - ❑ Agency Release

Additional MIS Forms

- ❑ Goal Forms (optional)
- ❑ Exit Forms

*See County Directive WIA D09-04

WORK READINESS

- ❑ ISS
- ❑ Pre -Assessment Date:_____
- ❑ Post-Assessment Date:_____
- ❑ **Work Readiness Achievement Documented Comments:**

_____

_____

WORK EXPERIENCE FORMS

- ❑ W-4 form
- ❑ Work Permit (check one)
  - ❑ Needed____
  - ❑ N/A
- ❑ Work Site Agreement
- ❑ Time Cards
- ❑ _____
- ❑ _____
- ❑ _____

WIA/ARRA
Summer Youth Employment Program(SYEP)
2009 Universal Application

**Applicants must be at least age 14 and less than age 25 at the time of application*

Applicant Information

Social Security Number	Employment Status
– –	Employed_____ Unemployed_____

Last Name	First Name	Middle Initial

Address	Apt #	City	Zip Code

Home Phone	Cell Phone	Emergency Phone #1	Emergency Phone #2

Email Address (if applicable)	Facebook or MySpace Address

Date of Birth	Current Age	Are you a U.S Citizen?	If you are not a U.S. Citizen, are you authorized to work in the U.S?
____ ____ ____ Mo. Day Year	_____	Yes No	Yes No

If you are a male age 18 or older, are you registered with Selective Service*? (You must be registered with Selective Service in order to work in this program). Males under 18 and females skip this question

Yes____ No_____ Selective Service: #_____

Gender **Male____** **Female ____**

Married **Yes____** **No_____**

Limited English **Yes____** **No_____**

Have you ever been convicted of a Felony? Yes_____ No_____ **Are you on Probation? Yes_____ No_____**

Education Status

Are you currently attending school?
Yes ____ No ____
If so, will you be attending Summer School?
Yes ____ No ____

Name of School:

If no, did you: □ already graduate/get a GED? □ drop-out of high school? **What is the highest grade you completed?** _____

If yes, what is your current grade? (circle one) Grade: 8 9 10 11 12 13 14 15 16 **Or** Transition Program_____

Family Information

	Monthly Income	Income Source(s) :
What is your family size? _____	$	
Do you or your family receive Food Stamps and/or Cash Aid (TANF, CalWorks, GR, etc)?	Yes	No
Are you Pregnant or Parenting?	Yes	No
Are you Homeless?	Yes	No
Are you a Runaway?	Yes	No
Are you currently or have been in Foster Care?	Yes	No

To the best of my knowledge and belief, the above information is true and complete. I understand that the information on the Application for Employment is used to determine eligibility for public funds, and it will be treated with confidentiality, while being subject to verification.

_____ _____
Signature Date

PARENTAL CONSENT (REQUIRED FOR APLLICANTS BETWEEN 14 AND 17 YEARS OF AGE)

My son/ daughter/ ward has my permission to participate in all activities of the County of Los Angeles SYEP. I hereby authorize and request emergency medical treatment to be performed as required.

_____ _____
Parents Signature (if under 18 years old) Date

This project is funded by Los Angeles County Workforce Investment Board. Equal Opportunity Employer. Auxiliary aids and services are available upon request to individuals with disabilities. TDD/TTY

LOS ANGELES COUNTY
WIA Youth Programs
DIRECTIVE

Number: ARRA/WIAD09-04	**Subject: American Recovery and Reinvestment Act (ARRA) Summer Youth Employment Program (SYEP) 2008 70 Percent LLSIL and Poverty Guidelines**
Date: April 27, 2009	**Effective Date: Immediately** **Page 1 of 1**

TO: WIA YOUTH CONTRACTORS

The purpose of this directive is assist agencies in the operation of the ARRA Summer Youth Employment Program (SYEP) commencing on May 1, 2009. The attached bulletin, WIAD08-42 addresses the 2008 70 Percent LLSIL and Poverty Guidelines.

The LLSIL and poverty guidelines are used to establish low-income status for Workforce Investment Act (WIA) Title I programs.

Please refer to the attached State Directive WSD08-3 pages 4 through 6 for guidance on using the corresponding charts to determine 70% LLSIL and Poverty Guideline.

If you have any questions about this directive, please contact Maggie Mireles, Program Manager, at (213) 738-2198 or Barbara Banck at (213) 351-8924 or bbanck@css.lacounty.gov.

Josie Marquez, Executive Director
Workforce Investment Board

LOS ANGELES COUNTY

WIA Adult, Dislocated Worker, and Youth Programs

DIRECTIVE

Number: LACOD-WIAD08-42	**Subject: 2008 70 Percent LLSIL and Poverty Guidelines**	
Date: September 26, 2008	**Effective Date: April 25, 2008**	**Page 1 of 1**

FOR YOUR IMMEDIATE ATTENTION

THIS DIRECTIVE SUPERSEDES DIRECTIVE NUMBER LACOD-WIAD08-32

TO: WIA CONTRACTORS

Attached is the State of California's EDD Directive WSD08-3 dated August 20, 2008 that issues the 2008 70 percent Lower Living Standard Income Level (LLSIL) published by the Secretary of Labor in the Federal Register on April 25, 2008, and the 2008 poverty guidelines published by the Federal Department of Health and Human Services (HSS) in the Federal Register on January 23, 2008.

The LLSIL and poverty guidelines are used to establish low-income status for Workforce Investment Act (WIA) Title I programs.

Please refer to the attached State Directive WSD08-3 page 4 of 6 for guidelines on using the corresponding charts to determine 70% LLSIL and Poverty Guideline.

NOTE: In instances where a LWIA encompasses both metropolitan and non-metropolitan areas, the State has designated the higher of the LLSIL figures for use within the entire LWIA.

If you have any questions, please contact Maggie Mireles, Program Manager at (213) 738-2918 or Robert Brieff at (213) 351-8924 or rbrieff@css.lacounty.gov.

Josie Marquez, Executive Director
Workforce Investment Board

Attachment

DIRECTIVE

WORKFORCE SERVICES

Number: WSD08-3
Date: August 20, 2008
69:123:cs:12127

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: 2008 70 PERCENT LLSIL AND POVERTY GUIDELINES

EXECUTIVE SUMMARY:

Purpose:

This directive issues the 2008 70 percent Lower Living Standard Income Level (LLSIL) published by the Secretary of Labor in the Federal Register on April 25, 2008. It also issues the 2008 poverty guidelines published by the U.S. Department of Health and Human Services (HHS) in the Federal Register on January 23, 2008.

Scope:

The LLSIL and poverty guidelines are used to establish low-income status for Workforce Investment Act (WIA) Title I programs. Local Workforce Investment Areas (LWIA) use the LLSIL to determine eligibility for youth, eligibility for employed adults for certain services, self-sufficiency, and eligibility for the Work Opportunity Tax Credit. The LWIAs should consult the WIA and its regulations, and preamble for more specific guidance.

Effective Date:

The 2008 LLSIL and 2008 poverty guidelines became effective on their dates of publication in the Federal Register, April 25, 2008 and January 23, 2008, respectively.

REFERENCES:

- WIA Section 101(24), 101(25), 127(b)(2)(C), 132(b)(1)(B)(v)(IV), 134(d)(3)(A)(ii)
- Title 20 Code of Federal Regulations (Title 20 CFR) Section 663.230
- Federal Register, Volume 73, Number 112, WIA; LLSIL; Correction (June 10, 2008)
- Federal Register, Volume 73, Number 81, WIA; LLSIL (April 25, 2008)
- Federal Register, Volume 73, Number 15, Annual Update of the HHS Poverty Guidelines (January 23, 2008)

EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Special requests for services, aids, and/or special formats need to be made by calling (916) 654-8055 (Voice). TTY users, please call the California Relay Service at 711.

STATE-IMPOSED REQUIREMENTS:

This directive contains one State-imposed requirement, which is in ***bold italic*** print.

FILING INSTRUCTIONS:

This directive supersedes WIA Directive WIAD06-22, dated June 29, 2007, and finalizes Workforce Services Draft Directive WSDD-12 issued for comment on July 7, 2008. The Workforce Services Division received one comment during the draft comment period; the comment received did not result in any substantive changes to this directive. A summary of the comment is provided as Attachment 2. Retain this directive until further notice.

BACKGROUND:

The WIA Section 101(25)(B) sets the criteria LWIAs use in determining whether an individual is a low-income individual. This criteria includes two sets of data: the poverty guidelines, as published by HHS, and 70 percent of the LLSIL, as determined by the Secretary of Labor. The LWIAs use the higher of these two measures to establish low-income status for eligibility purposes of WIA Title I Programs. The WIA requires annual revisions to both sets of data.

All LWIAs use the same poverty guidelines. However, the LLSIL identifies maximum qualifying income levels for residents in either of two broad geographic designations: metropolitan and nonmetropolitan areas. Metropolitan income levels apply to residents living within Metropolitan Statistical Areas (MSA) as defined by the Office of Management and Budget. Nonmetropolitan income levels apply to places with populations under 50,000. In addition to the broad metropolitan and nonmetropolitan designations, the Department of Labor identifies three MSAs in California that have unique LLSILs: the San Diego MSA, the Los Angeles/Riverside/ Orange County MSA, and the San Francisco/Oakland/San Jose MSA.

POLICY AND PROCEDURES:

1. Select the appropriate table for use by your LWIA from the five tables in Attachment 1. ***(In those instances where a LWIA encompasses both metropolitan and nonmetropolitan areas, the State has designated the higher of the LLSIL figures for use within the entire LWIA).***
2. Use the higher of either the LLSIL or the poverty guideline for the appropriate family size to determine low-income status. A comparison of the applicant's actual family income during the six-month income determination period with the six-month figures on the charts enables the reviewer to immediately determine income status.
3. The WIA, together with Title 20 CFR 663.230, requires LWIBs to set the criteria for determining whether employment leads to self-sufficiency. At a minimum, such criteria must provide that self-sufficiency means employment that pays at least 100 percent of the LLSIL established for a LWIA.

ACTION:

Notify all affected staff of the changes to the LLSIL and poverty guidelines in this directive.

INQUIRIES:

If you have any questions, please contact your Regional Advisor at (916) 654-7799.

/S/ BILL BURKE
Assistant Deputy Director
Workforce Services Branch

/S/ BOB HERMSMEIER
Chief
Workforce Services Division

Attachments

ATTACHMENT 1

2008 70 PERCENT LOWER LIVING STANDARD INCOME LEVEL (LLSIL) AND POVERTY GUIDELINES

The LLSIL and poverty guidelines are used to establish low-income status for Workforce Investment Act (WIA) Title I programs. Local Workforce Investment Areas (LWIA) use the LLSIL to determine eligibility for youth, eligibility for employed adults for certain services, self-sufficiency, and eligibility for the Work Opportunity Tax Credit. The LWIAs should consult the WIA and its regulations, and preamble for more specific guidance.

Tables 1 through 5 show the 70 percent LLSIL and the poverty guidelines for western metropolitan and nonmetropolitan areas, and for three specific Metropolitan Statistical Areas in California. In addition, each LLSIL table includes the 100 percent LLSIL that establishes the Department of Labor's minimum self-sufficiency levels. The last column in each table shows the amount to be added to the figure for a family of six for each additional family member.

Since the income received during the six-month period immediately prior to the individual's application for WIA funded services is used for income determination, each chart below shows the six-month, as well as the annual, figures for each family size. A comparison of the applicant's actual family income during the six-month income determination period with the six-month figures on the charts enables the reviewer to immediately determine an individual's eligibility.

Effective Dates: LLSIL: April 25, 2008
Poverty Guidelines: January 23, 2008

Table 1—San Diego Metropolitan Statistical Area							
LWIAs	San Diego Consortium						
	Family Size						
	1	**2**	**3**	**4**	**5**	**6**	Each Add'l add
70% LLSIL							
Annual	$ 10,453	$ 17,124	$ 23,512	$ 29,021	$ 34,248	$ 40,055	$ 5,807
6 Months	$ 5,227	$ 8,562	$ 11,756	$ 14,511	$ 17,124	$ 20,028	$ 2,904
100%	$ 14,933	$ 24,463	$ 33,588	$ 41,459	$ 48,926	$ 57,222	$ 8,296
Poverty Guidelines							
Annual	$ 10,400	$ 14,000	$ 17,600	$ 21,200	$ 24,800	$ 28,400	$ 3,600
6 Months	$ 5,200	$ 7,000	$ 8,800	$ 10,600	$ 12,400	$ 14,200	$ 1,800

Table 2—Los Angeles/Riverside/Orange County Metropolitan Statistical Area							
LWIAs	Anaheim Foothill E&T Consortium Pacific Gateway (formerly Long Beach City) Los Angeles City		Los Angeles County Orange County Riverside County Santa Ana City San Bernardino City		San Bernardino County SELACO Consortium South Bay Consortium Ventura County Verdugo Consortium		
	Family Size						
	1	**2**	**3**	**4**	**5**	**6**	Each Add'l add
70% LLSIL							
Annual	$ 9,774	$ 16,017	$ 21,991	$ 27,148	$ 32,036	$ 37,470	$ 5,434
6 Months	$ 4,887	$ 8,009	$ 10,996	$ 13,574	$ 16,018	$ 18,735	$ 2,717
100%	$ 13,963	$ 22,882	$ 31,416	$ 38,783	$ 45,765	$ 53,528	$ 7,763
Poverty Guidelines							
Annual	$ 10,400	$ 14,000	$ 17,600	$ 21,200	$ 24,800	$ 28,400	$ 3,600
6 Months	$ 5,200	$ 7,000	$ 8,800	$ 10,600	$ 12,400	$ 14,200	$ 1,800

Table 3—San Francisco/Oakland/San Jose Metropolitan Statistical Area							
LWIAs	Alameda County Contra Costa County Marin County Napa County NOVA Consortium		Oakland City Richmond City San Benito San Francisco City/Co. San Jose/Silicon Valley		San Mateo County Santa Cruz County Solano County Sonoma County		
	Family Size						
	1	**2**	**3**	**4**	**5**	**6**	Each Add'l add
70% LLSIL							
Annual	$ 9,809	$ 16,073	$ 22,060	$ 27,233	$ 32,138	$ 37,587	$ 5,449
6 Months	$ 4,904	$ 8,037	$ 11,030	$ 13,617	$ 16,069	$ 18,794	$ 2,725
100%	$ 14,013	$ 22,961	$ 31,514	$ 38,904	$ 45,911	$ 53,696	$ 7,500
Poverty Guidelines							
Annual	$ 10,400	$ 14,000	$ 17,600	$ 21,200	$ 24,800	$ 28,400	$ 3,600
6 Months	$ 5,200	$ 7,000	$ 8,800	$ 10,600	$ 12,400	$ 14,200	$ 1,800

Table 4— Metropolitan Areas							
LWIAs	Fresno County Golden Sierra Consortium Imperial County Kern/Inyo/Mono Consortium Kings County Madera County Merced County		Monterey County NoRTEC Consortium North Central Consortium Sacramento City/Co. San Joaquin County San Luis Obispo County Santa Barbara County		Stanislaus County Tulare County Yolo County		
Family Size							
	1	**2**	**3**	**4**	**5**	**6**	Each Add'l add
70% LLSIL							
Annual	$ 9,240	$ 15,142	$ 20,790	$ 25,665	$ 30,285	$ 35,422	$ 5,137
6 Months	$ 4,620	$ 7,571	$ 10,395	$ 12,833	$ 15,143	$ 17,711	$ 2,569
100%	$13,200	$21,632	$ 29,700	$ 36,664	$ 43,264	$ 50,603	$ 7,339
Poverty Guidelines							
Annual	$ 10,400	$ 14,000	$ 17,600	$ 21,200	$ 24,800	$ 28,400	$ 3,600
6 Months	$ 5,200	$ 7,000	$ 8,800	$ 10,600	$ 12,400	$ 14,200	$ 1,800

Table 5—Nonmetropolitan Areas							
LWIAs	Humboldt County Mendocino County			Mother Lode Consortium			
Family Size							
	1	**2**	**3**	**4**	**5**	**6**	Each Add'l add
70% LLSIL							
Annual	$ 8,924	$ 14,626	$ 20,081	$ 24,786	$ 29,252	$ 34,212	$ 4,960
6 Months	$ 4,462	$ 7,313	$ 10,041	$ 12,393	$ 14,626	$ 17,106	$ 2,480
100%	$ 12,749	$ 20,894	$ 28,687	$ 35,409	$ 41,789	$ 48,875	$ 7,086
Poverty Guidelines							
Annual	$ 10,400	$ 14,000	$ 17,600	$ 21,200	$ 24,800	$ 28,400	$ 3,600
6 Months	$ 5,200	$ 7,000	$ 8,800	$ 10,600	$ 12,400	$ 14,200	$ 1,800

ATTACHMENT 2

Summary of Comments and Resolution of Comments Regarding Directive "2008 70 Percent LLSIL and Poverty Guidelines"

There was one commenter to the draft version of this directive.

Commenter #1 expressed concern that the 2008 Lower Living Standard Income Level (LLSIL) and poverty guidelines published for Los Angeles City and Los Angeles County are extremely low. The commenter stated that as a result of the low LLSIL and poverty guidelines, many poor citizens in the local area are not eligible for services. The commenter suggested that these two areas be removed from their current Metropolitan Statistical Area (MSA) and placed into their own MSA to properly reflect the high cost of living of the area.

Resolution: The Employment Development Department (EDD) understands the concerns of the commenter; however, the EDD does not have any decision making authority over the determination of the LLSIL or the poverty guidelines. Rather, these determinations rest within the purview of the U.S. Secretary of Labor and the Office of Management and Budget, respectively. The EDD serves only to disseminate the information to the local areas for their use in establishing low-income status for their Workforce Investment Act Title 1 programs. Therefore, in order for local areas to affect change, they should direct comments relating to the determination of the LLSIL and/or the poverty guidelines to the appropriate Federal entity.

LOS ANGELES COUNTY

WIA Youth Programs

DIRECTIVE

Number: ARRA/WIAD09-02	**Subject: American Recovery and Reinvestment Act (ARRA) Summer Youth Employment Program (SYEP) Title I Eligibility Technical Assistance Guide**
Date: April 27, 2009	**Effective Date: Immediately** **Page 1 of 1**

TO: WIA YOUTH CONTRACTORS

The purpose of this directive is assist agencies in the operation of the ARRA Summer Youth Employment Program (SYEP) commencing on May 1, 2009. The attached bulletin, WIAD08-44, is the Technical Assistance Guild (TAG) which provides direction to WIA program contractors on the County's policies for participant eligibility.

It is important to note that for the purposes of the ARRA Summer Youth Employment Program (SYEP), youth is defined as ages 14 through 24 years.

If you have any questions about this directive, please contact Maggie Mireles, Program Manager, at (213) 738-2198 or Barbara Banck at (213) 351-8924 or bbanck@css.lacounty.gov.

Josie Marquez, Executive Director
Workforce Investment Board

County of Los Angeles Workforce Investment Act

Eligibility Technical Assistance Guide

Prepared By:

Local Eligibility Advisory Workgroup and Employment Development Department Workforce Investment Division

Locally Revised and Customized by:

County of Los Angeles Community and Senior Services WIA Planning and Operations Division

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Special requests for services, aids, and/or special formats need to be made by calling (916) 654-8055 (Voice). TTY users, please call the California Relay Service at 711.

ACKNOWLEDGEMENTS

This technical assistance guide represents the work and expertise of program practitioners and workforce development professionals. The Workforce Investment Division is grateful to all those who took time to share their knowledge and ideas, to review drafts, and to help in the development of this guide.

The Division especially appreciates the work of the ad hoc Eligibility Advisory workgroup whose work has culminated in this publication:

Betti Austin ..... NoRTEC
Suzanne Evans ..... Kern, Inyo, Mono Consortium
Wendy Havenstrite ..... Oakland
Michelle Leonard ..... Los Angeles County
Cindy Newton ..... NCCC
Tonia Reyes-Arunga ..... West Orange County One-Stop Center
Linda Slater ..... Alameda County
Cindy Stahl ..... NOVA

We are also indebted to Bob Lanter and Tim Rainey of the California Workforce Association for convening the advisory work group, and to Deborah Cusimano of the California Workforce Investment Board's staff who supported and promoted the development of this guide.

We also acknowledge both the local area administrators who released valuable staff to work on this guide, and Steve Malliaras and Maria Remboulis Weidmark of the Department of Labor for their technical assistance.

DENNIS PETRIE
Deputy Director
Workforce Development Branch

Workforce Investment Act
Eligibility Technical Assistance Guide

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I. LOCAL FLEXIBILITY

The Workforce Investment Act (WIA, the Act) provides local areas increased flexibility to implement systems that best suit the needs of local communities. The State of California supports the idea that local workforce investment areas (local area) are best positioned to exercise this flexibility, which aids in ensuring a strong role for local boards in California's workforce investment system.

Wherever authority is reserved for a local area to develop eligibility policies, procedures, and definitions consistent with federal authorizing laws and regulations, the local area should incorporate its own eligibility policies, procedures, and definitions in this technical assistance guide. Federal and State program auditors and monitors will verify that the local eligibility policies, procedures, and definitions have been communicated and implemented within the local area. Local policy must be consistent with State and federal policy. In cases where the State or Department of Labor (DOL) adopts a policy subsequent to policy established at the local level, changes to the local policy may be required to bring it into compliance with federal or State requirements. Current State requirements are printed in ***bold, italic*** type.

Local areas are required to develop their own policies, procedures, criteria, and definitions of eligibility, to ensure that federal requirements are consistently interpreted and applied by front line staff. This will assist the monitors in conducting reviews and avoid any confusion or misinterpretation of the federal requirements that could potentially result in disallowed costs.

This publication is formatted to allow local areas to enter their eligibility policies, procedures, and definitions. Areas of local flexibility are discussed below. ***Background*** material and ***Items to Consider*** prepared by the eligibility advisory workgroup accompany each item. Following each presentation is a hyperlink to the page where the local areas may enter their policies, procedures, criteria, or definitions related to each area of flexibility. Additional areas of flexibility are discussed in Sections II, III, IV, VII, and VIII.

Supplemental guidance will be published as needed throughout the year and should be attached to the current year's version of the Technical Assistance Guide (TAG). The supplemental guidance will be incorporated into the TAG annually in June of each program year. The revisions to the TAG will only require copying and pasting your local policy, procedures, and definitions into the newly released version. Although the pagination may change, we will make an effort to maintain the format, i.e., the text form fields will be in the same order and the instructions for them will hopefully remain unchanged.

Procedures and Eligibility Criteria for the Three Tiers of Service

Background: In her October 4, 2001, statement to the Committee on Health, Education, Labor and Pensions United States Senate, the Assistant Secretary of Labor for Employment and Training, reported that:

> Some state and local boards have not established clear procedures and eligibility criteria for the three tiers of service: staff-assisted core services, intensive services, and training services.
>
> Emily Stover DeRocco

Local areas that comply with the requirements of this TAG have established clear procedures and eligibility criteria for the three tiers of services.

Items to consider: WIA is the nation's job training system for individuals that are unable to obtain other grant assistance for training or require assistance in addition to other grant assistance training programs.

Local areas cannot adopt a "work first" approach in developing local procedures and eligibility criteria for the three tiers of service. The adult and dislocated worker programs are not "work first" programs. Locally developed procedures and criteria must be designed to provide employment and training opportunities to those who can benefit from, and who are most in need of, such opportunities [WIA Section 195]. The appropriate mix and duration of services should be based on each participant's unique needs.

Participants may receive the three levels of service concurrently and the determination that an individual needs intensive and/or training services can be made without regard to how long the individual has been receiving core or intensive services. Neither is it necessary for all individuals to receive staff-assisted core services before receiving intensive services. In addition, job search is not the only core service that satisfies the federal requirement that an individual must receive at least one core service before receiving intensive services. Such decisions are based on each participant's employment and training needs.

In developing local procedures and eligibility criteria for the three tiers of service, WIA-funded adult and dislocated worker services may not duplicate or supplant services traditionally funded by the Wagner-Peyser Act. (This does not preclude cooperative efforts among one-stop partners to provide seamless and comprehensive services to one-stop customers.)

Local areas and one-stop operators should not adopt a "work first" approach in designing activities that lead from participation in core to intensive and training services. These activities should not be used to discourage individuals from participating in the program or to excuse local areas and one-stop operators from serving individuals. Both the State and DOL view such activities as potential obstacles to the success of this program resulting in low enrollments and poor customer service.

Eligibility Documentation and Verification

Background: The Act and the regulations do not address the issues of eligibility documentation and verification. The DOL has not yet provided eligibility documentation and verification guidance; however, DOL allows considerable state and local flexibility in this area. Therefore, local areas are at liberty to establish their own documentation and verification policy and procedures.

The documentation and verification process should be customer friendly and not add to the frustrations already experienced by individuals who are out of work. It is the purpose of WIA programs to assist people who are having difficulty finding employment. It is not the intention of this program to discourage participation by imposing difficult documentation and verification requirements. Local areas have the flexibility and local discretion to design documentation and verification systems that are less burdensome than the predecessor programs. Section X of this technical assistance guide includes a form for local areas to use in developing their own lists of acceptable documentation. Sample tables of acceptable documentation are also included *(Attachment 2)* for local areas to adopt if they choose not to develop their own. Section IX includes a text form field for local areas to record their eligibility documentation and verification policy, procedures, and definitions. ***One-stop operators and applicants must make reasonable efforts to document eligibility for WIA-funded programs. However, the use of applicant statements is allowable to document those items that are not verifiable or are not readily available. The applicant's difficulty in obtaining documentation does not need to entail privation or suffering (undue hardship) to justify using an applicant statement.***

In taking an applicant's statement, it is not necessary to obtain corroboration unless there is reason not to believe the applicant.

An applicable male's compliance with the Military Selective Service (see Attachment 3) and an adult's eligibility to work should be documented as required.

Items to consider: It is not necessary to determine that an adult is eligible in accordance with the priority system until it is determined that the individual is in need of intensive services, and, then, only if there is a priority system locally in effect. One-stop operators only need to record equal opportunity information (the race/ethnicity, sex, age, and where known, disability status), record and document the right-to-work, age, and compliance with the Selective Service registration requirement. If an adult is unable to obtain or retain employment through staff-assisted core services and requires intensive services, the remaining federal, State, and local documentation and verification requirements must be met before providing intensive services. To be eligible to receive staff-assisted core services as a dislocated worker, an individual must be determined to meet the definition of "dislocated worker" (Section 663.105). The tiered service structure does not apply to youth. All youth must be registered (Section 664.215) and must be determined to meet the eligibility criteria described in Section 664.200.

Eligibility for Services and Case Files

Background: The Act distinguishes between general program eligibility and eligibility for services. General program eligibility includes federally imposed criteria including right-to-work, Selective Service registration, age, targeted populations, and youth barriers. Eligibility for services is related to local determinations about the client's need for and ability to benefit from services. Adult and dislocated worker case files must contain determinations of the need for staff-assisted core, intensive and training services. These may be hard copy or electronic case files [Title 20 Code of Federal Regulations (CFR) Sections 663.160(b) and 663.240(b)]. Prudence requires local areas to provide guidance to one-stop operators and case managers about the factors that should be considered in making these decisions, and how these decisions should be documented in a participant's case file [see Documentation and Verification].

When reviewing a participant's eligibility for staff-assisted core, intensive and training services, federal and State auditors and monitors will review a participant's eligibility for services against each area's eligibility policy, guidance, procedures, criteria, and definitions. Local eligibility policies and procedures must comply with federal and State requirements.

Items to consider: A participant is required to receive at least one intensive service before moving on to a training service. If the local area requires an individual employment plan, this would fulfill the intensive service requirement and provide an opportunity to document the training service provided. Local areas may develop forms to document these items or provide guidance to case managers about what information must be included in the case manager's notes.

Deficient in Basic Literacy Skills

Background: Definitions and eligibility documentation requirements regarding the *deficient in basic literacy skills requirement* criterion may be established at the local level.

These definitions may establish criteria needed to address local concerns, and must include a determination that an individual:

1. Computes or solves problems, reads, writes, or speaks English at or below the 8th grade level[1] on a generally accepted standardized test or a comparable score on a criterion referenced test, or
2. Is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family or in society.

[References: WIA Section 203(12) and Title 20 CFR Section 664.205]

The terms basic literacy skills and basic skills deficient are not identical. Basic literacy skills are a criterion for eligible youth. Basic skills deficient is used to determine whether out-of-school youth and the five percent youth standards are met.

Basic skills deficient means that an individual has English reading, writing, or computing

[1] The term "at or below the 8th grade level" means at or below 8.9.

skills at or below the 8th grade level on a generally accepted standardized test or a comparable score on a criterion referenced test. The Act does not provide local areas the flexibility to further define basic skills deficient.

Although the terms are different, youth goals may be developed for basic skills and basic literacy skills and their attainment may be reported for performance.

Items to consider: The Act and the regulations do not define the level of literacy necessary to function on the job, in the individual's family or in society. Survival skills such as computer skills, balancing a checkbook, budgeting a family's income, or filing a tax return, may be considerations when defining these areas. Such definitions may provide greater flexibility in achieving basic skills goals for an individual who is basic skills deficient and may have difficulty achieving an 8th grade level of literacy within a specified program period.

Local Dislocated Worker Policy and Procedures

Background: Local boards may establish policies and procedures for one-stop operators to use in determining an individual's eligibility as a dislocated worker consistent with the definition at WIA Section 101(9). These policies and procedures may address such conditions as:

(1) *General announcement of plant closing;*

(2) *Unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters*;

(3) *Difficulty in obtaining or upgrading employment*;

(4) *Substantial layoff*;

(5) *Sufficient attachment to the workforce*; and

(6) *Unlikely to return.*

Items to consider:

(1) The *general announcement* of plant closing criterion may include, among other things, a newspaper article or public notice. It is important to have a credible source of information, or a documented confirmation from the employer.

(2) The *as a result of general economic conditions in the community in which the individual resides* criterion may include, among other conditions, self-employment which locally has little demand or has been declining, or the local economy is declining.

(3) The *difficulty in obtaining or upgrading employment* criterion is used as part of the displaced homemaker criteria but is not defined in the Act or regulations and there is no reference that this term must be defined by the State or local area. Local areas may want to define this term in order to assist staff in identifying displaced homemakers.

(4) The *substantial layoff* criterion is not defined in the Act or the regulations. Locally

defining this term will assist staff in identifying individuals who are unemployed due to a substantial layoff (e.g., a substantial layoff may be one which affects at least 50 employees who worked 20 or more hours per week, and comprise at least one third of the lay-off employer's local workforce).

(5) The *sufficient attachment to the workforce* criterion is not defined in the Act or the regulations. Local areas may want to define this term to assist staff in identifying those dislocated workers who are not eligible for unemployment compensation but have been employed for a duration sufficient to demonstrate an attachment to the workforce (e.g., someone who has worked at least 3 consecutive months during the last 12 months).

[Reference: WIA Section 101(9)(A)(II)]

(6) The *unlikely to return* criterion is not defined in the Act or the regulations. Local areas may want to define this term to assist staff in identifying dislocated workers. Any of the following considerations may be helpful in defining *unlikely to return*:

- Worked in a declining industry/occupation, as documented on State or locally-developed lists of such industries/occupations. State lists are available from the Employment Development Department's (EDD) Labor Market Information Division. Local lists must be developed by an appropriate entity, such as the Chamber of Commerce, the local board, economic development agency, a qualified consultant/educational entity, or other valid public use quality source of labor market information.
- Has had a lack of job offers as documented by the local Job Service/ Unemployment Insurance (UI) office, rejection letters from employers in the area, or other documentation of unsuccessful efforts to obtain employment in the prior industry/occupation.
- Worked in an industry/occupation job for which there are limited job orders in the EDD CalJOBS system at the time of eligibility determination, as certified by the local EDD field office or by one-stop staff with access to the CalJOBS database.
- Is insufficiently educated and/or does not have the necessary skills for reentry into the former industry/occupation, as documented through the assessment of the client's educational achievement levels, testing, or other suitable means.
- Has physical or other problems, which would preclude reentry into the former industry/occupation, as documented by a physician or other applicable professional (e.g., psychiatrist, psychiatric social worker, chiropractor, etc.).

Unlike the predecessor program, *unlikely to return* may be defined in terms of family, personal, or financial circumstances that may affect the likelihood of the individual's returning to his or her previous occupation or industry for employment. Local definitions do not need to be based solely on economic conditions and job availability.

Staff-Assisted Core Services

Background: Individuals, who are primarily seeking information and do not seek

direct, one-on-one staff assistance, do not need to be registered. Local areas may identify core services that require registration when a *significant degree of staff assistance* is given to clients, and when application and registration are required. For services other than self-service or informational activities, individuals must be registered. To be eligible to receive staff-assisted core services as a dislocated worker, an individual must meet the definition of dislocated worker [*Title 20 CFR Section 663.115*]. In addition, equal opportunity data must be collected on every individual who is interested in being considered for WIA Title I-B financially assisted aid, benefits, services, or training, and has signified that interest by submitting personal information in response to a request from the subrecipient.

[Reference: Title 20 CFR Sections 663.105 through 663.120]

It is not necessary to establish that an adult who is receiving staff-assisted core services is a recipient of public assistance or is a low-income individual. Staff-assisted core services may be provided to any enrolled adult who has the right to work in the United States and, if male, has complied with Selective Service registration. For example, a highly paid working professional seeking career counseling and advancement through job search and placement services is eligible for staff-assisted core services. However, such an individual would not be eligible to receive intensive and training services.

Items to consider: There are two main factors to consider when determining which core services require adults and dislocated workers to be registered and counted in the measures:

1. Level of staff involvement with the customer. When there is significant staff involvement in terms of resources or time, individuals receiving the staff-intensive core services are required to be registered for the adult or dislocated worker programs (all youth customers must be registered).
2. Purpose of the service. The Act specifically excludes those individuals who participate in self-service activities only (such as browsing the Internet). For staff-assisted activities, the purpose of the service should be examined to determine if registration is required for the service. Services that are designed to inform and educate individuals about the labor market and their employment strengths, weaknesses, and the range of services appropriate to their situations should be considered informational in nature. Staff-assisted services that are designed to impart job seeking and/or occupational skills should require registration.

[Reference: WIA Sections 101(1), 134(d)(2), 189(h), 188(a)(5), and Training and Employment Guidance Letter (TEGL) 7-99]

Self-Sufficiency

Background: WIA requires a determination that employed adult workers need intensive or training services to obtain or retain employment that allows for self-sufficiency as a condition for providing those services. Because there are different local conditions that should be considered in this determination, the federal regulations provide maximum flexibility to states and local areas, requiring only that self-sufficiency means employment that pays at least the lower living standard income level. In the

absence of State policy, local boards must set criteria for determining whether employment leads to self-sufficiency. Local areas that develop their own definitions of self-sufficiency should make certain that the local definition means employment that pays at least the lower standard income level especially when family size is included as a factor.

[Reference: Title 20 CFR Section 663.230]

Items to consider: There are different local conditions that should be considered in this determination. Factors such as family size, an area's cost of living, and other local economic conditions may be included in the criteria. It may often occur that dislocated workers require a wage higher than the lower living standard income level to maintain self-sufficiency. Self-sufficiency for a dislocated worker may be defined in relation to a percentage of the layoff wage.

The special needs of individuals with disabilities or other barriers to employment may also be considered when setting criteria to determine self-sufficiency.

This provision helps ensure that intensive services are provided to those employed adults who are the most in need of services. These may include individuals employed in low skill/low wage jobs.

The adoption of a definition of self-sufficiency allows a local area to broaden the population it serves (e.g., by including the working poor) while not negatively impacting performance measures. Those employed at the time of registration are excluded from the adult entered employment rate, i.e., programs are not held responsible for these individuals under this measure. They are included in other measures such as earnings change and retention and can enhance an area's performance while assuring services are provided to individuals who are above the poverty guidelines but not yet self-sufficient.

The local definitions of self-sufficiency are not standards for employment against which local areas are monitored; rather, self-sufficiency is a goal that the workforce investment system helps clients achieve. While the DOL recognizes the importance of self-sufficiency as a goal for all employment, it has not imposed that standard on the workforce investment system, and neither does the State. As an eligibility criterion, self-sufficiency is a service requirement and not an employment outcome.

Local boards may develop two sets of criteria for self-sufficiency, one for dislocated workers and another for adults. Self-sufficiency for dislocated workers may be defined in relation to a percentage of the layoff wage.

[Reference: Title 20 CFR Section 663.230]

Requires Additional Assistance

Background: A low-income youth is eligible for services if he/she requires additional assistance to complete an educational program, or to secure and hold employment. Definitions and eligibility documentation requirements related to this criterion may be established at the local level.

[Reference: Title 20 CFR Section 664.210]

Items to consider: Examples of individuals who require additional assistance may include individuals who:

- Have repeated at least one secondary grade level or are one year over age for grade;
- Have 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;
- Are emancipated youth;
- Have aged out of foster care;
- Are previous dropouts or have been suspended five or more times or have been expelled;
- Are court/agency referrals mandating school attendance;
- Are deemed at risk of dropping out of school by a school official;
- Have been referred to or are being treated by an agency for a substance abuse related problem;
- Have experienced recent traumatic events, are victims of abuse, or reside in an abusive environment as documented by a school official or other qualified professional;
- Have serious emotional, medical or psychological problems as documented by a qualified professional;
- Have never held a job (applies to older youth);
- Have been fired from a job within the 12 months prior to application (applies to older youth); and
- Have never held a full-time job for more than 13 consecutive weeks (applies to older youth).

Serious Barriers to Employment

The Act provides that up to five percent of youth participants served in a local area may be individuals who do not meet the income criteria for eligible youth, but meet one or more of the criteria specified in the Act [WIA Section 129(c)(5)]. Local boards may define the term *serious barriers to employment* and describe it in the local plan.

[Reference: Title 20 CFR Part 652 et al. Preamble, Subpart B—Eligibility for Youth Services, p. 49349]

The federal regulations require that the local definition of *serious barriers to employment* be included in the local plan. ***The State does not require that all the local area's eligibility policies, definitions, etc. be included in its local plan unless specifically required by the federal Act and/or regulations.***

Items to consider: Possible definitions/criteria similar to the examples used above

may include youth who:

- Have repeated at least one secondary grade level or are one year over age for grade;
- Have a core 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;
- Are emancipated youth;
- Have aged out of foster care;
- Are previous dropouts or have been suspended five or more times or have been expelled;
- Are court/agency referrals mandating school attendance;
- Are deemed at risk of dropping out of school by a school official;
- Have been referred to or are being treated by an agency for a substance abuse related problem;
- Have experienced recent traumatic events, are victims of abuse, or reside in an abusive environment as documented by a school official or other qualified professional;
- Have serious emotional, medical or psychological problems as documented by a qualified professional;
- Have never held a job (applies to older youth);
- Have been fired from a job within the 12 months prior to application (applies to older youth); and
- Have never held a full-time job for more than 13 consecutive weeks (applies to older youth).

II. WIA ELIGIBILITY DETERMINATION AND REGISTRATION

All adults and dislocated workers who receive services funded under Title I-B of WIA, other than self-service or informational activities (core services other than staff-assisted core services), must be determined eligible and registered. All youth must be determined eligible and registered in order to receive services funded under Title I-B of WIA.

For adults and dislocated workers, registration/enrollment occurs the first day on which the individual actually begins receiving staff-assisted core, intensive, or training services, or subsidized employment.

Once the application/eligibility process is completed and the documentation required to substantiate the client's eligibility for the program is obtained, and a decision is made to serve the individual, an enrollment form should be completed to enroll the individual into an activity.

There is no federal limit on how much time is allowed between the application date and enrollment/registration date, or how much time a local area has to document and verify eligibility. Many areas may be using 90 days as a general rule; however, there are no State mandated limits. Nevertheless, so much time should not elapse before enrollment/registration that it becomes unreasonable to assume the information about the individual is still true; otherwise, there may be disallowed costs associated with the individual's eligibility. In determining how much time is allowed between the application date and enrollment/registration date, local areas should be aware that delays in providing services reduce the number of days an individual will receive UI benefits while participating in WIA and increase the number of days an individual is not gainfully employed.

The application form may be updated at any time.

Include below your local policy and procedures for (a) the amount of time clients and staff have to obtain documentation; (b) the amount of time allowed to review an applicant's information and confirm eligibility; (c) the amount of time that can elapse between the application date and the enrollment date; and any other applicable guidance.

Policy and procedures for time limits covering the application process:

The following are the County's time limits for the WIA application process:

- Thirty (30) days is the maximum amount of time that should elapse between the beginning date of the documentation collection process and the application date.
- Seven (7) working days from the interview signature date is the amount of time allowed to review an applicant's information and confirm eligibility.

- Ninety (90) days is the amount of time that can elapse between the application date and enrollment date.

The completed enrollment/registration form represents the local area's intention to provide staff-assisted core, intensive, or training services, or subsidized employment. Once the individual actually begins to receive such services, the individual becomes a registered participant, and the information that is used in performance measurement begins to be collected.

Wherever there is a priority to serve low-income individuals and recipients of public assistance, it is not necessary to establish that an adult who is receiving staff-assisted core services is a recipient of public assistance or is a low-income individual. The priority only applies to the receipt of intensive and training services. The application form may be updated with this information at the time that it is determined that the individual needs and will receive intensive services. However, to be eligible to receive staff-assisted core services as a dislocated worker, an individual must meet the definition of "dislocated worker."

Individuals for whom eligibility has been verified, and who have been determined eligible for multiple WIA programs may be enrolled concurrently in multiple WIA and one-stop partner programs.

Eligible youth who are 18 through 21 years of age may participate in the youth and/or adult program or both, depending on the services needed.

Once a participant exits WIA, the application, documentation, and verification process must be repeated before the individual can be enrolled/registered in WIA again.

LOCAL GUIDANCE ABOUT ELIGIBILITY FOR SERVICES AND CASE FILES—Include below local policy and procedures for determining eligibility for services and maintaining participant case records.

Determining eligibility for services and maintaining case records:

The County recognizes that WIA distinguishes between general program eligibility and eligibility for services.

- General program eligibility includes federally-specified criteria including citizenship/right-to-work, Selective Service registration, age, targeted populations, and youth barriers.

- Eligibility for services is related to local determinations about the client's need for and ability to benefit from services. Adult and dislocated worker case files must contain determinations of the need for intensive and training services. [20 CFR 663.160(b) and 663.240(b)]

A participant is required to receive at least one core service and one intensive service before moving on to a training service. The receipt of a core service and eligibility for intensive services should be documented in the case notes of a participant's case file.

The receipt of intensive service and eligibility for training services should be documented within a participant's Individual Employment Plan (IEP).

Note: This tiered service structure does not apply to youth (14-21). All youth must be determined eligible and registered in order to receive services funded under WIA Title I-B. [664.215]

III. GENERAL TITLE I-B ELIGIBILITY CRITERIA

The general eligibility criteria apply to all Title I programs.

ELIGIBLE TO WORK—Section 9601.5 of the California Unemployment Insurance Code requires that "each state or local government agency or community action agency, or any private organization contracting with a state or local government agency, that provides employment services, including, but not limited to, job training, retraining, or placement, shall verify an individual's legal status or authorization to work prior to providing services to that individual in accordance with procedures established under federal law."

The documentation of an individual's employability (right-to-work) must be conducted in compliance with Title 8 CFR Section 274a.2 which states the federal requirements and procedures persons or entities must comply with when hiring, or when recruiting or referring for a fee, or when continuing to employ individuals in the United States. These requirements and procedures are published as the Immigration and Naturalization Service (INS) Form I-9, and take precedence over any State statute and regulation governing alien status determination.

Citizenship is a demographic reporting element required from time to time by the State for research and analysis. It is not necessary to document and verify citizenship, in addition to documenting an individual's employability.

Local policy and procedures when legal status or work authorization documents have expired:

Within the County's WIA program, review of work authorization is conducted in compliance with federal requirements. Contractor staff is required to verify and track expiration dates of individuals' legal status or work authorization documentation. Staff are also to record the expiration date of right to work documents, when it has been determined that documents will expire at any point while client is enrolled under and or receiving WIA services. Documentation will be re-verified prior to the date of expiration.

SELECTIVE SERVICE/MILITARY STATUS—Section 189(h) of the Workforce Investment Act (WIA) requires that a determination of selective service registration status be made prior to enrollment in WIA Title I-B funded programs. Local areas shall ensure that each applicable male participating in any local program or activity established under Title I-B of WIA in their workforce investment area, or receiving any assistance or benefit under Title I-B, has not violated *Section 3* of the *Military Selective Service Act (MSSA)*. All males who are at least 18 years of age and born after December 31, 1959, and who are not in the armed services on active duty, must be registered for the Selective Service. A youth who becomes 18 years of age while participating in a *WIA* program must register within 30 days of his 18th birthday.

Items to Consider: Occasionally, males who were subject to Selective Service System (SSS) registration, but did not register and are now beyond their 26th birth date, apply for assistance from the WIA program. The amendments to the MSSA provide that services must be denied to a male applicant 26 years or older, if it is determined that he knowingly and willfully failed to register. When it can be determined that the applicant did not knowingly or willfully fail to register, he can be considered for participation. ***Local areas should develop policy and procedures for determining whether an individual knowingly and willfully failed to register.*** The DOL's TEGL 8-98, (*Attachment 3)* provides federal guidance in applying *Section 3* of the *MSSA.*

[Reference: WIA Section 189(h), WIA Directive WIAD01-4, Selective Service Registration]

Local policy and procedures for determining whether an individual knowingly and willfully failed to register:

The Workforce Investment Act (WIA), in Section 189(h), requires the Secretary of Labor to ensure that any individual participating in the program has not violated Section 3 of the Military Selective Service Act (50 United States Code (U.S.C.) App. 453). Training and Employment Guidance Letter (TEGL) 8-98, issued by the Department of Labor (DOL) dated November 4, 1998, should be used for guidance regarding WIA Selective Service registration issues.

In addition, the "Who Must Register Chart" found on the Selective Service System (SSS) website (www.sss.gov/must.htm), clearly defines who must register and who is exempt from registering with Selective Service.

Under the TEGL, Local Workforce Investment Areas, and their designees, are authorized to make a determination for eligibility purposes for males over the age of 26 who did not register. Before a determination for waiver of the Selective Service registration requirement can be made, there must be a "preponderance of evidence."

TEGL 8-98 provides examples of evidence and documents that could be provided by an applicant when requesting a waiver. The County requires that WIA contractors adhere to the following process:

Staff will evaluate the evidence provided by an applicant to make a determination regarding whether or not it supports the prospective client's reasons for not registering were "unknowing and not willful." If staff approves the waiver, WIA services may be provided as long as all other WIA eligibility requirements are met. However, if the waiver does not provide a "preponderance of evidence" as to why the client did not register, the waiver must be denied and WIA services will be denied.

It is the County's position that an applicant's lack of knowledge of the Selective Service registration requirement is insufficient evidence that the failure to register was not "knowing and willful." In other words, if the reason given by the applicant for not registering is that he was not aware of the requirement, then the request for waiver must be denied.

AGE—The following chart displays references to the Act and the regulations, the federally required age for participation, and the applicable Title I-B program.

REFERENCE	AGE	TITLE I PROGRAM
WIA Section 101(1)	18 or older	Title I-B—Adult
Title 20 CFR Section 663.110	18 or older	Title I-B—Dislocated Worker
WIA Section 101(13)	14-21	Title I-B—Youth

IV. PRIORITY OF WIA SERVICES

ADULT—The Secretary of Labor assumes that adult funding is generally limited because there are not enough adult funds available to provide services to all of the adults who could benefit from such services. However, the Secretary also recognizes that conditions are different from one area to another and funds might not be limited in all areas. Because of this, the regulations require that all local boards must consider the availability of funds in their area. In making this determination, the availability of other federal funding, such as *Temporary Assistance to Needy Families* funds, should be taken into consideration. Unless the local board determines that funds are not limited in the local area, priority for intensive and training services must be given to recipients of public assistance and other low-income individuals. States and local boards must establish criteria by which the local areas can determine the availability of funds and the process by which any priority will be applied.

[Reference: Title 20 CFR Part 652 et al. Preamble, Subpart F—Priority and Special Populations, p. 49343]

The methodology used to determine whether or not funding is limited in a local area is not currently defined. However, the State Board is interested in standardizing the methods that are used to determine if funds are limited in a local area and may develop policy for local areas to use in making this determination in the future.

Local boards may administer their priority for adult recipients of public assistance and other low-income adults to include intensive and training services for other individuals.

Process by which the priority for adult intensive and training services will be applied:

WIA section 134(d)(4)(E) and corresponding Federal Regulations section 663.600 establish the need for WIBs to have a system of priority for services to adults when a determination has been made that funds are limited in a local area. When funds to a local area are deemed limited, priority for services to adults must be given to recipients of public assistance and other low-income individuals.

Unless the LACWIB specifically communicates in writing to stakeholders, contractors and the community at-large that funds are limited, any adults may be eligible for intensive and/or training services under the County's WIA program.

When the LACWIB formally communicates that WIA funds are limited, for a prescribed time period, a Priority of Service system will be utilized that mandates:

- A minimum of seventy percent (70%) of the adults enrolled in intensive or training services be recipients of public assistance or low-income individuals not earning more than 200% of the federally recognized poverty guidelines.
- A maximum of thirty percent (30%) of the enrolled adults in intensive or training

services could include any individual, regardless of barriers or income status.

- All participants, regardless of target group, will be selected based on his/her appropriateness for service and ability to successfully complete the intensive and/or training services to be provided.

The determination of an individual's low-income status is discussed in Section VIII of this TAG.

VETERANS—On November 7, 2002, President Bush signed the *Jobs for Veterans Act* to revise and improve employment, training, and placement services furnished to veterans. Section 2(a) of the Act amended 38 U.S.C. 4215(a) by mandating priority of service for veterans (and some spouses) "who otherwise meet the eligibility requirements for participation" in the U.S. Department of Labor (DOL) programs. For most DOL programs, implementing the veterans' priority will pose little difficulty. However, in a few programs, (including WIA Title I-funded adult, dislocated worker and youth programs), the veterans' priority will compete with existing statutory priorities that favor certain population groups.

Local Boards must ensure that veterans are afforded priority for DOL-funded employment and training services, if they meet the existing eligibility requirements. Veterans' priority is required under federal law; however, it is not intended to displace existing eligibility requirements for WIA. An individual must first qualify for WIA before a priority of service can be applied. Local boards must use the following guidelines when determining priority for DOL-funded services:

- If the existing provisions are mandatory, a veteran must meet both the existing provisions and the veterans' provisions to receive priority. A non-veteran receives priority over a veteran who does not meet the mandatory provisions.
- If the existing provisions are optional, a veteran receives priority

The Training and Employment Guidance Letter (TEGL) 5-03 (*Attachment 4)* provides specific guidance on (a) the interaction of the veteran's priority with existing program requirements that target specific groups, and (b) makes note of the fact that local programs are not required to change their allocations among services to reserve funds for veterans but (c) are required to ensure that eligible veteran workers are given priority over non-veterans for all available services. Additional guidance and detailed examples for a specific program is available at *Jobs for Veterans Act Q&A Guidance* Web page.

[References: Jobs for Veterans Act 2002 (38 USC Section 4215); TEGL 5-03: Implementing the Veterans' Priority Provisions of the "Jobs for Veterans Act" (P.L. 107-288); Jobs for Veterans Act Q&A Guidance Web site--www.doleta.gov/programs/VETs; and TEGL 22-04: Serving Military Service Members and Military Spouses Under the WIA Dislocated Worker Formula Grant]

Process by which the priority of services to veterans and other covered persons will be applied:

On November 7, 2002, President Bush signed the Jobs for Veterans Act to revise and improve employment, training, and placement services furnished to veterans. The Act mandated priority of service for veterans (and some spouses) "who otherwise meet the eligibility requirements for participation" in WIA Adult and Dislocated Worker programs.

Veterans' priority is required under federal law; however, it is not intended to displace existing eligibility requirements for WIA. An individual must first qualify for WIA services before a priority of service can be applied. Providers of service must use the following guidelines when determining priority for WIA-funded services:

- In the event there is a service being provided with limited opportunities or funds, priority must be given to any identified eligible veterans.
- For example: If there is a capacity limit for a training program and there is only one remaining slot and there are two applicants (one of whom is a veteran), the veteran must be given priority for the open training slot.

V. ADDITIONAL ELIGIBILITY CRITERIA FOR DISLOCATED WORKERS

In addition to complying with Selective Service registration requirements and eligibility to work requirements, an individual must meet any one of the six following criteria to be eligible to receive dislocated worker services under Title I-B of WIA. Unless otherwise specified, local policy, guidance, procedures and definitions may be established wherever there is flexibility authorized by the Act and the regulations.

An eligible dislocated worker remains eligible for assistance after dislocation as long as the individual has not been employed in a job since dislocation and prior to application that paid a wage defined by the local board as a self-sufficient dislocated worker wage or leading to self-sufficiency or providing more than stopgap employment.

Stopgap employment means work an individual does only because he has lost the customary work for which his training, experience or work history qualifies him (see "underemployed"). Employment would be considered "stopgap" if the salary were substantially below the salary of the individual's primary occupation and/or if he is working substantially under the skill level of his customary occupation [Adapted from kansasjobs.org.]. ***There may be times when stopgap employment provides a self-sufficient wage, e.g., contract employment or employment obtained through a temporary employment services agency. Such employment would not change the individual's dislocated worker status. The determination about whether or not an individual's employment since dislocation is stopgap employment must be made on a case by case basis and take into consideration an individual's personal, family, financial, and employment situation. (Individuals engaged in stopgap employment are reported as not employed.)***

Once an individual is registered as a dislocated worker, the individual remains a dislocated worker until exited from the program regardless of employment status or earnings. If a participant becomes employed in a full time, permanent job that pays a wage defined by the local board as self-sufficient or leading to self-sufficiency, the participant may continue to be served in the program until he/she is formally exited from the program.

Dislocated Worker

There are six methods for determining that an eligible adult is a dislocated worker.

The first method has been formatted for clarity. It has three conditions that must be met: (A), (B) and (C). For (B), there are two options for meeting the condition: (a) or (b).

The individual:

1. (A) Has been terminated or laid off, or who has received a notice of termination or layoff, from employment; **AND**

(B) (a) Is eligible for or has exhausted entitlement to unemployment compensation; **or**

(b) Has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in WIA Section 134(c), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings OR having performed services for an employer that were not covered under a State unemployment compensation law; **AND**

(C) Is unlikely to return to a previous industry or occupation; or

Sufficient attachment to the workforce:

"Sufficient attachment to the workforce" is defined as a period of 90 cumulative full- or part-time workdays within the last one year prior to the date of WIA application. For the purpose of this definition, a workday can include as little as two (2) hours of work. Part-time employment conditions that, by their nature or design, restrict the number of hours available for work in any day are acceptable in determining sufficient attachment to the workforce. Examples include, but are not limited to school aides, baby sitters, domestic workers, etc.

Unlikely to return:

One or more of the following criteria can be used to determine that an individual is "unlikely to return to previous industry or occupation:"

- Worked in a declining industry/occupation, as documented on State or locally-developed lists of such industries/occupations. State lists are available from the Employment Development Department's (EDD) Labor Market Information Division. Local lists are those developed by an appropriate, qualified entity, such as the Chamber of Commerce, the Local Workforce Investment Board, economic development agency, a qualified consultant/educational entity, or other valid public use quality source of labor market information;

- Has had a lack of job offers as documented by the local Job Service/UI office, rejection letters from employers in the area, or other documentation of unsuccessful efforts to obtain employment in the prior industry/occupation;

- Worked in an industry/occupation for which there are limited job orders in the EDD CalJOBS system at the time of eligibility determination, as certified by the local EDD field office or by WIA Contractor staff with access to the CalJOBS database;

- Is insufficiently educated and/or does not have the necessary skills for reentry into the former industry/occupation, as documented through the assessment of the client's educational achievement levels, testing, or other suitable means;

- Has physical or other limitations, which would preclude reentry into the former industry/occupation, as documented by a physician or other applicable professional (e.g., psychiatrist, psychiatric social worker, chiropractor, etc.);
- Natural disaster that results in lost wages;
- Industry mechanization;
- Any significant variance to normal seasonal employment patterns, resulting in uncertain return-to-work dates;
- Change in family situation that requires higher income.

2. Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any *substantial layoff* at, a plant, facility, or enterprise; or

Substantial layoff:

"Substantial layoff" is defined as any temporary or permanent workforce reduction of ten percent (10%) or more of employees by department or total company, but not necessarily resulting in permanent closure.

3. Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or for purposes of eligibility to receive services other than training services described in WIA Section 134(d)(4), intensive services described in Section 134(d)(3), or supportive services, is employed at a facility at which the employer has made a *general announcement* that such facility will close; or

General announcement:

To meet the "general announcement" of plant closing criterion, it is important to have a credible source of information or a documented confirmation from the employer. Evidence of a general announcement includes:

- Bankruptcy documents, if declared under Chapter 7, Title 11, U.S.C. Notice of foreclosure or a similar document provided by a financial institution when such document clearly shows that a closure or mass layoff will occur as a result of its issuance;
- Copy of a printed media article/announcement describing the closure/mass layoff; the copy must include the name of the publication in which announcement appeared and the date of publication;

- Statement from the employer or union representative; or
- Statement from the employer's bank official, attorney, supplier, accountant, or another knowledgeable individual;

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

General economic conditions:

The "as a result of general economic conditions in the community in which the individual resides" criterion may include, among other conditions, self-employment that locally has little demand or has been declining, or the local economy is in a recession or a state of decline. Examples include, but are not limited to, seasonal factors, unforeseen or unusual operating costs, and depressed market conditions.

5. Is a displaced homemaker; or

   [Reference: WIA Section 101(9) and (10)]

6. ***Has voluntarily terminated employment, and is receiving, or has been determined eligible to receive unemployment compensation or has subsequently exhausted entitlement to unemployment compensation since terminating employment voluntarily, and is unlikely to return to a previous industry or occupation.***

   The Act permits funds to be used for intensive and training services for workers: (1) as soon as they have layoff notices; or (2) 180 days before layoff if employed at a facility that has made a general announcement that it will close within 180 days.

Farmworkers and the Unlikely to Return Standard

The inherently seasonal nature of farmworker occupations has been incorrectly perceived by some practitioners as disqualifying under the "unlikely to return to work" standard in WIA Section 101(9)(A). In fact, individuals that may have worked seasonally can be considered unlikely to return to work in a previous industry or occupation for a variety of reasons such as:

1. Change in family situation that requires higher income;
2. Disability that precludes returning to the same occupation;
3. Natural disaster that results in lost wages;
4. Loss of agricultural land;
5. Mechanization; or
6. Any significant variance to normal seasonal employment patterns, resulting in

uncertain return-to-work dates.

Additionally, permanent closures or a substantial layoff from agricultural enterprises and facilities such as packaging, canneries, or farming are not excluded from the standard under WIA Section 101(9)(B). The WIA Section 101(9)(C) standard regarding those that were self-employed (including employment as a farmer, a rancher, or a fisherman) and are unemployed due to economic conditions that resulted from extreme or unusual weather patterns and agricultural market downturns can also apply to farmworkers.

Layoffs, Furloughs, Temporary Layoffs and Lockouts

Layoff means the permanent or temporary termination of employment of an employee because a position has been abolished, because of insufficient funds, because of lack of work, or for any other reason not reflecting discredit on the employee (such as, dismissal for inadequate performance, violation of workplace rules, cause, etc.).

Furlough means the placing of an employee in a temporary status without duties and pay because of lack of work or funds or other non-disciplinary reasons [Title 5 United States Code (USC) 7511(a)(5)]. As such, it is a temporary termination of employment or layoff.

Lockout means any refusal by an employer to permit any group of five or more employees to work as a result of a dispute with such employees affecting wages, hours or other terms or conditions of employment of such employees [Section 1132.8 of the California Labor Code].

DISCUSSION:

Individuals that are furloughed are laid off. Depending on the local definition of "unlikely to return," the circumstances of the applicant, and local economic conditions, furloughed individuals may or may not be likely to return to their previous industry or occupation. The local areas are in the best position to make this determination. If these individuals are likely to return to their previous industry or occupation and need more than core services, they may be served as adults. In some cases, a business, company or corporation's furloughs are in fact substantial layoffs and the unlikely to return provision does not apply. Local areas have the discretion to define "substantial layoff" since the definition depends on local economic conditions.

A lockout does not terminate the employer-employee relationship. Consequently, locked out employees are not eligible dislocated workers since they have not been terminated or laid off, are not eligible for unemployment compensation, and are likely to return to the same industry or occupation once the dispute is resolved. The same guidance applies to employees that are on strike. There may be locked out employees who for financial reasons seek other employment. These individuals may be served as adults.

In those cases mentioned above when individuals are not dislocated workers, local boards have the flexibility to serve them as adults even when there is a local priority to serve recipients of public assistance and other low-income individuals.

Displaced Homemaker

Displaced homemaker means an individual who has been providing unpaid services to family members in the home and who has been dependent on the income of another family member but is no longer supported by that income; and is unemployed or *underemployed* and is experiencing *difficulty in obtaining or upgrading employment.*

[Reference: WIA Section 101(10)]

Difficulty in obtaining or upgrading employment: The "difficulty in obtaining or upgrading employment" can be met when a displaced homemaker has had a lack of job offers, as documented by the local Job Service/UI office, rejection letters/notifications from employers, or other documentation of unsuccessful efforts to obtain employment or upgrade employment.

UI PROFILING—***The Governor has determined that UI profiling methodology and referral process meets the dislocated worker eligibility criteria in WIA Section 101(9).*** In such instances, no further documentation is needed to establish the *unlikely to return* criterion at WIA Section 101(9)(A)(iii).

[Reference: Title 20 CFR Part 652 et al. Preamble, Subpart A—One-Stop System, p.49316]

Other Related Definitions

The following definitions apply to all Title I-B WIA programs.

EMPLOYED[1]—An employed individual is currently working as a paid employee or who works in his or her own business, profession or farm, worked 15 hours or more as an unpaid worker in an enterprise operated by a member of the family, or is one who was not working, but has a job or business from which he/she was temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, whether or not paid by the employer for time-off, and whether or not seeking another job.

NOT EMPLOYED[1]—An individual who does not meet the definition of employed or who, although employed, has received notice of termination of employment, ***or has been engaged in stopgap employment since dislocation.***
[Reference: WIA Title I-B Standardized Record Data (WIASRD), Item 115]

UNDEREMPLOYED—Underemployed means an individual who is working part time but desires full time employment, or who is working in employment not commensurate with the individual's demonstrated level of educational attainment.

[Reference: TEGL 14-00 Change 1]

[1] These definitions are used to calculate some of the core indicators of performance for adults and older youth. This information is to be collected from the registrant at registration, not from wage records. [Reference: WIA Title I-B Standardized Record Data (WIASRD), Item 115]

VI. ADULT AND DISLOCATED WORKER REQUIREMENTS TO RECEIVE STAFF-ASSISTED CORE, INTENSIVE OR TRAINING SERVICES

In addition to the eligibility requirements in Sections II, III, and IV, to receive services, adults and dislocated workers must also meet the eligibility requirements below.

ELIGIBILITY FOR STAFF-ASSISTED CORE SERVICES—For performance measurement of the adult and dislocated worker programs, WIA distinguishes self-service and informational activities as separate from the other activities within the WIA service categories (staff-assisted core, intensive, and training).

When there is significant staff involvement with a customer in terms of resources or time, individuals receiving staff-assisted core services are required to be registered. Local areas may determine what constitutes a significant use of resources and a significant use of staff time. Describe below your local area's criteria for staff involvement requiring an individual's registration for staff-assisted core services:

Significant use of resources and a significant use of staff time:

Individuals, who are primarily seeking information and do not seek direct, one-on-one staff assistance, do not need to be registered in WIA. However, when an individual seeks assistance requiring significant staff involvement to take the next steps toward self-sufficient employment, eligibility must be determined. [20 CFR Part 652 Preamble, Description of Regulatory Provisions, p. 49297]

For services other than self-service or informational activities, individuals must be determined eligible and registered. In addition, equal opportunity data must be collected on every individual who is interested in being considered for WIA Title I-B financially assisted aid, benefits, services, or training, and has signified that interest by submitting personal information in response to a request from the LWIA. [Reference: 20 CFR Sections 663.105 through 663.120]. The following are the core services that require registration when a significant degree of staff assistance is given to clients, and when application and registration are required.

- Staff assisted job search and placement assistance, including career counseling
- Follow-up services, including counseling regarding the workplace
- Staff assisted job referrals (such as testing and background checks)
- Staff assisted job development (working with employer and jobseeker)
- Staff assisted workshops and job clubs

There are two principal factors to consider when determining which core services require adults and dislocated workers to be registered and counted in performance measurements:

1) Level of staff involvement with the customer. When there is significant staff involvement in terms of resources or time, individuals receiving the staff-intensive core services are required to be registered for the adult or dislocated worker programs. All youth customers must be registered.

2) Purpose of the service. The Act specifically excludes from the registration requirement those individuals who participate in self-service activities only (such as browsing the Internet). For staff-assisted activities, the purpose of the service should be examined to determine if registration is required for the service. Services that are designed to inform and educate individuals about the labor market and their employment strengths, weaknesses, and the range of services appropriate to their situations should be considered informational in nature. Staff-assisted services that are designed to impart job seeking and/or occupational skills require registration.

ELIGIBILITY FOR INTENSIVE SERVICES—

Adults and dislocated workers who may receive intensive services:

(a) Adults and dislocated workers who are

- Unemployed,
- Have received at least one core service and are unable to obtain employment through core services, and
- Are determined by a one-stop operator to be in need of more intensive services to obtain employment.

(b) Adults and dislocated workers who are

- Employed,
- Have received at least one core service, and
- Are determined by a one-stop operator to be in need of intensive services to obtain or retain employment that leads to self-sufficiency.

(c) Individuals whose services are provided through the adult funding stream, and are determined eligible in accordance with the State and local priority system, if any, in effect for adults.

[Reference: WIA Section 134(d)(3)]

ELIGIBILITY FOR TRAINING SERVICES—

Training services may be made available to employed and unemployed adults and dislocated workers who:

(a) Have met the eligibility requirements for intensive services, have received at least one intensive service under Section 663.240, and have been determined to be unable to obtain or retain employment through such services;

(b) After an interview, evaluation, or assessment, and case management, have been determined by a one-stop operator or one-stop partner, to be in need of training services and to have the skills and qualifications to successfully complete the selected training program;

(c) Select a program of training services that is directly linked to the employment opportunities either in the local area or in another area to which the individual is willing to relocate;

(d) Are unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as Welfare-to-Work, State-funded training funds, Trade Adjustment Assistance and Federal Pell Grants established under *Title IV of the Higher Education Act of 1965*, or require WIA assistance in addition to other sources of grant assistance, including Federal Pell Grants [provisions relating to fund coordination are found at Title 20 CFR Section 663.320 and WIA Section 134(d)(4)(B)]; and

(e) For individuals whose services are provided through the adult funding stream, are determined eligible in accordance with the State and local priority system, if any, in effect for adults.

[Reference: WIA Sections 134(d)(4)]

Describe your local area's criteria for self-sufficiency below:

Local criteria for self-sufficiency: Los Angeles County defines self-sufficiency for an employed worker as either receiving wages that equal $11.84 per hour for an individual or a family income that is above 250% of the federal poverty guidelines. In order for an employed worker to be considered in need of intensive and/or training services, the individuals' hourly wage must not meet the definition of self-sufficiency.

VII. ELIGIBILITY CRITERIA FOR YOUTH

Eligible Youth

An individual shall be eligible to participate in youth services if such an individual meets the definition of eligible youth:

A. Is not less than age 14 and not more than age 21; and

B. Is a low-income individual; and

C. Is an individual who is one or more of the following:

1) *Deficient in basic literacy skills*;
2) A school dropout;
3) Homeless, a runaway, or a foster child;
4) Pregnant or a parent;
5) An offender; or
6) An individual who *requires additional assistance* to complete an educational program, or to secure and hold employment (may be defined at the State or local level per Title 20 CFR Section 664.210).

[Reference: WIA Section 101(13)]

Describe your local area's definition and eligibility documentation requirements for *deficient in basic literacy skills* below:

Deficient in basic literacy skills:

"Deficient in basic literacy skills" is defined as an individual that demonstrates computation or solves problems, reads, writes, or speaks English at or below the 8th grade level (8th grade, 9th month) on a generally accepted standardized test. Basic skills testing may include all of the areas cited above but must at a minimum include testing in English reading and math. The CASAS and TABE are commonly accepted forms for documentation of basic literacy skills. However, acceptable documentation may also include any of the standardized tests identified in the State of California Employment Development Department's Workforce Investment Act Job Training Automation System Client Forms Handbook.

When claiming basic skill attainment, pre/post assessment is required and must be present in the participant file.

A low-income youth is eligible for services if he/she *requires additional assistance to complete an educational program, or to secure and hold employment.* Definitions and eligibility documentation requirements related to this criterion may be established at the local level. Describe your local area's criteria, definitions, and eligibility documentation requirements below:

An individual who requires additional assistance to complete an educational program, or to secure and hold employment:

A low-income youth (including a youth with a disability) who requires "additional assistance to complete an educational program, or to secure and hold employment" is defined by the County as a youth who has one or more of the following characteristics:

- attending continuation school
- low self esteem and sense of self
- involved in gang activities
- a substance abuser
- little or no family support or direction/negative role identification
- alienated by sexual preference
- physically or mentally challenged
- an emancipated minor
- language or cultural barriers
- emotional problems
- at risk of dropping out of school
- at least two grade levels below age

Supplemental documentation is required for eligibility determined on any one of the above enumerated definitions. Sufficient documentary evidence must be in the participant's file to warrant enrollment under the "additional assistance" eligibility definition.

SCHOOL DROPOUT—The term *school dropout* means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent. Youth enrolled in alternative schools are not school dropouts. A youth's dropout status is determined at the time of application and remains in effect throughout her or his participation.

[References: WIA Section 101(39); Title 20 CFR Sections 664.300 and 664.310]

OFFENDER—The term *offender* means any adult or juvenile who:

A. Is or has been subject to any stage of the criminal justice process, for whom services under this Act may be beneficial; or

B. Requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

[Reference: WIA Section 101(27)]

PREGNANT or PARENTING—The term *pregnant or parenting youth* means an individual who is under 22 years of age and who is pregnant, or a youth (male or female) who is providing custodial care for one or more dependents under age 18.

[Reference: WIA Sections 101(13) and 129(c)(5)(D)]

OTHER RESPONSIBLE ADULT—For purposes of authorizing a minor to participate in WIA programs, the signature of a parent, guardian, or other responsible adult is required. This provision allows the local areas to enroll minors with the authorization of individuals other than a parent or legal guardian.

The definition of "other responsible adult" includes:

- ***A relative with whom the individual resides.***
- ***An adult who has been delegated custodial or administrative responsibilities in writing, either temporarily or permanently, by parents or by an appropriate agency.***
- ***An agency or organization representative who is in a position to know the individual's circumstances (i.e., that they could not get a parent's or guardian's signature authorizing participation), for example, a clergy person, a school teacher or other school official, a probation or other officer of the court, a foster parent.***
- ***A representative of an agency which provided support services to the individual and who is aware of the individual's circumstances (i.e., that they cannot get a parent's or guardian's signature authorizing participation) for example, a social worker, a homeless shelter official, a child protective worker, a health clinic official.***
- ***Other responsible adults determined by the local board as appropriate to authorize the individual's participation.***

OUT-OF-SCHOOL YOUTH—An individual may be served as an out-of-school youth, if such an individual meets the definition of *eligible youth*, and

A. Is a school dropout; or

B. Has received a secondary diploma or its equivalent but is
   1. Basic skills deficient,
   2. Unemployed, or
   3. Underemployed.

[Reference: WIA Section 101(33)]

The DOL CLARIFICATION OF OUT-OF-SCHOOL YOUTH—All eligible youth are out-of-school youth except those who are attending any school and have not received a secondary school diploma or its recognized equivalent and except those who are attending post-secondary school and are not basic skills deficient.

[Reference: TEGL 14-00 Change 1]

TRUANCY—The California Department of Education publication *2002 Work Permit: Frequently Asked Questions* states that: A truant/dropout is in violation of California's compulsory school attendance laws and a school district is not permitted to sanction violation of those laws by issuing a permit to work. A truant/dropout is subject to arrest, and the parents are subject to infraction fines if the minor is found working without a work permit.

Five Percent Eligibility Exceptions

Not more than five percent of participants served by WIA Youth programs may be individuals who do not meet the minimum income criteria to be considered eligible youth if such individuals are within one or more of the following categories:

A. School dropout;

B. Basic skills deficient, as defined in WIA Section 101(4);

C. Are one or more grade levels below the grade level appropriate to the individual's age;

D. Pregnant or parenting;

E. Possess one or more disabilities, including learning disabilities;

F. Homeless or runaway;

G. Offender; or

H. Face *serious barriers to employment* as identified by the state or the local board.

[Reference WIA Section 129(c)(5)]

Local boards may define the term *serious barriers to employment* and describe it in the local plan [*Title 20 CFR Part 652 et al. Preamble, Subpart B—Eligibility for Youth Services, p. 49349*]. Include your local area's definition of serious barriers to employment below:

Serious barriers to employment:

A youth can be determined to face "serious barriers to employment" when s/he has more or more of the following characteristics:

- attending continuation school
- low self esteem and sense of self
- involved in gang activities
- a substance abuser
- little or no family support or direction/negative role identification
- alienated by sexual preference
- physically or mentally challenged
- an emancipated minor
- language or cultural barriers
- emotional problems
- at risk of dropping out of school
- at least two grade levels below age

Supplemental documentation is required for eligibility determined on any one of the above enumerated definitions. Sufficient documentary evidence must be in the participant's file to warrant enrollment under the "additional assistance" eligibility definition.

VIII. LOW-INCOME INDIVIDUAL DETERMINATION

To be eligible to receive youth services an individual must be low-income. Unless the local board determines that funds are not limited in the local area for the adult program, priority must be given to recipients of public assistance and other low-income individuals for intensive and training services. The Act defines low-income individual in Section 101(25). The definition of low-income individual applies to the priority to serve low-income adults and eligible youth. Related to the definition of low-income individual are the definitions of *poverty level, public assistance, family, dependent children, emancipated minor, out-of-family youth, lower living standard income level, homeless,* and *individual with a disability.* All of these definitions are listed below.

LOW-INCOME INDIVIDUAL—The term *low-income individual* means an individual, who:

(A) Receives, or is a member of a family that receives cash payments under a federal, state, or local income-based public assistance program;

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

1. The poverty line, for an equivalent period; or
2. Seventy percent of the lower living standard income level, for an equivalent period;

(C) Is a member of a household that receives (or has been determined within the six-month period prior to application for the program involved to be eligible to receive) food stamps;

(D) Qualifies as a homeless individual;

(E) Is a foster child on behalf of whom state or local government payments are made; or

(F) Is an individual with a disability whose own income meets the requirements of a program described in (A) or (B), but who is a member of a family whose income does not meet such requirements.

[Reference: WIA Section 101(25)]

Public Law 106-501 amended the Older Americans Act of 1965 by stating in part that, eligible individuals under the Older Americans Act may be deemed by local boards established under Title I of WIA to satisfy the requirements for receiving services under such title that are applicable to adults. This is similar to the eligibility allowance under the Job Training Partnership Act.

Title 42 of the United States Code, Section 3003 provides that full and special consideration shall be given to older citizens with special needs in planning such programs, and, pending the availability of such programs for all older citizens, give priority to the elderly with the greatest economic and social need. (Local areas might consider including the number of referrals of older Americans to be accepted under Title I of WIA in its memorandum of understanding with one-stop providers of activities under the Older Americans Act.)

PUBLIC ASSISTANCE—The term *public assistance* means federal, state, or local government cash payments for which eligibility is determined by a needs or income test. The statutory definition of public assistance contains a two-part test: (1) the program must provide cash payments, and (2) eligibility for the program must be determined by a needs or income test.

[Reference: WIA Section 101(37)]

FAMILY—The term *family* means two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

A. A husband, wife, and dependent children.

B. A parent or guardian[1] and dependent children.

C. A husband and wife.

[Reference: WIA Section 101(15)]

DEPENDENT CHILDREN—Dependent children shall be defined as individuals, aged 0-21, whose circumstances fall into one of the following categories:

A. Under the age of 18, who are not emancipated minors (emancipated minor is defined below), and are living in a single residence with their parent(s) or guardian(s).

B. Age 18-19 who are full-time students in a secondary school or equivalent, and are living in single residence with their parent(s) or guardian(s).

C. Age 18-21, who are not full-time students in a secondary school or equivalent, and are living in a single residence with their parent(s) or guardian(s), shall have their dependency established according to locally established policy and procedures.

If the 18-21 year-old is a dependent family member (e.g., the youth is claimed as a dependent on the parent's income tax), then income is calculated based on wages, salaries, tips, etc. of all family members. If the older youth is determined <u>not</u> to be a dependent family member (e.g., the youth is not claimed as a dependent on the parent's income tax), the older youth's income is based on his or her own wages, salaries, tips, etc.

(1) For purposes of Category B, references to the term "guardian" refer to LEGAL guardian.

It is not possible to develop policy that will cover every situation. At some point, common sense, humanity and good case records must compensate for the deficiencies of policies to anticipate every situation.

Include below local policy and procedures for determining the dependency of older youth age 18-21 who are not full-time students in a secondary school or equivalent, and are living in a single residence with their parent(s) or guardian(s).

Local dependency policy and procedures:

Older youth age 18-21 who are not full-time students in a secondary school (high school) or equivalent, and are living in a single residence with their parent(s) or guardian(s) shall have their dependency status established as follows:

- If the individual is claimed as a dependent on his/her parent's/guardian's income tax, then he/she is considered a dependent family member and income is calculated based on wages, salaries, tips, etc. of all family members.
- If the individual is claiming to be no longer dependent (i.e., not claimed as a dependent on his/her parent's/guardian's income taxes), then he/she must:

  1. Attest to his/her individual status; and
  2. Have such statement corroborated, if possible, by the head of household in which the individual resides; and
  3. Show his/her source of support (income) for the six months prior to application. Income will be based on the individual's own wages, salaries, tips, etc.

An individual who claims little or no income must submit a statement that little or no income was received during the past six-months, and that he/she was unemployed for that period. If an individual provided work and/or services for which the household would typically pay, and in lieu of wages received lodging, food, and similar necessities, this information should be included in his/her statement.

EMANCIPATED MINOR—The *California Family Code*, Section 7002, defines *emancipated minor* as any person under the age of 18 years who:

A. Has entered into a valid marriage, whether or not such marriage was terminated by dissolution;

B. Is on active duty with any of the armed forces of the United States of America; or

C. Has received a declaration of emancipation pursuant to California Family Code 7122.

OUT-OF-FAMILY YOUTH—Court adjudicated youth separated from the family (including incarcerated youth), homeless, runaway, and emancipated youth for purposes of determining income eligibility are a "family of one."

POVERTY LEVEL—The *poverty level* means the income level at which families are

considered to live in poverty, as annually determined by the Department of Health and Human Services.

[Reference: published annually in the Federal Register]

LOWER LIVING STANDARD INCOME LEVEL—The *lower living standard income level* (LLSIL) means the income level (adjusted for regional, metropolitan, urban, and rural differences and family size), determined annually by the Secretary based upon the most recent *lower living family budget* issued by the Secretary.

[Reference: published annually in the Federal Register]

INDIVIDUAL WITH A DISABILITY—The term *disability* means, with respect to an individual:

1. A physical or mental impairment that substantially limits one or more of the major life activities of such an individual;
2. A record of such an impairment; or
3. Being regarded as having such impairment.

[References: WIA Section 101(17); Title 20 CFR Section 664.250; Section 3 of the Americans with Disabilities Act of 1990]

An individual with a disability whose own income meets the low-income criteria, but is a member of a family whose income does not meet the low-income requirements, is a low-income individual.

HOMELESS—The term *homeless, homeless individual* or *homeless person* includes:

1. An individual who lacks a fixed, regular, and adequate nighttime residence; and
2. An individual who has a primary nighttime residence that is -
   (a) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
   (b) An institution that provides a temporary residence for individuals intended to be institutionalized; or
   (c) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

[References: WIA Section 101(25)(D); Section 103 of the Stewart B. McKinney Homeless Assistance Act]

INCOME ELIGIBILITY DETERMINATION PROCESS—*Income eligibility* is a function of family resources and family size.

Income is:

- Monetary compensation for services, including wages, tips, salary, commissions, or fees before any deductions
- Net receipts from non-farm self-employment (receipts from a person's own

unincorporated business, professional enterprise, or partnership, after deductions for business expense)

- Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses)
- Regular payments from railroad retirement, strike benefits from union funds, worker's compensation, and training stipends (e.g., wages from the California Conservation Corp)
- Alimony, Military family allotments, or other regular support from an absent family member or someone not living in the household
- Private pensions, government employee pensions (including military retirement pay)
- Regular insurance or annuity payments (including state disability insurance)
- College or university scholarships (not needs-based), grants, fellowships, and assistantships
- Net gambling or lottery winnings
- Severance payments
- Terminal leave pay
- Social Security Disability Insurance payments

Income is not:

- Unemployment Insurance
- Child support payments (including foster care child payments)
- Need-based Public Assistance payments (including TANF, Supplemental Security Income, Emergency Assistance money payments, and non-federally-funded general assistance or general relief money payments)
- Social Security Old Age and Survivors' Insurance benefit payments
- Financial assistance under Title IV of the Higher Education Act, i.e., Pell Grants
- Supplemental Educational Opportunity Grants and Federal Work Study
- Needs-based scholarship assistance
- Loans
- Veterans Benefits
- Income earned while the veteran was on active military duty and certain other veterans' benefits, i.e., compensation for service-connected disability, compensation for service-connected death, vocational rehabilitation, and education assistance
- Capital gains
- Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car
- Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury

- Non-cash benefits such as employer paid or union-paid portion of health insurance or other fringe benefits, food or housing received in lieu of wages
- The value of food and fuel produced and consumed on farms
- The imputed value of rent from owner occupied nonfarm or farm housing
- Medicare, Medicaid, food stamps, school meals, and housing assistance
- Allowances, earnings and payments to individuals participating in programs under this Act (except OJT wages)

[Adopted from WIA Section 101(25)(B) and Training and Employment Information Notice 29-91]

When a federal statute excludes income received under that statute in determining eligibility for programs operated under other federal laws, such income is also excluded in WIA eligibility determination.

The total of included income for the most recent six-month period is multiplied by two to determine the annual income. The income from each family member is included in the total family income. The annual income is located on the published poverty/lower living standard guidelines according to family size (see above for determination of family size). Below is a sample table for illustrative purposes only.

SAMPLE CHART[1]

Family Size							
	1	**2**	**3**	**4**	**5**	**6**	Each Add'l. add
70% LLSIL							
Annual	$7,400	$12,110	$16,630	$20,530	$24,220	$28,330	$4,110
6 Months	$3,700	$6,055	$8,315	$10,265	$12,110	$14,165	$2,055
100%	$10,560	$17,300	$23,750	$29,320	$34,600	$40,470	$5,870
Poverty Guidelines							
Annual	$8,350	$11,250	$14,150	$17,050	$19,950	$22,850	$2,900
6 Months	$4,175	$5,625	$7,075	$8,525	$9,975	$11,425	$1,450

Since only the income received during the six-month period immediately prior to the individual's application for WIA funded services is used for income determination, the State annually publishes charts that show the six-month, as well as the annual, figures for each family size. An applicant's actual family income during the six-month income determination period can be compared with the six-month figures on the charts. ***If multiplying the six-month income by two, overstates the actual annual income, the actual annual income should be used.***

See *Attachment 1* for guidance about assessing and determining the annual income received.

[1] This chart is a sample. The income information changes annually and varies with locality.

IX. ELIGIBILITY DOCUMENTATION AND VERIFICATION

Describe your local area's eligibility documentation and verification policy and procedures below.

Eligibility documentation and verification policy and procedures:

The Los Angeles County LWIA expects the WIA eligibility documentation and verification process to be customer-friendly and not add to the frustrations already experienced by individuals who are out of work. It is the purpose of WIA programs to assist people who are having difficulty finding employment. Therefore, it is not the intention of this program to discourage participation by imposing difficult documentation and verification requirements.

WIA Contractor staff and applicants must make reasonable efforts to document eligibility for WIA-funded programs. However, the use of applicant statements is allowable to document those items that are not verifiable or are not readily available. The applicant's difficulty in obtaining documentation does not need to entail privation or undue hardship to justify using an applicant statement. In taking an applicant's statement, it is not necessary to obtain corroboration unless there is reason not to believe the applicant.

Section X of this TAG indicates acceptable documentation to establish WIA eligibility for adults, dislocated workers, and youth programs. Staff conducting WIA eligibility determination is responsible for ensuring that adequate documentation is present in participant case files to minimize the risk of disallowed costs.

It is the County's intent to establish and maintain balanced local documentation and verification processes that are not excessively intrusive and burdensome and, at the same time, represent a good faith and reasonable effort to establish WIA eligibility.

Located within this technical assistance guide is a form for local areas to develop their own tables of documentation for establishing WIA eligibility for adults, dislocated workers, and youth programs.

Local areas may develop their own tables, or adopt in whole or in part, the prepared table provided in *Attachment 2*.

Local areas are responsible for ensuring that adequate documentation is contained in their participant case files to minimize the risk of disallowed costs. The State supports the development of a balanced local documentation and verification policy that is not excessively intrusive and burdensome and is, at the same time, a good faith and reasonable effort to establish WIA eligibility.

DEFINITIONS

In the context of establishing eligibility:

Verification means to confirm an eligibility requirement through examination of official documents, e.g., birth certificates, public assistance records, or speaking with official representatives of cognizant agencies.

Documentation means to maintain on-file physical evidence, which is obtained during the verification process. Such evidence would be copies of documents, completed telephone/document inspection forms, and signed applicant statements.

X. TABLE OF DOCUMENTATION TO ESTABLISH WIA ELIGIBILITY

ELIGIBILITY CRITERIA	ACCEPTABLE DOCUMENTATION
GENERAL ELIGIBILITY	***Refer to Attachment 2, "Sample Composite of Acceptable Documentation," which has been adopted in whole by the Los Angeles County LWIA.***
Birth Date/Age	
U.S. Work Authorization	
Selective Service Registrant	
DISLOCATED WORKERS	
Terminate/Laid Off	
Plant Closure/Substantial Layoff	
Self-employed	
Displaced Homemaker	
INCOME ELIGIBILITY	
Cash Public Assistance	
Family Income	
Family Size/Individual Status	
Food Stamps	
Foster Child	
Homeless	
Individuals with Disabilities	
OTHER	
Basic Literacy Skills Deficient	
School Dropout	
Homeless or Runaway	
Foster Child	
Pregnant or Parent	
Offender	
Requires additional assistance to complete an educational program, or to secure and hold employment.	
Individuals with educational attainment that is one or more grade levels below the grade level appropriate to the age of the individuals.	
Individuals with Disabilities	
Other eligible youth who face serious barriers to employment as identified by the local board.	

ATTACHMENT 1

Assessing And Determining Income

Individuals normally receive wages or income payments under one of the following increments.

STRAIGHT OR SALARY—The straight pay is income received without variation in the gross pay from pay period to pay period. The information may be provided in a series of pay stubs or one, cumulative pay stub. The weekly gross pay is multiplied by 52 to determine the annual gross wages; bi-weekly is multiplied by 26; bi-monthly is multiplied by 24; and monthly is multiplied by 12.

Example 1: Bi-weekly pay stubs indicate a gross amount of $548.

26 x $548 = $14,248 is the annualized gross income

Example 2: Year to Date earnings $16,812 with bi-monthly payment. There were 18 bi-monthly payments of $934.

16,812÷18 = 934

24 x $934 = $22,416 is the annualized gross income

VARYING—When reported earnings vary from pay period to pay period, the average of the earnings submitted is annualized. The earnings may be submitted on a number of pay stubs or on one, cumulative pay stub.

Example: Six weekly pay stubs report the following gross earnings: $534, $475, $398, $534, $498, and $534.

Add: $534 + $475 + $398 + $534 + $498 + $534 = $2,973

Divide: $2,973 ÷ 6 = $495.50 is the average gross weekly earnings

Multiply: $495.50 x 52 = $25,766 is the annualized gross income

INTERMITTENT—Earnings are varied and include periods of unemployment. With as much data as possible, annualized income is determined by adding the reported earnings.

ATTACHMENT 2

A Sample Composite of Acceptable Documentation

INTRODUCTION

This attachment provides a sample composite of Title I-B eligibility criteria aligned with recommended documentation sources. A file copy of any one document listed per eligibility criterion is satisfactory, unless otherwise specified. Local areas may adopt the following table and definitions (in whole or in part) or develop their own tables, policies and procedures for documentation. See Sections IX and X of the technical assistance guide.

For cases where documentation cannot or may not be copied, and/or is not readily obtainable, documents may be inspected or information verified by telephone. Local areas may develop documentation inspection and telephone verification forms to document any Workforce Investment Act (WIA) eligibility criterion or provide guidance to case managers about what case notes must be included in a participant's hard copy or electronic file.

An applicant statement is not considered a primary documentation source. As stated on page 7 of this Technical Assistance Guide (TAG), ***One-stop operators and applicants must make reasonable efforts to document eligibility for WIA-funded programs.*** However, applicant statements may be used when an item is unverifiable or it is unreasonably difficult for the applicant to obtain. A locally developed applicant statement form may be used or guidance provided to case managers about how to take acceptable applicant statements. The applicant statement may be prudently used wherever it is listed, as acceptable documentation in the table below and other documentation may not be easily obtained.

SAMPLE COMPOSITE OF DOCUMENTATION

ADULT AND DISLOCATED WORKERS	
GENERAL ELIGIBILITY CRITERIA (Verify each criterion unless specified otherwise)	**ACCEPTABLE DOCUMENTATION** (Only one document from this column per eligibility criterion is required)
BIRTH DATE/AGE **Note:** Applicants must be age 18 or older at the time of registration to participate in this program.	• Baptismal or Church Record • Birth Certificate • DD-214 Form • Driver's License • Federal, State or Local Government Issued Identification Card • Hospital Record of Birth • Passport • Public Assistance/Social Service Records • School Records • Telephone Verification • Work Permit
U.S. WORK AUTHORIZATION **Note:** For changes to the list of acceptable identity and work authorization documents since the November 1991 revision of the INS Form I-9, go to uscis.gov/graphics/formsfee/forms/i-9.htm.	• Verification Document(s) that Satisfy List A of the I-9 • Verification Document(s) that Satisfy List B and C of the I-9
SELECTIVE SERVICE REGISTRANT **Note:** Each male registrant 18 years of age or older born on or after January 1, 1960, must present evidence that he has complied with *Section 3* of the Military Selective Service Act. Each male who turns 18 years of age during WIA participation must also submit evidence that he has complied with the requirements of the Military Selective Service Act.	• Acknowledgement Letter • Form DD-214[1] • Screen printout of the Selective Service Verification Internet site: www.sss.gov/regver/verification1.asp • Selective Service Status Information Letter[2] • Selective Service Registration Card • Selective Service Registration Record (Form 3A) • Selective Service Verification Form • Stamped Post Office Receipt of Registration

[1] Men who separate from active military duty for any reason before they turn age 26 must register for Selective Service. See "Who Must Register" chart at www.sss.gov/must.htm for specific military-related requirements.

[2] Since January 1995, the Selective Service System has been issuing "status information letters" in of previous system of "advisory opinion letter."

DISLOCATED WORKERS	
ELIGIBILITY CRITERIA (Verify each criterion unless specified otherwise)	**ACCEPTABLE DOCUMENTATION** (Only one document from this column per eligibility criterion is required)
ELIGIBILITY GROUP A–Terminated/Laid Off	
1. (A) Has been terminated or laid off, or who has received a notice of termination or layoff, from employment; **AND**	• Worker Adjustment and Retraining Notification Act (WARN) notice • Photocopy of a printed media article or announcement describing the layoff. The photocopy must include the name of the medium in which published and the date of publication • Employer or union representative letter or statement • Applicant Statement
(B) (a) Is eligible for or has exhausted entitlement to unemployment compensation; **or** (b) Has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; **AND**	• Unemployment Insurance records, including DE 429 Notice of Unemployment Insurance Award and DE 4581 Continued Claim Form • Statement by an Unemployment Insurance representative • Pay check stubs • W-2 and/or Tax Returns • Unemployment Insurance records, including DE 429 Notice of Unemployment Insurance Award and DE 4581 Continued Claim Form • Statement by the employer or union representative • Statement by an Unemployment Insurance representative • Applicant Statement
(C) Is unlikely to return to a previous industry or occupation.	• Appointment Notice of referral to an Initial Assistance Workshop (IAW); or • Screen print of IAW schedule; or • Reemployment Plan generated from IAW; or • Invitation Letter to Self Employment Assistance (SEA) orientation; or • Screen print of SEA schedule. Note: If one of the above is not available, documented telephone verification from the EDD field office will suffice.

DISLOCATED WORKERS (continued)	
ELIGIBILITY CRITERIA (Verify each criterion unless specified otherwise)	**ACCEPTABLE DOCUMENTATION** (Only one document from this column per eligibility criterion is required)
ELIGIBILITY GROUP A–Terminated/Laid Off (continued)	
(C) [continued] Is unlikely to return to a previous industry or occupation.	• Applicant Statement • Internet site, such as CalJOBS that indicates lack of industry/occupation availability • Screen print of Labor Market Information Division screens that indicates lack of industry/occupation availability • Doctor statement indicating applicant's inability to return to previous industry/occupation due to physical limitations • Vocational rehabilitation counselor's statement indicating applicant's inability to return to previous industry/occupation due to physical limitations • Employment Specialist's Determination
ELIGIBILITY GROUP B–Plant Closure/Substantial Layoff	
2. Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise; Note: In the case of downsizing or workforce reduction when it is unclear which employees will be affected, a layoff notice is appropriate.	Closure or substantial layoff: • Bankruptcy documents, if declared under *Chapter 7*, Title 11 U.S.C. Notice of foreclosure or a similar document provided by a financial institution when such document clearly shows that a closure or mass layoff will occur as a result of its issuance • Copy of a printed media article/announcement describing the closure/mass layoff; the copy must include the name of the medium in which published and the date of publication • Statement from the employer or union representative • Statement from the employer's bank official, attorney, supplier, accountant, or another knowledgeable individual • Copy of a **valid** WARN notice provided by the employer or authorized representative • Telephone Verification • Applicant Statement Notice of Layoff or Laid-off: • Copy of a **valid** WARN notice provided by the employer or authorized representative • Copy of other specific notice to employee of intent to lay-off • Unemployment Insurance Form 501 (Separation Statement), when completed on both sides and signed by an employer representative • Employer or union representative letter or statement • Telephone Verification • Applicant Statement

DISLOCATED WORKERS (continued)	
ELIGIBILITY CRITERIA (Verify each criterion unless specified otherwise)	**ACCEPTABLE DOCUMENTATION** (Only one document from this column per eligibility criterion is required)
ELIGIBILITY GROUP B–Plant Closure/Substantial Layoff (continued)	
3. Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; **OR** For purposes of eligibility to receive core services only, is employed at a facility at which the employer has made a general announcement that such facility will close.	• Bankruptcy documents, if declared under *Chapter 7*, Title 11, U.S.C. Notice of foreclosure or a similar document provided by a financial institution when such document clearly shows that a closure or mass layoff will occur as a result of its issuance • Copy of a printed media article/announcement describing the closure/mass layoff; the copy must include the name of the medium in which published and the date of publication • Statement from the employer or union representative • Statement from the employer's bank official, attorney, supplier, accountant, or another knowledgeable individual
ELIGIBILITY GROUP C–Self-employed	
4. Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is **unemployed** as a result of general economic conditions in the community in which the individual resides or because of natural disasters.	• Bankruptcy documents listing both the name of the business and the applicant's name • Business License • Copy of a completed federal income tax return (Schedule SE) for the most recent tax year • Copy of a printed media article/announcement describing the closure/mass layoff; the copy must include the name of the medium in which published and the date of publication • Copy of articles of incorporation for the business listing the applicant as a principal • Applicant Statement
ELIGIBILITY GROUP D–Displaced Homemaker	
5. Is a displaced homemaker.	• Applicant Statement
VOLUNTARILY TERMINATED EMPLOYMENT AND UI ELIGIBLE	
6. Has voluntarily terminated employment, and has been determined eligible to receive UI benefits, and is unlikely to return to a previous industry or occupation. Note: In the case of individuals not profiled, UI benefit check stubs meet the documentation requirement.	• Appointment Notice of referral to an Initial Assistance Workshop (IAW); or • Screen print of IAW schedule; or • Reemployment Plan generated from IAW; or • Invitation Letter to Self Employment Assistance (SEA) orientation; or • Screen print of SEA schedule. Note: If one of the above is not available, documented telephone verification from the EDD field office will suffice.

MISCELLANEOUS CRITERIA	
ELIGIBILITY CRITERIA (Verify each criterion unless specified otherwise)	**ACCEPTABLE DOCUMENTATION** (Only one document from this column per eligibility criterion is required)
ADULT PROGRAM PRIORITY	
The definition of low-income individual applies to the priority to serve low-income adults and eligible youth.	
VETERANS' PRIORITY OF SERVICE	
A veteran/covered person, as defined in Section 4215 of the Jobs for Veterans Act, is entitled to priority of service under WIA Title I programs, e.g., adult, youth and dislocated worker.	• DD 214 • Veterans Administration Letter or Records
NOT EMPLOYED	
Use WIASRD, Item 115 definition.	• Applicant Statement
UNDEREMPLOYED	
Applies to displaced homemaker and older youth.	• Employment Specialist or Case Manager's Determination • Telephone Verification • Applicant Statement

YOUTH	
GENERAL ELIGIBILITY CRITERIA (Verify each criterion unless specified otherwise)	**ACCEPTABLE DOCUMENTATION** (Only one document from this column per eligibility criterion is required)
The general eligibility criteria for youth are the same as for adults and dislocated workers: Birth Date/Age; INS U.S. Work Authorization and Selective Service Registration. Acceptable documentation for these criteria is the same as adults and dislocated workers (see Section X, *Table of Documentation to Establish WIA Eligibility,* of this guide).	
ECONOMIC ELIGIBILITY CRITERIA (Only one Economic Eligibility criterion in the left column need be verified)	**ACCEPTABLE DOCUMENTATION** (Only one document from this column per eligibility criterion is required)
CASH PUBLIC ASSISTANCE **Note:** The applicant receives or is a member of a family that receives cash payments under a federal, state, or local income-based public assistance program.	• Authorization to Receive Cash Public Assistance • Public Assistance Check • Public Assistance Identification Card Showing Cash Grant Status • Public Assistance Records/Printout • Refugee Assistance Records/Printout • Signed Statement from Health & Welfare • Telephone Verification
FAMILY INCOME **Note:** Documentation should be provided for <u>each</u> applicable *inclusive* income source received by the applicant and each family member for the six-month income period immediately preceding the determination date. It is necessary to verify family size when utilizing family income eligibility. An applicant who claims little or no income must submit a statement that little or no income was received during the past six months, and that he/she was **not employed** for that period.	• Accountant Statement • Alimony Agreement • Award Letter from Veterans Administration • Bank Statements (Direct Deposit) • Compensation Award Letter • Court Award Letter • Employer Statement • Farm or Business Financial Records • Housing Authority Verification • Pay Stubs • Pension Statement • Public Assistance Records • Applicant Statement • Quarterly Estimated Tax for Self-employed Persons (Schedule C) • Social Security Benefits Records • Telephone Verification with Employer • Unemployment Insurance Documents and/or Printout

YOUTH (continued)	
ECONOMIC ELIGIBILITY CRITERIA (Only one Economic Eligibility criterion in the left column need be verified)	**ACCEPTABLE DOCUMENTATION** (Only one document from this column per eligibility criterion is required)
FAMILY SIZE/INDIVIDUAL STATUS **Note:** In addition to documentation of family size, additional documentation may require to establish that the family is living in a single residence. Persons ordinarily included in the definition of family, but claiming to be no longer dependent, must attest to their individual status. The head of household in which that person resides, if possible, should corroborate such statement. Individual must also show source of support. **Note:** A social security card is invalid if not signed by the number holder unless health or age prevent signature.	• Lease • Telephone Verification • Birth/Baptismal Certificates or Church/Hospital Records of Birth • Decree of Court • Divorce Decree • Social Security Cards • Alien Registration Cards • Landlord Statement • Marriage Certificate • Medical Card • Public Assistance/Social Service Agency Records • Written Statement from a 24 Hour Care Facility or Institution (e.g. Mental, Prison) • Most Recent Tax Return Supported by IRS Documents (e.g. Form Letter 1722) • Applicant Statement
FOOD STAMPS **Note:** The documentation listed must show that the applicant is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).	• Authorization to Obtain Food Stamps • Food Stamp Card with Current Date • Food Stamp Receipt • Postmarked Food Stamp Mailer with Applicable Name and Address • Statement from County Welfare Office • Public Assistance Records/Printout • Telephone Verification with County Welfare Office
FOSTER CHILD **Note:** Must be a foster child for which State or local government payments are made on his/her behalf.	• Court Records/Documentation • County Welfare Office Records/Statement • Medical Card • Telephone Verification • Verification of Payments Made on Behalf of the Child • Written Statement from Cognizant Agency
HOMELESS	• Applicant Statement • Statement from a Social Service Agency • Statement from an Individual Providing Temporary Residence • Statement from Shelter • Telephone Verification

YOUTH (continued)	
ECONOMIC ELIGIBILITY CRITERIA (Only one Economic Eligibility criterion in the left column need be verified)	**ACCEPTABLE DOCUMENTATION** (Only one document from this column per eligibility criterion is required)
INDIVIDUALS WITH DISABILITIES **Note:** Disability status as well as income must be verified. An individual with a disability shall be considered a family of one for eligibility purposes.	• Letter from Drug or Alcohol Rehabilitation Agency • Medical Records • Observable Condition • Physician's Statement • Psychiatrist or Psychologist Diagnosis/Statement • Rehabilitation Evaluation • School Official Statement • Sheltered Workshop Certification • Social Security Administration Disability Records • Social Service Records/Referral • Veterans Administration Letter/Records • Vocational Rehabilitation Letter/Statement • Workers Compensation Records/Statement • Telephone Verification • Applicant Statement
ADDITIONAL REQUIREMENTS (Only one eligibility criterion in the left column need be verified)	**ACCEPTABLE DOCUMENTATION** (Only one document from this column per eligibility criterion is required)
BASIC LITERACY SKILLS DEFICIENT	• Locally defined, may include: – Standardized Test – School Records
SCHOOL DROPOUT	• School Statement/Records • Applicant Statement
HOMELESS OR RUNAWAY	• Applicant Statement • Statement from a Social Service Agency • Statement from an Individual Providing Temporary Residence • Statement from Shelter • Telephone Verification
FOSTER CHILD **Note:** Must be a foster child for which State or local government payments are made on his/her behalf.	• Court Records/Documentation • County Welfare Office Records/Statement • Medical Card • Telephone Verification • Verification of Payments Made on Behalf of the Child • Written Statement from Cognizant Agency

YOUTH (continued)	
ADDITIONAL REQUIREMENTS (Only one eligibility criterion in the left column need be verified)	**ACCEPTABLE DOCUMENTATION** (Only one document from this column per eligibility criterion is required)
PREGNANT OR PARENT	• Birth Certificate • Hospital Record of Birth • Medical Card • Statement from Physician • Statement from School Program for Pregnant Youth • School Records • Telephone Verification • Written Statement from Social Services Agencies • Applicant Statement
OFFENDER	• Court Documents • Letter of Parole • Police Records • Statement from Halfway House • Statement from Probation Officer • Newspaper • Telephone Verification • Applicant Statement
IS AN INDIVIDUAL WHO REQUIRES ADDITIONAL ASSISTANCE TO COMPLETE AN EDUCATIONAL PROGRAM, OR TO SECURE AND HOLD EMPLOYMENT	• Locally defined
5% EXCEPTION (Only one criterion in the left column need be verified)	**ACCEPTABLE DOCUMENTATION** (Only one document from this column per eligibility criterion is required)
SCHOOL DROPOUT	See page 56
BASIC LITERACY SKILLS DEFICIENT	See page 56
INDIVIDUALS WITH EDUCATIONAL ATTAINMENT THAT IS ONE OR MORE GRADE LEVELS BELOW THE GRADE LEVEL APPROPRIATE TO THE AGE OF THE INDIVIDUALS	• Telephone Verification with the School • Statement from School • Report Card • School Records
PREGNANT OR PARENT	See above
INDIVIDUALS WITH DISABILITIES	See page 56
HOMELESS OR RUNAWAY	See page 56
OFFENDER	See above
OTHER ELIGIBLE YOUTH WHO FACE SERIOUS BARRIERS TO EMPLOYMENT AS IDENTIFIED BY THE LOCAL BOARD	• Locally defined

ATTACHMENT 3

**********FORMATTED FOR ELECTRONIC TRANSMISSION**********

U.S. Department of Labor Employment and Training Administration Washington, D.C. 20210	CLASSIFICATION JTPA/SSS CORRESPONDENCE SYMBOL TDCP DATE November 4, 1998

TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 8-98

TO: ALL STATE JTPA LIAISONS
ALL STATE EMPLOYMENT SECURITY AGENCIES
ALL STATE WORKER ADJUSTMENT LIAISONS
ALL ONE-STOP CAREER CENTER SYSTEM LEADS

FROM: DAVID HENSON
Director
Office of Regional Management

SUBJECT: Selective Service Registration

1. Purpose. To provide updated guidance to Job Training Partnership Act (JTPA) grantees on applying the Selective Service registration requirement and to rescind TEIN No. 20-94.

2. References. JTPA §604, Enforcement of Military Selective Service Act, as amended (MSSA); Training and Employment Guidance Letter (TEGL) No. 4-89; and Training and Employment Information Notice (TEIN) No. 20-94.

3. Background. Only those males who are subject to, and have complied with, the registration requirements of MSSA are eligible for participation in JTPA-funded programs and services. Section 604 of the JTPA, as amended, requires the Secretary of Labor to insure that each individual participating in any JTPA program, or receiving any assistance under the Act, has not violated the requirements of §3 of the MSSA (50 U.S.C. App. 453). This section requires that every male citizen, and every other male residing in the United States must register with the Selective Service System (SSS) between their 18th and 26th birth dates. The Director of the SSS and the Secretary of Labor are required to cooperate in carrying out these provisions.

RESCISSIONS TEIN NO. 20-94	EXPIRATION DATE Continuing

DISTRIBUTION

In 1986, the MSSA was amended by Public Law 99-661, §1366 to require the registration status to be examined and confirmed as follows:

(g) A person may not be denied a right, privilege, or benefit under federal law by reason of failure to present himself for and submit to registration under section 3 [50 U.S.C. App. 453] if - -

(1) the requirement for the person to register has terminated or become inapplicable to the person; and

(2) the person shows by a preponderance of the evidence that the failure of the person to register was not a knowing and willful failure to register.

The Conference Report to the amendment clarified "that a nonregistrant is not to be denied any federal benefit if he can demonstrate that his failure to register was not knowing or willful." This provision was added "in order not to penalize an individual with an obvious disqualifying handicap, such as total paralysis of the limbs, or an individual who has been honorably discharged from the armed services." (see TEGL No. 4-89)

Occasionally, males who were subject to SSS registration, but did not register and are now beyond their 26th birth date, apply for assistance from the JTPA program. In the past, when grantees completed the "advisory form" for such applicants, the SSS responded with an "advisory opinion letter" which, in effect, ruled on an applicant's compliance with the JTPA's requirement to register with the SSS.

Since January 1995, the SSS has been issuing "status information letters" indicating an applicant's Selective Service Status, in lieu of the previous system of "advisory opinion letters." This current practice is pursuant to SSS's determination that final decisions for disbursing federally financed domestic benefits, services, rights, or training, rests solely with the various provider agencies which disburse them. In the case of JTPA, these provider agencies are the SDAs and SSAs.

4. Policy. The SDA/SSA programs disbursing services or benefits have the responsibility for deciding the above cases and determining eligibility for services or benefits on a case-by-case basis.

a. Males between the Ages of 18 and 26. Individuals who are required to register, but have not registered, and have not yet reached their 26th birth date, should be referred to SSS for registration prior to enrollment in JTPA.

b. Males Over the Age of 26 Who Did Not Register. Any male over 26 years old who possesses a "Status Information Letter" from the SSS indicating that he was required to register, but did not, and now cannot be registered because the law does not allow for registration after the age of 26, is presumptively disqualified from participation in JTPA-funded services and activities. The burden then falls on the applicant to provide evidence explaining why he failed to register with the SSS. This could include a written explanation from the applicant, stating his circumstances at the

time of the required registration, and his reasons for not registering, together with supporting documentation.

Since the JTPA grantee is now authorized to make these determinations for eligibility purposes, the JTPA staff should evaluate the evidence presented by the applicant and make a determination regarding whether or not the applicant's failure to register with the SSS when he was required to register is consistent with the above cited amendment to P.L. 99-661, §1366. If after reviewing the evidence, the SDA/SSA determines that the preponderance of the evidence shows that a man's failure to register was not a knowing and willful failure and he is otherwise eligible, services may be granted. If the determination is that the evidence shows the applicant's failure to register was knowing and willful, JTPA services must be denied. Applicant's denied services should be advised of the available grievance procedures under JTPA. Decisions by the local program are appealable to the State (see Item 6.below).

5. Examples of Documentation/Evidence Which Could be Provided by the Applicant. A nonregistrant should be encouraged to offer as much evidence and in as much detail as possible to support his case. Following are examples of documentation/evidence that may be of assistance to SDAs/SSAs in making a determination in these cases:

   a. Service in Armed Forces. A man provides evidence that he served honorably in the U.S. Armed Forces by submitting a copy of his DD Form 214 attesting to his service, or a copy of his Honorable Discharge Certificate. Such documents may be considered prima facie evidence that his failure to register with the SSS was not willful or knowing.

   b. Aliens Entering U.S. On or After Age 26. Alien males who entered the U.S. on or after attaining their 26th birthday are exempt from the Selective Service registration requirements. Immigration and Naturalization Service (INS) Form I-94 (Arrival/Departure Record) and INS Form I-551 (Alien Registration Receipt Card commonly called the "green card") held by aliens will show the birth date of the alien. Also, INS has granted legal status and employment authorization to some lawful seasonal agricultural workers (SAWs) and some formerly illegal aliens under the 1986 Immigration Reform and Control Act (IRCA).

   c. Immigrant Aliens. Immigrant aliens, and refugees, parolees, asylees, SAWs, and IRCA-legalized aliens with work permits can be enrolled into JTPA programs only after an SSS registration or exemption is established as outlined above. INS Form I-688 (Temporary Resident Card) will be helpful in establishing the alien's status.

   d. Former Illegal Aliens. Male aliens 26 years of age or older who entered the U.S. illegally and who were subsequently granted legal status by the INS (IRCA-legalized aliens) or who were born after December 31, 1959, but who are not registered with the SSS can be enrolled into JTPA only after a "status information" letter (formerly called an "advisory opinion letter") has been obtained from SSS. If SSS issues a status information

letter that it has no evidence that such individuals knowingly and willfully failed to register, the individuals should provide the SDA/SSA reasons why SSS has no evidence of their registration, and in so doing, provide evidence to convince the SDA/SSA that they did not knowingly or willfully fail to register. The individuals can then be enrolled into JTPA programs, if they are otherwise eligible.

If SSS is silent on this question, then the SDA must make the determination, as described above (see TEGL No. 4-89, Item 5.). [It is important to remember that §167(a)(5) of JTPA prohibits participation of an alien without, legal status from INS, even if there is a determination that there is evidence to show the applicant did not knowingly and willfully fail to register with the SSS (see TEGL No. 4-89, Item 5.)].

e. Non-Immigrant Aliens. Lawful non-immigrants on visas (e.g., diplomatic and consular personnel and families; foreign students; and tourists with unexpired Forms I-94, I-95A or Border Crossing Documents I-185, I-186, I-586, or I-444) are not required to register with the Selective Service, but must be authorized to work in the United States under §167(a)(5) to be eligible for JTPA.

f. Third Party Affidavits. Third Party Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering, may also be helpful to SDAs/SSAs in making determinations in cases regarding willful and knowing failure to register with the SSS.

6. Grievance/Appeal Procedures. The JTPA and its regulations provide a system for handling grievances, complaints, hearings, and appeal rights under JTPA. The specific procedures to be followed are developed at the local and State levels in accordance with the provisions of the Act and the regulations at 20 CFR Part 627 Subpart E. Under JTPA, the State is responsible for making sure that there is a process in place to handle JTPA complaints/appeals at the local level. If a person does not receive a decision at the local level within 60 days of filing a complaint or grievance or is dissatisfied with the decision they receive, they have the right to request a review of their complaint by the State. Please note that under federal rules, the State's decision is final.

7. Action Required. States are requested to ensure that the information contained in this issuance is provided to all SDAs/SSAs, and other staff responsible for JTPA eligibility determinations and/or reviews.

8. Inquiries. Questions may be directed to your Regional Office. Additional information is available at the SSS web site: www.sss.gov. States, SDAs, and SSAs are encouraged to contact their legal staff if further assistance is required as local and State policies are developed.

ATTACHMENT 4

**********FORMATTED FOR ELECTRONIC TRANSMISSION**********

Employment and Training Administration Advisory System Employment and Training Administration Washington, D.C. 20210	CLASSIFICATION "Jobs for Veterans Act" CORRESPONDENCE SYMBOL OWI DATE September 16, 2003

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 5-03

TO: ALL STATE WORKFORCE LIAISONS
ALL STATE WORKFORCE AGENCIES
ALL ONE-STOP SYSTEM LEADS
ALL STATE RAPID RESPONSE COORDINATORS
ALL STATE BUSINESS RELATIONS GROUP CONTACTS
ALL ETA DISCRETIONARY GRANTEES
ALL ETA COMPETITIVE GRANTEES
ALL ETA DEMONSTRATION GRANTEES

/s/

FROM: EMILY STOVER DeROCCO
Assistant Secretary

SUBJECT: Implementing the Veterans' Priority Provisions of the "Jobs for Veterans Act" (PL 107-288)

1. Purpose. To inform states and other Department of Labor (DOL)-funded workforce investment system partners of the veterans' priority provisions of the "Jobs for Veterans Act" and to provide general guidance as to the implementation of these provisions.

2. References. "Jobs for Veterans Act" (Pub. L.107-288)

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

4. Policy Guidance. Twenty DOL-funded workforce programs are covered by the section 4215 veterans' priority. Most of these programs have only general program eligibility requirements and do not target specific participant groups. DOL also administers a number of programs that have existing statutory targeting provisions that must be taken into account when applying the veterans' priority.

RESCISSIONS	EXPIRATION DATE Continuing

The programs affected include, but are not limited to: the Workforce Investment Act (WIA) Adult and Dislocated Worker formula-funded program, Wagner-Peyser Employment Services, the Trade Act programs, National Emergency Grants, the Senior Community Service Employment Program (SCSEP), the Migrant and Seasonal Farmworker program, the Indian and Native American program, H-1B Technical Skills Training Grants, Job Corps, WIA Demonstration Projects, Youth Opportunity Grants, the WIA Youth formula-funded program, Labor Market Information Formula Grants, Pilots, Research and Development, and the Career One-Stop Electronic Tools and other Internet-based self-service tools operated by DOL grantees.

For most DOL programs, implementing the veterans' priority will pose few practical difficulties. However, in a few programs, the veterans' priority will compete with existing statutory priorities that favor certain population groups. These programs include SCSEP, the WIA-funded Adult and Youth programs, and the Welfare-to-Work (WtW) program.

Individual guidance will be issued separately for each affected ETA program. This will include guidance on electronic and other self-service service delivery methods where the priority is applicable. In the interim, the purpose of this Training and Employment Guidance Letter (TEGL) is to provide the workforce investment system with general guidance regarding the statute and its scope, as well as an understanding of how the veterans' priority will affect current business processes as it is implemented. For WIA, this TEGL is applicable to operations under current law. At the time of WIA reauthorization, veterans' priority guidance will be updated.

5. Interaction of Veterans' Priority With Existing Program Requirements That DO NOT Target Specific Groups. While the exact manner in which the veterans' priority is applied will vary considerably depending upon the services offered, the law requires that the individual receiving priority must first meet the program's existing eligibility requirements. Thus, for all programs, veterans must meet the program eligibility requirements in order to obtain priority of service.

6. Interaction of Veterans' Priority With Existing Program Requirements That DO Target Specific Groups. For programs with existing targeting provisions, the veterans' priority must be applied by assessing a person's status in light of both the veterans' priority and the existing provision(s). The terms used for these targeting provisions (such as priority, preference, and spending requirements or limitations) may vary by program. The specific term used for these targeting provisions is not as important as the effect the provisions have on the program. It is important to distinguish the targeting provisions that are statutory and mandatory compared with those that are regulatory and/or optional. The veterans' priority is a statutory mandate, but one that is not intended to displace the core function of the program.

Cases Where The Existing Targeting Is Required By Law

For example, certain targeting provisions are derived from a statutory mandate that requires a priority or preference for a particular group of participants or requires spending a certain portion of program funds on a particular group of participants. These are mandatory priorities. For these programs, the veterans' priority is applied as follows:

- An individual meeting both the veterans' and the mandatory priorities or spending requirement or limitation would obtain the highest preference for the program.
- Non-veterans within the program's mandatory priority would receive a preference over eligible veterans outside the program-specific mandatory priority or spending requirement or limitation.
- Similarly, eligible veterans outside the program-specific mandatory priority or spending requirement or limitation would receive priority over non-veterans outside the priority or spending requirement or limitation (once the spending requirement or limitation is met).

Cases Where the Existing Targeting is Discretionary and Not Required By Law

Other targeting provisions may require the program to focus on a particular group of participants, or to make efforts to provide a certain level of service to such a group, but do not specifically mandate that the favored group be served before other eligible individuals. Whether these provisions are found in statute or regulation, these are discretionary or optional priorities. The veterans' priority is applied as follows:

- The veterans' priority would take precedence over these priorities. Within the program as a whole, grantees are required to implement the veterans' priority in advance of the opportunities and services provided to the population group covered by the optional priority.

As mentioned earlier, individual guidance for implementing the veterans' priority provisions of the Jobs for Veterans Act for each DOL program will be issued separately.

7. Impact on Workforce Investment System Processes. Assuming that workforce investment system state and local policies, operational management decisions, and related work processes do not inherently discriminate against veterans, priority of service to veterans should be provided within the context of existing policies, operational management, and related work processes.

   Specific guidance will soon be issued pertaining to individual DOL programs. In the interim, this TEGL provides several broad examples to illustrate how the veterans' priority principles will be applied to a number of workforce investment system processes.

- Worker Profiling and Reemployment Services Program - States currently develop their own statistical models for profiling unemployment insurance claimants for referral to services. The veterans' priority requirement will not impose a change in state profiling models but rather in the way claimants are referred to services. Claimants with the highest probabilities of exhaustion, including veterans, will still be referred to services first. This means that non-veterans with a higher probability of exhaustion will be referred ahead of veterans with a lower probability of exhaustion. However, in cases where the statistical model produces identical probabilities for a number of claimants, veterans will receive priority in referral to service. If states have information on veteran status at the time they do their referrals, they can use this to resolve ties produced by their statistical model by giving priority to veterans over non-veterans with the identical probability of exhaustion. Alternatively, states can opt to simply refer all people in the tied group.

- Adult/Dislocated Worker Local Resource Allocation and Individual Training Accounts (ITAs) - Consistent with the principle that veterans' priority must be applied within the existing context of the relevant Department of Labor program, the Jobs for Veterans Act does not change the requirement that participants must qualify as eligible under the Workforce Investment Act, nor does it change local area ability to budget funds among core, intensive, training and supportive serves. Local programs are not required to change their allocations among services to reserve funds for veterans, but are required to ensure that eligible veteran workers are given priority over non-veterans for all available services.

- National Programs such as the Senior Community Services Employment Program (SCSEP) or Employment and Training Programs for Native Americans - Perhaps more than any others, national programs such as these most clearly reflect situations where targeting is required by law. They will, therefore, need to follow the principles outlined earlier in section six of this guidance in order to assure that the dual intentions of Congress (i.e., to serve carefully specified populations <u>and</u> to provide priority service to veterans) are simultaneously accomplished.

- Program Registration - When there is a registration requirement associated with receipt of services for an impacted program or grant, collection of the individual's veteran status will be necessary.

- Self-Service Tools - Any informational or service delivery Web site developed with funding from an impacted program or grant will be expected to provide information on veterans' priority and how to access assistance via the nearest One-Stop Center in receiving priority service from any applicable program or grant. Specific, forthcoming policy guidance on the veterans' priority as it applies to self-service tools will provide further detail. It is important to note that self-service tool instructions on accessing veterans' priority assistance will be expected to go beyond mention of, or referral to, Local Veteran Employment Representatives and Disabled Veterans Outreach Programs.

8. WIA Planning and the Plan Modification Process. Under WIA, states are required to develop a five-year strategic plan for workforce investment. State plans include information on how a state's workforce investment system operates within the context of WIA relative to administration of Title I services to adults, dislocated workers, and youth, and the development of statewide One-Stop delivery systems. State plans are an important tool to ensure that veterans' priority is implemented relative to Title I program delivery, especially where there are cross-program-funded services in the context of the One-Stop system. Following WIA passage, ETA issued planning guidance for the required Strategic Five Year Plan for Title I of WIA and the Wagner-Peyser Act. Language in the planning guidance currently requires states to identify how services will be delivered to veterans in a state's One-Stop service delivery system. There are specific circumstances when a state plan must be modified, including when changes in federal or state law or policy substantially change the assumptions upon which the plan is based (20 CFR 661.230). The passage of the Jobs for Veterans Act is a federal law change that fits this definition. Because current state plans are effective through either Program Year (PY) 2003 or PY 2004, and due to the fact that WIA is due to be reauthorized in 2003, the initial focus for implementation of the veterans' priority will be to require states to modify their existing state plans under current WIA regulations and planning guidance. After reauthorization has taken place, WIA regulations and planning guidance will be updated to include specific language on the veterans' priority.

9. Grant Agreement Language. Specific grant language on the veterans' priority will be required to ensure that all grantees are fully aware of the new law's requirements and of their obligation to design service delivery strategies accordingly. This is of particular importance for demonstration, discretionary, or competitive grants such as National Emergency Grants, Youth Opportunity Grants and WIA demonstration projects. ETA will provide all grantees with the necessary grant language (consistent across all grants) in the form of a unilateral modification which elaborates upon the existing ETA grant provision that currently requires compliance with all federal laws (including newly enacted ones). The letter will also cross-reference this policy guidance and all relevant, forthcoming specific policy guidance for the particular program or grant activity. No formal grant modification will be required. All subsequent Solicitations for Grant Award will also reference the veterans' priority and the relevant policy guidance.

10. Reporting and Data Collection. The Secretary of Labor is required to develop an annual report to Congress beginning in PY 2003 on whether veterans are receiving priority of service, whether they are being fully served by impacted programs/grants and whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market. To fulfill this requirement, programs/grants will need to collect veteran status information from individuals served by their programs/grants.

    To develop a more standardized approach across various workforce programs as required by implementation of common measures for job training programs, ETA is in the process of revising its data collection systems. ETA will introduce this revised data collection system through publication of a Federal Register notice.

Following a public comment period, ETA anticipates finalizing and implementing the revised data collection system.

ETA is engaged in a number of activities for performance measurement and reporting systems, including data validation and implementation of common measures for job training programs. With regard to veterans' priority, ETA intends for this revised data collection system to include the following features:

(1) Data elements will be consistent across programs and grants and will include items such as number of veterans served by service component (i.e., services provided, programs/funding sources used, and outcomes).

(2) Until new reporting systems are in effect, ETA will report on requirements under the Jobs for Veterans Act through existing processes.

(3) The existing definition of veteran varies across programs and funding streams. In conjunction with the Veterans' Employment and Training Service, ETA will standardize this definition and apply it to affected programs/grants.

11. Action Required. States shall inform all appropriate staff, subgrantees, contractors and Local Workforce Investment Boards of the contents of these instructions. Discretionary grantees should similarly familiarize themselves, their subgrantees and subcontractors with this guidance. Planning should begin in anticipation of the release of specific program guidance from ETA in the form of a Question and Answer Web site within the next month.

12. Inquiries. States should direct all inquiries to the appropriate ETA Regional Office.

LOS ANGELES COUNTY
WIA Youth Programs
DIRECTIVE

Number: ARRA/WIAD09-01	**Subject: American Recovery and Reinvestment Act (ARRA) Summer Youth Employment Program (SYEP) 6th Eligibility Definition**
Date: April 27, 2009	**Effective Date: Immediately** **Page 1 of 1**

TO: WIA YOUTH CONTRACTORS

The purpose of this directive is to inform you of the need to adopt the 6th Eligibility Definition during your agencies operation of the ARRA Summer Youth Employment Program (SYEP) commencing on May 1, 2009. The attached directive, WIAD08-14, provides guidance as to the 6th Eligibility Definition.

It is important to note that for the purposes of the ARRA Summer Youth Employment Program (SYEP), youth is defined as ages 14 through 24 years.

If you have any questions about this directive, please contact Maggie Mireles, Program Manager, at (213) 738-2198 or Barbara Banck at (213) 351-8924 or bbanck@css.lacounty.gov

Josie Marquez, Executive Director
Workforce Investment Board

LOS ANGELES COUNTY
WIA YOUTH
DIRECTIVE

Number: LACOD-WIAD08-14		**Subject: 6th Eligibility Definition**
Date: 04/14/08	**Effective Date: Immediately**	**Page 1 of 2**

TO: WIA Youth Contractors

The purpose of this directive is to re-inform all WIA Youth Service Providers that the definition for the sixth youth eligibility requirement (in *italics* below) has been approved by the local Workforce Investment Board and shall be defined as follows.

WIA Youth Eligibility
The Workforce Investment Act under Section 101 (13) defines who is eligible for youth services. An eligible youth is defined as:

1. Is age 14 through 21;
2. Is a low income individual, as defined in WIA section 101 (25); and
3. Is within one or more of the following categories:
    1. Deficient in basic literacy skills;
    2. School dropout;
    3. Homeless, runaway, or foster child;
    4. Pregnant or parenting;
    5. Offender; or
    6. *Is an individual (including a youth with a disability) who requires additional assistance to complete an educational program, or to secure and hold employment.*

Sixth Eligibility Category Defined
The following defines the sixth eligibility requirement and was approved by the local WIB as follows.

"An individual (including a youth with a disability who requires additional assistance to complete an educational program, or to secure and hold employment" shall be further defined as a youth who has one or more of the following characteristics:

a) Attending continuation school;
b) Low self-esteem and sense of self;
c) Involved in gang activities;
d) A substance abuser;
e) Little or no family support or direction/negative role identification;
f) Alienated by sexual preference;
g) Physically or mentally challenged;
h) An emancipated minor;
i) Language or cultural barriers;
j) Emotional problems;

k) At risk of dropping out of school; or
l) At least two grade levels below age.

Documentation of Requirement
Supplemental documentation is required for eligibility determined on any one of the above enumerated definitions. Sufficient documentary evidence must be in the participant's file to warrant enrollment under the 6th eligibility definition.

References:
LACOD-WIA08-12
WIA Youth Program File Contents Guide

If you have any questions, please contact Maggie Mireles at (213) 738-2198 or Robert Brieff at (213) 351-8924 or rbrieff@css.lacounty.gov.

JOSIE MARQUEZ, Executive Director
Workforce Investment Board

LOS ANGELES COUNTY
WIA Youth Programs
DIRECTIVE

Number: ARRA/WIAD09-07	**Subject: American Recovery and Reinvestment Act (ARRA) Summer Youth Employment Program (SYEP) 5% Eligibility Window**
Date: April 27, 2009	**Effective Date: Immediately** **Page 1 of 1**

TO: WIA YOUTH CONTRACTORS

The purpose of this directive is to assist your agencies operation of the ARRA Summer Youth Employment Program (SYEP) commencing on May 1, 2009. The attached directive, WIAD01-02, provides guidance as to the 5% Eligibility Window.

It is important to note that for the purposes of the ARRA Summer Youth Employment Program (SYEP), youth is defined as ages 14 through 24 years.

Prior approval must be obtained before an agency can use the 5% Eligibility Window. All requests to the use of the 5% Window must be made to the attention of Francisco Perez at the County of Los Angeles, Community and Senior Services, WIA Operations and Planning.

If you have any questions about this directive, please contact Maggie Mireles, Program Manager, at (213) 738-2198 or Francisco Perez at (213) 739-7327 or fperez@css.lacounty.gov.

Josie Marquez, Executive Director
Workforce Investment Board

LOS ANGELES COUNTY
WIA YOUTH PROGRAM BULLETIN

NUMBER: YTH01-02	**SUBJECT: 5% ELIGIBILITY WINDOW**	
DATE: 01-18-01	**EFFECTIVE DATE: IMMEDIATELY**	**PAGE 1 OF 1**

TO: **WIA Youth Providers**

The purpose of this bulletin is to notify all WIA Youth Providers that the local Workforce Investment Board has approved the 5% eligibility window for youth who do not meet the low-income eligibility requirement.

5% Eligibility Window - for Non Low-Income Eligible Youth
Section 129(c)(5) of the Workforce Investment Act provides that up to five percent (5%) of youth served may be exempt from the low income requirement. Each agency shall be allowed to enroll up to five percent (5%) of the number of youth served who do not meet the low income criteria, provided that they meet the other eligibility requirement as follows:

A. Is age 14 through 21
B. Is within one or more of the following categories:
   1. Deficient in basic literacy skills;
   2. School dropout;
   3. Homeless, runaway, or foster child;
   4. Pregnant or parenting;
   5. Offender; or
   6. Is an individual (including a youth with a disability) who requires additional assistance to complete an educational program, or to secure and hold employment, which is a youth who is or has:
      a) attending continuation school
      b) low self esteem and sense of self
      c) involved in gang activities
      d) a substance abusers
      e) little or no family support or direction/negative role identification
      f) alienated by sexual preference
      g) physically or mentally challenged
      h) an emancipated minor
      i) language or cultural barriers
      j) emotional problems
      k) at risk of dropping out of school
      l) at least two grade levels below age

If you have any questions, please contact D.B. Quan at (213) 738-2624.

KENNETH KESSLER, Director
Workforce Investment Program

SAMPLE

SUMMER

YOUTH

EMPLOYMENT

PROGRAM

PARTICIPANT

Handbook

SUMMER WORK EXPERIENCE PROGRAM

The Summer Work Experience Program, funded by the American Recovery and Reinvestment Act was designed for youth between the ages of 14 - 24. The program gives you the opportunity to obtain work skills, acquire a responsible work attitude and learn good work habits. It is a chance for you to earn money while you learn about work.

WORKSITES AND JOBS

Worksites are public agencies and private employers that have agreed to provide a meaningful work experience for youth.

Your counselor will ask you what type of job you are interested in, and take your skills and abilities into account when sending you on interviews. However, don't expect a perfect fit; every job is useful. Your willingness to do the job assigned and to accept supervision is an important part of the program. Your supervisor will explain work hours , job duties, job responsibilities, acceptable work behavior and attitude and also answer any questions that you may have.

PAYROLL PROCEDURES

PAY PERIOD

There are two (2) pay periods in each month. Pay periods run from the 1st through the 15th of each month and from the 16th through the last day of the month. Timesheets will be picked up by the Summer Work Experience Program counselor on the workday following the end of the pay period. A payroll schedule is on page 5 of this handbook.

TIMESHEETS

All Summer Work Experience Program participants will be provided timesheets. Timesheets are to be completed and signed by you and your supervisor at the end of each pay period. You will turn your timesheet to your worksite supervisor and your counselor will collect them every **two weeks.** It is your responsibility to sign in and out properly each day you come to work. There is a correct way to fillout your timesheet. Page 4 of this handbook shows a sample timesheet:

1. **Sign-in**

   sign your first and last name in ink; then fill in the date and the exact time you arrived at the worksite.

2. **Sign-out**

   fill in the exact time you leave for home at the end of the work day, and have your supervisor initial your timesheet in ink

3. At the end of your two-week work period, sign your full name in ink at the bottom of the timesheet.

WORK READINESS EVALUATION

A work readiness evaluation is needed to rate areas which you performed during your work experience assignment. The work readiness evaluation covers areas such as work performance, motivation, safety habits and co-worker relations. Your work performance will be evaluated by your supervisor at the end of your work experience assignment. This evaluation will give you a work record for future employers. We have attached the work readiness evaluation for you review.

WIA/ARRA SUMMER YOUTH EMPLOYMENT PROGRAM (SYEP)
WORK READINESS POST-TEST

Participant:	**Date:**
Supervisor/Rater:	**Post-Test Score:**

Participant must receive a passing score on 8 of 10 indicators to be meet Work Readiness requirements.

Please check appropriate box for each indicator/competency.

Work Readiness Indicator		Pass	Fail
1.	Follows Instructions	☐ Responds accurately and appropriately to verbal and written instructions.	☐ Does not respond accurately and appropriately to verbal and written instructions.
2.	Completes Tasks Accurately	☐ Carefully completes all tasks and assignments.	☐ Does not carefully complete all tasks and assignments.
3.	Demonstrates "Learner's Attitude"	☐ Demonstrates a clear interest in tasks and assignments.	☐ Does not demonstrate a clear interest in tasks and assignments.
4.	Accepts Constructive Criticism	☐ Always reacts appropriately and positively to corrections and guidance.	☐ Does not always react appropriately and positively to corrections and guidance.
5.	Punctual/Timely	☐ Always arrives and completes task on schedule.	☐ Does not always arrive on time and does not always complete tasks on schedule.
6.	Consistent	☐ Consistently demonstrates positive work behaviors and skills.	☐ Does not consistently demonstrate positive work behaviors and skills.
7.	Presents Self Appropriately	☐ Dress, grooming, mannerisms and speech are work appropriate.	☐ Dress, grooming, mannerisms and speech are not work appropriate.
8.	Communicates Clearly	☐ Expresses thoughts and ideas clearly .	☐ Does not express thoughts and ideas clearly.
9.	Drug/Alcohol Free Behavior	☐ Demonstrates a commitment to drug- and alcohol-free behavior.	☐ Does not demonstrate a commitment to drug- and alcohol-free behavior.
10.	Positive Attitude	☐ Demonstrates a positive work attitude.	☐ Does not demonstrate a positive work attitude.
Total Pass/Fail Scores:			

Comments:

Work Site Supervisor/Rater Signature:

PAYROLL SCHEDULE

PAY PERIOD	T/S PICKUP	DUE MCOE	MAIL DATE
JUNE 1-15	JUNE 18	JUNE 20	JUNE 28
JUNE 16-30	JULY 2	JULY 5	JULY 15
JULY 1-15	JULY 16	JULY 18	AUG
JULY 16-31	AUG 2	AUG 5	AUG 15
AUG 1-15	AUG 19	AUG 21	AUG 30
AUG 16-31	SEPT 3	SEPT 5	SEPT 16

All paychecks are processed and ... Explain your processs here.

Please note that you will **NOT** be paid for:

Holidays

Overtime

Days when you are absent from school

Days when worksites are closed

Working when there are no supervisors at the worksite

Working earlier than scheduled on the Worksite Agreement

Working early without permission from your supervisor.

NOTE: **If your timesheet is not completely and accurately filled out, your check will not be available on pay day.**

WHAT SHOULD YOU DO IF YOU HURT YOURSELF AT WORK?

While you are working in the (Your Agency) Summer Work Experience Program, you are covered under an insurance policy. This policy pays only for injuries and illnesses that happen to you while you are at work. Any time that you hurt yourself while you are working, you **MUST** tell your supervisor. Even minor injuries, like paper cuts, must be reported. If your injury is serious enough to require medical attention, this insurance

policy will pay for your medical treatment. If you do not report your injury, **YOU AND YOUR PARENTS** will be responsible for paying your medical bills!!

REMEMBER: YOU MUST REPORT **ALL** INJURIES AND ACCIDENTS THAT HAPPEN TO YOU WHILE YOU ARE WORKING!!

YOUR RIGHTS: GRIEVANCE PROCEDURES

If you feel that you are being treated unfairly, first discuss your grievance with your supervisor and Summer Work Experience Program counselor. If the problem is not resolved, you may request a review of your grievance by WDO'S Assistant Director. You can also refer to the WIA Grievance Policy and Procedure you received at the time of your enrollment.

GROUNDS FOR DISMISSAL

Stealing, vandalism, insubordination, drug or alcohol use, fighting, lying or not calling in an absence are all grounds for immediate termination. If any youth are involved in these situations, the supervisor will immediately contact the counselor. The counselor will visit the worksite, talk to you and your supervisor, and you will be terminated.

Although you will be terminated for severe problems, minor recurring problems may also be grounds for termination. Excessive tardiness, poor attendance, lack of motivation and consistent behavior problems are all grounds for termination. You will be put on probation by the Summer Work Experience Program counselor, and if the problems are not fixed, you will be dismissed.

RULES

FOR

BECOMING

A

GREAT

EMPLOYEE

ATTEND WORK EVERY DAY

When you do not show up for work, someone else has to do your job. If you know you are going to be absent, let your supervisor know as soon as possible. The only good reason for missing work is serious illness. When you are absent, your co-workers have to take over your responsibilities and do your job. If your supervisor feels that you are not dependable and responsible then he/she may not want you to work for them.

ARRIVE ON TIME

When you show up late for work, you are holding everyone else up. If you know that you will be late to work, call your supervisor as soon as possible. Being only a few minutes late, even once, will affect your evaluation cores. Be responsible when you are taking your breaks. You are allowed 15 minutes every 4 hours, make sure you do not take longer than you should.

KEEP BUSY

You should always keep busy when you are at work. Although your supervisor will direct you to what needs to be done, there will be times when you must find work to keep yourself occupied. When you finish your assignments, ask your supervisor for additional work.

Not only should you keep busy at work, you should keep busy doing your job. Your employer is not paying you to do your homework, talk to your friends on the phone, sleep or write notes. The time that you are at work belongs to your supervisors.

DRESS PROPERLY

When you are hired at a job, you become a representative of the company and it is important that you project a good image. Always be neat, clean and appropriately dressed. A professional, conservative appearance is important for an office job. An outdoor job requires more casual clothing, but you must be clean and well groomed. The dress code is different for each job, ask your supervisor what is appropriate.

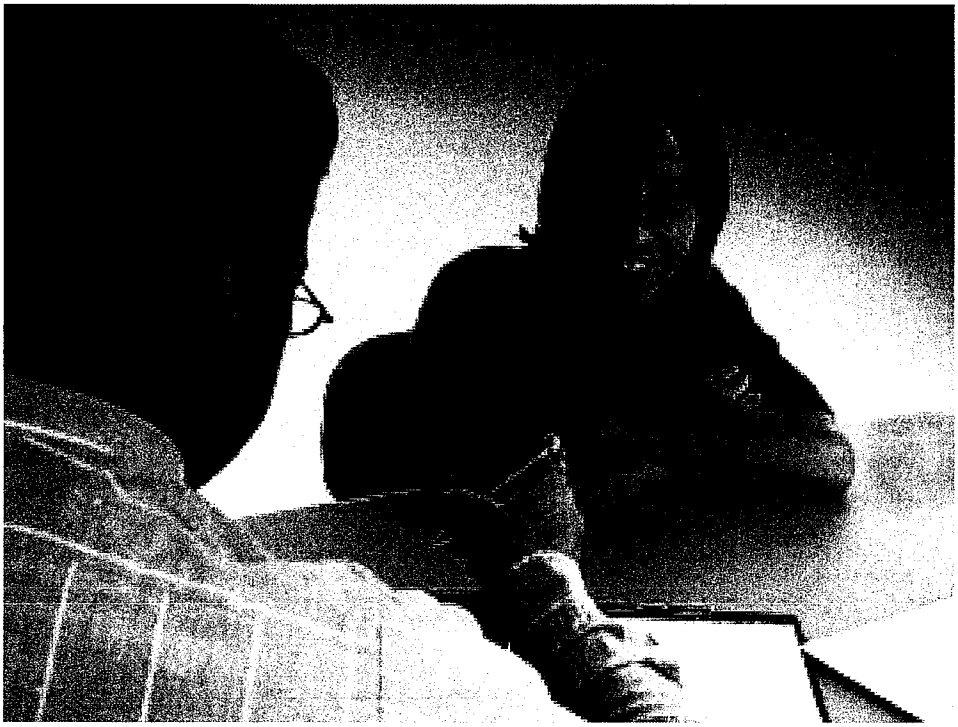
LISTEN AND ASK QUESTIONS

Be sure that you know what your duties are and how to do them according to your supervisor's expectations. When you are given instructions, listen very carefully and ask questions when you do not understand.

BE FRIENDLY

You should make a real effort to get along with everyone you met on your job. You are not expected to like all of your co-workers but you are expected to be polite and helpful. If you have done your best to work well with someone and are still having problems speak to your supervisor.

Assessment of Work Readiness



WIA/ARRA
Summer Youth Employment Program (SYEP)

Work Readiness Assessment Requirements

Each SYEP participant must be pre- and post-tested to determine work readiness. All participants who do not receive a passing score, should be enrolled into SYEP work readiness activities, where they will be exposed to work requirements and develop work readiness skills and behaviors. A youth who receives a passing score on the work readiness pre-test may participate in SYEP, if the rater describes in the comments section of the pre-test unique circumstances regarding the youth's employability, which indicate that his/her work readiness could be further enhanced through SYEP activities.

Post-tests are completed by work site supervisors at the time the participant completes his/her work experience. Post-tests must be submitted with the participant's final timesheet. Contractor staff must ensure that all work site supervisors are oriented to work readiness post-test requirements.

WIA/ARRA SUMMER YOUTH EMPLOYMENT PROGRAM (SYEP)
WORK READINESS PRE-TEST

Participant:	**Date:**
Interviewer/Rater:	**Pre-Test Score:**

Participant must receive a passing score on 8 of 10 indicators to be meet Work Readiness requirements.

Please check appropriate box for each indicator/competency.

Work Readiness Indicator		Pass	Fail
1.	Follows Instructions	☐ Responds accurately and appropriately to verbal and written instructions.	☐ Does not respond accurately and appropriately to verbal and written instructions.
2.	Completes Tasks Accurately	☐ Carefully completes all tasks and assignments.	☐ Does not carefully complete all tasks and assignments.
3.	Demonstrates "Learner's Attitude"	☐ Demonstrates a clear interest in tasks and assignments.	☐ Does not demonstrate a clear interest in tasks and assignments.
4.	Accepts Constructive Criticism	☐ Always reacts appropriately and positively to corrections and guidance.	☐ Does not always react appropriately and positively to corrections and guidance.
5.	Punctual/Timely	☐ Always arrives and completes task on schedule.	☐ Does not always arrive on time and does not always complete tasks on schedule.
6.	Consistent	☐ Consistently demonstrates positive work behaviors and skills.	☐ Does not consistently demonstrate positive work behaviors and skills.
7.	Presents Self Appropriately	☐ Dress, grooming, mannerisms and speech are work appropriate.	☐ Dress, grooming, mannerisms and speech are not work appropriate.
8.	Communicates Clearly	☐ Expresses thoughts and ideas clearly .	☐ Does not express thoughts and ideas clearly.
9.	Drug/Alcohol Free Behavior	☐ Demonstrates a commitment to drug- and alcohol-free behavior.	☐ Does not demonstrate a commitment to drug- and alcohol-free behavior.
10.	Positive Attitude	☐ Demonstrates a positive work attitude.	☐ Does not demonstrate a positive work attitude.
Total Pass/Fail Scores:			

Comments:

Interviewer/Rater Signature:

WIA/ARRA SUMMER YOUTH EMPLOYMENT PROGRAM (SYEP)
WORK READINESS POST-TEST

Participant:	**Date:**
Supervisor/Rater:	**Post-Test Score:**

Participant must receive a passing score on 8 of 10 indicators to be meet Work Readiness requirements.

Please check appropriate box for each indicator/competency.

Work Readiness Indicator		Pass	Fail
1.	Follows Instructions	☐ Responds accurately and appropriately to verbal and written instructions.	☐ Does not respond accurately and appropriately to verbal and written instructions.
2.	Completes Tasks Accurately	☐ Carefully completes all tasks and assignments.	☐ Does not carefully complete all tasks and assignments.
3.	Demonstrates "Learner's Attitude"	☐ Demonstrates a clear interest in tasks and assignments.	☐ Does not demonstrate a clear interest in tasks and assignments.
4.	Accepts Constructive Criticism	☐ Always reacts appropriately and positively to corrections and guidance.	☐ Does not always react appropriately and positively to corrections and guidance.
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10.	Positive Attitude	☐ Demonstrates a positive work attitude.	☐ Does not demonstrate a positive work attitude.
Total Pass/Fail Scores:			

Comments:

Work Site Supervisor/Rater Signature:

WIA/ARRA SUMMER YOUTH EMPLOYMENT PROGRAM

Work Readiness Pre- and Post-Test Instructions

Contractor staff and work site supervisors who function as raters of participants' work readiness status should utilize observations and interviews to determine this status. Utilize the following questions/prompts to guide the interview process, particularly for pre-tests.

1.	**Follow Instructions**
• Are you able to follow instructions accurately? • Describe a situation where you found it challenging to follow instructions. What was the outcome?	

2.	**Completes Tasks Accurately**
• What has been your greatest accomplishment in school, work or your personal life? • When given an assignment, can you follow directions and complete tasks accurately?	

3.	**Demonstrates "Learner's Attitude"**
• Why do you want to participate in the Summer Youth Employment Program? • Why should a business/agency want you assigned to its site?	

4.	**Accepts Constructive Criticism**
• What situation or life circumstance has provided your greatest learning experience? • Are you able to accept instructions, guidance and corrections without getting upset?	

5.	**Punctual/Timely**
• Are you generally punctual? • Describe a situation when it is acceptable to be late for work.	

6.	**Consistent**
• Are you able to master tasks so that you do them well at all times? • Describe an activity, task or assignment that you do well at all times.	

7.	**Presents Self Appropriately**
• What type of dress, grooming, and speech are appropriate for work? • What is inappropriate?	

8.	**Communicates Clearly**
• Tell me about yourself? • Describe your favorite activity or pastime?	

9.	**Drug/Alcohol Free Behavior**
• Do you understand that employers expect you to perform your work duties free of drugs and alcohol?	

10.	**Positive Attitude**
• What are you looking forward to about participating in the Summer Youth Employment Program? • Why will work site staff and other SYEP participants want to work with you?	

Work Experience Activities

WIA/ARRA SUMMER YOUTH EMPLOYMENT PROGRAM

Program Start and End Dates

The official start and end dates of the Summer Youth Employment Program are as follows:

Start: May 1, 2009

End: September 30, 2009

All program activities and costs must occur within this period.

WIA ARRA SUMMER YOUTH EMPLOYMENT PROGRAM - MINIMUM NUMBER TO BE SERVE BY CONTRACTOR BASED ON AN AVERAGE OF 120 HOURS OF WORK EXPERIENCE

	Agency	Minimum No. of Youth to be Served*
1	AADAP	**11**
2	Career Partners	**459**
3	Catholic Charities	**851**
4	Communities In School	**127**
5	Compton	**357**
6	Door of Hope	**114**
7	**Foothill WIB/Catholic Charities (funding will be released to Catholic Charities to serve Altadena, East Pasadena, and La Crecenta-Montrose areas)**	**20**
8	Goodwill	**673**
9	Hub Cities	**1042**
10	Jewish Vocational Services	**58**
11	LA Works	**512**
12	LACOE	**606**
13	MAOF	**99**
14	Casa Maravilla	**167**
15	SASSFA	**377**
16	SSG	**156**
17	WLCAC	**50**

*Based on a $1,200 per participant average cost.

WIA SUMMER YOUTH PROGRAM - ARRA

120 HOURS OF EMPLOYMENT - COST AVERAGE

	No. of Active Youths	Profession	120 Hrs. Employment at $8.00 per hour	Worker's Comp	Taxes (10%)	TOTAL
	500	Painting	$480,000.00	$57,456.00	$48,000.00	$585,456.00
	500	Carpentry	$480,000.00	$107,520.00	$48,000.00	$635,520.00
	500	Bus Operations	$480,000.00	$64,752.00	$48,000.00	$592,752.00
	500	Salespersons - Outside	$480,000.00	$4,656.00	$48,000.00	$532,656.00
	500	Clerical Office	$480,000.00	$408.00	$48,000.00	$528,408.00
	500	YMCA	$480,000.00	$22,560.00	$48,000.00	$550,560.00
	500	General Maintenance	$480,000.00	$37,680.00	$48,000.00	$565,680.00
	500	Other Municipal Employment	$480,000.00	$40,560.00	$48,000.00	$568,560.00
	500	Security	$480,000.00	$35,712.00	$48,000.00	$563,712.00
	500	Instructors Schools	$480,000.00	$8,736.00	$48,000.00	$536,736.00

Child Labor Laws 2000

State of California
Department of Industrial Relations
Division of Labor Standards Enforcement

ABBREVIATIONS

1. MINOR DEFINED

2. SCHOOL ATTENDANCE REQUIREMENTS

3. PERMITS TO EMPLOY AND WORK

- Overview
- Inclusions
- Exclusions
- Obtaining Permits to Employ and Work
- Minors Who Attend a Charter School

4. WAGES

- Required Payment of Adult Wage Rates
- Subminimum Wages
- Federal Opportunity Wage
- Federal Opportunity Wage and IWC Learner and Minor Rates
- Minimum Wage Exemptions

5. HOURS OF WORK

- Summary Chart
- Workhour Exceptions for 16- and 17-Year-Olds
- Workhour Exceptions for 14- and 15-Year-Olds
- Workhour Exceptions for 14- and 15-Year-Old Sports Attendants
- Workhours for 12- and 13-Year-Olds
- Workhour Exceptions Applicable to All Age Groups

6. MINIMUM AGES FOR EMPLOYMENT

- Eighteen
- Sixteen
- Fourteen
- Twelve
- Under Twelve

7. RESTRICTED OCCUPATIONS

- Occupations Permitted to 14- and 15-Year-Olds
- Food Service & Retail
- Liquor and Lottery Sales
- Gasoline Service Stations
- Motor Vehicle Occupations
- Messengers
- Newspaper and Magazine Sales
- Door-to-Door Sales
- Manufacturing and Processing
- Household Occupations
- Immoral Places and Activities

8. PROHIBITED OCCUPATIONS

- Minors under 18
- Minors under 16

Food Service, Retail, and Gasoline Service Establishments
Federal Prohibitions Adopted by California
Additional State Prohibitions
Federal Prohibitions in Agriculture Adopted by California

Minors under 12—Agricultural Zone of Danger
Training for Prohibited & Restricted Occupations

9. ENTERTAINMENT INDUSTRY

Defined
Permits to Work and Permits to Employ
Procedure for Obtaining an Entertainment Work Permit
School Age Children
Excused School Absences
Hours of Work & Concurrent Requirements
Wages
Out-of-State Locations
Studio Teachers
Summary Chart

10. EMPLOYER REQUIREMENTS

Recordkeeping
Workers' Compensation Coverage
Required Postings
Parent/Guardian Employers
Registration for Employers, Transporters, & Supervisors of Minors Engaged in Door-to-Door Sales

11. PENALTIES FOR VIOLATING CHILD LABOR LAWS

Civil Penalties
Criminal Penalty
Liability for Child Labor Penalties
Filing a Complaint

12. FEDERAL FAIR LABOR STANDARDS ACT

13. SUMMARY CHARTS

Minors Under Age 12
12- & 13-Year Olds
14- & 15-Year Olds
16- & 17-Year Olds

ADDENDUM

Procedure for Obtaining an "Entertainment Permit" (.pdf size 13KB)
Application for Permission to Work in the Entertainment Industry *(DLSE form 277 .pdf size 49KB)*
Entertainment Work Permit *(DLSE form 275 .pdf size 35KB)*
Application for Permission to Employ Minors in the Entertainment Industry *(DLSE form 281.pdf size 60.7KB)*
Permit to Employ Minors in the Entertainment Industry *(DLSE form 282 .pdf size 24KB)*
Statement of Intent to Employ Minor and Request for Work Permit *(.pdf size 153 KB)*
Permit to Employ and Work *(.pdf size 1198KB)*
Local Offices of the Division of Labor Standards Enforcement

Child Labor Law Pamphlet 2000 , *.pdf version size 212KB*

ABBREVIATIONS

BPC	Business and Professions Code
CCR	California Code of Regulations
CFR	Code of Federal Regulation
CC	Civil Code
DLSE	Division of Labor Standards Enforcement

EC	Education Code
FC	Family Code
FLSA	Fair Labor Standards Act (federal)
GC	Government Code
HSC	Health and Safety Code
IWC	Industrial Welfare Commission
LC	Labor Code
PC	Penal Code
USC	United States Code
VC	Vehicle Code
WEE	Work Experience Education

1. MINOR DEFINED

Almost all minors under the age of 18 are subject to California's child labor protections. Under the California Labor Code, "minor" means any person under the age of 18 years who is required to attend school under the provisions of the Education Code, and includes minors under age six. Nonresidents of the state who would be subject to California's compulsory education laws if they were residents are also considered minors and are subject to all the requirements and protections of the Labor Code [LC 1286(c)] (See Chapter 3 of this digest). The Labor Code definition means, for example, that high school graduates under the age of 18, who are not subject to the compulsory education laws, are entirely excluded from permit requirements, workhour restrictions, and all occupational prohibitions. However, under federal regulation high school graduates may not be employed in an occupation prohibited to minors under 18 unless they have also completed a bona fide course of training in that occupation [29 CFR 570.50]. "Dropouts" are still subject to California's compulsory education laws, and thus are subject to all state child labor requirements (See Chapter 2 of this digest). Emancipated minors are subject to all California's child labor laws, except that they may apply for a work permit without their parents' permission [FC 7050] (See Chapter 3 of this digest).

2. SCHOOL ATTENDANCE REQUIREMENTS

Minors aged six through 15 years must attend school full-time unless the minor is a high school graduate [EC 49110], attends an approved alternative school [EC 48224], is tutored [EC 48224], is on an approved leave of absence [EC 48232], has transferred from another state with less than 10 days left in the school year [EC 48231], or has justifiable personal reasons requested by the parent and approved by the principal including, illness, court appearances, religious observances and retreats, funerals, or employment conferences [EC 48205]. In rare circumstances, 14 and 15-year-olds enrolled in Work Experience Education may be granted a permit to work full-time during school hours [EC 49130] (See Chapter 5 of this digest).

Sixteen and seventeen-year-olds, who have not graduated from high school or who have not received a certificate of proficiency may opt to attend part-time classes. Those who are regularly employed must attend continuation classes for at least four hours per week. Those not regularly employed must attend continuation classes for at least 15 hours per week [EC 48400 and 48402]. No minor may legally drop out of school entirely.

Note: Schools may excuse the absences of a pupil who holds an entertainment work permit or who participates with a not-for-profit arts organization in a performance for a public school audience. For additional information, refer to the section entitled, "Excused School Absences," in Chapter 9 of this digest.

3. PERMITS TO EMPLOY AND WORK

Overview

Except in limited circumstances defined in law and summarized below, all minors under 18 years of age employed in the state of California must have a permit to work [EC 49160; LC 1299]. The federal Fair Labor Standards Act also requires a certificate of age for working minors. The state Permit to Employ and Work ("Permit") is accepted as the federal certificate of age [29 CFR 570.9]. The minor's school issues Permits to Employ and Work. [EC 49110, 49112, 49113, 49116].

Employers must have a Permit to Employ and Work on file and available for inspection by school and labor officials at all times [LC 1299, EC 49161 and 49164]. Permits to Employ and Work are issued on the same form. Permits are always required, even when school is not in session. Permits are issued for specific employment at a specified address [EC 49115 and 49163]. Permits contain the maximum number of hours a minor may work in a day and week, the range of hours during the day that a minor may work, any occupational limitations, and any additional restrictions imposed at the school's discretion.

Permits may not be issued that violate any provision of law [EC 49164]. Thus, all restrictions on minimum ages for employment in various occupations and all work hour restrictions must be strictly followed (See Chapters 5, 6, 7, and 8 of this digest). **Neither school nor labor officials are empowered to waive, at any time or under any circumstances, any minimum labor standard established by law or regulation.**

Minors work with the permission of the local school district, and no law requires schools to issue permits for the maximum hours allowed by law or for every occupation for which a minor might be eligible. Thus, depending on the minor's particular circumstances or local district policy, school officials may impose additional restrictions at their discretion. Any violation of such special restrictions subjects the permit to revocation [EC 49164]. Any person empowered to issue a permit that knowingly certifies to false information on a permit, commits a misdemeanor [EC 49183].

Permits to Employ and Work may be denied or canceled at any time by school officials or the Labor Commissioner, whenever the conditions for the issuance of the certificate or permit do not exist, no longer exist, or have never existed [LC 1300; EC 49164]. School officials who determine that schoolwork or health of the minor is impaired by the employment may revoke the Permit [EC 49116].

Permits issued during the school year expire five days after the opening of the next succeeding school year and must be renewed [EC 49118].

Inclusions

Federal and state occupational restrictions are such that in most cases minors must be at least 14 years of age to begin working. Any minor who is at least 12 years of age may be issued a Permit by school officials [EC 49111], however few occupations are available to them. (See Chapters Six and Seven of this digest.) **Exception:** An employer must first obtain a Permit to Employ Minors in the Entertainment Industry before a minor may be employed in such industry. Additionally, the minor's parent or legal guardian must obtain an Entertainment Work Permit before the minor may be employed in the entertainment industry. Both such permits are issued by the Division of Labor Standards Enforcement [LC 1308.5, CCR 11752 and 11753]. Please refer to Chapter 9 of this digest for additional information regarding minors working in the entertainment industry.

A minor enrolled in a Work Experience Education program must obtain a work permit, and his or her employer must possess a permit to employ. The minor must be at least 16 years of age to be enrolled in a Work Experience Education program, with certain exceptions as specified in the Education Code [EC 49113].

An apprentice in a bona fide apprenticeship-training program must have the standard Permit to Employ and Work issued by their respective schools. Apprentices must be at least 16 years of age [LC 3077].

Parents who employ their children in any occupation permitted to minors, including industrial, mercantile, or similar commercial enterprises, must obtain the standard Permit to Employ and Work [EC 49141]. This means that parents must obtain permits for the employment of their minor children in any enterprise, unless they employ their minor children in agriculture or domestic labor. (See "Permit Exclusions" below and Chapter 10 of this digest.)

Minors visiting from another state (or country, if eligible to work in the United States) who wish to work in California must obtain the standard Permit to Employ and Work, and their employers must possess such permit [LC 1286 and 1299; EC 49160 and 49164]. These permits may be issued by the local school district in which the minor will reside while visiting [EC 49110].

Emancipated minors must have the standard Permit to Employ and Work, and employers employing them must possess this permit. Emancipated minors are those persons under 18 who have entered into a valid marriage (whether or not the marriage was dissolved), are on active duty with the armed services, or possess a "Declaration of Emancipation" issued by the superior court. Minors declared emancipated by the court must be at least 14 years of age. Emancipated minors may apply for a Permit to Employ and Work without parental consent [FC 7000 et seq.], but they are subject to all other child labor laws.

So-called "dropouts" under 18 are still subject to California's compulsory education laws, and must, therefore, have permits in order to work (See Chapter 2 of this digest).

Exclusions

High school graduates or minors who have been awarded a certificate of proficiency are exempt from the permit requirements [EC 49101; LC 1286]. Minors do not need to attain a minimum age in order to graduate from high school. However, to qualify for a certificate of proficiency, the minor must be at least 16 years of age, or must have been enrolled for one academic year in the 10th grade, or have completed one academic year of enrollment in the 10th grade at the end of the semester the test was taken [EC 48412].

Parents or guardians who employ their children in agriculture, horticulture, viticulture, or domestic labor on or in connection with property the parent or guardian owns, operates, or controls do not require permits [LC 1394]. However, these minors may not be employed during school hours, even when they are under school age [LC 1394].

Minors who are self-employed do not require permits.

Minors ***irregularly*** employed in odd jobs in private homes, such as baby-sitting, lawn mowing, and leaf raking, do not need to obtain a Permit to Employ and Work [18 Ops. Cal. Atty. Gen. 114, August 31, 1951)].

Minors engaged in the sale and distribution of newspapers or magazines are often self-employed, and thus do not require permits. Minors who are at least 14 years of age and employed to deliver newspapers to consumers do not require permits, whether or not they are self-employed [EC 49112(d)]. Requirements for this occupation are detailed in Chapter 7 of this digest.

Minors of any age who participate in any horseback riding exhibition, contest, or event, whether or not they receive payment for services or prize money do not need to obtain a Permit to Employ and Work [EC 49119 and 49165; LC 1308(b)(3)]. **Note:** Minors under 16 years of age are prohibited from participating in any rough stock rodeo event, circus or race. "Rough stock rodeo event" means any rodeo event operated for profit or operated by other than a nonprofit organization in which unbroken, little-trained, or imperfectly trained animals are ridden or handled by the participant, and shall include, but not be limited to, saddle bronc riding, bareback riding, and bull riding. "Race" means any speed contest between two or more animals that are on a course at the same time and that is operated for profit or operated other than by a nonprofit organization. [LC 1308(b)(3)]

State and local agencies that directly employ minors are not included in the Labor Code's child labor provisions, and are exempt from permit requirements. State and local agencies must be expressly included in the Labor Code to be subject to its requirements. State and local agencies are, however, covered by the federal Fair Labor Standards Act and must meet all of its requirements [29 USC 203(s)(1)].

Obtaining Permits to Employ and Work

Prior to permitting the minor to work, employers must possess a valid Permit to Employ and Work. The minor's school issues the permit. In typical circumstances, after an employer agrees to hire a minor, the minor then obtains from his or her school a brief form with the title "Statement of Intent to Employ Minor and Request for Work Permit" ("Application") [EC 49162]. The Application is completed by the minor and the employer and signed by the minor's parent or guardian and the prospective supervisor [EC 49163]. After returning the completed and signed Application to the school, school officials may then issue the Permit to Employ and Work [EC 49110 - 49113, and 49130]. **Exception:** A minor employed in the entertainment industry must have an Entertainment Work Permit issued by the Division of Labor Standards Enforcement [LC 1308.5, CCR 11753]. The employer of such a minor must have a Permit to Employ Minors in the Entertainment Industry which are also issued by the Division of Labor Standards Enforcement [CCR 11752]. (See Chapter 9 of this digest.)

Minors Who Attend a Charter School

A minor attending a charter **school*** who wishes to work, must obtain the standard Permit to Employ and Work, and the employer must possess such permit. Either the minor's school or the authority that granted the school's charter (normally the local school district) may issue the permit.

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* Please see EC 47600 et seq. for a description of charter schools and how they are established.

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4. **WAGES**

Minors must be paid at least the minimum wage and applicable overtime rates established by the California Industrial Welfare Commission [LC 1197, IWC Orders Section 4]. Employers who are subject to the federal Fair Labor Standards Act (and most are) must pay the applicable federal minimum wage and overtime rates [29 USC 206, 207, and 214]. Whenever state and federal wage standards differ, the higher wage must always be paid [LC 1182, 29 USC 218].

Required Payment of Adult Wage Rates

High school graduates or the equivalent must be paid commensurate with adults when they perform the same quantity, quality, and classification of work. This includes wage rates that are above the minimum wage [LC 1391.2].

Minors participating in Work Experience Education programs and who work between 10 p.m. and 12:30 a.m. (an extension of hours which requires the express approval of parents and school officials) must be paid at least the adult minimum wage for any work performed during those hours [LC 1391.1].

Sixteen and seventeen-year-olds who are permitted to work 48 hours in a week must be paid any applicable overtime pay [LC 1391(a)(3), IWC Orders Section 3, 29 USC 207)].

Subminimum Wages

The IWC Orders state that minors may not be paid less than 85% of the adult minimum wage rounded to the nearest nickel provided that the number of minors employed at said lesser rate do not account for more than 25% of the total number of persons regularly employed in the same establishment. An employer with less than 10 regular employees may employ up to three minors at the lesser rate. The 25% limitation does not apply during school vacations [IWC Orders Section 4]. Overtime premium based on the regular rate of pay must be paid when overtime is worked [IWC Orders Section 3].

FEDERAL OPPORTUNITY WAGE

Amendments to the FLSA also provide a new subminimum "opportunity wage" for youth. The opportunity wage, effective October 1, 1996, must be at least $4.25 per hour and applies only to workers under 20 years of age during the first 90 consecutive *calendar* days after the employee is *initially* hired [29 USC 206(g)]. It is unlawful for an employer to displace a current employee or reduce his or her work hours or benefits in order to pay the opportunity wage

FEDERAL OPPORTUNITY WAGE AND IWC LEARNER AND MINOR RATES

In order to pay a subminimum wage, a California employer who is also subject to the FLSA must determine if the employment is eligible for a subminimum wage under state law *and* federal law simultaneously. If the employment violates any state requirement for a subminimum wage, then the state minimum wage must be paid even though the employment meets all federal subminimum wage requirements. Likewise, if the employment violates any federal requirement for a subminimum wage, the federal minimum wage must be paid even though the employment meets all state subminimum wage requirements. Thus, the employer's ability to pay a subminimum wage under state law will be limited by overlapping federal opportunity wage requirements and vice versa.

In a special case in which a statute overrides the applicable IWC Order [Order No. 10 in this case], student employees, camp counselors, or program counselors of an organized camp, **regardless of age**, may be paid a weekly salary amounting to 85% of the minimum wage for a 40-hour week, even if they work more than 40 hours in a week [LC 1182.4]. This provision does *not* exempt employers from the maximum work hour limits for minors established in Labor Code Section 1391, which are explained in Chapter Five of this digest. Thus, the only savings on overtime hours that can apply are those for 16 and 17-year-olds, who are allowed to work up to 48 hours per week [LC 1391(a)(3)]. If student employees, camp counselors, or program counselors, regardless of age, work less than 40 hours per week, they must be paid at least 85% of the minimum wage for each hour worked. An "organized camp" is defined in state law as a site with program and facilities established for the primary purposes of providing an outdoor group living experience with social, spiritual, educational, or recreational objectives, for five days or more during one or more seasons of the year. The term does not include a motel, tourist camp, trailer park, resort, hunting camp, auto court, labor camp, penal or correctional camp, child care institution, home-finding agency, or any charitable or recreational organization operating a special (i.e., temporary) occupancy trailer park [HSC 18897 and 18301]. The organized camp must meet the standards established by the American Camping Association.

The federal Fair Labor Standards Act also exempts from minimum wage and overtime requirements employees of organized camps (and amusement or recreational establishments and religious or nonprofit educational conference centers) if the facility does not operate for more than seven months in any calendar year or if its average receipts for any six months of the preceding year do not exceed 33 1/3% of the receipts for the remaining six months of the preceding year. However, private entities providing services or facilities in a National Park, National Forest, or National Wildlife Refuge are not exempt from federal wage requirements, unless the services or facilities are related to skiing [29 USC 213(a)(3)].

Minimum Wage Exemptions

State minimum wage and overtime exemptions are listed in the applicable IWC Order. Employers who are also subject to the federal Fair Labor Standards Act should also check with the U.S. Department of Labor to determine if the state's exemption coincides with federal requirements. Exemptions for parent or guardians are explained in Chapter 10 of this digest.

5. Hours of Work

SUMMARY CHART

	Ages 16 & 17 Must have completed 7th grade to work while school in session. (EC 49112)	Ages 14 & 15 Must have completed 7th grade to work while school in session (EC 49112)	Ages 12 & 13
SCHOOL IN SESSION*	4 hours per day on any schoolday** [EC 49112; 49116; LC 1391] 8 hours on any non-schoolday or on any day preceding a non-schoolday. [EC 49112; 49116; LC 1391] 48 hours per week [LC 1391] WEE students & personal attendants*** may work more than 4 hours on a schoolday, but never more than 8. See text. [EC 49116; LC 1391, 1392]	3 hours per schoolday outside of school hours [EC 49112, 49116; LC 1391] 8 hours on any non-schoolday 18 hours per week [EC 49116; LC 1391] WEE students may work during school hours & up to 23 hours per week. See text. [EC 49116; LC 1391]	May be employed only during school holidays and vacations (usually construed to include weekends). May never be employed on any schoolday, either before or after school. [EC 49111] See text. Daily and weekly work hour maximums while school is in session are not specified in statute, but may not exceed the maximum allowed when school is not in session or the maximum stated on permit. [EC 49111; LC 1391, 1392] See text. Not eligible for WEE programs. [EC 49113]
SCHOOL NOT IN SESSION	8 hours per day [LC 1391, 1392] 48 hours per week [LC 1391]	8 hours per day [LC 1391, 1392] 40 hours per week [LC 1391]	8 hours per day [LC 1391, 1392] 40 hours per week [LC 1391]
SPREAD OF HOURS	5 a.m. – 10 p.m. However, until 12:30 a.m. on any evening preceding a nonschoolday [LC 1391] WEE students, with permission, until 12:30 a.m. on any day [LC 1391.1] Messengers: 6 a.m. – 9 p.m.	7 a.m. – 7 p.m., except that from June 1 through Labor Day, until 9 p.m. [LC 1391]	7 a.m. – 7 p.m., except that from June 1 through Labor Day, until 9 p.m. [LC 1391]

PENALTIES

EC 49111, 49112, 49116 Misdemeanor. [EC 49182]
LC 1297 Misdemeanor.[LC 1303]
LC 1391 First violation, Class B, $500; second violation, Class B, $1,000; third and subsequent violations, Class A, $5,000 - $10,000. [LC 1288] Misdemeanor.[1303]
LC 1392 Class A violation $5,000 - $10,000. (Minor must be a ward or apprentice.) Misdemeanor. [LC 1392]

- Permits must be revoked (by school officials or the Labor Commissioner) if work exceeds the hours stated on the permit. [LC 1300; EC 49164]
- With few exceptions, all employees are entitled to one day of rest in seven. [LC 551, 552] Days of rest may be accumulated providing that in each calendar month the employee receives the equivalent of one day of rest in seven. [LC 554] A violation of Sections 551, 552 and 554 is a misdemeanor. [LC 553]. School attendance is not considered work time.
- See Chapter 11 of this digest for additional details on penalties

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*Statutes governing workhours for 14- and 15-year-olds use the phrase, "while school is in session", for the three-hour day, 18-hour week. California provides no precise definition of this phrase. However, the phrase is also used in federal regulations from which California's standard is derived [29 CFR 570.35(a)]. The U.S. Department of Labor considers the term "school in session" to mean the scheduled schooldays of the public school system in the

county where the minor resides. A school week under federal standards is any week during which school is in session for at least one day. Thus, school is considered in session during any week that has at least one scheduled schoolday. Since the school session is derived from the schedule for the county's public schools, school may be considered in session for a minor who attends a private school that is closed during the summer if the public schools are in session at that same time.

**A "schoolday" is any day that the minor is required to attend school for 240 minutes or more. [EC 49116; LC 1391]

***"Personal attendant" is specifically defined; see "Household Occupations" in Chapter 7 of this digest.

Workhour Exceptions for Sixteen- and Seventeen-Year-Olds

Sixteen and seventeen-year-olds enrolled in Work Experience or cooperative vocational education programs approved by the California Department of Education or those conducted by private schools may work on any day after 10 p.m., but not later than 12:30 a.m., provided that the parent or guardian and the Work Experience Education coordinator approve. Such employment may not be detrimental to the health, education, or welfare of the minor. Minors in these programs who work between the hours of 10 p.m. and 12:30 a.m. must be paid at least the adult minimum wage for those hours [LC 1391.1]. As the chart indicates, 16 and 17-year-olds enrolled in a school approved Work Experience or cooperative vocational education program may work more than four hours on a schoolday, but never more than eight hours in any day [EC 49116, LC 1391 and 1392].

Sixteen and seventeen-year-olds employed as personal attendants, as the term is defined in IWC Order No. 15 in effect at the time of employment, may be authorized to work more than four hours on a schoolday [E

C 49116, LC 1391].

Sixteen and seventeen-year-olds employed in agricultural packing plants during the peak harvest season may work up to 10 hours on any day that school is not in session. Such employment requires a special permit granted by the Labor Commissioner to the employer operating the packing plant. Permits may only be granted if they do not materially affect the safety and welfare of minor employees and will prevent undue hardship on the employer. The Labor Commissioner may require an inspection of a packing plant prior to granting the permit. Permits may be revoked after reasonable notice is given in writing or immediately if any of its terms or conditions are violated. Applications must be made upon a form provided by the Labor Commissioner, and a copy must be posted at the place of employment at the time the application is submitted [LC 1393].*

Workhour Exceptions for Fourteen- and Fifteen-Year-Olds

Fourteen and fifteen-year-olds who have successfully completed elementary school and are enrolled in a Work Experience Education program may be issued permits for full-time employment if: (1) it is demonstrated that through the death or desertion of the minor's father or mother, the family needs the minor's earnings and sufficient aid cannot be secured in any other manner; (2) the minor is unable to reside with his or her family and such full-time earnings are necessary for the support of the minor; or (3) the minor is residing in foster care and, with the written authorization of their social worker, probation officer, or child protective services worker, they wish to further the goal of obtaining a court ordered Declaration of Emancipation or gain knowledge of work skills and habits [EC 49130]. School officials must investigate the conditions claimed for issuance of this permit and issue a written judgment that the earnings are needed for the support of the minor and that sufficient aid cannot be secured in any other way. For minors who are in foster care, the school official must sign a statement that he or she has received authorization from the minor's social worker, probation officer, or child protective services worker [EC 49130]. These permits may only be issued if the minor's parent or guardian appears in person before the permit issuer and applies for the permit [EC 49132]. In addition, the issuing authority must receive and examine bona fide and current school and attendance records, proof of age, a written statement from the prospective employer affirming and describing the prospective employment, and a certificate of health signed by a physician or public medical officer that the minor is physically fit for the prospective employment. No fee may be charged the minor for this certificate [EC 49133]. Finally, the parent, guardian, or custodian who accompanies the minor must swear an oath that his or her statement of the name, address, birthplace, and age of the minor entered on the application are true and correct to the best of their knowledge [EC 49134]. These permits must expire no later than the end of the school year in which they are issued [EC 49130]. **Note:** These permits may only be issued for employment that is exempt from the federal Fair Labor Standards Act. See Chapter 12 of this digest or contact the nearest office of the Wage and Hour Division of the U.S. Department of Labor for further information.

Workhour Exceptions for Fourteen- and Fifteen-Year-Old Sports Attendants

Fourteen and fifteen-year-olds may be employed in "sports-attending services" at professional baseball games until 10:00 p.m. on any night preceding a school day or until 12:30 a.m. on any night preceding a nonschool day. When school is in session, fourteen and fifteen-year-olds may work a maximum of five hours per day and eighteen hours per week as professional baseball "sports attendants." When school is not in session, they may work a maximum of forty hours per week [LC 1295.5].

No minor may be permitted to work in professional baseball sports-attending services without the prior written approval of either his or her school district or county board of education [LC 1295.5].

Workhours for Twelve- and Thirteen-Year-Olds

Twelve and thirteen-year-olds may be issued permits to work in the occupations permitted to them on a "regular school holiday, during the regular vacation of the public school..., and during a specified occasional public school vacation..." but not on any regular schoolday, either before or after school [EC 49111, 49112, and 49116]. The phrases referring to vacations and holidays are not precisely defined, but are usually construed to include weekends during the regular school year. Daily and weekly workhour maximums for 12 and 13-year-olds who may work during the regular school year are not specified in any statute, and are therefore left to local school officials to determine [EC 49111]. However, it is very unlikely that any local school official would issue permits allowing 12 and 13-year-olds to work hours in excess of the three per day and 18 per week accorded to 14 and 15-year-olds. At no time during the year or under any circumstances may 12 and 13-year-olds work more than eight hours in a day or 40 hours in a week in the occupations permitted to them [LC 1391].

Note: State law provides that a 13- year-old may be issued a permit to work up to two hours on a schoolday and up to four hours in a week if he or she has completed sixth grade, been identified by the school district as a potential dropout, and is a participant in an employment program conducted on school premises and sponsored by one or more school districts [EC 49112]. **Note:** State schools are subject to the federal Fair Labor Standards Act, which prohibits employment of minors under 14 except in an exempted occupation. See Chapter 12 of this digest for those exemptions or contact the nearest office of the Wage and Hour Division of the U.S. Department of Labor for further information.

Workhour Exceptions Applicable to All Age Groups

High school graduates or those awarded a certificate of proficiency may be employed for the same hours as adults and do not require permits [LC 1286].

School officials may restrict working hours to fewer than the maximum allowed by law. Minors work with the permission of school authorities, and no law requires school authorities to issue a permit for the maximum hours allowed by law.

Minors aged 12 to 18 who enter an attendance area from another state with less than 10 days remaining in the school term may be issued permits for the remainder of the school term and are exempt from full-time school attendance requirements [EC 49111, 48231].

Finally, several exceptions are discussed in detail in subsequent chapters of this digest: Newscarriers (Chapter 7), personal attendants and household occupations (Chapter 7), minors employed in the entertainment industry (Chapter 9), parent or guardian employers (Chapter 10), and exemptions under federal law (Chapter 12).

6. MINIMUM AGES FOR EMPLOYMENT

Eighteen

Eighteen is the minimum age that minors may be:

• Employed in occupations declared hazardous by federal regulation and adopted by inclusion by the state of California [LC 1294.1, 29 CFR 570 Subpart E] (See Chapter 8 of this digest.)

• Employed without being subject to child labor restrictions since they are no longer minors. With rare exceptions, such as the sale and service of alcohol or the transportation of hazardous materials, persons who are at least 18 may be employed in any occupation without restriction.

Sixteen

Sixteen is the minimum age that minors may be:

• Employed in California unless minors under that age are expressly permitted by law to work: "NO MINOR UNDER THE AGE OF 16 YEARS SHALL BE EMPLOYED, PERMITTED, OR SUFFERED TO WORK in or in connection with any manufacturing establishment OR OTHER PLACE OF LABOR OR EMPLOYMENT AT ANY TIME, except as may be provided in this article (namely, LC Sections 1285 – 1312) or by the provisions of Part 27 of the Education Code [EC 48000 et seq.] [LC 1290] (Emphasis added)." Exceptions for minors under 16 are summarized below and

detailed in Chapters 7 and 8 of this digest.
• Employed in any of the occupations prohibited by Labor Code Sections 1292, 1293, 1294, 1294.1, and 1297 or by Article 1 of Subchapter 1 of Chapter 6 of Title 8 of the California Code of Regulations. (See Chapters 7 and 8 of this digest.)
• Accepted in an approved apprenticeship training program [LC 3077].
• Trained in specified occupations declared hazardous by federal regulation to minors under 18. Such training must be pursuant to an approved training course or apprenticeship [LC 1294.1, 29 CFR 570 Subpart E]. (See Chapter 8 of this digest.)
• Employed during the regular school year and during regular school hours (in addition to 14 and 15-year-olds enrolled in Work Experience Education programs) [EC 49113 and 49116].

Fourteen

Fourteen is the minimum age that minors may be:

• Employed in occupations permitted in Subpart C of Title 29 of the Code of Federal Regulation and adopted by inclusion by the state of California in Labor Code Section 1294.1(a)(2). These occupations are listed in Chapter 7 of this digest. No minor under 14 may be employed in firms subject to the federal Fair Labor Standards Act unless the employment is exempt as specified in Chapter 12 of this digest.
• Employed during the regular school year, but only before or after school [EC 49112] (For exceptions see Chapter 5 of this digest.)
• Enrolled in a Work Experience Education program [EC 49113].

Twelve

Twelve is the minimum age that minors may be:

• Issued a Permit to Work by school authorities [EC 49111].

• Employed in household occupations or as a personal attendant if issued a Permit to Work [EC 49111]. This should not be construed to apply to irregular employment as a babysitter or other personal attendant duties or to irregular yard or housework since those occupations, when pursued on a casual, irregular basis, are considered exempt from permit requirements [18 Ops. Cal. Atty. Gen. 114 (1951)]. Since most domestic service is not considered part of the child labor provisions of the FLSA, the federal minimum age of 14 for permitted occupations does not apply to domestic service [29 CFR 552.108]. (See Chapter 7 of this Digest.)

• Employed or permitted to work in or in connection with the occupation of selling or distributing newspapers, magazines, periodicals, or circulars [LC 1298]. Newscarriers are exempt from the FLSA [29 USC 213].

Under Twelve

• **Minors under 12** may perform irregular odd jobs in private households performing such duties as baby-sitting [18 Ops. Cal. Atty. Gen. 114, (1951)].

• **Minors under 12** may not be employed or permitted to work or accompany or be permitted to accompany an employed parent or guardian into an agricultural zone of danger [LC 1293.1], unless the minor is employed by the parent or guardian on or in connection with premises that the parent or guardian owns, operates, or controls [LC 1394]. (See Chapter 8 of this digest.)

• **Six** is the minimum age that minors may engage in door-to-door sales or street sales of candy, cookies, flowers, or any other merchandise or commodities. [LC 1308.1] However, minors **under 12** may not engage in these activities unless they are exempt from permit requirements**. All minors **under 16** may only engage in these activities under certain specified conditions [8 CCR 11706]. (See Chapter 7 of this digest.)

• Minors **15 days to 18 years** may be employed in the entertainment industry under permits issued by the Division of Labor Standards Enforcement [LC 1308.5]. (See Chapter 9 of this digest.)

• Parent or guardian employers have limited exemptions for this age group explained in Chapter 10 of this

digest.

** Notwithstanding the fact that LC 1308.1 provides that "No minor under the age if 6 years shall be permitted to engage in door-to-door sales or street sales of candy, cookies, flowers, or any other merchandise or commodities...", thus raising an inference that a minor need only be six years of age in order to engage in such sales, this is not in fact the case. By virtue of the provisions of LC 1299 which require that employers "shall keep on file all permits... either to work or to employ", and terms of EC 49111 which provide that "A permit to work may be issued to any minor over the age of 12 years and under the age of 18 years..." the effect of these two statutes is that a minor must be over the age of 12 years in order to engage in door-to-door and/or street sales and then, only if the all of the conditions described in 8 CCR 11706 are met.

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7. RESTRICTED OCCUPATIONS

Occupations Permitted to 14- and 15-Year-Olds

The State of California has adopted by inclusion federal standards for 14 and 15-year-olds as they appear in the Code of Federal Regulation. The adoption of federal standards automatically includes any changes that may be made in federal regulations in the future [LC 1294.1, 29 CFR Part 570, Subpart C]. Fourteen and fifteen-year-olds who work in the food service, retail, and gasoline service industries may only be employed in the occupations expressly permitted to them in federal regulation and state law [LC 1294.1; 29 CFR Part 570, Subpart C]. Permitted occupations in these industries are listed below under individual headings. Fourteen and fifteen-year-olds may be employed in any occupation not prohibited by federal regulation [LC 1294.1, 29 CFR 570.32, 570.33(a)] or under state law [LC 1294.1 and 1294.3]. These occupations are listed in Chapter 8 of this digest.

Food Service & Retail

Fourteen and fifteen-year-olds may be employed in the following occupations in the food service and retail industries:

- Office and clerical work, including the operation of office machines.
- Cashiering, selling, modeling, art work, work in advertising departments, window trimming, and comparative shopping.
- Price marking and tagging by hand or by machine, assembling orders, packing and shelving.
- Bagging and carrying out customers orders.
- Errand and delivery work by foot, bicycle, or public transportation.
- Cleanup work, including the use of vacuum cleaners and floor waxers, and maintenance of grounds, but not including the use of power-driven mowers or cutters.
- Kitchen work and other work involved in preparing and serving food and beverages, including the operation of machines and devices used in the performance of this work, including but not limited to, dishwashers, toasters, dumbwaiters, popcorn poppers, milkshake blenders, and coffee grinders.
- Cleaning vegetables and fruits, and wrapping, sealing, labeling, weighing, pricing, and stocking goods when performed in areas physically separate from areas where meat is prepared for sale and outside freezers or meat coolers.

Fourteen and fifteen-year-olds may perform cooking duties at soda fountains, lunch counters, snack bars, or cafeteria serving counters where such cooking is performed in plain sight of customers and is not the minor's sole duty. In fast food restaurants where, for example, the french fryer is in plain view, a 14 or 15-year-old may perform duties related to that machine. Where hamburgers or other food items are prepared out of plain sight of the customers *or* such preparation is the minor's sole duty, the minor must be **at least 16** [LC 1294.1, 29 CFR 570.34(b)]. Additional occupations prohibited to minors under 16 in food service and retail are listed in Chapter 8 of this digest. **Minors under 18** are prohibited from using power-driven meat processing machines and certain baking machines [LC 1294.1, 29 CFR 570. 61 and 570.52]. Occupations prohibited to minors under 18 are also detailed in Chapter 8 of this digest.

Underage employment in any of these occupations is a Class A child labor violation. Penalties are explained in Chapter 11 of this digest.

Liquor and Lottery Sales

Persons under 21 may not be employed during business hours in or on that portion of any premises that are primarily designed and used for the sale and service of alcoholic beverages for consumption on the premises [BPC 25663]. This refers to any activity, not just the sale and service of alcohol. However, **person's 18 to 21** years of age may perform as musicians in such establishments if no live lewd acts are allowed on the premises and if no alcohol is allowed in the musicians' performance area [BPC 25667]. **Persons 18 to 21** years of age may serve alcohol in a bona fide public eating establishment if the person is not employed as a bartender and the service is in that part of the establishment used for the sale and service of food [BPC 25667]. No law prohibits **minors under 18** from bussing tables in a bona fide public eating establishment where alcohol is served.

Minors under 18 may be employed by establishments that sell alcohol for consumption off the premises only if the minor is constantly supervised by a person 21 years of age or older [BPC 25663(b)].

Minors under 18 may sell lottery tickets or shares only if they are constantly supervised by a person 21 years of age or older [GC 8880.50].

Gasoline Service Stations

Fourteen and fifteen-year-olds may work in gas stations, but only in those activities that are also permitted to 14 and 15-year-olds in the food service and retail industries [LC 1294.5].

Sixteen is the minimum age that minors may be allowed to work in the following activities [LC 1294.5]:

- Dispensing gas or oil;
- Courtesy service;
- Car cleaning, washing, and polishing.

Sixteen is the minimum age that minors may be employed or permitted to perform any type of mechanical work [LC 1294.1, 29 CFR 570.34(b)(3)] or any other work in a gasoline service establishment prohibited to minors under 16 by federal regulation and adopted by inclusion by the state of California [LC 1294.1; 29 CFR 570.34(b)]. (See Chapter 8 of this digest for a detailed list of these occupations.)

Eighteen is the minimum age that a person may perform activities in gas stations that involves the use of pits, racks, lifting apparatuses, or the inflation of any tire mounted on a rim equipped with a removable retaining ring [LC 1294.5]. Minors may not be employed in a gas station service establishment in any occupation declared hazardous by the Secretary of Labor for minors under 18 [LC 1294.1, 29 CFR 570 Subpart E]. (See Chapter 8 of this digest.)

Underage employment in any of these occupations is a Class A child labor violations. Penalties are explained in Chapter 11 of this digest.

Motor Vehicle Occupations

Minors under 18 may not be employed for the purpose of driving a motor vehicle on the highways or streets [LC 1294.1(b); VC 12515]. **Note:** The Vehicle Code is not violated unless the "primary or principal purpose" of the minor's employment is the driving of a motor vehicle on the highway or street [61 Ops. Cal. Atty. Gen. 146, (1978)]. Similarly, federal standards [29 CFR 570.52] adopted by the state prohibit persons **under 17** years of age from performing any on-the-job driving of automobiles and trucks on public roadways. Such standards do, however, permit 17-year old minors to drive automobiles and trucks on public roadways only if such driving meets **all** of the following conditions:

- such driving is restricted to daylight hours;
- the minor holds a State license valid for the type of driving involved in the job performed and has no records of any moving violation at the time of hire;
- the minor has successfully completed a State approved driver education course;
- the automobile or truck is equipped with a seat belt for the driver and any passengers and the employer has instructed the minor that the seat belts must be used when driving the automobile or truck;

- the automobile or truck does not exceed 6,000 pounds of gross vehicle weight; such driving does **not** include:

- the towing of vehicles
- route deliveries or route sales
- the transportation for hire of property, goods, or passengers;
- urgent, time-sensitive deliveries;
- more than two trips away from the primary place of employment in any single day for the purpose of delivering goods of the minor's employer or to a customer (other than urgent, time-sensitive deliveries);
- more than two trips away from the primary place of employment in any single day for the purpose of transporting passengers (other than employees of the employer);
- transporting more than three passengers (including employees of the employer);
- driving beyond a 30 mile radius from the minor's place of employment, and
- such driving is only occasional and incidental to the minor's employment.

The term "occasional and incidental" means no more than one-third of a minor's worktime in any workday and no more than 20 percent of a minor's worktime in any workweek
[29 CFR 570.52].

Minors under 16 may not be employed to drive a motor vehicle *in any capacity* [LC 1294]. However, certain exceptions are available for training programs in agriculture. (See Chapter 8 of this digest.) **Minors under 16** may not deliver goods, merchandise, commodities, papers (except newspapers) or packages from a motor vehicle regardless of the vehicle's size or type [8 CCR 11701, LC 1294.4], serve as helpers on motor vehicles [LC 1294.1, 29 CFR 570.33], or be employed in any occupation which must be performed on any media of transportation [LC 1294.1; 29 CFR 570.33].

Violation of the Labor Code or Title 8 regulations governing motor vehicles are Class A child labor violations. Penalties are explained in Chapter 11 of this digest.

Persons under 21 may not be hired to transport hazardous materials [VC 12515].

Messengers

Sixteen is the minimum age that minors may be permitted to work as a messenger for any telegraph, telephone or messenger company in the distribution or delivery of goods or messages [LC 1297]. This statute does not apply to any minor employed to deliver newspapers to consumers. Although Labor Code Section 1297 makes additional reference to the lawful employment of minors under 16 in messenger occupations, federal standards adopted by inclusion by the state of California prohibit **minors under 16** from being employed or permitted to work in occupations in a public messenger service [LC 1294.1; 29 CFR 570.33(d)]. Messengers have a unique spread of hours, which allows them to work only from 6 a.m. to 9 p.m.

Fourteen and fifteen-year-olds may be employed to run errands and make deliveries by foot, bicycle, or public transportation [LC 1294.1 and 1294.3, 29 CFR 570.34].

Persons or companies engaged in the delivery of packages, letters, notes, messages or other matter and every manager, superintendent or other agent thereof, who sends any minor (that is, **any person under 18)** in the employ of the company or person to the keeper of any house of prostitution, variety theater or other places of questionable repute, or to any person connected with, or to any inmate of such house, theater or other place, or who permits any minor to enter such house, theater, or other place is guilty of a misdemeanor [PC 273(e)].

Newspaper and Magazine Sales

Twelve is the minimum age that minors may be permitted to work in or in connection with the occupation of selling or distributing newspapers, magazines, periodicals or circulars. Nothing prohibits a minor engaged in the delivery of newspapers to consumers from making deliveries by foot, bicycle, public transportation, or from an automobile driven by a person who is at least 18 years of age or older [LC 1294.4].* Newscarriers are exempt from occupational restrictions governing door-to-door sales [8 CCR 11706.2]. Newscarriers who are at least 14 years of age do not require work permits, whether or not they are self-employed
[EC 49112(d)]. Newscarriers are exempt from all workhour restrictions, except that they may not work more than 8 hours in a day [EC 49112 and 49116, LC 1391 and 1392]. Employment as newscarriers does not exempt minors from compulsory school attendance requirements, and their work activities must be performed outside of school

hours. Newscarriers' exemption from the federal FLSA is explained in Chapter 12 of this digest.

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* Beginning January 1, 1996, a minor may be 16 to drive an automobile for these purposes. However, if the minor is construed to be hired to drive upon the public streets, he or she must still be 18. [VC 12515]

Door-to-Door Sales

"Door-to-door sales" has the same meaning as a "home solicitation contract or offer," which is any contract, whether single or multiple, or any offer which is subject to approval, for the sale, lease, or rental of goods or services or both, made at other than appropriate trade premises. No minimum or maximum monetary amount whatsoever applies to this definition when applied to minors' door-to-door sales [LC 1286(e), CC 1689.5, 8 CCR 11706.1].

No minor under the age of six may be permitted to engage in the door-to-door sales or street sales of candy, cookies, flowers, or any other merchandise or commodities. [LC 1308.1] Because school officials may only issue a Permit to Employ and Work to a minor who are at least 12 years of age [EC 49111], and because an employer is required to keep on file all such permits [LC 1299], the effect of these two statutes is to vitiate the inference raised by LC 1308.1 that a minor need only be six years of age in order to engage in these activities. (See Chapter 6 of this digest.)

Minors under 16 MAY NOT:

- Sell to passing motorists newspapers, candy, flowers or other merchandise or commodities from a fixed location on a street, highway, freeway island or divider, freeway on or off ramp, or the side of a freeway or highway entrance or exit shoulder [LC 1296, 8 CCR 11706].
- Sell newspaper or magazine subscriptions, candy, cookies, flowers or other merchandise or commodities door-to-door **unless all** of the following conditions are met [LC 1296, 8 CCR 11706]:

  - Minors so engaged work in pairs, as a team, on the same or opposite side of the street;
  - Minors so engaged must be supervised by an adult supervisor for each crew of 10 or fewer minors;
  - Minors must be within the sight or sound of the adult supervisor at least once every 15 minutes;
  - Minors must be returned to their respective homes or place of rendezvous daily after each day's work.
  - In addition, the door-to-door sales activities (including newspaper or magazine subscriptions) must be performed within 50 miles of the minor's residence [LC 1308.1].

  Note: Door-to-door selling includes minors selling in parking lots or malls, whether alone or in pairs or teams [8 CCR 11706.1]. **Exception:** These regulations do not apply to newscarriers who solicit subscriptions, or sell newspapers door-to-door when they are directly employed by the newspaper and deliver the newspaper on a regular basis to an established readership for a requested consideration [8 CCR 11706.2].

Employers, supervisors, and transporters of minors under 16 engaged in door-to-door sales more than 10 miles from the minor's residence must register with the Labor Commissioner [LC 1308.2, 1308.3, and 1308.4]. (See Chapter 10 of this digest for additional information on registration requirements.)

Manufacturing and Processing

Under state law, **16** is the minimum age that minors may be employed, permitted, or suffered to work in or in connection with any manufacturing establishment [LC 1290]. "Manufacturing" includes work done at any place upon the work of a manufacturing establishment or upon the materials entering into the products of a manufacturing establishment whether directly under any arrangement with the person in charge of the establishment or indirectly through contractors of third persons [LC 1291].

Under federal regulation, adopted by inclusion by the state of California, **16** is the minimum age for employment in manufacturing and processing occupations. Minors under 16 may not be employed in manufacturing or processing in any occupation performed in the work rooms or work places where goods are manufactured or

processed, including occupations that would otherwise be permitted to 14 and 15-year-olds [LC 1294.1, 29 CFR 570.33(a)] and 570.34(b)]. Processing occupations include for example, filleting fish, dressing poultry, cracking nuts, commercial laundering, and dry cleaning (except in a retail, food service or gasoline service establishment in those occupations expressly permitted and listed in Chapter 7 of this digest.)

Goods may only be manufactured or assembled in the home when both the employee and employer have special permits issued by the Labor Commissioner which allow industrial homework [LC 2658, 2659]. A person must be at least **16** years of age to be issued a homeworker permit [LC 2661]. Homeworker permits are inexpensive, and the fee may be waived if it causes financial hardship [LC 2660]. The following items may never be manufactured in a home, regardless of age or circumstances: Bandages and other sanitary goods; explosives, fireworks, or similar items; drugs or poisons, tobacco; wearing apparel; toys and dolls; food, drink, or articles connected with the serving of food and drink [LC 2651].

Household Occupations

Minors who are *irregularly* employed in odd jobs in private households such as baby-sitting and yardwork do not require permits to work or employ [8 Ops. Cal. Atty. Gen. 114, (1951)]. However, they may not be employed in these occupations during regular school hours or in any hazardous duty prohibited to the minor's age group.

Employment of minors in a household on a regular basis to perform domestic duties requires permits to work and employ. Wage and working condition requirements for these occupations are governed by IWC Order No. 15, and the employer must keep a copy of this Order available for inspection by the employee upon request [IWC Order No. 15 Section 17]. IWC Orders are available on the Internet at http://www.dir.ca.gov/IWC/iwc.html or from any DLSE office.

IWC Order No. 15 defines two groups of domestic duties, household occupations and personal attendants: "Household occupations" are

> all services related to the care of persons or maintenance of a private household or its premises by an employee of a private householder. Said occupations shall include, but not be limited to, the following: butlers, chauffeurs, companions, cooks, day workers, gardeners, graduate nurses, grooms, housecleaners, housekeepers, maids, practical nurses, tutors, valets, and other similar occupations [IWC Order No. 15 Section 2(C)].

"Personal attendant" includes

> baby-sitters and means any person employed by a private householder or by any third party employer recognized in the health care industry to work in a private household, to supervise, feed, or dress a child or person who by reason of advanced age, physical disability, or mental deficiency needs supervision. The status of 'personal attendant' shall apply when no significant amount of work other than the foregoing is required [IWC Order No. 15 Section 2(I)].

Personal attendants are exempt from state minimum wage requirements. Personal attendants who are at least 16 years old may be issued a work permit to work in that occupation for more than four hours on a schoolday [EC 49116, LC 1391]. Note, however, that the duties of the personal attendant are sharply limited to 'supervising, feeding, or dressing' a person, and that any significant duties in addition to these voids the classification and its accompanying exemptions.

Minors employed in household occupations may be issued a permit to be employed for more than eight hours in a day, but are still subject to the weekly maximum for their age group [LC 1392]. Minors may not be employed in all the household occupations; they are still prohibited from underage employment in any occupation prohibited to them by statute. For example, the occupation of chauffeur is a household occupation, but minors are prohibited from being employed to drive motor vehicles.

Special exemptions for parent/guardian employers of their own minor children in domestic labor are explained in Chapter 10 of this digest.

The state's categories for household occupations do not precisely coincide with federal categories and standards, but there is an approximate equivalence. Under federal law, "domestic service employment," that is, duties performed in or about the private home of the employer [29 CFR 552.101]) are exempt from the FLSA's child labor provisions (like workhour restrictions, for example) [29 CFR 552.108], but not from federal minimum wage

and overtime requirements [29 CFR 552.99]. Nevertheless, babysitters are exempt from federal wage requirements if their duties are performed on a casual basis [29 CFR 552.104]. "Casual" means that the work may not exceed 20 hours per week on a regular basis. Hours may occasionally exceed this maximum if performed for irregular or intermittent periods [29 CFR 552.104]. Sitters may accompany a family on a vacation for up to six weeks and still be exempt from federal wage requirements [29 CFR 552.104]. The 20-hours-per-week limitation does not apply to "companionship services," which includes the care of the aged and mentally or physically infirm [29 CFR 552.6]. Contact the local office of the Wage and Hour Division of the U.S. Department of Labor for further information regarding federal requirements for domestic service employment.

Immoral Places and Activities

Any person, whether as parent, guardian, employer or otherwise, and any firm or corporation, who as employer or otherwise, sends, directs, or causes to be sent or directed to any saloon, gambling house, house of prostitution or other immoral place **any minor under 18** is guilty of a misdemeanor [PC 273(f)].

Farm labor contractors who knowingly send **any minor** to any house of ill fame, gambling house, or to any place where alcohol is sold to be consumed on the premises commit a misdemeanor and may have their license suspended [LC 1698.4, 1698.5, 1697, and 1690].

Minors under 18 may not be exhibited, used or employed, or in any manner or under any pretense, sold, apprenticed, given away, let out, or disposed of to another person who causes, procures, or encourages the minor to engage in any obscene, indecent, or immoral purpose, exhibition, or practice whatsoever [LC 1308(a)(3) and 1309].

8. PROHIBITED OCCUPATIONS

The prohibitions discussed in this chapter are strict, and the penalties severe. Allowing underage minors to work in prohibited occupations is a Class A child labor violation carrying civil penalties that range from $5,000 on the first offense to a maximum of $10,000 [LC 1288]. Criminal misdemeanor penalties also apply [LC 1303 and 1308]. Moreover, responsible persons may not permit a minor to perform these work activities under any circumstances, even if the minor is not technically his or her employee. Penalties are discussed in detail in Chapter 11 of this digest.

Note: When the state adopted these federal standards it also retained existing state standards for minors under 16. In some cases these two standards overlap and may appear to contradict. In all such instances, the more protective standard always applies. For example, Labor Code Section 1293 prohibits minors under 16 from working with band and circular saws, but minors under 18 are also prohibited from working with these saws [LC 1294.1 (b), 29 CFR 570.65 (H.O. 14)]. An employer who hires a 17-year-old to operate a circular saw cannot use his or her compliance with LC Section 1293 to justify noncompliance with the higher standard for that same occupation that is established in LC Section 1294.1(b) for minors under 18.

Minors under 18

The state of California has adopted by inclusion all federal standards for hazardous occupations for minors under 18 as they appear in the Code of Federal Regulation. The adoption of federal standards by inclusion automatically incorporates into state law any changes that may be made in federal regulations in the future [LC 1294.1; 29 CFR Part 570 Subpart E].* Under federal law, high school graduates under 18 are subject to all these prohibitions unless they have also completed an approved training program in the occupation in which they are to be employed [29 CFR 570.50].

Restrictions, exceptions, and detailed descriptions of the occupations declared hazardous in federal regulation to minors under 18 are complex and lengthy. The following is only a brief summary of those hazardous occupations. A complete text of the regulations in pamphlet form is available from the Wage and Hour Division of U.S. Department of Labor. The pamphlet is entitled *Child Labor Requirements in Nonagricultural Occupations.*

Minors under 18 MAY NOT *be employed or permitted to work* in the following occupations declared hazardous in federal regulation and adopted by inclusion by the state of California [LC 1294.1; 29 CFR 570 Subpart E]:

- Occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components, including, for example, small-arms ammunition [29 CFR 570.51 (H.O. 1)];
- Occupations of motor vehicle driver and outside helper [29 CFR 570.52 (H.O. 2)] (See Chapter 7 of this digest.);
- Coal mine occupations [29 CFR 570.53 (H.O. 3)];
- Occupations in connection with mining other than coal mining [29 CFR 570.60 (H.O. 9)];

- Logging, sawmill, lath mill, shingle mill, or cooperage mill occupations [29 CFR 570.54 (H.O. 4)];
- Occupations involved in the operation of power-driven woodworking machines [29 CFR 570.55 (H.O. 5)];
- Occupations involved in the operations of circular saws, band saws, and guillotine shears [29 CFR 570.65 (H.O. 14)];
- Occupations involving the operation of power-driven hoisting apparatuses, including, for example, operating or assisting to operate certain elevators, cranes, derricks, hoists, riggers, or high-lift trucks [29 CFR 570.58 (H.O. 7)];
- Occupations involved in the operations of power-driven metal forming, punching, and shearing machines [29 CFR 570.59 (H.O. 8)];
- Occupations in the operation of power-driven meat-processing machines and occupations involving slaughtering, meat packing or processing or rendering [29 CFR 570.61 (H.O. 10)];
- Occupations involved in the operation of bakery machines [29 CFR 570.52 (H.O. 11)];
- Occupations involved in the operation of paper-products machines [29 CFR 570.62 (H.O. 12)];
- Occupations involved in the manufacture of brick, tile, and kindred products [29 CFR 570.64 (H.O. 13)];
- Occupations involved in wrecking, demolition, and shipbreaking operations [29 CFR 570.66 (H.O. 15)];
- Occupations in roofing operations [29 CFR 570.67 (H.O. 16)];
- Occupations in excavation operations [29 CFR 570.68 (H.O. 17)];
- Occupations involving exposure to radioactive substances and to ionizing radiations. [29 CFR 570.57 (H.O. 6)].

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*These federal regulations are also referred to as the "Hazardous Occupation Orders." References to them are often abbreviated as H.O. and numbered 1, 2, etc.; this digest includes that identification as well as the legal citation.

Minors under 16

Food Service, Retail, and Gasoline Service Establishments

Minors under 16 MAY NOT *be employed or permitted to work* in the following occupations in retail, food service, and gasoline service establishments as provided in federal regulation and adopted by inclusion by the state of California [LC 1294.1; 29 CFR 570.34(b)]:

- Work performed in or about boiler or engine rooms;
- Work in connection with maintenance or repair of the establishment, machines, or equipment;
- All work requiring the use of ladders, scaffolds, or their substitutes, including outside window washing that involves working from sills;
- Cooking (except at soda fountains, lunch counters, snack bars, or cafeteria serving counters where such cooking is performed in plain sight of customers and is not the minor's only duty);
- Baking;
- Occupations which involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers, cutters, and bakery-type mixers;
- Work in freezers and meat coolers and all work in the preparation of meat for sale. Wrapping, sealing, labeling, weighing, pricing, and stocking goods are permitted but only if these duties are performed in areas physically separate from freezers and meat coolers.
- Loading and unloading goods to and from trucks, railroad cars, or conveyors;
- All occupations in warehouses except office and clerical work.

Note: The state of California has adopted higher standards than federal for minors employed in gasoline service establishments, but the prohibitions in this list apply to this age group under both federal and state law. (See Chapter 7 of this digest.)

Federal Prohibitions Adopted by California

Minors under 16 MAY NOT *be employed or permitted to work* in the following occupations prohibited by federal regulation and adopted by inclusion by the state of California [LC 1294.1, 29 CFR 570.33]:

- Manufacturing, mining, or processing occupations, including duties of any kind in workrooms or workplaces where goods are manufactured, mined, or processed.
- Occupations that involve the operation or tending of a hoisting apparatus or of any power-driven machinery other than office machines.
- The operation of motor vehicles or service as helpers on such vehicles.

- Public messenger service.
- Occupations in connection with:

  - Transportation of persons or property by rail, highway, air, water, pipeline, or other means;
  - Warehousing and storage;
  - Communications and public utilities;
  - Construction, including demolition and repair.

  Note: Fourteen and fifteen-year-olds may work in these industries in the occupations generally permitted to them (and listed in Chapter 7 of this digest), but only if their duties are not performed on any media of transportation or at the actual site of construction [LC 1294.1, 29 CFR 570.33(e)].

Additional State Prohibitions

Minors under 16 MAY NOT *be employed or permitted to work* **in any capacity** in [LC 1292]:

- Adjusting any belt to any machinery.
- Sewing or lacing machine belts in any workshop or factory.
- Oiling, wiping or cleaning machinery, or assisting therein.

Minors under 16 MAY NOT *be employed or permitted to work* **in any capacity** in operating or assisting in operating any of the following machines [LC 1293]:

- Circular or band saws: wood shapers, wood-jointers; planers; sandpaper or wood-polishing machinery; wood turning or boring machinery.
- Picker machines or machines used in picking wool, cotton, hair or other material; carding machines; leather-burnishing machines; laundry machinery.
- Printing presses of all kinds; boring or drill presses; stamping machines used in sheet-metal and tinnier, in paper and leather manufacturing or in washer and nut factories; metal or paper-cutting machines; paper-lace machines.
- Corner-staying machines in paper-box factories; corrugating rolls, such as are used in corrugated paper, roofing or washboard factories.
- Dough brakes or cracker machinery of any description.
- Wire or iron straightening or drawing machinery; rolling-mill machinery; power punches or shears; washing, grinding or mixing machinery; calendar rolls in paper and rubber manufacturing; steamboilers; in proximity to any hazardous or unguarded belts, machinery or gearing.

Minors under 16 MAY NOT *be employed or permitted to work* **in any capacity** [LC 1294]:

- Upon any railroad, whether steam, electric, or hydraulic.
- Upon any vessel or boat engaged in navigation or commerce within the jurisdiction of this state.
- In, about, or in connection with any processes in which dangerous or poisonous acids are used, in the manufacture or packing of paints, colors, white or red lead, or in soldering.
- In occupations causing dust in injurious quantities, in the manufacture or use of dangerous or poisonous dyes, in the manufacture or preparation of compositions with dangerous or poisonous gases, or in the manufacture or use of compositions of lye in which the quantity thereof is injurious to health.
- On scaffolding, in heavy work in the building trades, in any tunnel or excavation, or in, about, or in connection with any mine, coal breaker, coke oven or quarry.
- In assorting, manufacturing, or packing tobacco.
- In operating any automobile, motor car or truck.
- In any occupation dangerous to the life or limb, or injurious to the health or morals of the minor.

Minors under 16 MAY NOT *be employed or permitted to work* in the following occupations declared hazardous in state regulation [LC 1296]:

- All occupations where the minors come in close proximity to moving machinery [8 CCR 11701].
- All building or construction work of any kind [8 CCR 11701].
- Delivering goods, merchandise, commodities, papers or packages from motor vehicles [8 CCR 11701]. **Exception:** Newspaper industry as detailed in Chapter 7 of this digest.
- All occupations in or about any plant manufacturing explosives or articles containing explosive components, and all occupations in the transportation and sale of explosives or articles containing explosive components [8 CCR 11703].
- Working in close proximity to explosives or the functioning parts of unguarded and dangerous moving equipment,

aircraft or vessels or of functioning blades or propellers [8 CCR 11707].
• Door-to-door sales unless certain requirements are met. (See Chapters 7 and 10 of this digest.)

Minors under 16 MAY NOT be exhibited, used or employed, or in any manner or under any pretense, sold, apprenticed, given away, let out, or disposed of by a parent, relative, guardian, employer or person otherwise having the care, custody or control of the minor to another person who causes, procures, or encourages the minor to engage in any of the following [LC 1308]:

• Any business, exhibition, or vocation injurious to the health or dangerous to the life or limb of the minor.
• The vocation, occupation, service, or purpose of singing or playing on musical instruments (except in a school or church or with DLSE entertainment work permit), rope or wire walking, dancing, begging, peddling, or as a gymnast, acrobat, contortionist, or rider in any place whatsoever.
• Any mendicant or wandering business.
• Any rough stock rodeo event, circus, or race involving animals competing on the same course. These prohibitions DO NOT apply to minors who participate in horseback riding exhibitions or contests or to minors who lead livestock in nonprofit fairs, stock parades, livestock shows or exhibitions. "Rough stock rodeo event" means any rodeo event operated for profit or operated by other than a nonprofit organization in which unbroken, little-trained, or imperfectly trained animals are ridden or handled by the participant, and shall include, but not be limited to, saddle bronc riding, bareback riding and bull riding. "Race" means any speed contest between two or more animals that are on a course at the same time and that is operated for profit or operated other than by a nonprofit organization.

Note: Entertainment activities are permitted under valid and current permits to work and employ issued by the Labor Commissioner. (See Chapter 9 of this digest.)

Federal Agricultural Prohibitions Adopted by California

Minors under 16 MAY NOT *be employed or permitted to work* in any of the following agricultural occupations declared hazardous in federal regulation and adopted by inclusion by the state of California [LC 1294.1(a), 29 CFR 570.71]:

• Operating a tractor of over 20 PTO horsepower, or connecting or disconnecting an implement or any of its parts to or from such a tractor.
• Operating or assisting to operate (including starting, stopping, adjusting, feeding, or any other activity involving physical contact associated with the operations) any of the following machines:

  • Corn picker, cotton picker, grain combine, hay mower, forage harvester, hay baler, potato digger, or mobile pea viner;
  • Power post-hole digger, power post driver, or nonwalking type rotary tiller.

• Operating or assisting to operate (including starting, stopping adjusting, feeding or any other activity involving physical contact associated with the operation) any of the following machines:

  • Trencher or earthmoving equipment;
  • Forklift;
  • Potato combine; or
  • Power-driven circular, band or chain saw.

• Working on a farm in a yard, pen, or stall occupied by a:

  • Bull, boar, or stud horse maintained for breeding purposes; or
  • Sow with suckling pigs, or cow with newborn calf (with umbilical cord present).

• Working from a ladder or scaffold (painting, repairing, or building structures, pruning trees, picking fruit, etc.) from a height of over 20 feet.
• Driving a bus, truck or automobile when transporting passengers or riding on a tractor as a passenger or helper.
• Working inside:

  • A fruit, forage, or grain storage designed to retain an oxygen deficient or toxic atmosphere;
  • An upright silo within 2 weeks after silage has been added or when a top unloading device is in operating position;
  • A manure pit: or
  • A horizontal silo while operating a tractor for packing purposes.

• Handling or applying (including cleaning or decontaminating equipment, disposal or return of empty containers, or serving as a flagman for aircraft applying agricultural chemicals classified under Federal Insecticide, Fungicide, and Rodenticide Act [7 USC 135 et seq.] as Category I of toxicity, identified by the word, "poison," and the "skull and crossbones" on the label; or Category II of toxicity, identified by the word, "warning," on the label;
• Handling or using a blasting agent including but not limited to dynamite black powder, sensitized ammonium nitrate, blasting caps, and primer cord; or
• Transporting, transferring, or applying anhydrous ammonia.

Note: The terms describing machinery, equipment, or facilities in these agricultural occupations are defined in the current edition of *Agricultural Engineering*, a dictionary and handbook published by Interstate Printers and Publishers, Danville, Illinois. Copies are available for examination in the Regional Offices of the Wage and Hour Division of the U.S. Department of Labor [29 CFR 570.71(b)]. **Exception:** Parent/guardian have a special exemption when employing their children in agricultural occupations that is explained in Chapter 10 of this digest.

Minors under 12—Agricultural Zone of Danger

Minors under 12 MAY NOT *be employed or permitted to work or accompany or be permitted to accompany* an employed parent or guardian in an agricultural zone of danger. "Agricultural zone of danger" means any of the following [LC 1293.1]:

• On or about moving equipment.
• In or about unprotected chemicals.
• In or about any protected water hazard.
• In any of the occupations declared hazardous for employment of minors under 16 in agriculture in Section 570.71 of Title 29 of the Code of Federal Regulations. (See preceding list.)
• Other hazards that constitute a zone of danger as may be determined in the future by the California Department of Industrial Relations.

Exception: Minors of any age employed in agriculture, horticulture, viticulture, or domestic labor by their parents or guardians upon or in connection with premises the parent or guardian owns, operates, or controls are exempt from these restrictions [LC 1394].

Training for Prohibited & Restricted Occupations

With restrictions specified in federal regulation, **student-learners and apprentices**, who must be at least **16**, MAY BE TRAINED ONLY in the following occupations declared hazardous by federal regulation [LC 1294.1, 29 CFR 570 Subpart E]:

- Occupations involved in the operation of power-driven woodworking machines [29 CFR 570.55 (H.O. 5)];
- Occupations involved in the operations of circular saws, band saws, and guillotine shears [29 CFR 570.65 (H.O. 14)];
- Occupations involved in the operations of power-driven metal forming, punching, and shearing machines [29 CFR 570.59 (H.O. 8)];
- Occupations in the operation of power-driven meat-processing machines and occupations involving slaughtering, meat packing or processing or rendering [29 CFR 570.61 (H.O. 10)];
- Occupations involved in the operation of paper-products machines [29 CFR 570.63 (H.O. 12)];
- Occupations in roofing operations [29 CFR 570.67 (H.O. 16)];
- Occupations in excavation operations [29 CFR 570.68 (H.O. 17)].

Student-learners must be enrolled in an approved cooperative vocational training program operated by state or local authorities. The student-learner must be employed under a written agreement that provides: (1) the work of the student-learner in the hazardous occupation is incidental to the training; (2) the work must be intermittent, brief, and closely supervised by a qualified and experienced person; (3) safety instructions must be given by the school and correlated by the employer with on-the-job training; (4) a schedule of organized and progressive work processes to be performed on the job must be prepared; (5) the written agreement must contain the name of the student-learner and the signatures of the employer and the school coordinator or principal; and (6) copies of the agreement must be kept on file by both the school and the employer [29 CFR 570.50(c) and Part 520]. Contact your local school district or the Wage and Hour Division of the U.S. Department of Labor for information regarding programs for student-learners.

Apprentices must be in an approved apprenticeship program of a recognized apprenticeable trade. The work of the apprentice in the hazardous occupation must be incidental to the training. The work must also be intermittent and for short periods of time

under the direct and close supervision of a journey-level employee as a necessary part of the training. Laws governing apprentices appear in Chapter 4 of Division 3 of the Labor Code commencing at Section 3070. Apprenticeship programs are governed by the Division of Apprenticeship Standards, a part of the California Department of Industrial Relations [LC 3070-3098, EC 51766, 29 CFR Parts 521 and 570.50(b)].

Minors under 16 MAY work in occupations otherwise prohibited by Labor Code Sections 1292, 1293, 1294, (listed above in this Chapter) and 1294.5 (gas station employment), but only in the following circumstances [LC 1295]:

- Courses of training in vocational or manual training schools or in state institutions;
- Training in an apprenticeship program established pursuant to Chapter 4 of Division 3 of the Labor Code, commencing at Section 3070;
- Work Experience Education programs conducted pursuant to the requirements of the Education Code [EC 51760, et seq.) if (1)] the Work Experience teacher or coordinator determines that the students have been sufficiently trained in the employment or work otherwise prohibited by these sections, (2) parents approve, and (3) the student's principal or counselor determines that the progress of the student toward graduation will not be impaired.

Minors under 16 employed in agriculture MAY work in occupations declared hazardous in federal regulation for minors under 16 in agriculture, but only in the following circumstances [LC 1295, 29 CFR 570.72(a)]:

- Student-learners in a bona fide vocational agriculture program working in the hazardous occupation under a written agreement that provides that the work is incidental to training, and intermittent, for short periods of time, and under close supervision of a qualified person, and includes all of the following:

  - Safety instructions given by the school and correlated with the student-learner's on-the-job training;
  - A schedule of organized and progressive work processes for the student-learner;
  - The name of the student-learner; and
  - he signature of the employer and a school authority, each of whom must keep copies of the agreement.

  Fourteen and fifteen-year-olds who hold certificates of completion of either a tractor operation or a machine operation program of the United States Office of Education Vocational Agriculture Training Program and are working in the occupations for which they have been trained. These certificates are valid only for the agricultural hazardous occupations. Farmers employing minors who have completed this program must keep a copy of the certificate of completion on file with the minor's records.

9. ENTERTAINMENT INDUSTRY

Defined

The entertainment industry is defined in state regulations as ". . . any organization, or individual, using the services of any minor in: motion pictures of any type (film, videotape, etc.), using any format (theatrical, film, commercial documentary, television program, etc.), by any medium (theater, television, videocassette, etc.); photography; recording; modeling; theatrical productions; publicity; rodeos; circuses; musical performances; and any other performances where minors perform to entertain the public." [8 CCR 11751]

Permits to Work and Permits to Employ

Minors aged 15 days* to 18 years employed in the entertainment industry (as defined above) must have a permit to work and employers must have a permit to employ issued by the Division of Labor Standards Enforcement [LC 1308.5, 8 CCR 11751(b), 11752, 11753, and 11754]. These permits are also required for minors making phonographic recordings or who are employed as advertising or photographic models [LC 1308.5(a)(6) and (7)]. Permits are required even when the entertainment is noncommercial in nature [LC 1308.5(a)(5)].

Permits will not be issued if the environment is improper for the minor, the employment conditions are detrimental to the minor's health, or if the minor's education is hampered [LC 1308.6]. The Labor Commissioner may require school officials to investigate these employment conditions [LC 1308.6].

The Division of Labor Standards Enforcement issues two types of work permits, individual permits and blanket permits. Individual permits are issued for six months to the minor specifically named in the application and must be renewed in the same manner and under the same conditions as the original permit [8 CCR 11753(b)].

(8 CCR 11753(b)).

PROCEDURE FOR OBTAINING AN ENTERTAINMENT WORK PERMIT

- Obtain the "Application for Permission to Work in the Entertainment Industry" from any Division of Labor Standards Enforcement office or online (See list of Division of Labor Standards Enforcement offices at the end of this digest).
- The minor's parent or legal guardian must complete **all** of the requested information on the application, and print and sign her or his name.
- If the minor is of **school age** (first grade and above), an authorized school official (i.e., principal, vice principal, dean, headmistress, headmaster, counselor or the minor's teacher) must complete the "School Record" portion of the application, sign his or her name and print his or her title or position, and affix the school's seal or stamp. (See "School Age Children" section below for more details).
- If the minor is **not of school age** (15 days through kindergarten) the minor's parent or legal guardian must provide **one** of the following:

  - A certified copy of the minor's birth certificate;
  - The minor's baptismal certificate;
  - A letter on the hospital's letterhead from the hospital where the minor was born attesting to the birth of the minor; or
  - The minor's passport.
  - The completed application with original signatures and the school's seal or stamp affixed thereto must either be mailed or presented in person to any Division of Labor Standards Enforcement office for issuance of the minor's entertainment work permit. Faxed copies cannot be accepted.

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* No infant under the age of one month may be employed on any motion picture set or location unless a licensed physician who is board-certified in pediatrics provides written certification that the infant is at least 15 days old and, in his or her medical opinion, the infant was carried to full term, was of normal birth weight, is physically capable of handling the stress of filmmaking, and the infant's lungs, eyes, heart and immune system are sufficiently developed to withstand the potential risks [LC1308.8(a)].

SCHOOL AGE CHILDREN

Although school officials may not issue work permits for employment in the entertainment industry, written verification from the minor's school demonstrating a satisfactory academic and attendance record must accompany the application for an individual permit. The verification must come from an authorized school official. Minors who attend a charter school must obtain the written verification from either the minor's school or the authority that granted the school's charter. Minors who are schooled in a setting other than a public school classroom must obtain the written verification from either the local school district or the county office of education where the minor lives. **Exceptions**: (1) Minors who attend a private full-time day school [EC 48222] must obtain the written verification from the principal or other person having charge of the private school. (2) Minors who are instructed by a private tutor pursuant to EC 48224 must obtain the written verification from either the local school district or the county office of education where the minor lives. (3) Minors who participate in independent study through the local public school system [EC 51745, et seq.] must obtain the written verification from either the minor's school, the local school district, or the county office of education where the minor lives. If school is not in session (i.e., school break, vacation, holiday, etc.), either the minor's most recent report card or a letter on school letterhead from the principal or other person having charge of the minor's school, or a letter on district letterhead from an official of the local school district where the minor lives, or a letter on the county board of education's letterhead from an official of that agency indicating that the minor's scholastic record, attendance and health are all satisfactory or better, is required. An entertainment work permit based on the minor's report card or any of the aforementioned letters will be effective only for the particular period during which the minor's school is not in session. If a minor is from out of state, either the minor's most recent report card or a letter on school letterhead from the principal or head administrator of the minor's school indicating that the minor's scholastic record, attendance and health are all satisfactory or better is required.

The Division of Labor Standards Enforcement may also require a physical examination to ensure that the minor is physically able to perform the duties required [8 CCR 11753].

Blanket permits are issued for groups of minors hired for special events or particular productions lasting a limited time [8 CCR 11754]. Employers obtain these permits after demonstrating proof of workers' compensation coverage and that a parent or guardian will accompany each group of 20 minors or fraction thereof [8 CCR 11754]. The Division of Labor Standards Enforcement requires that school verification and parental consent forms for each minor accompany the application. Minors are not individually named on the permit, but a list of minors' names submitted by the employer is attached. Appropriate numbers of studio teachers must be supplied [8 CCR 11754]. Special arrangements must be made for groups of 100 minors or more [8

CCR 11754]. These permits expire at the end of the special event for which they are issued.

Employers in the entertainment industry must possess a Permit to Employ Minors in the Entertainment Industry issued by the Division of Labor Standards Enforcement when employing minors under either an individual or blanket permit [8 CCR 11751 (b)]. Application forms for these permits may be obtained from any Division of Labor Standards Enforcement office. Employers must demonstrate proof of workers' compensation coverage. The permit is issued for an indefinite period, but the Division of Labor Standards Enforcement's policy requires that any interruption of workers' compensation requires a new application. Permits to employ may be denied, revoked, or suspended for any violation of law or regulation or any discrimination against a studio teacher for performing duties authorized and required by law and regulation for the protection of their minor charges [8 CCR 11758 and 11758.1].

Exception: Minors of any age may appear in the following venues without permits [LC 1310]:

- In any church, public or religious school, or community entertainment;
- In any school entertainment or in any entertainment for charity or for children, for which no admission fee is charged;
- In any radio or television broadcasting exhibition, where the minor receives no compensation directly or indirectly therefor, and where the engagement of the minor is limited to a single appearance lasting not more than one hour, and where no admission fee is charged for the radio broadcasting or television exhibition;
- At any one event during a calendar year, occurring on a day on which school attendance is not required or on the day preceding such a day, lasting four hours or less, where a parent or guardian of the minor is present, for which the minor does not directly or indirectly receive any compensation.
- High school graduates and minors who have been awarded a certificate of proficiency pursuant to EC 48412 (such certificate being equivalent to a high school diploma), also do not require permits [LC 1286(c), 8 CCR 11750].

Excused School Absences

A school may excuse the absences of a pupil who holds an entertainment work permit or who participates with a not-for-profit arts organization in a performance for a public school audience [EC 48225.5]. The law limits the number of excused absences for a child holding an entertainment work permit to five absences per school year, each of which may consist of up to five days. A child who is absent due to participation in a non-profit public school performance is limited to five excused absences per school year.

A child who receives an excused absence for participation in a not-for-profit arts organization performance at a public school must be allowed to make up missed assignments and receive credit for all work satisfactorily completed. A child excused from school attendance because of employment in the entertainment industry must be instructed during the absence by a studio teacher certified by the Labor Commissioner in accordance with Section 11755 of Title 8 of the California Code of Regulations. All work, grades, and credit that the pupil completes with the studio teacher must be accepted by the school district or county superintendent of schools [EC 48225.5].

Hours of Work & Concurrent Requirements

Minors in the entertainment industry may not work more than eight hours in a day [LC 1308.7 and 1392] or more than 48 hours in a week [LC 1308.7]. They may only work between the hours of 5 a.m. and 10 p.m. (to 12:30 a.m. on days preceding a nonschoolday) [LC 1308.7]. "Schoolday" means any day that a minor is required to attend school for 240 minutes or more [LC 1308.7]. **Exception:** Upon the Labor Commissioner's approval following a written request (submitted 48 hours in advance), a minor aged eight to 18 may continue his or her part past 10 p.m. up to 12 midnight preceding a schoolday in a "presentation, play, or drama" which begins before 10 p.m. [LC 1308.5(a)(4)]. *This exception may never be construed to allow the minor to be at the place of employment more than the maximum number of hours permitted in law or regulation.* In addition, state regulation establishes minimum workhour standards for individual age groups as described below.

Infants aged 15 days to 6 months may be at the place of employment for one period of two consecutive hours, which must occur between 9:30 a.m. and 11:30 a.m. or between 2:30 p.m. and 4:30 p.m. [8 CCR 11764]. Actual work may not exceed 20 minutes under any circumstances [8 CCR 11760]. Infants may not be exposed to light exceeding 100 foot-candles for more than 30 seconds at a time. A studio teacher and a nurse must be present for each three or fewer infants aged 15 days to six weeks. A studio teacher and a nurse must be present for each 10 or fewer infants aged six weeks to six months [8 CCR 11755.2 and 11760]. A parent or guardian must always be present [8 CCR 11757].

Minors aged six months to two years may be at the place of employment for up to four hours, and may work up to two hours. The remaining time must be reserved for the minor's rest and recreation [8 CCR 11760].

Minors aged two years to six years may be at the place of employment for up to six hours, and may work up to three hours. The remaining time must be reserved for the minor's rest and recreation [8 CCR 11760].

Minors aged six years to nine years when school is in session may be at the place of employment for up to eight hours, the sum of four hours work, three hours schooling, and one hour of rest and recreation. When school is not in session, work time may be increased up to six hours, with one hour of rest and recreation [8 CCR 11760].

Minors aged nine years to 16 years when school is in session may be at the place of employment for up to nine hours, the sum of five hours work, three hours schooling, and one hour of rest and recreation. When school is not in session, work time may be increased up to seven hours, with one hour of rest and recreation [8 CCR 11760].

All minors aged six months to 16 years must be provided with one studio teacher for each group of 10 or fewer minors when school is in session, and for each group of 20 or fewer minors on Saturdays, Sundays, holidays, or during school vacations [8 CCR 11755.1]. In addition to the studio teacher, a parent or guardian must always be present [8 CCR 11757].

Exception: Minors under 16 do not require the presence of a studio teacher for up to one hour for wardrobe, make-up, hairdressing, promotional publicity, personal appearances, or audio recording if these activities are not on the set, if school is not in session, *and* if the parent or guardian is present [8 CCR 11762].

Minors aged 16 years to 18 years when school is in session may be at the place of employment for up to 10 hours, the sum of six hours work, three hours schooling, and one hour of rest and recreation. When school is not in session, work time may be increased up to eight hours, with one hour of rest and recreation [8 CCR 11760]. Studio teachers need only be present for the minors' schooling, if schooling is still required [8 CCR 11760]. A parent or guardian need not be present.

The time minors may be permitted at the place of employment may be extended by no more than one-half hour for a duty-free meal period [8 CCR 11761].

All travel time between the studio and a location counts as work time. Up to 45 minutes travel from on-location overnight lodging to a worksite is not generally considered work time. Travel between school or home and the studio is not work time [8 CCR 11759].

All time spent in make-up or hairdressing in the minor's home, with the assistance of studio personnel, is considered work time. No make-up person or hairdresser may work on a minor in the minor's home before 8:30 a.m. Twelve hours must elapse between the time the minor is dismissed on one day and the time make-up or hairdressing begins on the following day [8 CCR 11763].

Twelve hours must elapse between the minor's time of dismissal and call time on the following day. If the minor's regular school starts less than 12 hours after his or her dismissal time, the minor must be schooled the following day at the employer's place of business [8 CCR 11760(i)].

Minors who attend regular school may not work in the entertainment industry for the same number of hours as minors tutored by studio teachers. Minors tutored by studio teachers need only be instructed for three hours a day [EC 48224; 8 CCR 11760] while minors in regular school are generally required to attend school for a much longer time. Clearly, minors who attend regular school cannot assume the same workhour burden as tutored minors. Consequently, the Division of Labor Standards Enforcement adopted an enforcement policy for minors who attend regular school. This policy computes the length of the workday for minors who attend regular school by subtracting six hours from the maximum number of hours that tutored minors are permitted on set when school is in session. For example, tutored minors nine to 16 years of age are permitted to be on set for up to nine hours, therefore minors who attended regular school on a workday would be permitted to be on set for up to three hours. Such workdays for minors attending regular school do not require a one-hour rest and recreation period, but they may be extended one-half hour by a meal period. Finally, the Division of Labor Standards Enforcement's policy *always* assumes that the minor who attends regular school *always* attends for at least six hours. Thus, in an effort to safeguard the minor's educational interests, an artificially shortened regular schoolday is never allowed to result in an employer benefit of extended work hours.

Nothing in the Division of Labor Standards Enforcement's policy for minors who attend regular school may be construed to allow those minors to work during regular school hours. The Division of Labor Standards Enforcement's policy is specifically designed to dissuade any interruption of a minor's regular school attendance requirements. There is only one exception. A minor 14 years of age or older who attends regular school may work up to eight hours during regular school hours for each of two consecutive days upon the written permission of the minor's school [8 CCR 11760(h)].

No law exempts minors employed in the entertainment industry from any of the prohibited occupations listed in Chapters 7 and

8 of this digest, except those entertainment activities cited in Labor Code Section 1308.

Neither studio teachers nor the Labor Commissioner are empowered to waive—at any time or under any circumstances—any minimum labor standard established in law or regulation. **Exception:** The special exemption described above allowing minors aged 8 to 18 to work past 10 p.m. up to 12 midnight on a school night.

Wages

As set forth in the IWC Orders (Section 1(B) of Orders 11 and 12), **professional actors** are exempt from the minimum wage and overtime pay requirements of the California Industrial Welfare Commission. Minors employed in the entertainment industry who are not professional actors must be paid at least the minimum wage and overtime after eight hours in a workday and 40 hours in a workweek. .

Out-of-State Locations

California employers who are bound by contractual arrangements made in California to employ minors residing within the state to work on location outside of the state, must comply with all California regulations, including the use of studio teachers [8 CCR 11756].

Studio Teachers

Studio teachers tutor minors whose employment responsibilities in this special industry do not allow them to attend full-time regular school. Excerpts of the California Code of Regulations, Title 8 that apply to studio teachers are reproduced below:

8 CCR Section 11755. Studio Teacher; Definition and Certification.

(a) A studio teacher within the meaning of these regulations must be a certificated teacher who holds one California teaching credential listed in paragraphs (1) through (4) of subsection (d) of this section and one California teaching credential listed in paragraphs (5) through (7) of subsection (d) of this section which are valid and current, and who has been certified by the Labor Commissioner. The teaching credential listed in (5) or (6) of subsection (d) of this section must be in one of the following subject areas: English, Math, Social Science, Science or Foreign Language.

(b) Certification by the Labor Commissioner shall be for a maximum three-year period, not to exceed the earliest expiration date of any one of the qualifying teaching credentials submitted in support of certification. A written examination will be required of the studio teacher by the Labor Commissioner at the time of certification or renewal. Such examination shall be designed to ascertain the studio teacher's knowledge of the labor laws and regulations of the State of California as they apply to the employment of minors in the entertainment industry. In addition, each studio teacher applicant will be required to successfully complete a twelve-hour course of instruction designed by the Labor Commissioner to instruct the applicant in the duties and responsibilities of the studio teacher. Every studio teacher, as a condition of renewal of certification by the Labor Commissioner, must complete three hours of instruction in a class designed by the Labor Commissioner to ensure that the studio teacher remains abreast of any changes in the laws and regulations and duties and responsibilities of the studio teacher.

(c) For the purpose of this section:

> (1) "English" means composition, creative writing, debate, forensics, humanities, journalism, language arts, literature, public speaking, speech (oral communication), writing, and other subjects with content related to English.
>
> (2) "Math" means algebra, calculus, geometry, mathematical analysis, number systems, probability and statistics, trigonometry, and other subjects with content related to mathematics.
>
> (3) "Social Science" means American government and politics, anthropology, comparative government, economics, ethnic studies, European history, geography, government, history, humanities/cultural studies, international politics, psychology, sociology, United States history, world history, and other subjects with content related to social science.
>
> (4) "Science" means astronomy, biology, botany, chemistry, conservation, general science, geology, physics, physiology, zoology and other subjects with content related to science.
>
> (5) "Foreign Language" means any language other than English.

(d) The California teaching credentials that satisfy subsection (a) are as follows:

(1) A Multiple Subject credential issued under the provisions of the Teacher Credentialing Law of 1988, Education Code Sections 44200, *et seq.,* as amended (commonly known as the Bergeson Act), or issued under the provisions of the Teacher Preparation and Licensing Act of 1970, Education Code Sections 44200 *et. seq.,* (commonly known as the Ryan Act) as amended;

(2) An Elementary credential issued under the provisions of the Education Code in effect prior to the enactment of the Ryan Act (former Education Code Sections 13101 *et seq.,* commonly known as the Fisher Act; a so-called "Standard Credential");

(3) An Early Childhood Education credential issued under the provisions of the Education Code in effect prior to the enactment of the Ryan Act (former Education Code Sections 13101 *et seq.,* commonly known as the Fisher Act; a so-called "Standard Credential");

(4) An Elementary credential issued under the provisions of the Education Code in effect prior to the enactment of the Fisher Act (former Education Code Sections 12025 *et seq.,* as amended; a so-called "General Credential");

(5) A Single Subject credential issued under the provisions of the Teacher Credentialing Law of 1988, Education Code Section 44200, *et seq.,* as amended (commonly known as the Bergeson Act), or issued under the provisions of the Teacher Preparation and Licensing Act of 1970, Education Code Sections 44200 *et seq.,* (commonly known as the Ryan Act) as amended, in one of the following subject areas: English, Math, Social Science, Science or Foreign Language;

(6) A Secondary credential issued under the provisions of the Education Code in effect prior to the enactment of the Ryan Act (former Education Code Sections 13101 *et seq.,* commonly known as the Fisher Act; a so-called "Standard Credential"), in one of the following subject areas: English, Math, Social Science, Science or Foreign Language;

(7) A General Secondary Teaching credential or a Special Secondary Teaching Credential in Speech Arts issued under the provisions of the Education Code in effect prior to the enactment of the Fisher Act (former Education Code Sections 12025 *et seq.,* as amended; a so-called "General Credential").

(e) A studio teacher who already possesses a certification by the Labor Commissioner and who possesses only one of the credentials listed in subsections (1) through (7) of subsection (d) above may continue to be certified by the Labor Commissioner, provided that the applicant provides sufficient evidence to the Labor Commissioner that the applicant is currently in the process of obtaining a second credential to meet the requirements of subsection (a) above and such credential is obtained by the applicant no later than December 31, 2000. After December 31, 2000, no person shall be permitted to continue to be certified as a studio teacher who has not obtained two credentials of a type provided for in subsections (d) (1), (2), (3), or (4) and subsection (d) (5), (6), or (7) of this section.

(f) The Labor Commissioner may issue a special certificate as a studio teacher for a limited purpose where it is shown that a particular child actor may benefit from a particular applicant who may hold credentials of a special nature in order to meet the particular needs of that child actor. Studio teachers holding special certificates do not count toward satisfying the studio teacher to minor ratios specified in Section 11755.2.

8 CCR Section 11755.2---Use of Studio Teachers.

Employers shall provide a studio teacher on each call for minors from age 15 days to their sixteenth birthday, and for minors from age 16 to 18 years when required for the education of the minor. One studio teacher must be provided for each group of 10 minors or fraction thereof. With respect to minors age 15 days to 16 years, one studio teacher must be provided for each group of 20 minors or fraction thereof on Saturdays, Sundays, holidays, or during school vacation periods.

8 CCR Section 11755.3—Studio Teacher's Authority.

The studio teacher, in addition to teaching, shall also have the responsibility for caring and attending to the health, safety and morals of minors under 16 years of age for whom they have been provided by the employer, while such minors are engaged or employed in any activity pertaining to the entertainment industry and subject to these regulations. In the discharge of these responsibilities, the studio teacher shall take cognizance of such factors as working conditions, physical surroundings, signs of the minor's mental and physical fatigue, and the demands placed upon the minor in relation to the minor's age, agility, strength and stamina. The studio teacher may refuse to allow the engagement of a minor on a set or location and may remove the minor

therefrom, if in the judgment of the studio teacher, conditions are such as to present a danger to the health, safety or morals of the minor. Any such action by the studio teacher may be immediately appealed to the Labor Commissioner who may affirm or countermand such action.

8 CCR Section 11755.4—Studio Teacher's Remuneration.

The remuneration of the studio teacher shall be paid by the employer.

ENTERTAINMENT INDUSTRY - SUMMARY CHART

AGE	WORK TIME SCHOOL IN SESSION	WORK TIME SCHOOL NOT IN SESSION	CONCURRENT REQUIREMENTS
15 days to 6 months		20 minutes work activity 2 hrs. max at employment site	Permits to work and employ required. [8 CCR 11751] Parent or guardian must be present. [8 CCR 11757] 1 studio teacher and 1 nurse must be present for each 3 or fewer infants 15 days to 6 weeks old. [8 CCR 11760, 11755.2] 1 studio teacher and 1 nurse must be present for each 10 or fewer infants 6 weeks to 6 months old. [8 CCR 11760, 11755.2] May not be exposed to light exceeding 100 footcandles for more than 30 seconds. [8 CCR 11760]
	May only be employed between 9:30 a.m. and 11:30 a.m. or between 2:30 p.m. and 4:30 p.m. [8 CCR 11764].		
6 months to 2 years		2 hours work activity 4 hours max at employment site Balance for rest and recreation	Permits to work and employ required unless the minor is a high school graduate or equivalent. [8 CCR 11751] High School graduates may be employed as adults.
	May only be employed between 5 a.m. and 12:30 a.m. [LC 1308.7]		Parent or guardian must be present. [8 CCR 11757]
2 years to 6 years		3 hours work activity 6 hours max at employment site Balance for rest and recreation	Studio teacher must be present. [8 CCR 11751.1] 1 studio teacher required per 10 minors. [8 CCR 11755.1]
	May only be employed between 5 a.m. and 12:30 a.m. [LC 1308.7]		1 studio teacher per 20 minors on weekends, holidays, and school breaks and vacations. [8 CCR 11755.1]
6 years to	4 hours work activity	6 hours work activity	Studio teachers are responsible for the health, safety, and morals of the minor. [8CCR

9 years	3 hours school 1 hour rest and recreation 8 hrs. max at employment site	1 hour rest and recreation	11755.2]
	May only be employed between 5 a.m. and 12:30 a.m. (to 10 p.m. preceding schooldays ≥ 4 hours). [LC 1308.7]		Minors in grades one through six must be tutored between the hours of 7 a.m. and 4 p.m. Minors in grades seven through twelve must be tutored between the hours of 7 a.m. and 7 p.m. [EC 48225.5]
9 years to 16 years	5 hours work activity 3 hours school 1 hour rest and recreation 9 hrs. max at employment site	7 hours work activity 1 hour rest and recreation	Permits to work and employ required unless a high school graduate or equivalent. High school graduates may be employed as adults.
	May only be employed between 5 a.m. and 12:30 a.m. (to 10 p.m. preceding schooldays ≥ 4 hours). [LC 1308.7]		
16 years to 18 years	6 hours work activity 3 hours school 1 hour rest and recreation 10 hrs. max at employment site	8 hours work activity 1 hour rest and recreation	Studio teacher need only be present for minors' schooling if minor still required to attend school.
	May only be employed between 5 a.m. and 12:30 a.m. (to 10 p.m. preceding schooldays ≥ 4 hours). [LC 1308.7]		

Regular School Attendance and Work Hours	Compute work hours for each age group by subtracting 6 hours from the max time at employment site for tutored minors when school in session. The difference is the maximum work hours for these minors. Thus, 9 to16 year-olds who attend regular school may only work up to 3 hours on a schoolday. The 1 hour of rest and recreation is not required, but the workday may be extended one-half hour by a meal period. No work permitted during regular school hours. **Exception:** Minors 14 and over may work up to 8 hours during regular school hours for each of 2 consecutive days if excused with the school's written permission. [8 CCR 11760]
Max Day/Week	No minor may be employed over 8 hours in a day. [LC 1308.7, 1392] or over 48 hours in a week. [LC 1308.7] **No exceptions.**
Meal Periods	Meal periods are not work time. Workdays extended up to one-half hour for a meal period. [8 CCR 11761] Meals must be within 6 hours of call time and/or previous meal period. Teachers may require an earlier meal period.
Travel Time	Travel between studio and location is work time. Up to 45 minutes travel from on-location, overnight lodging to work site is not generally considered work time. Travel between school or home and studio is not work time. [8 CCR11759]

Day's End	12 hours must elapse between dismissal and next day's call time. **No exceptions.** [8 CCR11760]
Make-up Off Set	Make-up in minor's home by persons employed on the same project is work time, and may not begin before 8:30 a.m. 12 hours must elapse between dismissal and the beginning of the next day's make-up/hairdressing. [8 CCR 11763]
Out of State	California employers who employ resident minors outside of California under contractual arrangements made within California, must comply with all California child labor laws and regulations. [8 CCR 11756].

Note: Daily work and school hour schedules for tutored minors of all age groups are provided in 8 CCR 11760.

10. EMPLOYER REQUIREMENTS

Recordkeeping

Employers must keep on file all Permits to Employ and Work. Records must be open at all times for inspection by school authorities and officers of the Division of Labor Standards Enforcement [LC 1299, EC 49161, 49164, and 49181]. Failure to produce Permits to Work or to Employ is *prima facie* evidence of the illegal employment of minors, and subjects the employer to a $500 fine on the first offense [LC 1304 and 1288; EC 49181].

Employers of minors must keep for three years a record showing the names, ages (dates of birth), and addresses of all minors employed as well as time and payroll records required by the applicable Industrial Welfare Commission Order. Employers must furnish this information when requested [LC 1174 and 1175].

Permits to Employ and Work issued during the school year expire five days after the opening of the next succeeding school year and must be renewed [EC 49118]. **Exception:** Entertainment Work Permits issued by the Labor Commissioner have different expiration dates. (See Chapter 9 of this digest.)

Employers who employ student-learners must keep a copy of the written agreement with the minor's other employment records. [LC 1295] (See Chapter 8 of this digest).

All employers must furnish each of his or her employees, at the time the wages are paid, a separate or detachable itemized statement of deductions. [LC 226]

Workers' Compensation Coverage

Every employer in California except the state must either carry workers' compensation insurance or have the consent of the Director of the Department of Industrial Relations to self-insure by furnishing proof that he, she, or it has the ability to self-insure and to pay any compensation that may become due to his, her, or its employees [LC 3700]. Failure on the part of an employer to secure the payment of compensation to his, her, or its employees is a very serious violation with severe consequences.* Where an employer has failed to secure the payment of compensation, the Division of Labor Standards Enforcement will issue a "stop order" prohibiting that employer from using employees until he, she, or it complies with LC Section 3700. Concurrently with the issuance and service of the stop order, a penalty will be assessed against the employer in the sum of $1,000 per employee at the time the order is issued and served [LC 3722]. When a stop order is issued, any employee affected by the work stoppage will be paid by the employer for such work time lost, up to and including 10 days [LC 3710.1].

All employers must have a *written* Injury and Illness Prevention Program (IIPP) [8 CCR 3203]. The program and associated records must be presented to Cal/OSHA inspectors upon request. Cal/OSHA provides information pamphlets, workbooks, and consultation services to help employers comply with this requirement and develop an effective IIPP.

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* The willful failure to secure the payment of compensation is a misdemeanor, punishable by either a fine of up to $10,000 or imprisonment in the county jail for up to one year, or both (LC 3700.5).

Required Postings

Employers are required to post many types of notices, some specific to certain industries. The following are some of the postings required by the state of California **(this list is not all inclusive):**

DLSE and IWC Required Postings

• The Industrial Welfare Commission Order for the industry or occupation in which the minor is employed [LC 1183]. IWC Orders are available from any Division of Labor Standards Enforcement office, the Industrial Welfare Commission, or may be downloaded and printed off the Internet at http://www.dir.ca.gov/IWC/iwc.html.

• A Minimum Wage poster available from any Division office or the Industrial Welfare Commission.

• A Pay Day Notice specifying the regular pay days and the time and place of payment for employees [LC 207]. (Employers may make their own notice. A sample notice can be obtained from any Division of Labor Standards Enforcement office.)

Other Required Postings

• A Cal/OSHA Safety Rules and Regulations notice available from the Division of Occupational Safety and Health [LC 6328].
• A Workers' Compensation Insurance Coverage notice available from the employer's workers' compensation insurance carrier [LC 3550].
• A Discrimination in Employment is Prohibited by Law notice available from the Department of Fair Employment and Housing [GC 12950]
• Every owner, tenant, or operator of a farm employing parents having minor children in their immediate care and custody must conspicuously post a notice, where it may be easily read by employees, stating that minor children are not allowed to work unless permits to work have been secured. Notices must be printed in both English and Spanish [EC 49140]. (Employers must furnish their own notice.)
• State Disability and Unemployment Insurance Notice available from the Employment Development Department.

Parent/Guardian Employers

Generally, when parents or guardians employ their minor children they must meet all the child labor requirements imposed upon other employers. Parents or guardians who employ their minor children in "manufacturing, mercantile, or similar commercial enterprises" must obtain permits to work and employ [EC 49141]. The phrase is broadly construed to mean any business in which parents or guardians employ their children.

The only parent or guardian employers who are exempt from California child labor laws are those that employ their minor children in agriculture, horticulture, viticulture, or domestic labor on or in connection with premises that the parent or guardian owns, operates, or controls [LC 1394]. These parent or guardian employers are uniquely exempt from work permit requirements, most work hour restrictions, and hazardous occupation prohibitions. Minors may not be employed by their parent(s) or guardian(s) in these exempted occupations during school hours even if the minor is under school age [LC 1394]. Under federal law, minors employed on a farm owned or operated by his or her parent or person standing in place of the parent are exempt from the FLSA's child labor provisions, including hazardous occupations, but they may not be employed in any mining or manufacturing occupation on the farm [29 USC 213(c)(1) and (2), 29 CFR 570.123(c)].

The "domestic labor" exemption should not be construed to mean the employment in the parent or guardian's home of a minor in an occupation otherwise prohibited. Domestic labor refers to the type of duties performed, that is, household duties, not the location where labor is performed. For example, minors may not be freely employed to manufacture goods in their parents' home; they must be at least 16 and possess a home worker permit issued by the Labor Commissioner in addition to possessing a work permit issued by the minor's school [LC 2659 and 2661].

Similarly under federal law, parents do not have carte blanche when they employ their own children. Parents or guardians may not employ their minor children under 16 in mining or manufacturing; nor may they employ their children in the occupations declared hazardous for persons under 18 in federal regulations listed in Chapter 8 of this digest) [29 USC 203(l)(1) and (2), 29 CFR 570 Subpart E]. Under federal law, parents or guardians may employ their children under 16 in any other occupation. However, where state law imposes a more protective occupational standard, that standard applies to parent employers. State law does not permit parents or guardians to employ their underage children in prohibited occupations, except in agriculture on premises the parent or guardian

owns, operates, or controls [LC 1394].

Parent or guardian employers are entirely exempt from both state and federal minimum wage and overtime pay requirements. Parents or guardians need not pay their employee children any wages at all [IWC Orders Section 1, 29 USC 203(s)(2)].

Finally, parents or guardians have special liability for violations of certain child labor laws even when they are not the employer (See Chapter 11 of this digest.)

Registration for Employers, Transporters, & Supervisors of Minors Engaged in Door-to-Door Sales

Employers, transporters, and supervisors of minors engaged in door-to-door sales are required to register with the Labor Commissioner. The following definitions apply to the registration:

"Door-to-door sales" is defined in accordance with Labor Code Section 1286(e) and Section 11706.1 of the California Code of Regulations [8 CCR 13760].

A "door-to-door sales operation" is broadly construed to mean any activity directly or indirectly associated with the door-to-door sales activity including, but not limited to, a person's business activities, recruitment, or any activity directly or indirectly involving a minor employed or used in door-to-door sales [8 CCR 13670].

"Person" means an individual, corporation, partnership, limited liability company, association, or other legal entity [8 CCR 13670].

"Employer" means a person subject to Labor Code Section 1308.3 and

Subchapter 10 of Title 8 of the California Code of Regulations who exercises control, direction, or supervision, either directly or indirectly, of minors engaged in door-to-door sales operations.
[8 CCR 13670].

"Transporter" and/or "Supervisor" mean an individual subject to Labor Code Section 1308.2 and Subchapter 10 of Title 8 of the California Code of Regulations, who is at least eighteen years of age and who does one or more of the following: (1) recruits, (2) solicits, (3) hires, (4) directs, or (5) controls, directly or indirectly any activity that facilitates a minor's participation in door-to-door sales operations. A "Transporter and/or "Supervisor" also includes any employer who does one or more of the following: (1) recruits, (2) solicits, (3) hires, (4)directs, or (5) controls, directly or indirectly, any activity that facilitates a minor's participation in door-to-door sales operations [8 CCR 13670].

Registration requirements for minors' door-to-door sales are construed to apply to employers who employ minors to deliver newspapers to consumers [LC 1286(e)].

Exceptions: Registration requirements do not apply to the parent or guardian of the minor; persons acting on behalf of a bona fide trustee of charitable assets or on behalf of a charitable organization; government agencies (including schools]; any religious corporation or organization which holds property for religious purposes or any officer, director, or trustee thereof who holds property for like purposes; a bona fide cemetery corporation; a bona fide political committee; or a bona fide charitable corporation organized and operated primarily as a religious organization, educational institution, hospital, or a licensed health care service plan
[LC 1308.2 and 1308.3; GC 12582, 12582.1, and 12583].

Applications for registration as an employer, transporter, or supervisor of minors engaged in door-to-door sales are available from the Division of Labor Standards Enforcement's Licensing and Registration Unit.

11. PENALTIES FOR VIOLATING CHILD LABOR LAWS

Civil Penalties

The state of California provides two types of civil penalties for violations of child labor laws, Class A and Class B [LC 1288].*

Class A violations are the more severe, generally involving underage employment in hazardous occupations. Class A violations include violations of Labor Code Sections 1290 (manufacturing and underage employment); 1292,

1293, 1293.1, 1294, 1294.1, 1294.5, 1308 (hazardous occupations); 1308.1 (door-to-door sales); 1392 (eight-hour day); Title 8 California Code of Regulations Sections 11701, 11703, 11707 (hazardous activities); 11706 (door-to-door sales); and any other violations that the Director of Industrial Relations determines present an imminent danger to minor employees or a substantial probability that death or serious physical harm would result therefrom [LC 1288; 8 CCR 11780]. The violation of Labor Code Section 1391 (work hours) for the third or subsequent occasions also constitutes a Class A violation [LC 1288].

Class A violations incur penalties of not less than five thousand dollars ($5,000) and up to ten thousand dollars ($10,000) for each and every violation [LC 1288; 8 CCR 11779 and 11779.1].

Class B violations include violations of Labor Code Sections 1299 (work permits], 1308.5 (entertainment industry), and such other violations that the Director of Industrial Relations determines have a direct or immediate relationship to the health, safety, or security of minor employees other than Class A violations [LC 1288, 8 CCR 11782]. The violation of Labor Code Section 1391 (work hours) is a $500 Class B violation upon the first violation and a $1,000 Class B violation on the second violation [LC 1288].

Class B violations carry civil penalties of not less than five hundred dollars ($500) and up to one thousand dollars ($1,000) for each and every violation [LC 1288 (b), 8 CCR 11781 and 11781.1].

In addition, any employer may be liable for civil penalties for:

- Failure to pay the applicable minimum wage [LC 1197.1].
- Failure to carry workers' compensation insurance [LC 3722] (See Chapter 10 of this digest).
- Failure to provide a written deduction statement [LC 226].

Criminal Penalties

Criminal violations of child labor laws are misdemeanors punishable by fines ranging up to $10,000 or by confinement in the county jail for periods up to 6 months, or by both fine and imprisonment [LC 1175, 1199, 1303, 1308, 1308.2, 1308.3, 1308.5, 1391, 1392, 1308.7, 1309 and 1309.5, EC 48454, 49182, and 49183].

In essence, almost all the child labor laws (as well as the compulsory education laws) have some misdemeanor penalty attached to them.

Liability for Child Labor Penalties

The employer, never the minor, is liable for child labor violations.

All statutes governing prohibited occupations (listed in Chapter 8 of this digest) make liable any person who employs *or permits* underage minors to work in the prohibited occupation. This means that any person—even if they are not the employer—who permits an underage minor to perform a hazardous duty—no matter how voluntary the act is on the part of the minor—is liable for Class A penalties. Even minors who regard themselves as self-employed may not engage in these prohibited activities. A client who permits such a minor to engage in the prohibited activity would be liable for Class A penalties. This type of liability also extends to underage employment in any of the federally regulated occupations adopted by the state of California. For example, minors under 16 may not be employed *or permitted* to work in occupations involving mining, manufacturing, processing, or perform any duties in related workrooms [LC 1294.1 and 1290]. Moreover, minors under 14, for example, may not be employed *or permitted* to work in clerical or food service occupations since a minor must be at least 14 to engage in these activities [LC 1294.1].

Owners of real property who knowingly benefit from child labor violations are subject to all applicable civil penalties, whether or not the person is the minor's employer [LC 1301].

"Any person...who as parent, guardian, relative, employer, or otherwise having control of any minor, exhibits, uses, or employs, or in any manner or under any pretense, sells, apprentices, gives away, lets out, or disposes of the minor to any person, under any name, title, or pretense for or who uses, procures, or encourages the minor to engage in...[a]ny business, exhibition, or vocation injurious to the health or dangerous to the life or limb of the minor" or in any of the activities specified in Labor Code § 1308 are liable for any civil and criminal penalties which arise from its violation [LC 1308]. Occupations prohibited in LC 1308 are listed in Chapter 8 of this digest.

Parents or guardians (in addition to employers, agents, managers, etc.) who permit the minor to be employed unlawfully in the entertainment industry (which includes any violation of state regulations governing minors in the entertainment industry] are liable for any civil and criminal penalties that arise from the violation [LC 1308.5].

Garment manufacturers who within a two-year period commit a second violation involving child labor, minimum wage, or maximum hours of labor, in any combination of violations, may be required by the Labor Commissioner to post a surety bond. Upon a third or subsequent violation within a two-year period, the Labor Commissioner may suspend a garment manufacturer's registration for up to one year and confiscate any partially or fully assembled garments [LC 2679(b)].

Filing a Complaint

Complaints for violations of state child labor standards and wage laws may be filed with the nearest Division of Labor Standards Enforcement office. The Division of Labor Standards Enforcement will accept anonymous and confidential complaints. Employees are urged to keep their own records to substantiate their claims, especially with regard to hours and wages. It is unlawful for employers to discharge or discriminate against any employee who files or threatens to file a bona fide complaint or claim with the Labor Commissioner [LC 98.6]. Employers may not adopt policies or retaliate against employees who disclose information to a government agency with the reasonable belief that the information reveals a violation of state or federal law [LC 1102.5].

Safety and health hazards that are not specifically part of the child labor protections outlined in this booklet should be reported to the nearest office of the California Division of Occupational Safety and Health (also called Cal/OSHA). Employees may not be discriminated or retaliates against for filing health and safety complaints with Cal/OSHA [LC 6310 and 6311].

Complaints regarding federal child labor standards as well as federal wage and hour standards may be filed with the nearest office of the Wage and Hour Division of the U.S. Department of Labor.

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* Civil penalties for statutes listed are effective as of January 1, 1996. Until that date, Labor Code Section 1290 is a Class B violation, while Labor Code Sections 1294.5 and 1308.1 have only a misdemeanor penalty attached to their violation. All other listed statutes currently carry the penalties as described, and those penalties will continue unchanged after January 1, 1996.

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12. FEDERAL FAIR LABOR STANDARDS ACT

In addition to being governed by the California child labor laws, most employees are governed by the federal Fair Labor Standards Act (FLSA). Generally, employees are covered by the FLSA if their activities meet either one or both of two tests, the employee test or the enterprise test. Under the employee test, employees must be engaged in commerce or in the production of goods for commerce or in activities closely related and directly essential to commerce [29 CFR 776]. "Commerce" means interstate or foreign trade, commerce, transportation, transmission, or communication and has the broadest interpretation. For example, "transactions" need not be commercial, "transportation" includes person and things, and "transmission" may refer to tangibles or intangibles. The employee need not directly affect commerce, but merely be engaged "in the channels of commerce [29 CFR 776.8]."

Under the enterprise test, employees of specified enterprises (which include related activities performed through a unified operation or common control by any person(s) for a common business purpose) are covered by the FLSA if they merely work on goods or materials that *have been* moved in or produced for commerce [29 USC 203(r) and (s)]. Thus, enterprises specified in the FLSA that use anything (even, for example, paper and pencils) that has crossed a state line or national border places all employees of the enterprise under the FLSA regardless of their individual duties. Those specified enterprises include [29 USC 203(s)(1)]:

- Enterprises whose annual gross volume of sales or business done is at least $500,000 (exclusive of excise taxes at the retail level that are separately stated);

- Enterprises engaged in the operation of a hospital, an institution primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises of such institution, a school for mentally or physically handicapped or gifted children, a preschool, elementary or secondary school, or an institution of higher education, whether or not such institutions are public, private, for

profit, or not for profit.

• State and local agencies.

The annual dollar volume of $500,000 for enterprise coverage became effective after March 31, 1990. Enterprises that qualified for coverage under the previous dollar volume of $362,500 remain covered by all the FLSA standards in effect at that time, including the child labor provisions. Extensive discussion of FLSA coverage may be found in 29 CFR 570.112, et seq. and 29 CFR Parts 776 and 779. The Department of Labor also publishes a pamphlet which discusses coverage titled, *Employment Relationship under the Fair Labor Standards Act.*

The FLSA establishes 16 as the minimum age for general employment. Minors 16 and above may work in any occupation except for occupations declared hazardous in federal regulation for persons under 18 (and listed in Chapter 8 of this digest). Fourteen and fifteen-year-olds are allowed to work only in limited, specified occupations (and listed in Chapter 7 of this digest). Minors under 14 may not work in firms subject to the FLSA, except in agriculture. The state of California has adopted federal hazardous occupation standards for minors under 18 and many of the standards for 14 and 15-year-olds.

The FLSA's child labor provisions (1) prohibit the shipment in interstate commerce or in foreign commerce of goods produced in or about establishments in the United States in which oppressive child labor has been employed within 30 days prior to the removal of the goods; and (2) prohibit the employment of oppressive child labor in interstate or foreign commerce or in the production of goods for such commerce. "Oppressive child labor" means the employment of minors in violation of the child labor provisions of the FLSA or its attendant regulations.

Exemptions from federal child labor standards [29 USC 203, 213] include:

• Minors under 16 employed by parents in occupations *other than* manufacturing or mining. However, parents may not employ their minor children of any age in occupations declared hazardous in federal regulation for minors under 18.

• Minors employed as actors or performers in motion pictures, theatrical, radio, or television productions;

• Minors engaged in the delivery of newspapers to consumers;

• Minors employed as home workers in the making of wreaths composed principally of natural holly, pine, cedar, or other evergreens (including the harvesting of the evergreens or other forest products used in making such wreaths).

• Minors employed on a farm owned or operated by his or her parent or person standing in place of the parent are exempt but may not be employed in any mining or manufacturing occupation on the farm [29 USC 213(c) (1) and (2), 29 CFR 570.123(c)]. The federal Hazardous Occupation Orders for minors under 18 do not apply to minors employed in agriculture [29 CFR 570.123(d)]. Only the occupations declared hazardous to minors under 16 employed in agriculture apply. All these occupations are listed in Chapter 8 of this digest.

• Minors employed in domestic service occupations are also exempt from the child labor provisions of the FLSA, and these exemptions are explained in "Household Occupations" in Chapter 7 of this digest.

If the federal and state laws conflict, the more protective standard always prevails. Before employing minors, an employer should consult with the Wage and Hour Division of the U.S. Department of Labor, in order to determine the applicability of the federal wage and hour and child labor laws. Offices are located in the following cities in California:

Bakersfield	Los Angeles	Oxnard	San Francisco
Fresno	Oakland	Sacramento	San Jose
Glendale	Ontario	San Diego	Santa Ana

Consult your telephone directory for the address and telephone number.

The Fair Labor Standards Act may be found in Title 29 of the United States Code commencing at Section 201. Most accompanying child labor regulations may be found in Part 570 of Title 29 of the Code of Federal

Regulation.

13. SUMMARY CHARTS

The summary charts comparing California and federal child labor laws by age groups appearing on the following pages are merely summaries. Special rules or provisions, which may be important to you, may not be included in these summaries. Special circumstances may be included in the text of this digest, but where doubt remains, readers should consult the Division of Labor Standards Enforcement (also called the Labor Commissioner) for details on California laws or the Wage and Hour Division of the U.S. Department of Labor for details on federal laws.

MINORS UNDER AGE 12

California Law	*Federal Law*
School Attendance	
Must attend school full-time	State law applies.
Permit to Work and to Employ	
Not Permitted to Work except in the entertainment industry on permits issued by the Labor Commissioner.	Certificate of age required. (State permit suffices.)
Hours of Work	
Maximum Hours Daily: 8 hours. Weekly: 40 hours. **Spread of Hours** 7am - 7pm (- 9pm June 1 through Labor Day). See text and separate table for entertainment industry employment.	May not be employed in firms subject to the Fair Labor Standards Act, except certain agricultural firms.
Wages	
Must be paid at least wage rates required by the Industrial Welfare Commission. **Exceptions**: Parents and personal attendants (which includes babysitting and companionship services) are exempt from minimum wage and overtime requirements.	Must be paid at least the wage rates required by the FLSA. **Exceptions:** Casual babysitting (under 20 hours per week) and companionship services. Subminimum rates available only under a special federal certificate and must comply with state child labor standards.
Exemptions	
NO PERMITS REQUIRED FOR: Any self-employed minor; newscarriers self-employed on a regular route to deliver newspapers to consumers (newscarriers must be at least 12 years of age); casual work in private homes such as babysitting, lawnmowing, leaf raking, etc.; Employment by parent/guardian in domestic labor on or in connection with premises the parent/guardian owns, operates or controls. **NOTE**: Parent/guardians may not employ their minor children in manufacturing, mercantile or other enterprises without work permits. Except as noted, parent employers are subject to all occupational restrictions.	FLSA's child labor provisions do not apply to 1) child actors or performers in motion pictures, theatrical, radio or television productions; 2) newscarriers; 3) children employed as homeworkers for production of holly and evergreen wreaths, including harvesting of forest products for such wreaths; and 4) most domestic service. **NOTE**: Parent/guardians may employ their minor children under 16 in any occupation except mining or manufacturing, or in occupations declared hazardous in federal regulation for minors under 18 (See chart for 16- and 17-year-olds.)
Agriculture	
May only work for parent/guardian on or in connection with premises the parent owns, operates, or controls. No permit is required and no occupational restrictions apply except that the minor may not work during schoolhours, even if under schoolage. May not be employed in or accompany parent/guardian or guardian into an "agricultural zone of danger," which	May be employed on farms owned or operated by the parent or person standing in place of the parent. Must be employed outside the school district's regular school hours. May not be employed in occupations declared hazardous in federal regulation for minors under 16 in agriculture (See chart for 14- and 15-year-olds).

includes water hazards, chemicals, moving equipment or any agricultural occupation prohibited to minors under 16 unless activities are on or in connection with premises the parent/guardian owns, operates, or controls.	

12- & 13-Year Olds

California Law	*Federal Law*
School Attendance	
Must attend school full-time unless a high school graduate or equivalent.	State law applies.
Permits to Work and to Employ	
Required unless a high school graduate or equivalent. Permits may be more restrictive than minimum statutory standards.	Certificate of age required. (State permit suffices.)
Hours of Work	
May be employed only on nonschooldays. **Maximum Hours** Daily: 8 hours. Weekly: 40 hours. Maximum daily and weekly workhours during schoolyear are not expressed in statute. See text. **Spread of Hours** 7am - 7pm (- 9pm June 1 through Labor Day). High school graduates may work the same hours as adults. See text for entertainment industry employment.	May not be employed in firms subject to the Fair Labor Standards Act, except certain agricultural firms.
Wages	
Must be paid at least wage rates required by the Industrial Welfare Commission. **Exceptions:** Parents and personal attendants (which includes baby-sitting and companionship services) are exempt from minimum wage and overtime requirements.	Must be paid at least the wage rates required by the FLSA. **Exceptions:** Casual babysitting (under 20 hours per week) and companionship services. Subminimum rates available only under a special federal certificate and must comply with state child labor standards.
Occupational Restrictions	
MAY BE EMPLOYED: As personal attendants, in household occupations, or as newscarriers. In the entertainment industry on permits issued by the Labor Commissioner. **MAY NOT BE EMPLOYED OR PERMITTED TO WORK:** In occupations permitted only to minors who are at least 14 years old. (See chart for 14- & 15-year-olds.) In any hazardous occupation prohibited to minors under 16. (See chart for 14- & 15-year-olds.) In any hazardous occupation prohibited to 16- & 17-year-olds. (See chart for 16- & 17-year-olds.) Or enrolled in a Work Experience Education program.	May not be employed in firms subject to the Fair Labor Standards Act, except certain agricultural firms.
Exemptions	
NO PERMITS REQUIRED FOR:	FLSA's child labor provisions do not apply to 1) child actors or performers in motion

Any self-employed minor; newscarriers self-employed on a regular route to deliver newspapers to consumers (newscarriers must be at least 12 years of age); irregular odd jobs in private homes such as babysitting or yardwork; employment by parent/guardian in domestic labor on or in connection with premises the parent/guardian owns, operates or controls. **NOTE:** Parent/guardians may not employ their minor children in manufacturing, mercantile or other enterprises without work permits. Except as noted, parent employers are subject to all occupational restrictions.	pictures, theatrical, radio or television productions; 2) newscarriers; 3) children employed as homeworkers for production of holly and evergreen wreaths, including harvesting of forest products for such wreaths; and 4) most domestic service. **NOTE:** Parent/guardians may employ their minor children under 16 in any occupation except mining or manufacturing, or in occupations declared hazardous in federal regulation for minors under 18 (See chart for 16- and 17-year-olds.)
Agriculture	
May not be employed in any occupation declared hazardous in federal regulation to minors under 16 in agriculture or in any occupation determined by state law or regulation to be hazardous . Minors' work performed on premises the parent/guardian owns, operates, or controls, requires no permit and has no occupational or workhour limitations, except that work may not be performed during school hours. Must be paid the wage rates provided in the applicable IWC Order. Parents exempt from wage payment requirements. May not be employed in occupations declared hazardous in federal regulation for minors under 16 in agriculture (listed in the chart for 14 and 15-year-olds).	May be employed on farms owned or operated by the parent or person standing in place of the parent. Must be employed outside the school district's regular school hours. May be employed outside school hours with parent/guardian's written consent or on the same farm employing the parent/guardian. May not be employed in occupations declared hazardous in federal regulation for minors under 16 in agriculture (listed in the chart for 14- and 15-year-olds).

14- & 15- Year Olds

California Law	Federal Law
School Attendance	
Must attend school full-time unless a high school graduate or equivalent.	State law applies.
Permits to Work and to Employ	
Required unless a high school graduate or equivalent. Permits may be more restrictive than minimum statutory standards.	Certificate of age required. (State permit suffices.)
Hours of Work	
Maximum Work Hours School NOT in Session: Daily: 8 hours. Weekly : 40 hours. School IN Session: Daily: 3 hours on a schoolday, 8 hours on a nonschoolday ; Weekly : 18 hours, but all hours must be outside schoolhours. 5 hours per day as sports attendant Work Experience Education enrollees may work up to 23 hours per week, any portion of which may be during school hours.	

Spread of Hours 7 a.m. – 7 p.m. (- 9 p.m. June 1 through Labor Day).
High school graduates may be employed for same hours as adults.
See text for entertainment industry employment.

Wages

Must be paid at least wage rates required by the Industrial Welfare Commission. **Exceptions**: Parents and personal attendants (which includes baby-sitting and companionship services) are exempt from minimum wage and overtime requirements.	Must be paid at least the wage rates required by the FLSA. **Exceptions**: Casual babysitting (under 20 hours per week) and companionship services. Subminimum rates available only under a special federal certificate and must comply with state child labor standards.

Occupational Restrictions

MAY BE EMPLOYED:
In occupations expressly permitted in **retail, food service, and gasoline service establishments**: Office and clerical work;
cashiering, selling, modeling, art work, advertising, window dressing, comparative shopping; price marking and tagging,
assembling orders, packing and shelving; bagging and carry-out; errands and deliveries by foot, bike, or public
transportation; clean-up work (may use vacuums & floor waxers, but not power mowers or cutters); kitchen work for the
preparation and serving of food and beverages (may use machines such as dishwashers, toasters, dumbwaiters, popcorn
poppers, coffee grinders, milkshake blenders); cleaning, packing, wrapping, labeling, weighing, pricing, and stocking
vegetables and fruits. Cooking is prohibited unless performed in plain view of customers and if it is not the sole duty.
In office or clerical work in **transportation, warehousing and storage, communications and public utilities, and**
construction if such work is not performed on trains, motor vehicles, aircraft, vessels, or any other form of transportation
or at a construction site.
In any other occupation not prohibited to this age group by state or federal law or regulation.

MAY NOT BE EMPLOYED OR PERMITTED TO WORK:
In any occupation declared hazardous in federal regulation for 16- and 17-year-olds (See chart for that age group); or
In occupations in **mining, manufacturing, or processing** including any duties in related workrooms; or
In occupations involving hoisting apparatuses, power-driven machinery, operation of motor vehicles or as helpers on
vehicles, public messenger service; or
In any occupation, except clerical as described above, involving the **transportation** of persons or property by any means,
warehousing and storage, communications, public utilities, construction (including demolition and repair); or
In occupations in the **gasoline, retail, or food service** industries involving maintenance or repair of the establishment,
machines, or equipment; work in or about boiler or engine rooms; operating or maintaining food slicers grinders,
choppers, or bakery mixers; outside window washing from window sills or any work on scaffolds, ladders, etc.; cooking
except at lunch counters, snack bars etc.; any work in freezers or meat coolers; or loading or unloading from trucks,
railcars, or conveyors.

Solely under state law, **MAY NOT BE EMPLOYED OR**	Under federal regulation, **MAY BE**

PERMITTED TO WORK:

In **door-to-door sales** of newspapers or magazine subscriptions, candy, cookies, flowers or other merchandise door-to-door unless:

- Minors work in pairs as a team;
- One adult supervisor for 10 or fewer minors;
- Within sight or sound of the supervisor once every 15 minutes;
- Returned to home or rendezvous point daily;
- Work performed within 50 miles of minor's residence;
- Employer, transporter, supervisor registered with DLSE if work over 10 miles from minors' home.

In any occupation determined to be hazardous in state law or regulation, including for example:
Any business, exhibition, or vocation injurious to the health or dangerous to the life or limb of the minor. [LC 1308(a)(1)]
Construction work of any kind including work on any scaffolding.
Delivering goods, packages, papers (except newspapers), etc. from motor vehicles.
Gas station work except duties listed above. See federal list this chart opposite.
Machine-related duties including any occupation in close proximity to moving machinery or hazardous or unguarded belts or gearing or in proximity to functioning parts of unguarded or dangerous moving equipment. Minors may not adjust or repair belts or oil, wipe, or clean machinery or assist in these activities.
Machines-operation or assistance involving, for example, machines for laundry or washing; mixing or grinding; paper cutting, power punching or shearing, wire or iron straightening; corrugating rolls; calendar rolls in paper and rubber manufacture; paper cutting; leather burnishing; stamping leather, paper, and washer and nut manufacture; steamboilers, metal and woodworking; and drill presses or printing presses of any kind.
Manufacturing of any kind, including industrial homework. SEE TEXT.
Manufacture or use of dangerous dyes, gases, or use of dangerous acids, or manufacture or packing of paints, colors, tobacco, or lead.
On any **vessel or boat** engaged in navigation or commerce within state's jurisdiction.
In close proximity to vessels or **aircraft** or functioning blades or propellers.
Any wandering , mendicant, or begging business.
In any activity in or on that portion of an establishment primarily designed for on-site consumption of **alcohol.**
To sell alcoholic beverages for off-site consumption unless

EMPLOYED:

In any **gas station** to dispense gas and oil, perform courtesy service, or clean, wash, or polish cars. **NOTE**: Under state law, minors must be at least 16 to perform these activities.

MAY NOT BE EMPLOYED:

In any **gas station** in work that involves the use of pits, racks, or lifting apparatuses, or the inflation of any tire mounted on a rim equipped with a removable retainer ring. **NOTE:** Under state law, minors must be at least 18 to perform these activities. (Under both state and federal law, minors must be at least 16 to perform maintenance or repair on machines of any kind, such as automobiles, but does not include any work on with machines prohibited to 16- and 17-year-olds)

constantly supervised by a person 21 or older. To sell **lottery tickets** unless constantly supervised by a person 21 or older. PARTIAL LIST. See text. Compliance with these standards does not justify noncompliance with any occupational prohibition for 16- and 17-year-olds.	

Exemptions	
NO PERMITS REQUIRED FOR: Any self-employed minor; newscarriers self-employed on a regular route to deliver newspapers to consumers (newscarriers must be at least 12 years of age); irregular odd jobs in private homes such as babysitting, lawnmowing, leaf raking, etc.; employment by parent/guardian in domestic labor on or in connection with premises the parent/guardian owns, operates or controls. **NOTE**: Parent/guardians may not employ their minor children in manufacturing, mercantile or any other enterprises without work permits. Except as noted, parent employers are subject to all occupational restrictions that affect other employers.	FLSA's child labor provisions do not apply to 1) child actors or performers in motion pictures, theatrical, radio or television productions; 2) newscarriers; 3) children employed as homeworkers for production of holly and evergreen wreaths, including harvesting of forest products for such wreaths; and 4) most domestic service. **NOTE**: Parent/guardians may employ their minor children under 16 in any occupation except mining or manufacturing, or in occupations declared hazardous in federal regulation for minors under 18 (See chart for 16- and 17-year-olds.)

LIMITED EXEMPTION: Training in some otherwise restricted occupations (but not in any occupation declared hazardous in federal regulation for minors under 18) permitted in bona fide Work Experience Education programs with a valid permit. Also see Hours of Work for these training programs.

Agriculture	
May be employed with a permit on non-schooldays and on schooldays during non-school hours. Under state law, work hours that apply to 14- and 15-year-olds generally also apply when they are employed in agriculture. Must be paid at least the minimum wage rates provided in the applicable IWC Order. Parent/guardians exempt from wage payment requirements. When work is performed on premises owned, operated, or controlled by the parents or guardian, no permit is required and there are no hour limitations during the time public schools are not in session. Minors may not work at such occupations while the public schools are in session. May not be employed or permitted to work in the occupations declared hazardous for all other minors under 16.	May be employed outside school hours only. Parent permission not required.

MAY NOT BE EMPLOYED OR PERMITTED TO WORK IN AGRICULTURAL OCCUPATIONS DECLARED HAZARDOUS IN FEDERAL REGULATION FOR MINORS UNDER 16:

Operating a tractor of over 20 PTO horsepower, or connecting or disconnecting an implement or any of its parts to or from such a tractor.

Operating or assisting to operate (including starting, stopping, adjusting, feeding, or any other activity involving physical contact associated with the operations) any of the following machines:
• Corn picker, cotton picker, grain combine, hay mower, forage harvester, hay baler, potato digger, or mobile pea viner;
• Power post-hole digger, power post driver, or nonwalking type rotary tiller.

Operating or assisting to operate (including starting, stopping adjusting, feeding or any other activity

involving physical contact associated
with the operation) any of the following machines:
• Trencher or earthmoving equipment;
• Forklift;
• Potato combine; or
• Power-driven circular, band or chain saw.

Working on a farm in a yard, pen, or stall occupied by a:
• Bull, boar, or stud horse maintained for breeding purposes; or
• Sow with suckling pigs, or cow with newborn calf (with umbilical cord present).

Working from a ladder or scaffold (painting, repairing, or building structures, pruning trees, picking fruit, etc.) from a height of over 20 feet.

Driving a bus, truck or automobile when transporting passengers or riding on a tractor as a passenger or helper.

Working inside:
• A fruit, forage, or grain storage designed to retain an oxygen deficient or toxic atmosphere;
• An upright silo within 2 weeks after silage has been added or when a top unloading device is in operating position;
• A manure pit; or
• A horizontal silo while operating a tractor for packing purposes.

Handling or applying (including cleaning or decontaminating equipment, disposal or return of empty containers, or serving as a flagman for aircraft applying agricultural chemicals classified under Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 135 et seq.) as Category I of toxicity, identified by the word, "poison," and the "skull and crossbones" on the label; or Category II of toxicity, identified by the word, "warning," on the label;

Handling or using a blasting agent including but not limited to dynamite black powder, sensitized ammonium nitrate, blasting caps, and primer cord; or

Transporting, transferring, or applying anhydrous ammonia.

LIMITED EXEMPTIONS: Training in some occupations permitted in bona fide training programs. See text.

Sports Attendants

May be employed in `sports-attending services´ at professional baseball games until 10:00 p.m. on any night preceding a schoolday, or until 12:30 a.m. on any night preceding a non-schoolday.

May work up to 5 hours a day, up to 18 hours per week as a sports attendant when school is in session. May work up to 8 hours a day or a maximum of 40 hours per week when school is not in session

16- & 17-Year Olds

16 and 17-Year Olds	
California Law	Federal Law
School Attendance	
Not required if a high school graduate or has a certificate of proficiency. If regularly employed and not a high school graduate or does not have a certificate of proficiency, must attend continuation school at least 4 hours per week.	State law applies.

When not regularly employed and not a high school graduate or does not have a certificate of proficiency, must attend continuation school 15 hours per week.	
Permits to Work and to Employ	
Required unless a high school graduate or equivalent. Permits may be more restrictive than minimum statutory standards.	Certificate of age required. (State permit suffices.)
Hours of Work	
Maximum Work Hours Daily: 8 hours on nonschooldays; 4 hours on a schoolday. "Schoolday" means equal to or greater than 4 hours required attendance. 5 hours per day as sports attendant Weekly: 48 hours. NOTE: Part-time students may work during the regular school hours of the school district, but such work may not interfere with their part-time schooling requirements. No exceptions to minimum work hour standards may be granted for these minors. Spread of Hours 5 a.m. – 10 p.m. (- 12:30 a.m. on days preceding a nonschoolday). Exceptions: Work Experience Education enrollees may work until 12:30 a.m. on any day with approval. Messengers: 6 a.m. – 9 p.m. only. High school graduates may be employed for the same hours as an adult. See text for entertainment industry employment.	
Wages	
Must be paid at least the minimum wage established by the Industrial Welfare Commission. Must receive any applicable overtime pay. Exceptions: Parents and personal attendants (which includes babysitting and companionship services) are exempt from minimum wage and overtime requirements. Work Experience Education enrollees must be paid at least the adult minimum wage for any work performed between 10 p.m. & 12:30 a.m. High school graduates must be paid commensurate with adults.	Must be paid at least the federal minimum wage. Must be paid overtime after 40 hours in a week. Exceptions: Casual babysitting (under 20 hours per week) and companionship services. Subminimum rates available only under a special federal certificate and must comply with state child labor standards.
Occupational Restrictions	
MAY NOT BE EMPLOYED OR PERMITTED TO WORK IN ANY OCCUPATION DECLARED HAZARDOUS IN FEDERAL REGULATION FOR PERSONS UNDER 18: Manufacturing and storing explosives (including small arms ammunition); motor vehicle driving and	

outside helper; logging and sawmilling; power-driven woodworking machines; power-driven circular saws, band saws, and guillotine shears; power-driven hoisting apparatuses (including forklifts); roofing, excavation; wrecking, demolition, and shipbreaking operations; power-driven metal-forming, punching, and shearing machines; slaughtering, or meat-packing, processing or rendering; power-driven bakery machines; power-driven paper-products machines; manufacturing brick, tile, and kindred products; coal mining; mining other than coal mining; and exposure to radioactive substances.

Solely under state law, MAY NOT BE EMPLOYED:
In gas stations, in any work using pits, racks, lifting apparatuses, or inflating any tire mounted on a rim with a removable retaining ring.
In or on that portion of an establishment primarily designed for on site consumption of alcohol.
To sell alcoholic beverages for off-site consumption unless constantly supervised by a person 21 or older.
To sell lottery tickets unless constantly supervised by a person 21 or older.

Exemptions

NO PERMITS REQUIRED FOR: Any self-employed minor; newscarriers; and irregular odd jobs in private homes such as baby-sitting, yardwork, etc. Employment by parent/guardian in domestic labor on or in connection with premises the parent/guardian owns, operates or controls. NOTE: Parent/guardians may not employ their minor children in manufacturing, mercantile or other enterprises without work permits. Parent employers subject to all occupational restrictions..	Persons under 18 who are high school graduates and who have completed a bona fide training program in a hazardous occupation may be employed in that occupation. NOTE: Parent/guardians may not employ their children in occupations declared hazardous in federal regulation for minors under 18.

LIMITED EXEMPTIONS: Training in bona fide Work Experience Education and apprenticeship training programs. Student learners and apprentices (who must be at least 16 years of age) may be trained within specified limits in otherwise prohibited occupations involving: Power-driven woodworking machines; power-driven metal-forming, punching, and shearing machines; slaughtering or meat-packing and processing; power-driven paper-products machines; power-driven circular saws, band saws, and guillotine shears; roofing; and excavation. Training not available in any other occupations prohibited to minors under 18.

Agriculture

Work hours same as all other minors except that minors employed in an agricultural packing plant may work up to 10 hours on any nonschoolday during the peak harvest season under a special extension granted to the employer by the Labor Commissioner. Minors' work performed on premises the parent/guardian owns, operates, or controls, requires no permit and has no occupational or workhour limitations, except that work may not be performed during school hours. Must be paid the wage rates provided in the applicable IWC Order. Parents exempt from wage payment requirements.	No work hour or occupational limitations.

Sports Attendants

May be employed in "sports-attending services" at professional baseball games until 10:00 p.m. on any

night preceding a schoolday, or until 12:30 a.m. on any night preceding a non-schoolday. May work up to 5 hours a day, up to 18 hours per week as a sports attendant when school is in session. May work up to 8 hours a day or a maximum of 48 hours per week when school is not in session.

Wherever state and federal standards overlap or appear to contradict,
the more protective standard always applies.

May 2000

Back to DLSE Home Page

Work Sites

CYNTHIA D. BANKS
Director

COMMUNITY AND SENIOR SERVICES
OF LOS ANGELES COUNTY

3175 WEST SIXTH STREET • LOS ANGELES, CA 90020-1708 • (213) 738-2600 (213) 487-0379 FAX

"To Enrich Lives Through Effective And Caring Service"

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Temporary County Employment - Coordination Services Plan

Community and Senior Services will assume the responsibility of coordinator for the thirty-seven (37) county departments and contractors in order to ensure the seamless flow of participants into available county positions. *This plan is being formulated by WIA Planning and Operations in collaboration with our Information Technology Division.*

Department of Community and Senior Services – Coordinator Responsibilities

Community and Senior Services has been tasked with the responsibility of linking participants enrolled in from the WIA Youth program in order to coordinate participant placement into county facilities. The coordination of contractors and county departments to fulfill job orders is a challenging undertaking that will require a technological response.

In rising to this challenge, Community and Senior Services has outlined a web-based approach below to address this potentially difficult undertaking. We plan to centralize the processing of participants from contractor to county through the creation of a simple web-based application accessible to all parties from their specific terminals. This web-based application will allow our department to:

- ✓ Manage available positions for thirty-seven (37) county departments inclusive of offices and sub-offices specific to each department.
- ✓ Control the number of available positions in each department and provide a way to minimize errors while managing both the county and contractor universe.
- ✓ Provide both county and contractor with a system of checks and balances to maintain the information flow on the referral status.
- ✓ Allow for the creation of reports to provide constituents and county administration with up-to-the minute information as follows:
    - Number of referrals processed by current contractors.
    - Number of county positions available at a given time divided by department, location, etc.
    - Number of active/enrolled participants in county facilities at any given time.
    - Number of working participants in each Supervisorial District (drill down information could provide the names and addresses of enrollees by Supervisorial District).

- Contractors referring (or not) participants to county facilities for employment.
- Demographics of enrollees (i.e., age, address, Supervisorial District, etc.).

✓ Provide for an environmentally friendly process that focuses on the reduction of paper and exemplifies our commitment to reducing waste, increasing productivity, and maintaining cost effectiveness. This is especially important given our current economic crisis and in light of our CEO's message to maximize resources.

✓ Maintain the system and address the needs of contractors and county liaisons with minimal staffing since the system promotes autonomy, which promotes responsible grant management and increases effectiveness in direct correlation to our President's mandate for responsible spending.

✓ Decrease the lag time between referral and placement.

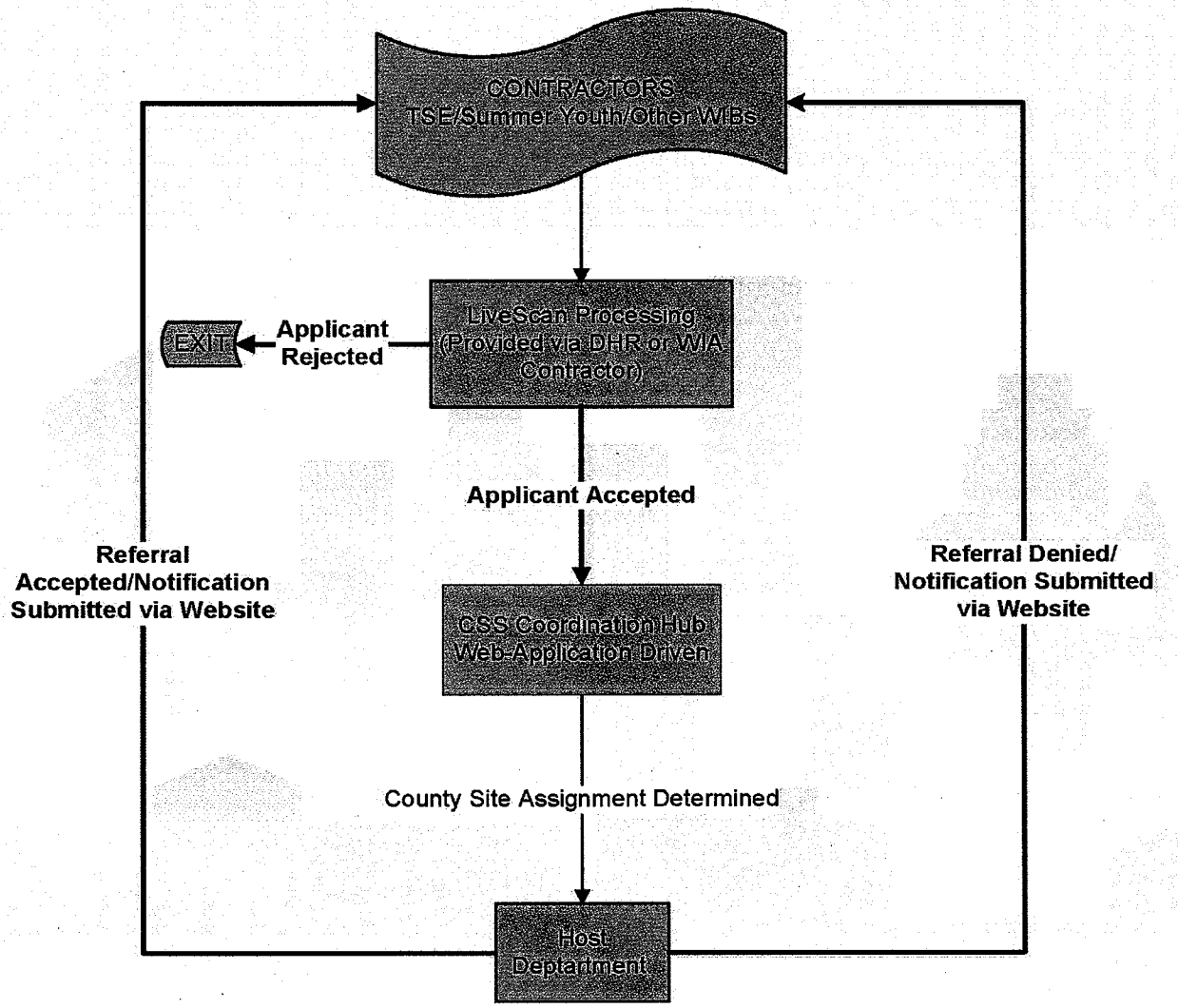
Community and Senior Services – Web-Based Application

Coordination efforts will integrate the Los Angeles County Work Investment Board system, which is comprised of twenty (20) contractors and sub-contractors. In addition, and because this is a regional effort, six (6) other Work Investment Boards and their contractors will use the web-based system to place participants into the available county positions. Besides these users, county liaisons and assigned staff will use the system to manage information and coordinate efforts.

Community and Senior Services will establish and maintain a web-based application to capture, coordinate, and report on the number of placements into the thirty-seven (37) county departments and offices. We plan to manage the stimulus-funded WIA Summer Youth Program through CSS' Oracle database and application environment. The applicants will be managed on-line by the Contract Agencies, County Departments and Program Administrators. The system will be able to track the movement of the applicants from agency to employing department.

LOS ANGELES COUNTY COMMUNITY AND SENIOR SERVICES
TEMPORARY COUNTY EMPLOYMENT - COORDINATOR SERVICES

Thursday, March 19, 2009



WIA/ARRA Summer Youth Employment Program (SYEP)

Types of Worksites

Contractors may develop SYEP work experience opportunities at a variety of worksites including:

- Public agencies (e.g. county, city, state and federal agencies)
- Non-profit agencies (e.g. 501[c][3] public benefit corporations)
- Private for profit businesses.

Please note the following guidance from TEGL 14-08 (issued March 18, 2009):

States and local areas should seek employers that are committed to helping participants receive the experience and training that is required to meet the work readiness goals set for summer employment participants. ETA recommends selecting employers that are willing to work closely with program staff. It is critical that local areas ensure proper worksite supervision in cooperation with both worksite supervisors and program monitors. Employers should be flexible in working with youth who have issues that may have barriers to employment. States and local areas should consider a combination of **public sector, private sector, and non-profit** summer employment opportunities. This may also include project-based community service learning opportunities not conducted at an employer worksite. When utilizing service learning opportunities, worksite supervision, including participant to staff ratio, is critical.

Attention should be given to ensure that work experience arrangements do not unfavorably impact current employees and do not impair existing contracts for services or collective bargaining agreements. In addition, the work experience of the participants should not replace the work of employees who have experienced layoffs (see 20 CFR 667.270 for non-displacement requirements). Youth summer employment should be a work experience intended to increase work readiness skills of participants and not impact the profit margin of a for-profit company. ETA recommends adopting selection criteria to ensure that one employer is not favored at the expense of another employer.

Section 1604 of Division A of the Recovery Act states, "none of the funds appropriated or otherwise made available in this Act may be used by any state or local government, or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool." Therefore, states and local areas should not use Recovery Act funds to place youth in summer employment or work experiences outside the summer months in any of these facilities.

SAMPLE

WIA/ARRA SUMMER YOUTH EMPLOYMENT PROGRAM (SYEP)

REQUEST FOR WORKSITE SLOTS

I. AGENCY

A. Agency Name: _____

B. Contact Person: _____

C. Address: _____

D. Telephone : _____

E. E-Mail Address: _____

II. AREA SERVED

A. Cities/Communities: _____

B. Agency's Major Activities: _____

III. WILL YOUR AGENCY HAVE ANY DIFFICULTY SUPPLYING SPACE AND TELEPHONE FOR PROJECT STAFF?

Yes: ____ No: ____ Explain: _____

IV. WORKSITES

A. Number of Worksite Slots Requested: _____

B. Please attach a list of all worksites you intend to utilize. *(Please include complete address for each site).*

V. JOB DESCRIPTIONS

Please attach a list of specific work experience job titles and qualifications for which SYEP participants may qualify.

SAMPLE

WIA/ARRA SUMMER YOUTH EMPLOYMENT PROGRAM (SYEP)

REQUEST FOR WORKSITE SLOTS

Company:	Type of Business:
Telephone:	Fax:
Contact Person:	Job Title:
Address:	City:
State:	Zip Code:
Total # Employees:	E-Mail:
Hours of Operation:	Days Open:

1. Work Experience Position Title:	
No. of Positions Requested:	Worksite:
Supervisor's Name:	
Work Hours Needed:	

2. Work Experience Position Title:	
No. of Positions Requested:	Worksite:
Supervisor's Name:	
Work Hours Needed:	

3. Work Experience Position Title:	
No. of Positions Requested:	Worksite:
Supervisor's Name:	
Work Hours Needed:	

4. Work Experience Position Title:	
No. of Positions Requested:	Worksite:
Supervisor's Name:	
Work Hours Needed:	

5. Work Experience Position Title:	
No. of Positions Requested:	Worksite:
Supervisor's Name:	
Work Hours Needed:	

6. Work Experience Position Title:	
No. of Positions Requested:	Worksite:
Supervisor's Name:	
Work Hours Needed:	

Sample

Agency Name

SUMMER YOUTH EMPLOYMENT PROGRAM (SYEP)

Worksite Supervisors Manual

This Sample SYEP Manual is provided as a general outline only and contains only minimum required content. It is the responsibility of each WIA/ARRA Youth Program Contractor to customize its own SYEP Worksite Supervisors Manual

(Agency Name or Letterhead)

Dear SYEP Work Site Supervisor:

Welcome to the Summer Youth Employment Program. As a Worksite Supervisor, you are in a unique position to provide direction and training for the youth in our community. Your participation will enable young people the opportunity to develop positive work habits, attitudes and job readiness skills.

SYEP provides work-based training for youth and young adults between the ages of 14 and 24. Our goal is to encourage youth to remain in school, develop career goals and secure employment. Through this activity, youth will have the opportunity to develop the skills necessary to meet their present and future employment needs.

This manual was prepared as a general guide to help you understand the working relationship among your organization, the youth work experience participant and the Summer Youth Employment Program. It also provides general information regarding processes and forms used in the operation of the program.

Inside this manual you will find valuable information that will help answer many of your questions. SYEP staff will provide you with further information and will remain available throughout the program to address your concerns and answer your questions as they arise.

We appreciate your cooperation in supervising work experience activities and participants.

Sincerely,

Name
Title

Summer Youth Employment Program (SYEP)

Worksite Supervisor's Manual

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- *x*
- *x*
- *x*
- *x*
- *x*

1. GENERAL INFORMATION

The Summer Youth Employment Program (SYEP) is a federal program that is being implemented by *agency name* with funding from the Workforce Investment Act (WIA) in accordance with the requirements of the American Recovery and Reinvestment Act (ARRA). This program is designed to assist eligible youth by providing work experience services that build work readiness skills. SYEP is targeted toward WIA-eligible youth, between the ages 14 and 24. In addition to enabling youth to earn wages and develop work readiness skills, the Summer Youth Employment Program should provide them encouragement and opportunities to build self-confidence, along with reinforcing education and career goals.

2. ROLE OF THE WORKSITE SUPERVISOR

Worksite Supervisors are regular employees of your organization and will directly supervise participants on the job. While participants have received a full orientation to SYEP requirements, participants will have a better chance to succeed in their jobs if Worksite Supervisors explain what is expected of the participant. Supervisors should take time to re-orient youth to various features of their work experience participation such as:

- Hours of work
- Organization's rules (as they apply to the participant)
- Time and length of breaks
- Name and telephone number of person/s to notify when the participant will be late or absent
- Safety procedures and person/s to whom accidents are to be reported
- A clear explanation of exactly what responsibilities will be expected from the participant, including an explanation of the criteria by which the participant's work attitudes, habits and work readiness will be evaluated
- Time sheet reporting system

Worksite Supervisors are responsible for:

- Ensuring participant time and attendance procedures are followed, and the timesheets are complete and accurate.
- Supervision of participants, along with guidance and training as appropriate.
- Working with the SYEP staff to resolve problems as they arise.
- Maintaining a copy of the Work Site Agreement, job description, all submitted timesheets, work readiness post-tests and other relevant forms, such as *(list agency forms)*

Other responsibilities are outlined in the Worksite Agreement.

3. ROLE OF THE SYEP STAFF

SYEP staff will be available throughout the program to support the work site supervisors and participants engaged in program activities. SYEP staff will be responsible for:

- Orientation to work experience participants regarding SYEP goals and objectives.
- Work readiness assessment for each participant.
- Development of a SYEP Individual Service Strategy.
- Mediation of any problems on the job between the participant and Worksite Supervisor.

4. CHILD LABOR LAWS SUMMARY

The following information provides general guidance regarding allowable work activities for participants in accordance with applicable laws and regulations.

IS IT OK FOR PARTICIPANTS TO DO ANY KIND OF WORK?

NO! There are laws that prohibit youth from doing dangerous work.

IN CALIFORNIA, NO WORKER UNDER 18 MAY:

- Drive a motor vehicle on public streets as part of a job.
- Drive a forklift.
- Use powered equipment like a circular saw, box crusher, meat slicer or bakery machine
- Work in wrecking, demolition, excavations or roofing
- Work in logging or saw mills
- Handle, serve, or sell alcoholic beverages
- Work where there is exposure to radiation
- Work more than 4 hours per day or 20 hours per week while school is in session.
- Work more than 8 hours per day or 48 hours per week when school is not in session.

ALSO, NO ONE 14 OR 15 YEARS OLD MAY:

- Do any baking or cooking on the job (except cooking at a service counter)
- Work in a dry cleaning or a commercial laundry
- Do building, construction or manufacturing work
- Load or unload a truck, railroad car or conveyor
- Work on a ladder or scaffold

THE AMERICAN RECOVERY AND REINVESTMENT ACT SPECIFIES THAT SYEP PARTICIPANTS MAY NOT BE ENGAGED IN WORK EXPERIENCE ACTIVTIES AT:

- Casinos or other gambling establishments
- Aquariums
- Zoos
- Gold Courses
- Swimming Pools

ARE THERE OTHER THINGS PARTICIPANTS UNDER 18 YEARS OLD CANNOT DO?

YES! There are many restrictions regarding the type of work minors cannot do. Please contact the SYEP staff if you are in doubt or have questions.

IS A WORK PERMIT REQUIRED?

YES! Work permits are required for all participants under 18 years of age. All work permits have been arranged and secured by SYEP staff as part of the application process and is on file at *agency name*.

5. WORK SITE MONITORING

WIA requires that all SYEP work sites be monitored during the program. SYEP staff will regularly visit the worksite to review program activities and deal with questions and concerns of both participants and work site supervisors.

In addition, worksite supervisors should be aware that work sites may be monitored or reviewed by representatives of the County of Los Angeles, the State of California or the U.S. Department of Labor.

Monitoring will generally consist of observation of operations, review of documentation, such as time cards and work readiness evaluations, and compliance with the Worksite Agreement. In addition, reviewers will likely interview the Worksite Supervisor and selected participants.

6. PROBLEMS ON THE JOB

SYEP staff may serve as mediators and they should be called anytime there is a problem with the participant's work performance, absenteeism or relationship with co-workers. Worksite supervisors are encouraged to discuss and resolve problems initially. However, if after the discussion, no progress has been made, it is the responsibility of SYEP staff to help resolve the situation prior to your taking any actions. SYEP staff should be informed of problems as soon as it is clear that they cannot be resolved by the worksite Supervisor and participant alone.

Communication between the Worksite Supervisor and SYEP staff is critical to participants' success at the worksite and their acquisition of work readiness skills. The participant has agreed to the rules and requirements of SYEP participation and the Worksite Supervisor and SYEP staff are responsible to see that this agreement is being followed.

7. SEXUAL HARASSMENT

Sexual harassment is unwelcome attention of a sexual nature. It is harmful and it is illegal. Sexual touching, grabbing, pinching or intentionally brushing up against someone is a sexual way can all be considered harassing behavior. Even obscene comments, looks, teasing and rumors can be forms of harassment.

SYEP participants have been advised to inform others (e.g. supervisors, coworkers, staff) when certain behavior makes them uncomfortable. If the person on the receiving end of a behavior, action or speech doesn't like it or is disturbed by it, it may be harassment, and it is definitely wrong to continue. SYEP participants will inform SYEP staff if they believe they have been sexually harassed.

8. GRIEVANCE PROCEDURES

SYEP participants are protected from any kind of discrimination on the job. Participants have been oriented to grievance procedures available to them under WIA.

9. PARTICIPANT ABSENTEEISM

All participants have been given an orientation. This orientation included the basic procedures to follow when she/he finds it necessary to be absent from the worksite.

As a Worksite Supervisor, it is important that you be informed of the following procedures and that you reaffirm these with the participant on your site.

- The participant is required to give advance notice of intention to be absent from work, regardless of the reason. If this cannot be done in person, the participant should telephone the Worksite Supervisor as soon as she/he knows that she/he will be unable to report to work that day.

- If the absence continues beyond one day, the participant is to notify the Worksite Supervisor each day that she/he will be absent. The Supervisor should ensure that the participant has the phone number and name of the person to whom the absence must be reported.

The Worksite Supervisor is requested to notify the SYEP staff about the participant's absenteeism when:

- The participant is absent more than three consecutive days regardless of the reason or whether the participant has reported the absence to the work site Supervisor.

- It appears to the work site Supervisor that the participant is absent too frequently or is establishing a pattern of absenteeism.

NOTE: Participants will not be paid for any absences.

10. TIME SHEET PROCEDURES

SYEP staff will inform Worksite Supervisors of the maximum hours per day and per week that youth may work. The Supervisor and the participant will keep a daily log of these hours on the time sheet provided by SYEP staff. Other time sheets/records may not be used. The participant and Worksite Supervisor will sign the time sheet. The signatures indicate that both agree with the information on the time sheet.

Time Sheet Requirements

- Use a pen, typewriter, or computer. Pencil and correction fluid may not be used on timecards.
- Make sure the Supervisor's signature and that of the participant is on the time sheet.
- The date of both signatures must be on or after the last day of work.
- The youth participant must always receive a copy of the completed/signed time sheet.
- If time sheets are not properly signed and dated, the participant will not be paid.
- Use standard time only. Do not used ditto marks or military time.
- No hours are to be entered for days the participant was absent.
- No paid sick leave or holidays.
- Please round off the time to the closest ¼ hour (15 Minutes)
- Work time must always be recorded after the work is performed, never before.
- Correction on the time sheet must be initialed by both the Supervisor and the participant. This authorizes the corrections and eliminates confusion.
- Payments will not be made on incorrect time sheets. Time sheets, which violate the above rules, will be sent back to the worksite for correction.
- An average of 120 hours has been budgeted for each participant.

11. PAYCHECKS

For many of the participants, SYEP marks their first work experience. All participants have received an orientation to wages, payroll deductions and their paychecks. Worksite supervisors may find it necessary to reinforce this information to participants at the time they receive their first paychecks.

Each SYEP participant must be pre- and post-tested to determine work readiness. The pre-test will be administered/completed by SYEP staff. The post-test will be completed by the Worksite Supervisor at the time that the participant completes his/her work experience. Post-tests must be submitted with each participant's final time sheets.

SYEP staff will provide worksite supervisors with copies of:

- WIA/ARRA SYEP Work Readiness Post-Tests
- WIA/ARRA SYEP Work Readiness Pre- and Post-Test Instructions

13. GENERAL SAFETY RULES

Each worksite shall provide youth with information on the organization's specific rules to ensure their safety in the workplace. Following are some general rules that youth should follow, which worksites should incorporate into the information they provide to work experience participants.

REPORTING

- Reporting all accidents and/or injuries to your Supervisor immediately after the incident.
- Report any unsafe condition or potentially unsafe condition to your Supervisor.

LIFTING OR HANDLING MATERIALS

- Always seek help with lifting or moving very heavy objects.
- When lifting, use the large leg muscles, not the weak back muscles.
- Do not bend from the waist in any lifting activity.
- Always pull a hand truck or cart except when going down an incline.
- Push heavy objects; avoid pulling.
- Report all "potentially hazardous" spills to your Supervisor before attempting clean up.

PERSONAL PROTECTIVE EQUIPMENT

- Wear appropriate protective equipment at all times where mandated by your Supervisor

ALWAYS

- Avoid horseplay or any action that may endanger other people.
- Walk; do not run, when performing your work duties.
- Use a ladder or sturdy stool when reaching above your head. Do not stand on chairs, tables, boxes, etc.

HOUSEKEEPING

- Keep work areas clean and free from spills.
- Aisles, exits, electrical panels, and fire extinguishers must be kept clear of barriers at all times.

14. JOB INJURY PROCEDURES

Any job injury, even a first aid type injury, must be reported to the employer (*agency name*) within 24 hours.

Agency shall insert its procedures for reporting job injuries, which must include (at a minimum) the following:

- *Employee/Supervisor's Report of Occupational Injury/Illness*
- *Employee's Claim for Workers' Compensation Benefits*
- *Procedures for filing for employee workers' compensation benefits.*
- *Requirements for a Doctor's Release for youth to return to work.*
- *The use of any hospital emergency room may be used if the injury is life threatening.*

15. APPENDIX FORMS

Agency shall insert forms to be used by Worksite Supervisors. These will include time sheets, post-tests, and other SYEP-related forms.

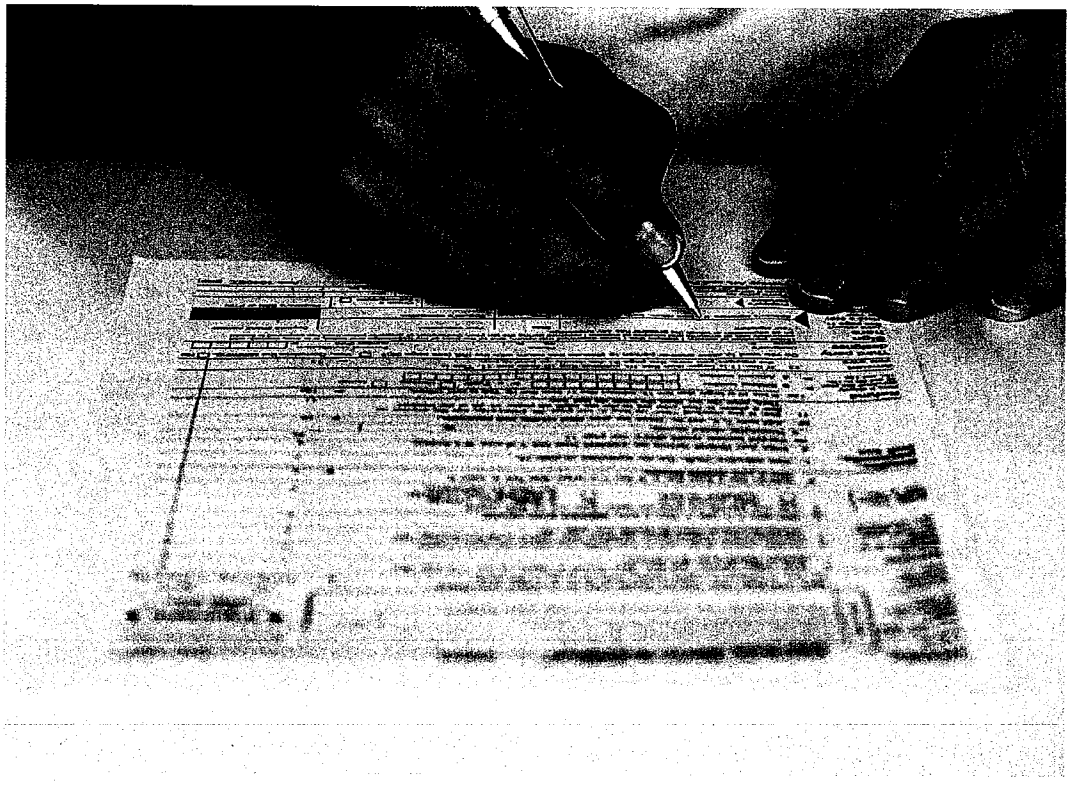
Program Outcome

WIA/ARRA
Summer Youth Employment Program (SYEP)

Work Readiness Indicator

The work readiness indicator will be the only indicator to assess the effectiveness of SYEP. The indicator measures whether an increase in work readiness has occurred. Work readiness skill goal is defined as a measurable increase in work readiness skills including world-of-work awareness, labor market knowledge, occupational information, values clarification and personal understanding, career planning and decision making, and job search techniques (resumes, interviews, applications, and follow-up letters). They also encompass survival/daily living skills such as using the phone, telling time, shopping, renting an apartment, opening a bank account, and using public transportation. They also include positive work habits, attitudes, and behaviors such as punctuality, regular attendance, presenting a neat appearance, getting along and working well with others, exhibiting good conduct, following instructions and completing tasks, accepting constructive criticism from supervisors and co-workers, showing initiative and reliability, and assuming the responsibilities involved in maintaining a job. This category also entails developing motivation and adaptability, obtaining effective coping and problem-solving skills, and acquiring an improved self image.

Forms and File Contents



WIA/ARRA SUMMER YOUTH EMPLOYMENT PROGRAM (SYEP)

Part I: ELIGIBILITY DOCUMENTATION & FILE CHECKLIST

ONE DOCUMENT FROM EACH CATEGORY BELOW IS REQUIRED (WITH THE EXCEPTION OF CATEGORIES 5 & 6 WHICH WILL VARY)

1. AGE/BIRTHDAY VERIFICATION

- ❑ CALIFORNIA ID CARD
- ❑ DRIVER LICENSE
- ❑ BIRTH CERTIFICATE
- ❑ BAPTISMAL CERTIFICATE W/BIRTHDATE & BIRTHPLACE
- ❑ SCHOOL CARD/RECORDS
- ❑ LEGAL RESIDENT CARD
- ❑ DMV INSTRUCTION PERMIT

2. LEGAL WORK STATUS

- ❑ I-9 -
  - ❑ One item from List A **or** One item form List B & **and** One from List C
  - ❑ Signed by applicant & agency staff

3. SELECTIVE SERVICE/VETERAN STATUS
(Males born after 12/31/59)

- ❑ SELECTIVE SERVICE REGISTRATION
- ❑ DD214

4. BARRIER VALIDATION

- ❑ _____
- ❑ _____
- ❑ 6TH BARRIER (per County Directive WIAD09)

For an additional assistance with eligibility documentation Review County Directive WIA D09-02

5. INCOME VERIFICATION (FAMILY INCOME)*

- ❑ MOST RECENT PAY STUB**
- ❑ EMPLOYER LETTER (S) Verifying Gross Earnings/Dates Of Employment
- ❑ UNEMPLOYMENT INSURANCE DOCUMENT***

6. PUBLIC ASSISTANCE (IF APPLICABLE)

- ❑ CURRENT PUBLIC ASSISTANCE LETTER OR COPY OF CHECK/ NOTICE OF ACTION
- ❑ CURRENT FOOD STAMP VERIFICATION

7. FAMILY SIZE

- ❑ Social Security cards
- ❑ Birth certificate
- ❑ _____

*Verification For Every Member Of Your Family Who Lives With You And Worked During The 6 Months Prior To Your Appointment. Must Be Current Within 60 Days

**Within 60 Days Current With YTD Or Minimum Of 3 Most Recent Pay Stubs - Need 6 Months Prior To Appointment

***If Receiving UI Benefits, Must Bring In The Latest Payment Stub

Part II: OTHER REQUIRED FORMS

INTAKE FORMS

- ❑ Grievance Procedures*
- ❑ Nepotism Statement
- ❑ Parental Releases
  - ❑ Agency Application
  - ❑ MIS Application
  - ❑ MIS Enrollment Forms
  - ❑ Photo Release
  - ❑ Agency Release

Additional MIS Forms

- ❑ Goal Forms (optional)
- ❑ Exit Forms

*See County Directive WIA D09-04

WORK READINESS

- ❑ ISS
- ❑ Pre -Assessment Date:_____
- ❑ Post-Assessment Date:_____
- ❑ **Work Readiness Achievement Documented Comments:**

_____

_____

WORK EXPERIENCE FORMS

- ❑ W-4 form
- ❑ Work Permit (check one)
  - ❑ Needed____
  - ❑ N/A
- ❑ Work Site Agreement
- ❑ Time Cards
- ❑ _____
- ❑ _____
- ❑ _____

WIA/ARRA SUMMER YOUTH EMPLOYMENT PROGRAM (SYEP)
INDIVIDUAL SERVICE STRATEGY

Participant Information

Name	Date of Birth	Last 4 Digits of SSN
Age	**Phone**	**E-Mail**

Past Work Experience

From/To	Job Title	Duties

Work-Related Interest and Preferences

Do you like working indoors ☐ or outdoors ☐?	Other preference:
Do you like working with children Yes ☐ No ☐ ?	Other preference:

Skills and Aptitudes

Please check all that apply.

Office Equipment	Computer Programs	Clerical	Creative	Other
☐ Computer	☐ Word	☐ Keyboarding	☐ Drawing	☐ Gardening
☐ Fax Machine	☐ Excel	☐ Typing	☐ Painting	☐ Babysitting
☐ Calculator	☐ PowerPoint	☐ Phones	☐ Graphic Design	☐ Bilingual
☐ Copier	☐ Other:	☐ Other:	☐ Photography	Language:
☐ Other:	☐ Other:	☐ Other:	☐ Other:	☐ Other:

Other skills/aptitudes:

Service Considerations

Are there physical limitations or medical conditions that may restrict your ability to perform certain jobs?
Yes ☐ No ☐

If Yes, please explain:	
Medication: Yes ☐ No ☐	If Yes, for what purpose:

Barriers

Please check all that apply.

☐ Special Education	☐ Pregnant	☐ Single HOH	☐ Criminal
☐ GED Needed	☐ Parenting	☐ Language Barrier	☐ Homeless
☐ High School Dropout	☐ Single Parent	☐ Alcohol/Substance	☐ Other:

Describe Barriers:

Service Plan

Youth will participate in the following activities. Please check all that apply.

☐ Paid Work Experience	☐ Work Readiness	☐ Other:
☐ Supportive Services	☐ Supervisor Evaluation	☐ Other:

I have completed the information within this Individual Services Strategy and I have reviewed and understand the service in which I will participate as part of my involvement in WIA/ARRA SYEP.

Student Signature:	**Date:**
Staff Signature:	**Date:**

SAMPLE

WIA/ARRA SUMMER YOUTH EMPLOYMENT PROGRAM (SYEP)

WORKSITE SPONSOR AGENCY AGREEMENT

This agreement between WIA/ARRA Youth Contractor and Sponsor Agency is entered into this _____ day of _____ 2009 and is effective through _____ 2009.

I. The Sponsor Agency agrees to:

A. Attend an orientation for Worksite Supervisors conducted by the Youth Contractor.
B. Adhere to all WIA regulations and Youth Contractor's policies.
C. Provide meaningful work experience consistent with goals of the WIA/ARRA Summer Youth Employment Program.
D. Provide adequate supervision to the participant.
E. Provide timely written evaluation of the participants' work performance and attainment of work readiness skills.
F. Provide a clear line of supervision and accountability.
G. Maintain accurate attendance reports, signed by the supervisor, on forms provided by Youth Contractor.
H. Provide facilities and space at no charge to Youth Contractor.
I. Provide, or otherwise assure, that the conditions under which the SYEP participants work ensures their safety and health.
J. Discuss with the WIA Youth participants, as the first step, any problems or conflicts that may arise from their job performance.
K. Give full consideration to the possibility of hiring of the WIA Youth participants placed in Sponsor Agency, fully acknowledging that there is no requirement that participants be hired by the Sponsor Agency.
L. Ensure adequate substitute supervision at all times when regular supervisor is absent.
M. Provide materials and equipment necessary to the performance of the participant's work assignment.
N. Adhere to California and Federal Child Labor Laws.
O. Maintain a list of participants and their work assignments and schedules at each jobsite.
P. Cooperate fully to provide monitors for Youth Contractor, the County of Los Angeles, State of California or Department of Labor, with accessibility to the worksite staff and information pertaining to worksite operation.

II. The Youth Contractor agrees to:

A. Maintain contact with the Sponsor Agency concerning SYEP participants' overall job performance.

B. Assign and maintain in the Sponsor Agency only those SYEP participants who are approved by the Sponsor Agency.
C. Assume the cost of wages and all benefits and responsibility for payment of SYEP participants to the maximum number of ___ hours.
D. Provide ongoing, overall supervision of the program and supportive services to the participant.
E. Provide to enrollees an orientation, which explains the program's purpose, opportunities available through the WIA Youth program procedures, which are applicable to the enrollee, enrollee rights and benefits.
F. Assume responsibility for the training of Worksite Supervisors and assure supervisor attendance at an orientation prior to the beginning of the program.
G. Maintain accurate and current records of participant eligibility, as per Youth Contractor's policies and procedures.
H. Assume the responsibility of signing timesheets and verifying hours.
I. Ensure accident coverage of participants during work hours through workers' compensation as provided by Youth Contractor.
J. Provide the supervisors with appropriate written materials, which are necessary to the performance of his/her duties, including a copy of this agreement and SYEP policies.
K. Maintain an updated and accurate agreement which reflects current conditions.

III. Sponsor Agency and Youth Contractor agree that:

A. Neither party shall incur costs from each other arising from their participation in this program.
B. This Agreement may be modified or terminated at any time by mutual consent or upon ten (10) working days notice by either party.

SPONSOR AGENCY: Sponsor Agency's Name

BY: _____

Signature: _____

TITLE: _____

CONTRACTOR AGENCY NAME

BY: _____

Signature: _____

TITLE: _____

Statement of Intent to Employ Minor and Request for Work Permit

Not a work permit —Print all information except signatures

For Minor to Complete

▶

Minor's name (last name first) | Social security number | Date of birth | Age | Grade

Street address | City | ZIP Code | Home telephone

School name

Street address | City | ZIP Code | School telephone

For Employer to Complete (Please review rules for employment of minors on reverse.)

▶

Name of business

Street address | City | ZIP Code | Business telephone

Minor's work duties | Hourly wage

Maximum number of hours of employment when school is in session:

Mon. _____ Tues. _____ Wed. _____ Thurs. _____ Fri. _____ Sat. _____ Sun. _____ Weekly = _____

In compliance with California labor laws, this employee is covered by worker's compensation insurance. This business does not discriminate unlawfully on the basis of race, ethnic background, religion, sex, sexual orientation, color, national origin, ancestry, age, physical handicap, or medical condition. I hereby certify that, to the best of my knowledge, the information herein is correct and true.

Supervisor's signature | Supervisor's name (print or type)

For Parent or Guardian to Complete

This minor is being employed at the place of work described with my full knowledge and consent. I hereby certify that, to the best of my knowledge, the information herein is correct and true. I request that a work permit be issued.

In addition to this employer, my child is working for: _____

Name of business

Signature of parent or legal guardian | Date

For School to Complete

Evidence of minor's age

Signature of verifying authority

Type:

Regular _____

Vacation _____

Year-Round _____

Work Experience Education _____

Other (specify) _____

IMPORTANT: See reverse side for additional information.

General Summary of Minors' Work Regulations

- **If federal laws, state laws and school district policies conflict, the more restrictive law (the one most protective of the employee) prevails.**
- Generally, minors must attend school until age 18 unless they are 16 years or older and have graduated from high school or received a state Certificate of Proficiency.
- Employers of minors required to attend school must complete a "Statement of Intent to Employ Minor and Request for Work Permit" (form B1-1) for the school district of attendance for each such minor.
- Employers must retain a "Permit to Employ and Work" (form B1-4) for each such minor.
- Work permits (B1-4) must be retained for three years and be available for inspection by sanctioned authorities at all times.
- A work permit (B1-4) must be revoked whenever the issuing authority determines the employment is illegal or is impairing the health or education of the minor.

Minors under the age of 18 may not work in environments declared hazardous or dangerous for young workers as listed below:

1. Explosive exposure
2. Motor vehicle driving/outside helper
3. Coal mining
4. Logging and sawmilling
5. Power-driven woodworking machines
6. Radiation exposure
7. Power-driven hoists/forklifts
8. Power-driven metal forming, punching, and shearing machines
9. Other mining
10. Power-driven meat slicing/processing machines
11. Power-baking machines
12. Power-driven paper products/paper bailing machines
13. Manufacturing brick, tile products
14. Power saws and shears
15. Wrecking, demolition
16. Roofing
17. Excavation operation

For more complete information about hazardous occupations, contact the U.S. Department of Labor (Child Labor Bulletins 101 and 102) and the California Department of Industrial Relations, Division of Labor Standards Enforcement. Regional offices are located in several California cities. They are listed in the "Government Listings" sections of telephone directories.

- Minors younger than 16 years are allowed to work only in limited, specified occupations that exclude baking, manufacturing, processing, construction, warehouse, and transportation occupations.
- In addition to safety regulations, labor laws applicable to adult employees also generally apply to minor employees, including workers' compensation insurance requirements.
- Child labor laws do not generally apply to minors who deliver newspapers or work at odd jobs, such as yard work and baby-sitting, or in private homes where the minor is not regularly employed.
- A day of rest from work is *required* if the total hours worked per week exceed 30 or if more than 6 hours are worked on any one day during the week.

Ages	Hours of Work
16 – 17	*When school is in session*: Daily maximum of 4 hours, Monday through Thursday. May work up to 8 hours on any non-school day or on any day that precedes a non-school day. May be permitted to work up to 48 hours per week. Students in Work Experience Education or cooperative vocational education programs may be permitted to work a maximum of 8 hours on a school day. *When school not in session*: May work up to 48 hours per week but no more than 8 hours in any one day. Work must be performed no earlier than 5 a.m. or later than 10 p.m. except that work may extend to 12:30 a.m. on nights preceding non-school days. Students in Work Experience Education or cooperative vocational education programs may be authorized to work until 12:30 a.m. on nights preceding school days with specified written permission.
14 – 15	*When school is in session*: On school days daily maximum 3 hours. On non-school days may work 8 hours. Weekly maximum of 18 hours. Students in Work Experience Education and career exploration programs may work up to 23 hours per week. *When school is not in session*: Daily maximum 8 hours and weekly maximum 40 hours. *May not work during public school hours* except students in Work Experience Education or career exploration programs. Work must be performed no earlier than 7 a.m. nor later than 7 p.m. any day of the week. From June 1 to Labor Day work hours may be extended to 9 p.m.
Younger than 14	Labor laws generally prohibit nonfarm employment of children younger than 14. Special rules apply to agricultural work, domestic work and the entertainment industry.

PERMIT TO EMPLOY AND WORK

EXPIRES: _____ (No later than five days after the beginning of the next school year.) Type: _____

Minor: Valid only at: School of Issuance:

School in Session (Any week in which public school is scheduled for at least one day.)	Maximum Work Hours	School Not In Session (Any week in which public school is not scheduled for at least one day.)
Mon. 8 Tue. 8 Wed. 8 Thu. 8 Fri.* 8 Sat. 8 Sun. 8		Monday through Sunday 8
*And any schoolday that immediately precedes a non-schoolday, e.g., a school holiday.		
Weekly Maximum 48 Spread of Hours*		Weekly Maximum 48 Spread of Hours*

** Ages 14 and 15: May not work before 7:00 a.m. nor later than 7:00 p.m. except June 1 through Labor Day may work until 9:00 p.m. May not work when public schools are in session unless enrolled in Work Experience Education or career exploration programs. (EC 49116; LC 1391)

** Ages 16 and 17: May not work before 5:00 a.m. nor later than 10 p.m. except when there is no school the next day. Students enrolled in Work Experience Education or cooperative vocational education programs may be exempt from the 10:00 p.m. limit (not to exceed 12:30 a.m.) with specified written permission. (EC 49116; LC 1391/1391.1)

Spread of hours that minor must be in school N/A (required for "Regular" and "Year-Round" permits only)

Remarks May not be employed in or around hazardous occupations and/or equipment as specified in the Fair Labor Standards Act, U.S. Department of Labor Bulletins 101 and 102, California Labor Code, and California Code of Regulations, Title 8; • Work Permit does not verify citizenship. • Under 18 years of age, may not drive a vehicle on public streets as a condition of employment [VC 12515; LC 1294.1(b)]. • Other remarks/limitations are shown below

C track. May work 8 hours each day during the week during the vacation months of November, December, May, and June.

Signature of Minor | Signature of Issuing Authority | Date

General Summary of Minors' Work Regulations

- **If federal laws, state laws and school district policies conflict, the more restrictive law (that which is most protective of the employee) prevails.**
- Generally, minors must attend school until age 18 unless they are 16 years or older and have graduated from high school or received a state Certificate of Proficiency.
- Employers of minors required to attend school must complete a "Statement of Intent to Employ Minor and Request for Work Permit" (form B1-1) for the school district of attendance for each such minor.
- Employers must retain a "Permit to Employ and Work" (form B1-4) for each such minor.
- Work permits (B1-4) must be retained for three years and open at all times for inspection by sanctioned authorities.
- A work permit (B1-4) must be revoked whenever the issuing authority determines the employment is illegal or is impairing the health or education of the minor.

Minors under the age of 18 may not work in occupations declared hazardous for young workers as listed below:

1. Coal mining
2. Excavation operation
3. Explosives
4. Logging and sawmilling
5. Manufacturing brick, tile products
6. Motor vehicle driving/outside helper
7. Other mining
8. Power baking machines
9. Power-driven hoists/forklifts
10. Power-driven meat slicing/processing
11. Power-driven metal forming, punching, and shearing machines
12. Power-driven paper products/paper-baling machines
13. Power-driven woodworking machines
14. Power saws and shears
15. Radiation exposure
16. Roofing
17. Wrecking, demolition

For more information about hazardous occupations, contact the U.S. Department of Labor (Child Labor Bulletins 101 and 102) and the California Department of Industrial Relations, Division of Labor Standards Enforcement. Regional offices are located in several California cities. They are listed in the "Government Listings" sections of telephone directories.

- Minors younger than 16 years are allowed to work only in limited, specified occupations which exclude baking, manufacturing, processing, construction, warehouse, and transportation occupations.
- In addition to safety regulations labor laws applicable to adult employees are also generally applicable to minor employees, including workers' compensation insurance requirements.
- Child labor laws do not generally apply to minors who deliver newspapers or work at odd jobs, such as yard work and baby-sitting, or in private homes where the minor is not regularly employed.
- A day of rest from work is required if the total hours worked per week exceed 30 or if more than 6 hours are worked on any one day during the week.

Hours of Work

16 – 17 When school is in session: Daily maximum 4 hours, Monday through Thursday. May work up to 8 hours on any nonschool day or on any day that precedes a nonschool day. May be permitted to work up to 48 hours per week.
Students in Work Experience Education programs may be permitted to work a maximum of 8 hours on a schoolday.
When school not in session: May work up to 48 hours per week but no more than 8 hours in any one day.
Work must be performed no earlier than 5:00 a.m. nor later than 10:00 p.m. except that work may extend to 12:30 a.m. on nights preceding nonschool days. **Students in Work Experience Education** programs may be authorized to work until 12:30 a.m. on nights preceding school days with specified written permission.

14 – 15 When school is in session: On schooldays, daily maximum 3 hours. On non-schooldays may work 8 hours. Weekly maximum 18 hours. Students in **Work Experience Education** and career exploration programs may work up to 23 hours per week.
When school is not in session: Daily maximum 8 hours and weekly maximum 40 hours.
May not work during public school hours except students in **Work Experience Education** or career exploration programs.
Work must be performed no earlier than 7:00 a.m. nor later than 7:00 p.m. any day of the week. From June 1 to Labor Day work hours may be extended to 9:00 p.m.

Younger than 14: Labor laws generally prohibit nonfarm employment of children younger than 14. Special rules apply to agricultural work, domestic work and the entertainment industry.

WIA/ARRA Summer Youth Employment Program (SYEP) Time Sheet

EMPLOYEE NO.	AGENCY NAME AND ADDRESS		SITE	PERIOD ENDING
NAME LAST	FIRST		JOB TITLE	
DATE	FROM	LUNCH FROM / TO	TO	TOTAL
			TOTAL HOURS	

I CERTIFY THAT ALL THE INFORMATION ON THIS REPORT IS TRUE AND CORRECT

APPROVED:

EMPLOYEE SIGNATURE DATE

SUPERVISOR SIGNATURE DATE

Form W-4 (2009)

Purpose. Complete Form W-4 so that your employer can withhold the correct federal income tax from your pay. Consider completing a new Form W-4 each year and when your personal or financial situation changes.

Exemption from withholding. If you are exempt, complete **only** lines 1, 2, 3, 4, and 7 and sign the form to validate it. Your exemption for 2009 expires February 16, 2010. See Pub. 505, Tax Withholding and Estimated Tax.

Note. You cannot claim exemption from withholding if (a) your income exceeds $950 and includes more than $300 of unearned income (for example, interest and dividends) and (b) another person can claim you as a dependent on their tax return.

Basic instructions. If you are not exempt, complete the **Personal Allowances Worksheet** below. The worksheets on page 2 further adjust your withholding allowances based on itemized deductions, certain credits, adjustments to income, or two-earner/multiple job situations. Complete all worksheets that apply. However, you may claim fewer (or zero) allowances. For regular wages, withholding must be based on allowances you claimed and may not be a flat amount or percentage of wages.

Head of household. Generally, you may claim head of household filing status on your tax return only if you are unmarried and pay more than 50% of the costs of keeping up a home for yourself and your dependent(s) or other qualifying individuals. See Pub. 501, Exemptions, Standard Deduction, and Filing Information, for information.

Tax credits. You can take projected tax credits into account in figuring your allowable number of withholding allowances. Credits for child or dependent care expenses and the child tax credit may be claimed using the **Personal Allowances Worksheet** below. See Pub. 919, How Do I Adjust My Tax Withholding, for information on converting your other credits into withholding allowances.

Nonwage income. If you have a large amount of nonwage income, such as interest or dividends, consider making estimated tax payments using Form 1040-ES, Estimated Tax for Individuals. Otherwise, you may owe additional tax. If you have pension or annuity income, see Pub. 919 to find out if you should adjust your withholding on Form W-4 or W-4P.

Two earners or multiple jobs. If you have a working spouse or more than one job, figure the total number of allowances you are entitled to claim on all jobs using worksheets from only one Form W-4. Your withholding usually will be most accurate when all allowances are claimed on the Form W-4 for the highest paying job and zero allowances are claimed on the others. See Pub. 919 for details.

Nonresident alien. If you are a nonresident alien, see the Instructions for Form 8233 before completing this Form W-4.

Check your withholding. After your Form W-4 takes effect, use Pub. 919 to see how the amount you are having withheld compares to your projected total tax for 2009. See Pub. 919, especially if your earnings exceed $130,000 (Single) or $180,000 (Married).

Personal Allowances Worksheet (Keep for your records.)

A Enter "1" for **yourself** if no one else can claim you as a dependent . . . . . A _____

B Enter "1" if:
- You are single and have only one job; or
- You are married, have only one job, and your spouse does not work; or
- Your wages from a second job or your spouse's wages (or the total of both) are $1,500 or less.

. . B _____

C Enter "1" for your **spouse.** But, you may choose to enter "-0-" if you are married and have either a working spouse or more than one job. (Entering "-0-" may help you avoid having too little tax withheld.) . . . . . C _____

D Enter number of **dependents** (other than your spouse or yourself) you will claim on your tax return . . . . . D _____

E Enter "1" if you will file as **head of household** on your tax return (see conditions under **Head of household** above) . E _____

F Enter "1" if you have at least $1,800 of **child or dependent care expenses** for which you plan to claim a credit . . F _____
(**Note.** Do **not** include child support payments. See Pub. 503, Child and Dependent Care Expenses, for details.)

G **Child Tax Credit** (including additional child tax credit). See Pub. 972, Child Tax Credit, for more information.
- If your total income will be less than $61,000 ($90,000 if married), enter "2" for each eligible child; then **less** "1" if you have three or more eligible children.
- If your total income will be between $61,000 and $84,000 ($90,000 and $119,000 if married), enter "1" for each eligible child plus "1" **additional** if you have six or more eligible children. G _____

H Add lines A through G and enter total here. (**Note.** This may be different from the number of exemptions you claim on your tax return.) ▶ H _____

For accuracy, **complete all worksheets that apply.**
- If you plan to **itemize or claim adjustments to income** and want to reduce your withholding, see the **Deductions and Adjustments Worksheet** on page 2.
- If you have **more than one job** or are **married and you and your spouse both work** and the combined earnings from all jobs exceed $40,000 ($25,000 if married), see the **Two-Earners/Multiple Jobs Worksheet** on page 2 to avoid having too little tax withheld.
- If **neither** of the above situations applies, **stop here** and enter the number from line H on line 5 of Form W-4 below.

Cut here and give Form W-4 to your employer. Keep the top part for your records.

Form **W-4**
Department of the Treasury
Internal Revenue Service

Employee's Withholding Allowance Certificate

▶ **Whether you are entitled to claim a certain number of allowances or exemption from withholding is subject to review by the IRS. Your employer may be required to send a copy of this form to the IRS.**

OMB No. 1545-0074
2009

1 Type or print your first name and middle initial.	Last name	2 **Your social security number**
Home address (number and street or rural route)	3 ☐ Single ☐ Married ☐ Married, but withhold at higher Single rate. Note. If married, but legally separated, or spouse is a nonresident alien, check the "Single" box.	
City or town, state, and ZIP code	4 **If your last name differs from that shown on your social security card, check here. You must call 1-800-772-1213 for a replacement card.** ▶ ☐	

5 Total number of allowances you are claiming (from line **H** above **or** from the applicable worksheet on page 2) | 5 |

6 Additional amount, if any, you want withheld from each paycheck . . . . . | 6 $ |

7 I claim exemption from withholding for 2009, and I certify that I meet **both** of the following conditions for exemption.
- Last year I had a right to a refund of **all** federal income tax withheld because I had **no** tax liability **and**
- This year I expect a refund of **all** federal income tax withheld because I expect to have **no** tax liability.

If you meet both conditions, write "Exempt" here . . . . . ▶ | 7 |

Under penalties of perjury, I declare that I have examined this certificate and to the best of my knowledge and belief, it is true, correct, and complete.

Employee's signature
(Form is not valid unless you sign it.) ▶ **Date** ▶

8 Employer's name and address (Employer: Complete lines 8 and 10 only if sending to the IRS.)	9 Office code (optional)	10 Employer identification number (EIN)

For Privacy Act and Paperwork Reduction Act Notice, see page 2. Cat. No. 10220Q Form **W-4** (2009)

Deductions and Adjustments Worksheet

Note. Use this worksheet *only* if you plan to itemize deductions, claim certain credits, adjustments to income, or an additional standard deduction.

1 Enter an estimate of your 2009 itemized deductions. These include qualifying home mortgage interest, charitable contributions, state and local taxes, medical expenses in excess of 7.5% of your income, and miscellaneous deductions. (For 2009, you may have to reduce your itemized deductions if your income is over $166,800 ($83,400 if married filing separately). See *Worksheet 2* in Pub. 919 for details.) . . . 1 $

2 Enter: { $11,400 if married filing jointly or qualifying widow(er) / $ 8,350 if head of household / $ 5,700 if single or married filing separately } . . . . . 2 $

3 **Subtract** line 2 from line 1. If zero or less, enter "-0-" . . . . . 3 $

4 Enter an estimate of your 2009 adjustments to income and any additional standard deduction. (Pub. 919) . . . . . 4 $

5 **Add** lines 3 and 4 and enter the total. (Include any amount for credits from *Worksheet 8* in Pub. 919.) . 5 $

6 Enter an estimate of your 2009 nonwage income (such as dividends or interest) . . . . . 6 $

7 **Subtract** line 6 from line 5. If zero or less, enter "-0-" . . . . . 7 $

8 **Divide** the amount on line 7 by $3,500 and enter the result here. Drop any fraction 8

9 Enter the number from the **Personal Allowances Worksheet,** line H, page 1 9

10 **Add** lines 8 and 9 and enter the total here. If you plan to use the **Two-Earners/Multiple Jobs Worksheet,** also enter this total on line 1 below. Otherwise, **stop here** and enter this total on Form W-4, line 5, page 1 10

Two-Earners/Multiple Jobs Worksheet (See *Two earners or multiple jobs* on page 1.)

Note. Use this worksheet *only* if the instructions under line H on page 1 direct you here.

1 Enter the number from line H, page 1 (or from line 10 above if you used the **Deductions and Adjustments Worksheet**) 1

2 Find the number in **Table 1** below that applies to the **LOWEST** paying job and enter it here. **However,** if you are married filing jointly and wages from the highest paying job are $50,000 or less, do not enter more than "3." 2

3 If line 1 is **more than or equal to** line 2, subtract line 2 from line 1. Enter the result here (if zero, enter "-0-") and on Form W-4, line 5, page 1. **Do not** use the rest of this worksheet 3

Note. If line 1 is *less than* line 2, enter "-0-" on Form W-4, line 5, page 1. Complete lines 4–9 below to calculate the additional withholding amount necessary to avoid a year-end tax bill.

4 Enter the number from line 2 of this worksheet 4

5 Enter the number from line 1 of this worksheet 5

6 **Subtract** line 5 from line 4 6

7 Find the amount in **Table 2** below that applies to the **HIGHEST** paying job and enter it here . . . . 7 $

8 **Multiply** line 7 by line 6 and enter the result here. This is the additional annual withholding needed . . 8 $

9 Divide line 8 by the number of pay periods remaining in 2009. For example, divide by 26 if you are paid every two weeks and you complete this form in December 2008. Enter the result here and on Form W-4, line 6, page 1. This is the additional amount to be withheld from each paycheck . . . . . 9 $

Table 1

Married Filing Jointly		All Others	
If wages from **LOWEST** paying job are—	Enter on line 2 above	If wages from **LOWEST** paying job are—	Enter on line 2 above
$0 - $4,500	0	$0 - $6,000	0
4,501 - 9,000	1	6,001 - 12,000	1
9,001 - 18,000	2	12,001 - 19,000	2
18,001 - 22,000	3	19,001 - 26,000	3
22,001 - 26,000	4	26,001 - 35,000	4
26,001 - 32,000	5	35,001 - 50,000	5
32,001 - 38,000	6	50,001 - 65,000	6
38,001 - 46,000	7	65,001 - 80,000	7
46,001 - 55,000	8	80,001 - 90,000	8
55,001 - 60,000	9	90,001 - 120,000	9
60,001 - 65,000	10	120,001 and over	10
65,001 - 75,000	11		
75,001 - 95,000	12		
95,001 - 105,000	13		
105,001 - 120,000	14		
120,001 and over	15		

Table 2

Married Filing Jointly		All Others	
If wages from **HIGHEST** paying job are—	Enter on line 7 above	If wages from **HIGHEST** paying job are—	Enter on line 7 above
$0 - $65,000	$550	$0 - $35,000	$550
65,001 - 120,000	910	35,001 - 90,000	910
120,001 - 185,000	1,020	90,001 - 165,000	1,020
185,001 - 330,000	1,200	165,001 - 370,000	1,200
330,001 and over	1,280	370,001 and over	1,280

Privacy Act and Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. The Internal Revenue Code requires this information under sections 3402(f)(2)(A) and 6109 and their regulations. Failure to provide a properly completed form will result in your being treated as a single person who claims no withholding allowances; providing fraudulent information may also subject you to penalties. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation, to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their tax laws, and using it in the National Directory of New Hires. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by Code section 6103.

The average time and expenses required to complete and file this form will vary depending on individual circumstances. For estimated averages, see the instructions for your income tax return.

If you have suggestions for making this form simpler, we would be happy to hear from you. See the instructions for your income tax return.

COUNTY OF LOS ANGELES
COMMUNITY AND SENIOR SERVICES

WORKFORCE INVESTMENT ACT (WIA)

WIA COMPLAINT AND RESOLUTION POLICIES AND PROCEDURES

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COUNTY OF LOS ANGELES
COMMUNITY AND SENIOR SERVICES
WORKFORCE INVESTMENT ACT

WIA COMPLAINT AND RESOLUTION POLICIES AND PROCEDURES

§ 100. DEFINITIONS.

For purposes of this document, the following definitions govern its interpretation. In the event of any omission or conflict in the definition or interpretation of any term defined within, it is agreed that such term or interpretation shall be made in a manner consistent with said terms as defined or explained in the Workforce Investment Act (WIA).

§ 101. "Complainant" shall mean the person or parties who is filing the grievance.

§ 102. "Respondent" shall mean the person or parties against whom the complaint is made.

§ 103. "Other Interested Party" shall mean a person or organization potentially affected by the outcome.

§ 104. "Recipient" is defined under Title 29 CFR Part 37 as any entity to which financial assistance under WIA Title I is extended, either directly from DOL or through the governor or another recipient. In addition, One-Stop partners are treated as "recipients" and are subject to the discrimination and equal opportunity requirements of Title 29 CFR Part 37, to the extent that they participate in the One-Stop delivery system.

§ 105. "Grievance or Complaint" shall mean an allegation of violation of one or more of the established WIA regulations, discrimination under the Equal Employment Opportunities Acts, the Civil Rights Acts, and Section 504 of the Rehabilitation Act of 1973.

§ 106. "Equal Opportunity Officer" shall mean the designated official assigned by the LWIA to be responsible for coordinating the obligations under these regulations.

§200. GENERAL PROVISIONS.

The County of Los Angeles has established the following policies and procedures pursuant to WIA Subpart F, Section 667.600-667.650. Also included are the procedures for filing complaints alleging discrimination under the Equal Employment Opportunities Acts, the Civil Rights Acts, and Section 504 of the Rehabilitation Act of 1973.

§ 201. Complainant(s). Complaints may be brought by any individual or organization including, but not limited to, WIA participant, staff of the County or service providers, applicants for participation, or any other interested persons affected by the local Workforce Investment System, including One-Stop partners and service providers.

§ 202. Type of Complaints. (a) Only a complaint which alleges a violation of the WIA Act, regulations, grant or other agreements under the Act, may be filed under the procedures developed by the County in accordance with Section 667.600 of the Act.

(b) Information and complaints involving criminal fraud, waste, abuse or other criminal activity shall be processed under the procedures outlined under **Section 500.**

(c) Complaints alleging discrimination on the basis of race, color, national origin, age, sex, including sexual harassment, citizenship, retaliation, or political affiliation or belief shall be processed in accordance with the procedures outlined under **Section 600.**

(d) Complaints alleging discrimination on the basis of disability shall be processed under the procedures outlined in **Section 700.**

(e) In any case where the alleged violation of the Act is also an alleged violation of another law, regulation, or agreement, nothing shall preclude an individual or an organization from filing a complaint under WIA in accordance with the procedures described herein.

§ 203. Status of Limitation. With the exception of complaints alleging fraud or criminal activity, the filing of a non-criminal complaint must be made within **one year** of the alleged occurrence.

§ 204. Procedure for Filing Complaint. Every complaint filed under Section 667.600 must be in writing before the official complaint resolution process will commence. The complaint must be signed, dated, and contain the following information:

(a) The full name, mailing address and telephone number (if any) of the complainant.

(b) The name, address, and telephone number of the employing agency, if complainant is a participant.

(c) The full name, address and telephone number of the respondent.

(d) A statement of the complaint.

(e) A clear and concise statement of the facts, including pertinent dates, constituting the alleged violations.

(f) Where known, the provisions under the WIA Act, the regulations or subgrant agreement believed to have been violated.

(g) A statement regarding what has been done to resolve the complaint at the employing agency or local level.

(h) The remedy complainant is seeking.

§ 205. Person and Place of Contact. The complaint must be filed with:

County of Los Angeles
Dept. of Community and Senior Services
3175 West Sixth Street
Los Angeles, CA 90020
Attn: Stacey Winters, Affirmative Action Coordinator

§ 206. Modification/Amendment.

(a) All time frames referred to in these procedures may be modified upon mutual written consent of the parties involved or by changes in applicable State or Federal rules and regulations.

(b) Prior to the hearing, the complainant may amend his or her complaint to correct technical deficiencies but is not to add issues. The amendment must be submitted in writing to the Affirmative Action Coordinator.

§ 207. Time of Filing. A complaint will be considered to have been filed when the WIA Affirmative Action Coordinator receives a written statement which provides all of the information required in Section 204. Assistance will be available to complainants to ensure that complaints are properly filed, and to ensure the availability, coordination, and promptness of all the steps in the

procedure. Complainant will be notified in writing throughout the process as to the next procedural step.

§ 208. Withdrawal of Complaint. A complaint once filed may be withdrawn only by written notice to the WIA Affirmative Action Coordinator and to re-file the same complaint at a later date will require the consent of the CSS Director or his designee. If the complainant fails to cooperate or is unavailable, the complaint may be dismissed upon reasonable notice to the last known address of the complainant.

§ 209. Confidentiality. The identity of any person who has furnished information relating to, or who is otherwise assisting in an investigation of a possible violation of the WIA Act shall be kept confidential to the extent possible, consistent with a fair determination of the issues.

§ 300. COMPLAINT RESOLUTION PROCEDURES.

A complaint shall be accepted only if the complainant alleges a violation of the Regulations, grant or other agreements under the WIA Act.

§ 301. Informal Resolution. After the complaint is accepted, the Hearing Officer will contact the complainant and respondent in an attempt to resolve the complaint informally. Attempts at informal resolution will commence within ten (10) working days of the date the complaint is filed.

§ 302. Administrative Hearing. If an informal resolution cannot be reached, an administrative hearing will be scheduled before a Hearing Officer. Such a hearing will be scheduled within 30 days of filing the complaint.

§ 400. HEARING PROCEDURE.

The hearing will be conducted by a Hearing Officer appointed by the Department of Community and Senior Services. The hearing will be conducted in an informal manner and will be recorded.

§ 401. Prior Hearing Notice.

(a) A written notice will be mailed by certified mail-return receipt requested, to the complainant and the respondent, to be received by both parties not later than ten (10) days prior to the hearing.

(b) The notice will contain the date of issuance, names of the parties involved, time, and place of the hearing, the manner in which it will be conducted, the issues to be decided, the rights of the parties involved.

§ 402. Other Interested Parties. Other interested parties may be given notice. The notice will outline the other interested parties participation in the hearing.

§ 403. Withdrawal. Any requests made to withdraw a complaint must be made in writing and received prior to the scheduled hearing.

§ 404. Rescheduling. A request to reschedule a hearing must be made in writing and must be for good cause.

(a) The Director of the Workforce Investment Area or her designee will make the final decision on such requests subject to acceptance by all parties of an extension of the 30 day requirement on scheduling a hearing and the 60 day requirement to make a final decision.

§ 405. Legal Representation. Any party may be represented by an attorney or other representative at their own expense. The County cannot appoint an attorney to represent either party nor can the County provide legal advice to either party.

§ 406. Witnesses and Evidence. Any party may bring witnesses and documentary evidence.

(a) Either party may have records or documents relevant to the issues produced by their custodian when such records or documents are kept by either party in the ordinary course of business.

(b) The complainant may request that employees and /or participants of the respondent who have knowledge of the pertinent facts be available to testify at the hearing.

(c) Requests for records, documents and/or persons serving as witnesses must be in writing and submitted to the Hearing Officer at least 10 working days prior to the date of the hearing.

(d) The request must specify which records, documents, and individuals are being sought and a concise statement of why such information and individuals are presumed to be relevant to the issue(s).

(e) The Hearing Officer will have the discretion to determine issues of relevancy at the time of the hearing.

(f) Failure on the part of either party to supply information and/or make persons available that have been requested may result in sanctions being imposed by the Hearing Officer and/or County.

(g) Any party may question any witness or parties, in accordance with due process and the Hearing Officer's discretion.

§ 407. Notice of Hearing Officer's Findings. All parties involved will be notified by writing of the recommendation(s) of the Hearing Officer, unless extended with the written consent of both parties.

(a) The written notification will be mailed first class to all parties and will include:

(1) A statement of the alleged violations and related issues;

(2) A synopsis of the facts;

(3) The decision on the issue and the reasons for the decision;

(4) A statement of the remedies to be applied and/or the corrective measure required, if any;

(5) A statement that the procedures delineated have been completed; and

(6) Notice of any party's right to request a review of the County's final determination by the State Review Panel within 10 days of the receipt of the decision.

(7) Request for review must be sent to:

Chief, Job Training Partnership Office
Employment and Development Department
800 Capitol Mall
Sacramento, CA 95814

§ 408. Request for State Panel Review. All requests for review must include the following information:

(a) The full name, mailing address and telephone number of the party requesting the review.

(b) The name, address and telephone number of the other party.

(c) A copy of the written decision rendered by the County of Los Angeles.

(d) A brief statement of why the request for review is being made and/or the section of the County's decision to be reviewed. If known, the statement should also include the provision(s) under WIA, the regulations or subgrant agreement believed to have been violated.

(e) A statement of the relief or remedy being sought.

§ 500. ALLEGATIONS OF FRAUD, WASTE, ABUSE OR OTHER CRIMINAL ACTIVITY

Information and complaints involving criminal fraud, waste, abuse, or other criminal activity must be reported immediately to the following department:

DOL Office of Inspector General
Office of Investigations, Room S5514
200 Constitution Avenue, NW
Washington, D.C. 20210

§ 600. DISCRIMINATION BASED ON EQUAL EMPLOYMENT OPPORTUNITIES ACT.

§ 601. General Provisions. This section deals with ***Resolutions of complaints alleging discrimination on the basis of race, color, national origin, sex (including sexual harassment, sexual orientation), religion, disability, political affiliation or belief, retaliation and citizenship, where applicable.***

§ 602. Background. The WIA Section 188 contains the nondiscrimination and equal opportunity provisions which prohibit discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIA Title I-financially assisted program or activity.

§ 603. Policies. The Los Angeles County Local Workforce Investment area (LWIA) has assured the U.S. Department of Labor (DOL) and the State of California Employment Development Department (EDD) that no registrant in the County's WIA Program will be discriminated against because of race, creed, color, national origin, age, sex (including sexual harassment), sexual orientation, disability, citizenship, or political affiliation or belief. This implies that:

a) No benefits may be denied a WIA participant because of race, creed, color, national origin, sex, sexual orientation, age, disability, citizenship, or political affiliation or belief while being registered, interviewed, counseled,

tested, or while working in a work activity or attending class as part of the program;

b) Each WIA participant must be provided the same opportunities to use all facilities available in the program as all other participants;

c) A discrimination complaint may be filed within 180 days of the alleged discrimination, either with the County of Los Angles, LWIA grant recipient (service provider), or with the Department of Labor, Civil Rights Center (CRC).

§ 604. Procedures for Filing Discrimination Complaints. Any person who believes that he/she or any specific class of individuals has been, or is being subjected to discrimination prohibited by the nondiscrimination and equal opportunity provisions of the WIA regulations may file a written complaint or a representative may file on his or her behalf. All complaints must be in writing and must contain the following information:

(a) Be signed by the complainant or his/her representative;
(b) Contain the complainant's name, address or other means of contacting him/her;
(c) Identify the Respondent; and
(d) Describe the Complainant's allegation in sufficient detail to allow the County EEO staff to determine whether : (1) LWIA or CRC has jurisdiction over the complaint; (2) the complaint was filed timely (i.e. within 180 days of the occurrence); and (3) the complaint has apparent merit (i.e. whether the allegations, if true, would violate any of the nondiscrimination and equal opportunity provisions of the WIA).

§ 605. Person and Place of Contact: Complaints filed with the Los Angeles County Workforce Investment Board (WIB) should be directly mailed to:

Los Angeles County Department of
Community and Senior Services
3175 West Sixth Street
Los Angeles, CA 90020-1708
Attn: Stacey Winters, Affirmative Action Coordinator

Complaints filed with the County of Los Angeles Workforce Investment Board (WIB) will be processed through the Department of Community and Senior Services (CSS). CSS will investigate and prepare a written report that will be sent to the complainant and the respondent to attempt to resolve the complaint informally within thirty (30) days of filing of the complaint.

CSS will also provide copies to each of the following State Offices:

- Equal Employment Opportunity Office
- Local Policy Guidance – Workforce Investment Division (WID)

§ 606. Alternative Dispute Resolution (ADR). The choice to use Alternative Dispute Resolution (ADR) procedures rests with the complainant.

(a) A party to the agreement reached under ADR may file a complaint with CRC in the event the agreement is breached. In such circumstances, the following rules apply:

(1) The non-breaching party may file a complaint with CRC within 30 days of the date on which the non-breaching party learns of the alleged breach;

(2) The CRC will evaluate the circumstances to determine whether the agreement has been breached. If the CRC determines that the agreement has been breached, the complainant may file a complaint with the CRC based upon his/her original allegation(s) and the CRC will waive the deadline for filing such a complaint.

(b) If the parties do not reach an agreement under ADR, the complainant may file directly with CRC pursuant to Title 29 CFR Sections 37.71 to 37.74.

§ 607. Administrative Hearing. If an informal resolution cannot be reached, the complainant may request an administrative hearing. The request for administrative hearing shall be within (5) days of the informal resolution meeting.

(a) The administrative hearing shall be scheduled before the EEO Officer. The administrative hearing shall be scheduled within 30 days of filing the request for hearing. A Notice of Final Action shall be issued by the County within 90 days of filing the complaint. The Notice of Final Action shall include notification of the right to file a complaint with the Department of Labor, Civil Rights Center (CRC).

(b) If the complainant wishes to file a complaint with CRC, he/she must wait until the County issues a decision or until 90 days have passed since the filing of the original complaint with the County.

(c) If after the 90 days above, the complainant is still dissatisfied with the resolution of the complaint, the complainant or his/her representative may file

directly with the CRC within 30 days of the date that the complainant received the Notice of Final Action from the County.

In the event that the complainant has not received the Notice of Final Action within 90 days of filing, the complainant may file the complaint with the CRC. In other words, the complaint must be filed with the CRC within 120 days of the date of which the complaint was filed with the County

§ 608. Notice of Lack of Jurisdiction. The County shall notify the complainant in writing immediately upon determining that it does not have jurisdiction over the complaint that alleges a violation of the nondiscrimination and equal opportunity provisions of WIA. The Notice of Lack of Jurisdiction shall include the basis for such determination, as well as, a statement of the complainant's right to file a written complaint with CRC within thirty (30) days of receipt of the Notice.

(a) The County, complainant, or a legal representative may contact CRC for information regarding the complaint filed.

§ 609. Procedure for Filing Discrimination Complaints with the Civil Rights Center (CRC). A complaint filed with the CRC must be done **within 180 days** of the alleged discrimination. The CRC, for good cause shown, may extend the filing time. In order to receive an extension, the Complainant must be notified by CSS that a waiver letter is to be filed with CRC. The waiver letter should include the reason the 180-day time period elapsed. The time period for filing is for the administrative convenience of the CRC and does not create a defense for the Respondent.

(a) Complaints filed with Civil Rights Center (CRC) should be mailed to:

Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue N.W., Room N-4123
Washington, D.C. 20210

(b) Complaints filed should be in writing. The complaint must be signed, dated, and contain the following information:

(1) Be signed by the complainant or his/her representative;
(2) Contain the complainant's name, address, or other means of making contact;
(3) Identify the respondent; and
(4) Describe the complainant's allegation in sufficient detail to allow CRC or CSS (County), as applicable, to determine whether: (a) CRC or CSS (County) has jurisdiction over the complaint (b) the complaint was filed

timely; and (c) the complaint has apparent merit, i.e. whether the allegations, if true, would violate any of the nondiscrimination and equal opportunity provisions of WIA.

(c) Each complainant and respondent has the right to be represented by an attorney or other individual of his/her choice.

§ 610. Actions by the Civil Rights Center. When a complaint filed contains insufficient information, CRC will seek the needed information from the complainant. If the complainant is unavailable after reasonable efforts have been made to reach him/her, or the information is not provided within the time specified, the complaint file may be closed without prejudice upon written notice sent to the complainant's last known address.

(a) The CRC (WIA Section 183 (c)) may issue a subpoena to the complainant to appear and give testimony and/or produce documentary evidence, before a designated representative, relating to the complaint under investigation. This procedure can be done at any place and time in the United States.

(b) Where the CRC lacks jurisdiction over the complaint, CRC shall notify the complainant and give the reason(s) for this determination.

(c) If the complainant alleges more than one kind of complaint, "joint complaint" e.g. individual employment discrimination, age discrimination, equal pay discrimination, etc., CRC shall refer such joint complaint to the **Equal Employment Opportunity Commission** for investigation and conciliation pursuant to Title 29 CFR, Parts 1690 or 1691.

§ 611. Allegations of Discrimination by One-Stop. Under the One-Stop delivery system where an allegation of discrimination is made against an entity that operates a program or activity financially assisted by a federal grant-making agency other than DOL, but participates as a partner in a One-Stop delivery system, the following procedures apply:

(a) If the complainant alleges discrimination on a basis that is prohibited both by Section 188 of WIA and by a civil rights law enforced by the grant-making agency, CRC and the grant-making agency have dual jurisdiction over the complaint. The CRC will refer the complaint to the grant-making agency for processing and the grant-making agency's regulation will govern the processing of the complaint.

(b) If the complaint alleges discrimination on the basis that is prohibited by Section 188 of WIA, but not by any civil rights laws enforced by the federal

grant-making agency, CRC has sole jurisdiction over the complaint and will retain and process the complaint per Title 29 Part 37.

§ 612. Initial and Final Determination by Civil Rights Center. After making a cause of finding, CRC shall issue an Initial Determination. This notice will inform the complainant and the County in writing of the following:

(a) The specific findings of the investigation.
(b) The corrective action to be applied and time for completion.
(c) The **Final Determination** represents DOL's final agency action on the complaint.

§ 613. Prohibition Against Using Federal Funds for Monetary Compensation. Monetary corrective action may not be paid from federal funds.

§ 700. DISCRIMINATION BASED ON SECTION 504 OF THE REHABILITATION ACT.

Complaints alleging discrimination on the basis of disability are to be filed directly with the Equal Employment Opportunity Office (EEOO) of the California Employment Development Department and mailed to the following address:

Chief, Equal Employment Opportunity Officer
California Employment Development Department
P. O. Box 942880, MIC 49
Sacramento, CA 94280-0001

§ 701. Statute of Limitation. Complaints must be made in writing within 180 days of the alleged violation(s).

WIACompl&ResIPolcs&Procs

ATTACHMENT 1

EQUAL OPPORTUNITY IS THE LAW

It is against the law for this recipient of federal financial assistance to discriminate on the following bases:

Against any individual in the United Stated, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and

Against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIA Title I financially assisted program or activity.

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

Deciding who will be admitted, or have access, to any WIA Title I financially assisted program or activity;

Providing opportunities in, or treating any person with regard to, such a program or activity; or

Making employment decisions in the administration of, or in connection with, such a program or activity.

ATTACHMENT 2

WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

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

The recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

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

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint with 30 days of the 90-day deadline (in other words, with 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on you complaint, but you are dissatisfied with the decision or resolution, you may file a complaint within 30 days of the date on which you received the Notice of Final Action.

ATTACHMENT 3

County of Los Angeles

Policy of Non-Discrimination On the Basis of Disability

It is against the law for this recipient of federal financial assistance to discriminate on the basis of disability in employment or in the admission and access to its services, programs or activities.

Pursuant to the Americans with Disabilities Act (ADA) the Depart has designated an ADA COORDINATOR to carry out the Department's compliance with nondiscrimination requirements of the ADA. Information concerning the provisions of the ADA and this Department's compliance from the Department's ADA COORDINATOR who may be contacted by asking to speak with Stacey Winters at:

Department of Community & Senior Services of Los Angeles County
(Department)

3175 West Sixth Street, Los Angeles, California 90020
(Address)

1-213-738-2604
(Telephone Number – Voice)

1-800-735-2929 (TTY) or 1-800-735-2922 (Voice)
(California Relay Service number)

WORKFORCE INVESTMENT ACT

COMPLAINT RESOLUTIONS POLICY AND PROCEDURES ACCEPTANCE FORM

I have been given a copy of Los Angeles County's Workforce Investment act Complaint Resolution Policies and Procedures. My signature below certifies that I have read and understand the procedures and will comply with the policies as a participant in the Workforce Investment Act funded Program.

_____ _____

Participant's Signature Date

_____

Participants Name (Print)

_____ _____

Staff Signature Date

_____

Staff Name (Print)

APPLICANT ACKNOWLEDGEMENT STATEMENTS

By my signature (Applicant), I state that all information I have given on the Workforce Investment Act Application Form is, to the best of my knowledge, true and complete.

USE OF SOCIAL SECURITY ACCOUNT NUMBER

I understand that the number will be used by the County of Los Angeles Workforce Investment Act (WIA) Agencies staff and its agents, the U. S. Department of Labor and its guarantees or contractors for payroll and management information tracking purposes, as well as to assist in determining and confirming my eligibility for Workforce Investment Act Employment/Training Services.

APPLICATION INFORMATION CONFIDENTIAL & SUBJECT TO REVIEW

I am aware that the information being collected on this form will be stored in a computer system and that all information is confidential. I allow the use and release of the information I have provided to those agencies serving me and I am aware that the information is subject to review and verification and that I may have to provide documents to support this application or sign a form(s) which will allow other agencies to provide this information to the County of Los Angeles.

PROTECTION AGAINST FRAUD

I further understand that either falsification of the information provided by me on the Workforce Investment Act Application form or a finding during the Verification and Certification Process of my ineligibility for WIA funded Employment/Training/Services shall be grounds for my termination from any program in which I may participate, and that I may be subject to actions for the collection of any monies received by me or prosecution under the law.

APPLICANT RIGHT TO REVIEW FILE

I further understand that, upon my written request, all information provided by me or collected by the County of Los Angeles or its agents or contractors through the next five years pertaining to my application or eligibility for, or participation in, WIA funded programs sponsored by the County of Los Angeles will be made available to me for review.

NEPOTISM PROVISION

I have been informed that I cannot be hired in, or accept, a public service employment position, funded by WIA, if a member of my immediate family is engaged in an administrative capacity for a County of Los Angeles WIA funded program.

CIVIL RIGHTS AND COMPLAINTS SUMMARY FORM

1. I hereby acknowledge receipt of a civil rights and complaints summary form.
2. Do you have any immediate relatives employed by the County of Los Angeles, a WIA contractor or other governmental agency?

   ___ Yes ___ No If YES, complete box #1
3. Please complete box #2

#!	#2 EMERGENCY CONTACT DATA
Name:_____	Name:_____
Relationship:_____	Street: _____
Employer:_____	City:_____ Zip:_____
Address:_____	Phone:_____
_____	

OMB No. 1615-0047; Expires 06/30/09

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-9, Employment Eligibility Verification

Read instructions carefully before completing this form. The instructions must be available during completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Verification *(To be completed and signed by employee at the time employment begins.)*

Print Name: Last	First	Middle Initial	Maiden Name
Address *(Street Name and Number)*		Apt. #	Date of Birth *(month/day/year)*
City	State	Zip Code	Social Security #

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following):

- ☐ A citizen of the United States
- ☐ A noncitizen national of the United States (see instructions)
- ☐ A lawful permanent resident (Alien #) _____
- ☐ An alien authorized to work (Alien # or Admission #) _____ until (expiration date, if applicable - *month/day/year*)

Employee's Signature | Date *(month/day/year)*

Preparer and/or Translator Certification *(To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.*

Preparer's/Translator's Signature	Print Name
Address *(Street Name and Number, City, State, Zip Code)*	Date *(month/day/year)*

Section 2. Employer Review and Verification *(To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number, and expiration date, if any, of the document(s).)*

	List A	OR	List B	AND	List C
Document title:					
Issuing authority:					
Document #:					
Expiration Date *(if any)*:					
Document #:					
Expiration Date *(if any)*:					

CERTIFICATION: I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on *(month/day/year)* _____ and that to the best of my knowledge the employee is authorized to work in the United States. (State employment agencies may omit the date the employee began employment.)

Signature of Employer or Authorized Representative	Print Name	Title
Business or Organization Name and Address *(Street Name and Number, City, State, Zip Code)*		Date *(month/day/year)*

Section 3. Updating and Reverification *(To be completed and signed by employer.)*

A. New Name *(if applicable)*	B. Date of Rehire *(month/day/year) (if applicable)*

C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment authorization.

Document Title: _____ Document #: _____ Expiration Date *(if any)*: _____

I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative	Date *(month/day/year)*

LISTS OF ACCEPTABLE DOCUMENTS

All documents must be unexpired

LIST A Documents that Establish Both Identity and Employment Authorization	OR	LIST B Documents that Establish Identity	AND	LIST C Documents that Establish Employment Authorization
1. U.S. Passport or U.S. Passport Card		1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address		1. Social Security Account Number card other than one that specifies on the face that the issuance of the card does not authorize employment in the United States
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)				2. Certification of Birth Abroad issued by the Department of State (Form FS-545)
3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa		2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address		3. Certification of Report of Birth issued by the Department of State (Form DS-1350)
4. Employment Authorization Document that contains a photograph (Form I-766)		3. School ID card with a photograph		
		4. Voter's registration card		4. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal
5. In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form		5. U.S. Military card or draft record		
		6. Military dependent's ID card		
		7. U.S. Coast Guard Merchant Mariner Card		5. Native American tribal document
		8. Native American tribal document		6. U.S. Citizen ID Card (Form I-197)
		9. Driver's license issued by a Canadian government authority		
		For persons under age 18 who are unable to present a document listed above:		7. Identification Card for Use of Resident Citizen in the United States (Form I-179)
6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI		10. School record or report card		8. Employment authorization document issued by the Department of Homeland Security
		11. Clinic, doctor, or hospital record		
		12. Day-care or nursery school record		

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)

COUNTY OF LOS ANGELES
COMMUNITY AND SENIOR SERVICES
CONSENT AND RELEASE AGREEMENT

I, _____, agree to the following:

1. I understand that provisions of law, including but not limited to Welfare & Institutions Code Section 10850, make information related to receipt of public social services confidential. I further understand that these laws protect the identity of applicants and recipients of public assistance, such as myself, from the unauthorized release of confidential welfare information.

2. I understand that my identity including my photograph and/or a videotape recording of me indicating that I am a recipient of public social services is confidential information.

3. I understand that the County would like to photograph persons receiving services through Community and Senior Services (CSS). I understand that I am not required to provide an interview or release any information to the media for this use.

4. I understand that by signing this agreement, the County may photograph, videotape, and release my identity for use in the CSS intranet, the CSS public website, a County Newsletter or other publication promoting County services and programs.

5. I understand that I have the right to give or withhold my permission to allow the County to photograph or videotape me, and that the decision on whether to permit the County to photograph or videotape me will not affect my ability to receive social service benefits.

6. I voluntarily consent and authorize the County of Los Angeles, its agents and employees to release my identity and any other confidential information provided by me for the purposes stated herein. I understand and agree that I will receive no money or other benefits from the County of Los Angeles or any other party as a result of consenting to the release of such information.

7. I agree to release the County of Los Angeles, its agents, and employees from any liability whatsoever, including for injuries, damages and losses, known or unknown, resulting from giving confidential information provided by me and about me to the media with my consent.

8. I acknowledge that before signing this consent and release agreement, I have carefully read and fully understand its terms.

9. I understand that I may cancel this authorization at any time by notifying *[please indicate name and contact information for contact person to cancel authorization]:*

_____

Print Name Phone Number

10. I understand that this release expires one year from the date of my signature.

_____	_____
Signature Date	Witness Signature Date
_____	_____
Print Name	Print Name
_____	_____
Home Address Phone Number	Phone Number

If signed by other than the applicant/recipient of services, state the relationship and authority to do so:

_____

Relationship Authority

Date: _____ Witness: _____

COUNTY OF LOS ANGELES
COMMUNITY AND SENIOR SERVICES
CONSENT AND RELEASE AGREEMENT

I, _____, agree to the following:

1. I understand that provisions of law, including but not limited to Welfare & Institutions Code Section 10850, make information related to receipt of public social services confidential. I further understand that these laws protect the identity of applicants and recipients of public assistance, such as myself, my child, or a minor in my custody from the unauthorized release of confidential welfare information.

2. I understand that the identity of my child or a minor in my custody including a photograph and/or a videotape recording of him or her indicating that he or she is a recipient of public social services is confidential information.

3. I understand that the County would like to photograph persons receiving services through Community and Senior Services (CSS). I understand that I am not required to provide an interview or release any information to the media for this use.

4. I understand that by signing this agreement, the County may photograph, videotape, and release the photograph of my child or a minor in my custody for use in the CSS intranet, the CSS public website, a County Newsletter or other publication promoting County services and programs.

5. I understand that I have the right to give or withhold my permission to allow the County to photograph or videotape me, my child, or a minor in my custody and that the decision on whether to permit the County to photograph or videotape me will not affect my ability to receive social service benefits.

6. I voluntarily consent and authorize the County of Los Angeles, its agents and employees to release my identity, my child's identity or the identity of a minor in my care, and any other confidential information provided by me for the purposes stated herein. I understand and agree that I will receive no money or other benefits from the County of Los Angeles or any other party as a result of consenting to the release of such information.

7. I agree to release the County of Los Angeles, its agents, and employees from any liability whatsoever, including for injuries, damages and losses, known or unknown, resulting from giving confidential information provided by me and about me to the media with my consent.

8. I acknowledge that before signing this consent and release agreement, I have carefully read and fully understand its terms.

9. I understand that I may cancel this authorization at any time by notifying *[please indicate name and contact information for contact person to cancel authorization]:*

_____

Print Name Phone Number

10. I understand that this release expires one year from the date of my signature.

_____	_____
Signature Date	Witness Signature Date
_____	_____
Print Name	Print Name
_____	_____
Home Address Phone Number	Phone Number

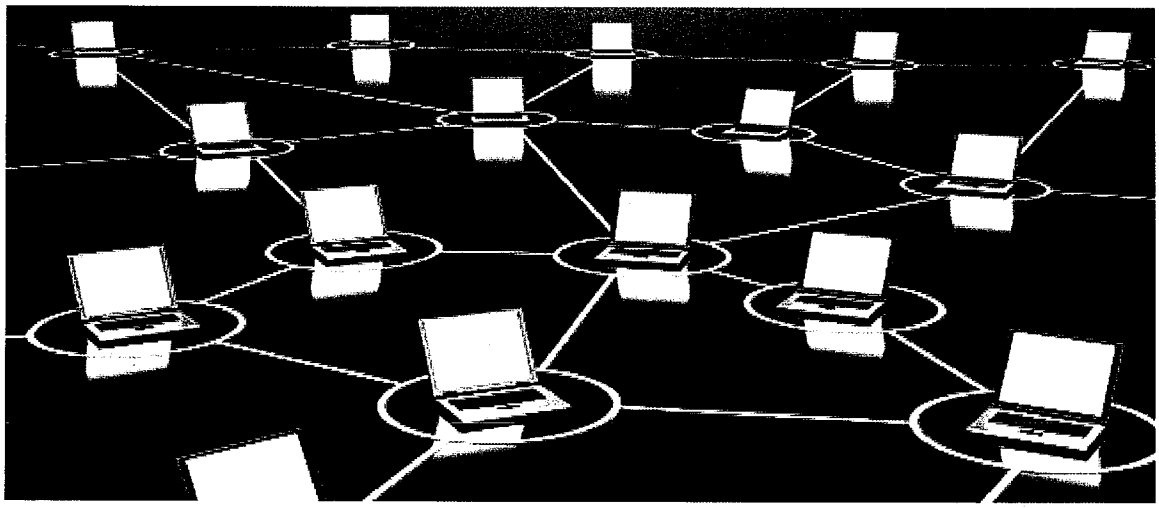
If signed on behalf of a minor state the relationship and authority to do so:

_____

Relationship to Minor Authority

Date: _____ Witness: _____

MIS Requirements



LOS ANGELES COUNTY
WIA/ARRA YOUTH
DIRECTIVE

Number:	**Subject:** American Recovery Reinvestment Act (ARRA) YOUTH JTA GRANT CODES and INVOICING
Date: April 24, 2009	**Effective Date:** Immediately — **Page 1 of 1**

TO: WIA/ARRA YOUTH CONTRACTORS

The purpose of this directive is to provide Youth contractors instructions for enrolling and tracking clients served with **American Recovery and Reinvestment Act of 2009 Funds, grant codes 107 and 103**.

The American Recovery and Reinvestment Act (ARRA) of 2009 provides significant funding for Workforce Investment Act (WIA) to support employment and training services as part of comprehensive program to stimulate the U.S. economy. These funds are to augment existing formula Youth funds. Financial and participant data for WIA/ARRA funds must be tracked separately from regular formula allocated funds.

Summer Youth Employment Program (SYEP) Grant Code- 107

In line with the WIA/ARRA's reporting requirements, it is imperative that grant code 107 be used for SYEP ONLY. The SYEP will run from May 1, 2009 through September 30, 2009. All participants enrolled under this grant code must be EXITED on or before September 30, 2009.

WIA/ARRA Youth Program Grant Code- 103

Again, given the stringent reporting requirements for WIA/ARRA, it is imperative that grant code 103 be used for WIA/ARRA traditional/year-round Youth Program ONLY. Participants who are EXITED from Grant Code 107 can be enrolled in Grant Code 103, if additional services are needed. **Concurrent enrollment under Grant Code 107 and 103 IS NOT ALLOWED**. The traditional/year-round WIA/ARRA Youth Program will run from May 1, 2009 through June 30, 2010. The intent of this program is to serve new participants. However, concurrent enrollment between **WIA Youth formula Grant Code 301 and Grant CODE 103 is permissible**.

Invoicing

In addition to the invoice submitted for participants served with formula allocated funds, separate invoices are required for participants served under both the WIA/ARRA traditional-year-round Youth Program and SYEP. The contract number annotated on invoices detailing contract charges should be preceded with assigned grant code (i.e. 103-Y12345 and 107-Y12345).

If you have any questions regarding this directive, please contact Maggie Mireles, Program Manager, at (213) 738-2198 or Irene Pelayo at (213) 351-5246, or by e-mail at ipelayo@css.lacounty.gov.

Josie Marquez, Executive Director
Workforce Investment Board

LOS ANGELES COUNTY
WIA Summer Youth Program
DIRECTIVE

Number: ARRA/WIA D09-09	**Subject: ARRA Summer Youth Employment Program**	
Date: 5/13/09	**Effective Date: Immediately**	**Page 1 of 2**

TO: WIA YOUTH CONTRACTORS:

The attached Employment Development Department (EDD) Draft Directive WSDD-21is being issued to provide the County's current WIA Youth Contractors guidance for the implementation of the Summer Youth Program funded by the American Recovery and Reinvestment Act (ARRA) of 2009.

Purpose

This draft directive provides federal and state guidance for the implementation of the Summer Youth Employment Program funded by the American Recovery and Reinvestment Act (ARRA) of 2009. This issuance provides direction on areas such as administration, procurement, eligibility, and program design.

The State is soliciting comments from the Workforce Development community. All comments received the end of the comment period will be considered before the final directive is issued. The EDD Workforce Services Branch does not respond individually to each comment received. However, a summary of comments will be released with the final directive. **Comments received by the EDD Workforce Services Branch after the specified due date will not be considered.**

Please refer to Employment Development Department (EDD) Draft Directive WSDD-21 for complete details.

Below is a hyperlink to EDD Draft Directive WSDD-21 concerning the guidance for implementation of ARRA Summer Youth Employment Program.

EDD Draft Directive WSDD-21

If you have any questions regarding this directive, please contact Francisco Perez at (213) 739-7327 or at fperez@css.lacounty.gov or Barbara Banck at (213) 351-8924 or bbanck@css.lacounty.gov.

This Directive and attachments will be available on www.worksourcecalifornia.com.

Josie Marquez, Executive Director
Workforce Investment Board

Attachment

DRAFT

Employment Development Department
State of California

DRAFT DIRECTIVE TRANSMITTAL
WORKFORCE SERVICES

Number: WSDD-21
Date: May 6, 2009

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: ARRA SUMMER YOUTH EMPLOYMENT PROGRAM

[X] IMMEDIATE ACTION
Bring this draft to the attention of the appropriate staff.

[X] E-MAIL COPY TRANSMITTED
Number of pages (including coversheet): 10
If there are any problems with this transmittal, please call the Pagemaster at 916/654-8008.

SUBJECT MATTER HIGHLIGHTS:

This directive provides federal and state guidance for the implementation of the Summer Youth Employment Program funded by the American Recovery and Reinvestment Act of 2009.

COMMENTS ARE DUE BY: May 21, 2009

Comments can be submitted through one of the following ways:

1) **Fax** — WSD, Attention: Georganne Pintar at 916/654-9586
2) **E-Mail** — Georganne.Pintar@edd.ca.gov (Include "draft comments" in the subject line)
3) **Mail** — WSD / P.O. Box 826880 / MIC 69 / Sacramento, CA 94280-0001

All comments received by the end of the comment period will be considered before the final directive is issued. The Workforce Services Branch does not respond individually to each comment received. However, a summary of comments will be released with the final directive. **Comments received after the specified due date will not be considered.**

If you have any questions, contact the Workforce Services Division at (916) 654-7611.

DRAFT DIRECTIVE

WORKFORCE SERVICES

Number:

Date:

50:10:tb:12746

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: ARRA SUMMER YOUTH EMPLOYMENT PROGRAM

EXECUTIVE SUMMARY:

Purpose

This directive provides federal and state guidance for the implementation of the Summer Youth Employment Program funded by the American Recovery and Reinvestment Act (ARRA) of 2009. This issuance provides direction on areas such as administration, procurement, eligibility, and program design.

Scope

This directive applies to Local Workforce Investment Areas (LWIAs) and subrecipients of ARRA funds.

Effective Date

This directive is effective on date of issuance.

REFERENCES:

- Workforce Investment Act (Public Law 105-220)
- American Recovery and Reinvestment Act (ARRA) (Public Law 111-5)
- Wagner-Peyser Act, as amended, United States Code, Title 29, Section 49, et seq.
- Code of Federal Regulations (CFR), Title 20, Part 664 (WIA Youth Activities), et al. (August 11, 2000)
- CFR, Title 20, Part 1010 (Veterans)
- Department of Labor (DOL) Training and Employment Guidance Letter (TEGL) 13-08, Allotments for Training and Employment Services as Specified in the American Recovery and Reinvestment Act of 2009 (March 6, 2009)
- DOL TEGL 14-08, Guidance for Implementation of the Workforce Investment Act and Wagner-Peyser Act Funding in the American Recovery and Reinvestment Act of 2009 and State Planning Requirements for Program Year 2009 (March 18, 2009)

EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Special requests for services, aids, and/or special formats need to be made by calling (916) 654-8055 (Voice). TTY users, please call the California Relay Service at 711.

- DOL TEGL 43-08, Change 1, Guidance for Implementation of the Workforce Investment Act and Wagner-Peyser Act Funding in the American Recovery and Reinvestment Act of 2009 and State Planning Requirements for Program Year 2009, Change 1 (April 15, 2009)
- DOL TEGL 17-05, Common Measures Policy for the Employment and Training Administrations (ETA) Performance Accountability System and Related Performance Issues (February 17, 2006)
- DOL Training and Employment Notice 30-08, Overview of the Employment and Training Administration's Implementation Strategy for Workforce Investment Act and Wagner-Peyser Funding under the American Recovery and Reinvestment Act of 2009 (March 4, 2009)
- California Labor Code, Sections 1285 -1312, 1390 -1399
- California Unemployment Insurance Code, Section 629 - 657
- California Department of Industrial Relations, 2000 Child Labor Laws booklet www.dir.ca.gov/dlse/ChildLaborPamphlet2000.html
- Workforce Investment Act (WIA) Directive WIAD04-18, Title I Eligibility (March 29, 2005)
- Workforce Services Information Notice WSIN08-5, Proposed Waiver request for WIA Summer Youth Program Procurements (April 24, 2009)
- Workforce Services Information Notice WSIN08-56, ARRA Youth Formula Fund Grant Codes (April 30, 2009)

STATE-IMPOSED REQUIREMENTS:

This directive contains some state-imposed requirements. These requirements are indicated in ***bold, italic print***.

FILING INSTRUCTIONS:

This directive applies to the 2009 Summer Youth Employment Program only, which operates from May 1 through September 30, 2009.

BACKGROUND:

The intent of the ARRA, signed by President Obama on February 17, 2009, is to preserve and create jobs, promote the nation's economic recovery, and to assist those most impacted by the recession. The ARRA provides an opportunity for disconnected youth to reconnect through multiple pathways to education and training opportunities necessary to enter and advance in the workforce.

The Department of Labor TEGL13-08 provided states with stimulus allotments under ARRA to supplement Program Year 2008 funds for WIA Title I Adult, Dislocated Worker and Youth Activities, and Employment Service activities, as required by Wagner-Peyser

Act, and to provide Reemployment Service allotments. By formula allocation, the State of California allotted $387,611,484 to its LWIAs, with $158,628,729 targeted for youth.

The Employment and Training Administration (ETA) and Governor Schwarzenegger strongly encourage the LWIAs to use as much of these funds as possible to operate expanded youth employment opportunities during the summer of 2009. To implement the Congressional intent, the State also encourages LWIAs to be flexible in the implementation of a summer employment program. Although funds will be available until June 30, 2011, there is an expectation that more youth will be served during the summer, and that the majority of funds will be spent on youth employment activities that include a work experience component.

POLICY AND PROCEDURES:

Months of Operation

For purposes of ARRA, the period of "summer" is May 1 through September 30, 2009.

Youth may also be concurrently enrolled in other WIA youth, adult or dislocated worker programs. Participants must meet the age, income, and other eligibility requirements for the respective programs.

Procurement

Federal regulations state at 20 CFR 664.610 that chief elected officials and Local Workforce Investment Boards are responsible for ensuring that the local youth program provides summer employment opportunities to youth. The chief elected officials are grant recipients for the youth funds, unless another entity is the grant recipient or fiscal agent. If providers other than the grant recipient/fiscal agent provide summer employment, these providers must be selected through a competitive process.

The State encourages local areas to explore emergency or expedited processes that meet applicable federal, state, and local laws and policies. To meet the youth procurement requirements in WIA Section 123, the LWIAs should document all actions or steps taken to fulfill these mandates.

The California Workforce Investment Board plans to submit a waiver request, as detailed in Information Notice WSIN08-55, to Department of Labor for WIA summer youth procurements. The goal of the waiver is increased flexibility in contracting and expending ARRA funds on summer youth employment activities. While the waiver request must be approved by the Department of Labor, all indications are the waiver will be granted.

Eligibility

Youth must meet WIA eligibility requirements to participate in the Summer Youth Employment Program. For purposes of eligibility under ARRA, the term "eligible youth" means an individual who:

1. Is not less than 14 or more than 24 years of age;
2. Is a low-income individual as defined in WIA Section 101[25]; and

3. Is within one or more of the following categories:
   - Deficient in basic literacy skills;
   - School dropout;
   - Homeless, runaway, or foster child;
   - Pregnant or parenting;
   - Offender; or
   - Is an individual (including a youth with a disability) who requires additional assistance to complete an educational program, or to secure and hold employment (WIA Section101 [13]).

Program Design

The summer program may include any set of allowable WIA youth services that occur during the defined summer months as long as it includes a work experience component. The LWIAs will not be required to operate or expend ARRA funds on all ten program elements. This allows LWIAs the flexibility to determine which program elements to focus on while providing as many youth as possible with summer employment opportunities.

The requirement that LWIAs expend a minimum of 30 percent of funds on out-of-school youth applies to all ARRA funding, including summer youth activities. The LWIAs must ensure that a minimum of 30 percent of funds are used for serving out-of-school youth. For older and out-of-school youth transitioning to the workplace following work experience, the Work Opportunity Tax Credit (WOTC) program may be an incentive for employers to hire these youth. The ARRA expands WOTC to include disconnected youth ages 16 to 24 years of age who are not regularly attending school, not readily employed, and lacking basic skills. Specific criteria and methods for documenting youth in this category will be forthcoming.

The LWIAs have the flexibility to determine the appropriate type of assessment and Individual Service Strategy (ISS) for youth served with ARRA funds during the summer months only. A full objective assessment and comprehensive ISS as specified in WIA regulations is not required.

The LWIAs have the flexibility to determine what, if any, academic needs should be addressed for these summer-only participants. Also, local programs will not be required to assess basic skills level for out-of-school youth participating in summer employment as part of the objective assessment.

When considering expanded summer employment opportunities, LWIAs should consider the following program design elements outlined in TEGL 14-08:

- Incorporating Age Appropriate Activities and Establishing Work Readiness Goals

  Summer employment activities should be designed to encourage participants to take responsibility for their learning, to understand and manage their career options, and to develop social skills and a maturity level that will help them interact positively with others. This is especially true for at-risk students and high school drop-outs since summer employment may be one of the few opportunities they come across to learn how to enter the world of work. These efforts should rely on developmentally or age

appropriate strategies. Consequently, the services provided to these youth participants and the work readiness goals set for them should be age appropriate.

- Conducting Meaningful Work Experience

  Work experience is the core component of a summer employment program. The LWIAs should ensure that worksites introduce and reinforce the rigors, demands, rewards, and sanctions associated with holding a job. The LWIAs need to make a concerted effort to match worksites with the interests and goals of the participants. Work experience provided to summer youth participants should be structured to impart measurable communication, interpersonal, decision-making, and learning skills.

- Establishing Positive Worksites

  The LWIAs should seek employers who are committed to helping participants receive the experience and training required to meet the work readiness goals set for summer youth participants. The DOL recommends selecting employers that are willing to work closely with program staff. It is critical that LWIAs ensure proper worksite supervision in cooperation with both worksite supervisors and program monitors. LWIAs should consider a combination of public sector, private sector, and non-profit summer employment opportunities.

  The LWIAs should ensure that work experience opportunities do not unfavorably affect current employees and do not impair existing contracts for services or collective bargaining agreements. Additionally, participants in work experience should not displace current employees or replace the employees who were previously laid off from the respective worksites. Work experience is intended to increase work readiness skills of participants and not impact the profit margin of a for-profit company.

  The ARRA funds cannot be used to support summer jobs at the following facilities or worksites: casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

- Integrating Work-Based and Classroom-Based Learning Activities

  In some situations, LWIAs may want to complement work experience with classroom-based learning so that youth receive assistance in developing and refining attitudes, values, and work habits that contribute to their success in the workplace. For the appropriate youth, a combination of work-based and classroom-based learning activities may be needed to provide basic skills instruction, career exploration, and life skills training.

- Connecting to Registered Apprenticeships

  Pre-apprenticeship programs represent a hands-on training experience that provides an introduction to the skills and knowledge needed in a potential career field and prepares young adults to be eligible for formal apprenticeship programs. Summer employment opportunities can include these introductory programs and combine basic technical skills training in the classroom with experience on the worksite or through a work experience or internship.

The LWIAs can contact the Department of Industrial Relations, Division of Apprenticeship Standards, to determine how to best coordinate a pre-apprenticeship or pre-employment training program. The Internet site is: www.dir.ca.gov/databases/das/descOfAppr.html#Description

- Linking Academic and Occupational Learning

  Under WIA regulations at 20 CFR 664.600, LWIAs are required to offer summer youth employment opportunities that link academic and occupational learning. The LWIAs have the flexibility to determine for each youth participant whether academic learning must be directly linked to a summer employment opportunity. LWIAs may choose to have a direct link between summer employment and academic learning when deemed appropriate for such individuals. The DOL encourages local areas to link summer employment to academic learning for summer employment participants who do not have a high school diploma.

- Continuing Services Supporting Older/Out-of-School Youth during Non-Summer Months

  Out-of-school youth, ages 16 through 24 years, experience among the highest rates of unemployment and their future labor market prospects are poor given their lack of education and work experience. The DOL encourages LWIAs to develop strategies to engage this population.

- Focusing on Youth Most in Need

  The DOL and the Governor strongly encourage LWIAs to focus services on the youth most in need including: out-of-school youth and those most at risk of dropping out, youth in and aging out of foster care, youth offenders and those most at risk of court involvement, homeless and runaway youth, children of incarcerated parents, migrant youth, Indian and Native American youth, and youth with disabilities.

  Priority of service for veterans and eligible spouses applies to the summer program. This requirement is outlined in 20 CFR Part 1010, which are regulations implementing priority of service for veterans and eligible spouses in Department of Labor job training programs under the Jobs for Veterans Act published at 73 Fed. Reg. 78132 on December 19, 2008.

- Conducting Twelve-Month Follow-Up

  The LWIAs have the flexibility to determine if and when the 12-month follow-up requirement is applicable for youth served with ARRA funds during the designated summer months. The LWIAs should provide follow-up services when deemed appropriate for such participants.

- Incorporating Green Work Experiences

  Opportunities for skilled workers in the fields of solar, geothermal, wind power design, and the use of environmentally-friendly building materials means increased job opportunities for youth who have exposure to work experience that equip them with "green" knowledge. Conservation and sustainability efforts representing existing green work can be used to provide training and work opportunities in areas such as retrofitting public buildings, construction of energy efficient, affordable

housing, solar panel installation, reclaiming of public park areas, or recycling of computers.

Performance

The work readiness portion of the original Youth Skill Attainment Rate, referenced in Section 136(b)(2)(A)(ii), will be the performance indicator used for youth that participate in summer work experience. The basic and occupational skills portions of the Skill Attainment Rate and the Literacy/Numeracy Gains measure will not be required for youth that participate in summer employment only. In addition, no other WIA or common measure indicator will be required for youth in summer employment only. However, clients co-enrolled into the ARRA year-round program or WIA Youth formula funds are subject to all of the Youth Common Measures. To support LWIAs efforts to serve youth most in need, the State is considering a waiver request to remove summer youth participants, co-enrolled in the year-round ARRA program, from the Common Measures performance outcomes. This waiver will not apply to co-enrollment in the WIA Youth formula funds.

For reporting purposes, LWIAs will be required to track the number of participants enrolled in summer employment and the work experience completion rate of those in summer employment [i.e., (the number of youth who complete their summer employment work experience, divided by the number of youth who participate in summer employment) multiplied by 100 percent].

The Work Readiness Skills Goal, as specified in TEGL 17-05, Attachment B – Definition of Key Terms, includes a measureable increase in work readiness skills including world-of-work awareness, labor market knowledge, occupational information, values clarification and personal understanding, career planning and decision making, and job search techniques. They also encompass survival/daily living skills, positive work habits, attitudes and behaviors, showing initiative and reliability, and assuming the responsibilities involved in maintaining a job.

Youth participating in the ARRA-funded summer youth program only will be included in the Youth Recovery Act report. Guidance will be provided by DOL in an upcoming Recovery Act Performance and Reporting TEGL.

Reporting

In the Job Training Automation (JTA) system, youth enrolled in the ARRA summer program should be reported as participants under Grant Code 107. Youth participants enrolled in the year-round ARRA program should be reported under Grant Code 103. If the summer youth participants require ARRA funded services after the end of summer program, they should be co-enrolled into Grant Code 103, or they may be co-enrolled in WIA funded services, such as Grant Code 201 (adults 18 and over), Grant Code 301 (youth 14 – 21), and/or Grant Code 501 (dislocated workers 18 and over) depending on the respective eligibility requirements.

All ARRA youth expenditures should be reported under Grant Code 103.

Eligibility code "K" on the JTA application screen will be used to identify ARRA youth. It uses the same eligibility criteria as codes "F" and "G" but extends youth eligibility to age 24 years. The "K" eligibility code will be available after the May 8, 2009, JTA release.

For additional reporting information, please refer to the Workforce Services Information Notice WSIN08-56 - ARRA Youth Formula Fund Grant Codes.

Compensation

- Wages

  Funds may be used to pay wages and related benefits for work experiences in the public, private, for-profit, or non-profit sectors.

  Minors must be paid at least the minimum wage and applicable overtime rates established by the California Industrial Welfare Commission [LC 1197, IWC Orders Section 4]. California's current minimum wage is $8.00 per hour.

  Employers who are subject to the federal Fair Labor Standards Act (and most are) must pay the applicable federal minimum wage and overtime rates [29 USC 206,207,214]. Whenever state and federal wage standards differ, the higher wage must always be paid [LC 1182, 29 USC 218].

  High school graduates or equivalent must be paid commensurate with adults when they perform the same quantity, quality, and classification of work. This includes wage rates that are above the minimum wage [LC 1391.2].

- Stipends

  The LWIAs may provide stipends to youth in a classroom-based component of a summer employment opportunity. The LWIAs must have a policy that outlines guidelines and procedures for the payment of classroom-based stipends.

Workplace Guidelines

The State Department of Industrial Relations (www.dir.ca.gov), Division of Labor Standards Enforcement, administers the Child Labor Laws in California (www.dir.ca.gov/dlse/ChildLaborPamphlet2000.html). These laws govern wages, work permits and hours, and working conditions for youth. A synopsis of applicable sections is as follows:

- Permits to Employ and Work

  Except under limited circumstances, all minors under 18 years of age employed in the state of California must have a permit to work. The federal Fair Labor Standards Act also requires a certificate of age for working minors.

  Schools and/or district offices issue Permits to Employ and Work. After an employer agrees to hire a minor, the minor obtains a form titled "Statement of Intent to Employ Minor and Request for Work Permit." The form is completed by the minor and the employer, and signed by the minor's parent or guardian and the prospective

supervisor. The school or district office then issues the permit on submission of the completed form.

Employers must have Permits to Employ and Work on file available for inspections by school and labor officials at all times. Permits are always required, even when school is not in session. The Local Workforce Investment Area or its subrecipient must ensure the employer of record has a copy of the work permit on file.

- Job Safety and Working Conditions

  The California Child Labor Laws also contain child labor restrictions to ensure youth are not assigned to activities that violate these standards or restrictions. Some of the areas covered are restricted and prohibited occupations, employer requirements, and penalties for violating child labor laws. A copy of the complete text is available at www.dir.ca.gov/dlse/ChildLaborPamphlet2000.html).

Unemployment Insurance Coverage

According to the California Unemployment Insurance Code Section 634.5 (see UI Code), youth in the summer program may be excluded from the requirement to provide Unemployment Insurance coverage. Accordingly, an organization serving as the employer of record may choose to provide summer youth participants Unemployment Insurance coverage, but it is not required.

Oversight

The oversight requirements delineated in the WIA regulations, 20 CFR 667.410, apply to all ARRA funds. The LWIAs must conduct oversight and monitoring of their activities, including those of subrecipients and contractors. Oversight and monitoring should determine whether or not there is compliance with programmatic, accountability, and transparency provisions of ARRA and other federal and state guidelines.

The Employment Development Department's Compliance Review Office will conduct on-site monitoring of the summer youth employment program, including reviews of the LWIAs, subrecipients, and worksites.

ACTION:

This directive requires immediate implementation.

INQUIRIES:

If you have any questions, please contact your Regional Advisor at (916) 654-7799.

/S/ Bob Hermsmeier
Chief
Workforce Services Division

Payroll and Insurance

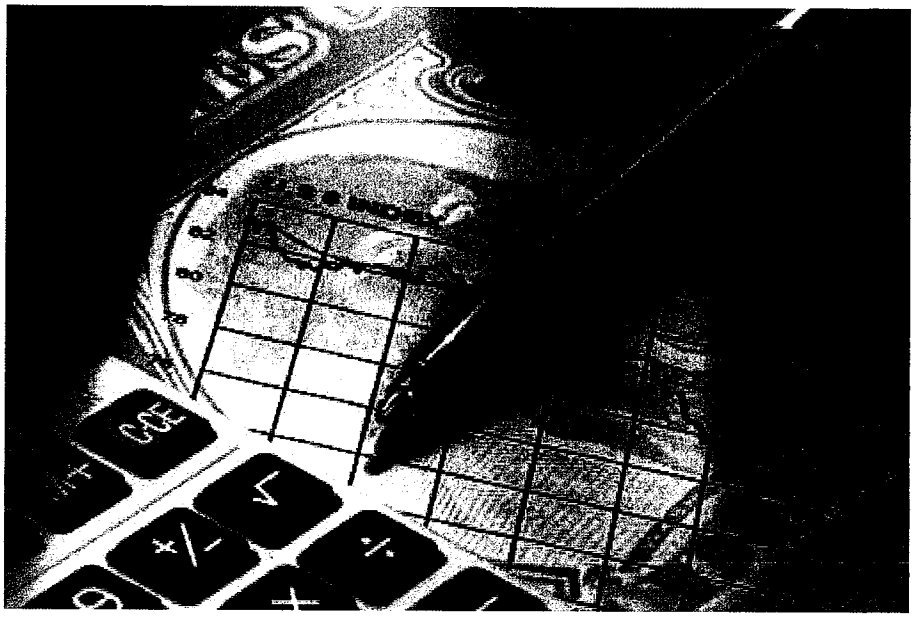
WIA/ARRA
Summer Youth Employment Program (SYEP)
PAYROLL

Contractors will serve as employer of record. Contractors are responsible for establishing and carrying out payroll processes. Young adults will not be paid for lunch or hours not at work. The cost reimbursement period for subsidized summer employment activities will end no later than September 30, 2009.

CONTRACTOR PAYROLL PROCESS MUST INCLUDE:

- Guideline for processing payroll which includes time sheet due dates and check delivery dates.
- Who will be processing payroll; whether it is contractor staff, or payroll service.
- Ensure that each youth is covered by worker's compensation, unemployment insurance, FICA, and disability, as applicable.
- Ensure appropriate income tax deductions are made from youth payroll, as applicable.
- Process for timesheets collection, review and submission to payroll department or agency.
- Assurance that participants' will receive paychecks in a timely manner, according to established payroll schedule.

Program Reporting



WIA/ARRA Summer Youth Employment Program (SYEP)

Program Reporting

Federal and State Requirements

All federal guidance currently available regarding WIA/ARRA reporting indicates that it will be separate from that currently required. TEGL 14-08 (issued March 18, 2009) indicates the following regarding program and performance reporting.

Accountability guidelines provided by the Office of Management and Budget for the Recovery Act emphasize data quality, streamlining data collection, and collection of information that shows measurable program outputs. ETA is developing reporting guidelines for these funds with the intent to minimize any new collection burdens. Final guidance on participant and performance reporting will be issued under a separate TEGL. To the extent that new information or reports are required for Recovery Act activities, ETA will seek Office of Management and Budget (OMB) clearance through the Paperwork Reduction Act process.

TEGL 17-08 regarding WIA/ARRA Financial Reporting Requirements (issued April 23, 2009)

The Recovery Act in Section 1512 requires additional reporting from recipients of Federal funding. The Recovery Act defines "recipient" as any entity that receives Recovery Act funds directly from the Federal Government (including Recovery Act funds received through grants, loans, or contracts) other than an individual and includes a State that receives Recovery Act funds. As required by Section 1512 of the Recovery Act, each recipient must report grant award and expenditure information within 10 days after the end of each calendar quarter, starting on *October 10, 2009*. The second installment of government-wide guidance issued by OMB for the Recovery Act funds provides more detail on specific data collection requirements and how the data collection for this reporting will work government-wide. ETA will issue separate guidance on these reporting requirements when finalized. This reporting requirement will be in addition to required quarterly financial reporting to ETA.

Additional federal guidance is expected. State reporting requirements are expected to reflect requirements established by the federal government.

Local Requirements

In addition to collecting financial and MIS data in accordance with State and federal requirements, the County will also request data on local programs and services, including anecdotal data on successes of individual projects, services and participants. Contractors should plan to regularly collect such information so that it can be reported to the County, along with State and federal agencies.

LOS ANGELES COUNTY
WIA Summer Youth Program
DIRECTIVE

Number: ARRA/WIA D09-10	**Subject: ARRA WIA Summer Youth Employment Program - Weekly SYEP Activities Tracking Report (WSATR)**
Date: 5/19/09	**Effective Date: Immediately** **Page 1 of 2**

TO: WIA YOUTH CONTRACTORS:

Purpose

This directive provides guidance for the implementation of the WIA Summer Youth Employment Program (SYEP) funded by the American Recovery and Reinvestment Act (ARRA) of 2009. A major component of ARRA is transparency and accountability. This will be reflected in monitoring and tracking of activities funded by ARRA.

The purpose of this directive is to inform the WIA/ARRA SYEP providers of the following:

The Weekly SYEP Activities Tracking Report (WSATR) will be **due each Friday by noon**. The report will be in an Excel format and will reflect the activities from Friday through Thursday of the previous week.

The first report will be due Friday, May 22, 2009 by noon. This first report will include all activities through Thursday, May 21, 2009. Include all applications that your agency has received for your WIA/ARRA SYEP. Some of you started recruiting prior to May 1 but it is important that you include all information regarding the results of your recruitment efforts. The SYEP Universal Application was released on May 13, 2009 in Directive WIA/ARRA D09-08. Youth that have used the Universal Application will be counted in Category 1. Youth that applied prior to May 13, 2009 would not have had access to the SYEP Universal Application and will be counted in Category 1a.

The WSATR is attached to this directive and will be e-mailed to your agency. The agency will populate the fields with the **aggregate number** that totals the participant information in each category for that week.

The WSATR lists the following sixteen categories:

1. Number of Universal Applications
   1a. Number of Youth applications completed prior to 5/13/09
2. Number of Enrollments
3. Supervisorial District of youth participant (1 thru 5)
4. Number of Youth with a Facebook/MySpace Address

5. Age Range:
    i. 14 to 17yrs
    ii. 18 to 24yrs
6. Gender
    i. Male
    ii. Female
7. Number of Youth with Limited English
8. Number of Youth with a Felony
9. Number of Youth on Probation
10. Number of Youth still attending School
11. Number of Youth Receiving Food Stamps or Cash Aid
12. Number of Youth who are Homeless
13. Number of Youth who are Runaways
14. Number of Youth who are or were in Foster Care
15. Number of Youth who Started Work Experience
16. Number of Youth who Completed Work Readiness Outcome

With the exception of categories 1a, 2, 15 and 16, the remaining categories can be determined from the Universal Application.

Each agency will e-mail the WSATR to bbanck@css.lacounty.gov by noon each Friday. The e-mail Subject line will read WSART with either the agency name or initials and the date of the Friday on which the report is transmitted.

This Directive and attachments will be available on www.worksourcecalifornia.com.

If you have any questions regarding this directive, please contact Barbara Banck at (213) 351-8924 or by e-mail at bbanck@css.lacounty.gov.

Josie Marquez, Executive Director
Workforce Investment Board

Attachments

WIA/ARRA
Weekly SYEP Activities Tracking Report (WSATR)
(Due By Noon On Friday)

Agency MIS Code: _____

Agency Name: _____ Date: _____ *(mm/dd/yy)*

APPLICATION INFORMATION

1. Number of Universal Applications Completed: _____
   1a. Number of Applications prior to 5/13/09: _____
2. Number of Enrollments: _____
3. Supervisorial District: 1st 2nd 3rd 4th 5th _____

DEMOGRAPHIC INFORMATION

4. Number of Youth with a Facebook/MySpace Address: _____
5. Age Range:
   a. 14 to 17 _____
   b. 18 to 24 _____
6. Gender:
   a. Male _____
   b. Female _____
7. Limited English:
   Yes _____
   No _____
8. Number of Youth with Felony: _____
9. Number of Youth on Probation: _____

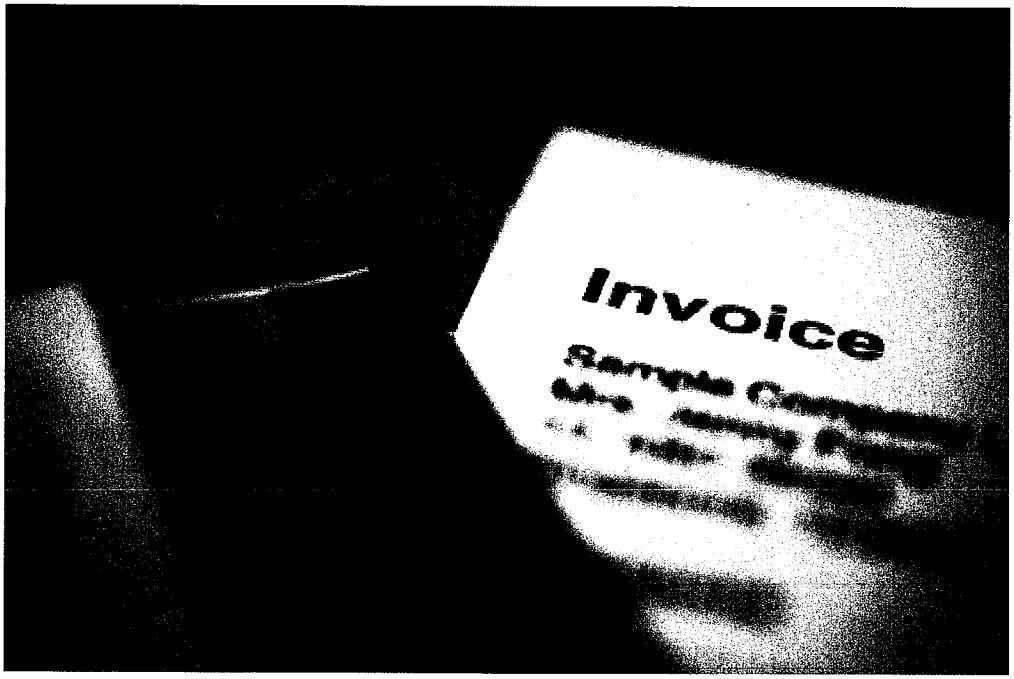
FAMILY STATUS

10. Number of In-School Youth:
    Yes _____
    No _____
11. Receiving Food Stamps/Cash aid: _____
12. Homeless: _____
13. Runaway: _____
14. Foster Care: _____

WORK EXPERIENCE/READINESS STATUS

15. Started Work Experience: _____
16. Complete Work Readiness: _____

Invoicing



Attachment A

COUNTY OF LOS ANGELES-COMMUNITY AND SENIOR SERVICES
WORKFORCE INVESTMENT ACT
INVOICE

Agency:			CSS STAFF USE ONLY	
Address:			CMD Review: Date:	Approval: Date:
City: State: Zip:			Fiscal Review: Date:	Approval: Date:
Program:	Contract No.:		Amount Paid:	Encumbrance No.:
Request Period:	Request No.:		Note:	

		TOTALS
A	Current Budget	
B	Cash Received/Invoiced	
C	Cash Disbursed	
D	Cash Balance	
E	Cash Requested	
A-C	Available Balance	

ACCRUALS

QT 1	QT 2	Closeout

I certify that the information in this statement is correct to the best of my knowledge and the expenditures reflected herein are made in accordance with conditions of the subcontract. I also certify that all required payroll tax and income tax monies have been withheld from wages of persons employed by this organization to this date, and such funds have been held in a reserve fund or transmitted to local, state or federal officials as required by appropriate laws. I, as the authorized representative for this agency, by submitting this document attest to the truth and authenticity of the claims made and support documents represented.

Prepared By: _____ Title: _____

Date: _____ Phone: _____

Authorized Signature: _____ Date: _____

COMMUNITY AND SENIOR SERVICES
WIA/ARRA
SUMMER YOUTH EMPLOYMENT PROGRAM
MONTHLY FUND REQUISITION

Agency Name: _____

Program: _____

Contact No: _____

Prepared By: _____

Contract No: _____

Request Period _____

Fiscal Year: _____

Charges Line Item Budget Personnel- Costs	Budget A	In-School 60% B	Out-of-School 40% C	Current Month (E) B+C	Prior Month/s (F)	YTD Expenditure (G) E+F	Available Balance (H) A-G
Staff Salaries & Wages							
Staff Fringe Benefits							
Sub-Total Personnel Costs							
Non- Personnel Costs							
Faclity (Rent)							
Utilities (Telephone, Gas, Water, Electricity)							
Janitorial Services							
Maintenance & Repairs							
Monitoring							
Computer Hardware/Software Purchase							
Office Equipment							
Training Materials							
Consumable Supplies							
Advertisement							
Print/Reproduction							
Professional Services							
Consultant							
Audit							
Travel							
Meeting/ Conference							
Insurance							
a) Liability Automobile							
b) Building							
Staff Training/Workshop/TA							
Other							
Sub-Total Non-Personnel Costs							

COMMUNITY AND SENIOR SERVICES
WIA/ARRA
SUMMER YOUTH EMPLOYMENT PROGRAM
MONTHLY FUND REQUISITION

Agency Name_____

Program: _____

Contact No: _____

Contract No: _____

Request Period _____

Fiscal Year: _____

Prepared By:_____

Charges Line Item Budget	Budget A	In-School 60% B	Out-of-School 40% C	Current Month (E) B+C	Prior Month/s F	YTD Expenditure (G) E+F	Available Balance (H) A-G
Participant Costs							
Participant Wages/Work Experience							
Participant Fringe Benefits							
Uniforms/ Work Related Tool Costs							
Other Supportive Services (Specify)							
Sub-Total Participant Cost							
Subcontractors Costs							
Sub-Total Subcontractors Costs							
Indirect Cost							
Sub-Total Indirect Cost							
GRAND TOTAL							
QUARTERLY ACCRUALS							
1st Quarter Accruals (Apr-Jun)							
2nd Quarter Accruals (Jul-Sep)							

WIA/ARRA
Summer Youth Employment Program (SYEP)

Cash Advance

Process for requesting cash advance will be forthcoming.

Statement of Work

Contract No. Y**XXXXX**
Amendment No. **1**

COMMUNITY AND SENIOR SERVICES
OF THE COUNTY OF LOS ANGELES

WORKFORCE INVESTMENT ACT (WIA)
YOUTH PROGRAM
CONTRACT AMENDMENT NO. 1 TO CONTRACT NO. YXXXXX

FISCAL YEAR 2008-2009

REFERENCE IS MADE TO THE DOCUMENT ENTITLED "COUNTY OF LOS ANGELES WIA YOUTH CONTRACT" ENTERED INTO BETWEEN THE COUNTY OF LOS ANGELES, THROUGH ITS DEPARTMENT OF COMMUNITY AND SENIOR SERVICES ("CSS") AND **XXXXXXXXXX** ("CONTRACTOR"), ADOPTED BY THE BOARD OF SUPERVISORS ON June 24, 2008, AND FURTHER IDENTIFIED AS AGREEMENT **NO. XXXXX** HEREINAFTER REFERRED TO AS "CONTRACT".

THIS AMENDMENT is made and entered into this **1st** day of **May, 2009,** by and between the **COUNTY OF LOS ANGELES**, hereinafter referred to as the **"COUNTY"** and **XXXXXXXXXXXX**, hereinafter referred to as the **"CONTRACTOR".**

RECITALS

WHEREAS, The Workforce Investment Act of 1998 as defined by Public Law 105-220 provides federal funds to the County of Los Angeles to implement the Workforce Investment Act Youth Program (hereinafter referred to as "Program"), the purpose of which is to provide workforce readiness, job training, job search, and job placement services to residents of Los Angeles County; and

WHEREAS, the parties hereto have previously entered into a Workforce Investment Act Youth Contract, identified as Contract No. YXXXXXX, for the period July 1, 2008 through June 30, 2011 for an amount not to exceed **$XXX** in WIA Formula funds; and

WHEREAS, on June 24, 2008, the Los Angeles County Board of Supervisors delegated authority to the Director of CSS to amend this Contract to accept funding augmentations or reductions in the contract amount based on contractor's performance and availability of funding; and

WHEREAS, COUNTY has determined that CONTRACTOR's performance has been satisfactory, that the need for services continues to exist, and that additional funding for such services is currently available for FY 2008-09; and

WHEREAS, the parties desire to amend the Contract in accordance with the terms and conditions as set forth below,

NOW THEREFORE, effective May 1, 2009 the parties hereto agree as follows:

I. **PART I: UNIQUE TERMS AND CONDITIONS, Section 1.0, APPLICABLE DOCUMENTS AND DEFINED TERMS, Subsection 1.5,** is amended as follows: The paragraph reading "the following words as used herein shall be construed to have the following meaning, unless otherwise apparent from the context in which they are used" is deleted and replaced with the heading "**DEFINITIONS**".

The following definitions are added to the existing list:

M. **ARRA**: American Recovery and Reinvestment Act of 2009.

N. **Workforce Investment Act (WIA) Youth Program**: This relates to the regular WIA Formula program, under which all Common Measures apply.

O. **Workforce Investment Act/ARRA Year-Round Youth Program:** ARRA-funded WIA activities, which mirror the WIA Youth program except that the age of eligible participants is changed from **14 to 21 to 14 to 24**. All WIA requirements associated with Year-Round Youth Program remain in place for ARRA Youth Program. WIA/ARRA Year-Round Youth Program will remain effective until June 30, 2011.

P. **WIA/ARRA Summer Youth Employment Program (SYEP)**: SYEP is a stand-alone summer program consisting primarily of Work Experience, which may also include any of the allowable WIA services to youth. SYEP is not subject to the Common Measures and requires only one measure, Work Readiness. The SYEP period begins May 1, 2009 and ends September 30, 2009; and, dependent upon the availability of funds, the SYEP 2010 period may begin May 1, 2010 and end September 30, 2010.

Q. **Work Readiness**: A measurable increase in work readiness skills including world-of-work awareness, labor market knowledge, occupational information, values clarification and personal understanding, career planning and decision making, and job search techniques (resumes, interviews, applications, and follow-up letters). Work readiness also encompasses survival/daily living skills such as using the phone, telling time, shopping, renting an apartment, opening a bank account, and using public transportation. It also includes positive work habits, attitudes, and behaviors such as punctuality, regular attendance, presenting a neat appearance, getting along and working well with others,

exhibiting good conduct, following instructions and completing tasks, accepting constructive criticism from supervisors and co-workers, showing initiative and reliability, and assuming the responsibilities involved in maintaining a job. This category also entails developing motivation and adaptability, obtaining effective coping and problem-solving skills, and acquiring an improved self-image.

II. **PART I: UNIQUE TERMS AND CONDITIONS, SECTION 3.0 CONTRACT SUM,** Subsection 3.3, is deleted and replaced with the following:

3.3 The total amount payable under the term of this contract is (Insert full written contract amount) $XXXXXXXX ($XXXXXXX,WIA Youth Program Funding; $XXXXXXX, WIA/ARRA Year-Round Youth Program; $XXXXXX, WIAARRA SYEP Funding) , hereinafter referred to as the "Maximum Contract Sum."

III. **PART I: UNIQUE TERMS AND CONDITIONS, SECTION 3.0, CONTRACT SUM, Subsection 3.6**, is amended to read as follows:

3.6 CONTRACTOR has prepared and submitted to COUNTY a Budget segregating direct and indirect costs and payment, for the work to be performed by CONTRACTOR under this Contract, hereinafter referred to as "Budget." Budgeted expenses shall be reduced by applicable CONTRACTOR revenues, which are identified thereon. The line items shall provide sufficient detail to determine the quality and quantity of services to be delivered. This Budget is attached hereto and incorporated by reference herein as Exhibit B, WIA Youth Budget, and any addenda thereto; Exhibit B-1, WIA/ARRA Year-Round , Youth Program Budget, and any addenda thereto; and Exhibit B-2, WIA/ARRA Summer Youth Program Budget, and any addenda thereto. CONTRACTOR represents and warrants that the Budgets are true and correct in all respects, and services shall be delivered hereunder in accordance with the aforementioned Budgets. In the event the Maximum contract Sum is increased or decreased pursuant to Part II, Section 21.0, hereof, "Contract Modifications/Amendments" CONTRACTOR shall prepare and submit amended Budgets in accordance with this Section.

IV. **PART I: UNIQUE TERMS AND CONDITIONS, SECTION 5.0, INVOICES AND PAYMENTS, Subsection 5.1**, is amended to read as follows:

5.1 CONTRACTOR shall invoice COUNTY only for providing the tasks deliverables, goods, services, and other work specified in

Exhibit A, WIA Youth Statement of Work, and any addenda thereto; Exhibit A-1, WIA/ARRA Year-Round Statement of Work, and any addenda thereto; and Exhibit A-2, WIA/ARRA Summer Youth Program Statement of Work, and any addenda thereto, and elsewhere hereunder. CONTRACTOR shall prepare invoices which shall include the charges owed to CONTRACTOR by COUNTY under the terms of this Contract. CONTRACTOR'S payments shall be as provided in Exhibit B, WIA Youth Budget, and any addenda thereto; Exhibit B-1, WIA/ARRA Year Round Budget, and any addenda thereto, and in Exhibit B-2, WIA/ARRA Summer Youth Program Budget, and any addenda thereto. CONTRACTOR shall be paid only for the tasks, deliverables, goods, services, and other work approved in writing by COUNTY. If COUNTY does not approve work in writing, no payment shall be due to CONTRACTOR for that work.

V. The following Exhibits are added:

Exhibit A-1: Statement of Work WIA/ARRA Year-Round Youth Program

Exhibit B-1: WIA/ARRA Year-Round Youth Program Budget

Exhibit C-1: WIA/ARRA Year-Round Youth Program Performance Indicators Matrix

Exhibit A-2: Statement of Work - WIA/ARRA SYEP

Exhibit B-2: WIA/ARRA SYEP Budget

Exhibit C-2: WIA/ARRA SYEP Program Performance Indicators Matrix

All other terms and conditions of the Contract shall remain in full force and effect.

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IN WITNESS WHEREOF, COUNTY has caused this Contract to be subscribed on its behalf by the Director of Community and Senior Services or her designee, and CONTRACTOR subscribed the same through its authorized officer on the day, month, and year first above written. The person signing on behalf of CONTRACTOR warrants under penalty of perjury that he or she is authorized to bind CONTRACTOR.

COUNTY OF LOS ANGELES

By: _____
CYNTHIA D. BANKS, Director
Community and Senior Services

APPROVED AS TO FORM:

BY THE OFFICE OF COUNTY COUNSEL
ROBERT E. KALUNIAN, Acting County Counsel

By: _____
Jill M. Meyers, Deputy County Counsel

CONTRACTOR

By: _____
(Signature)

_____
(Print or Type Name)

_____
(Title)

_____
(Date)

_____
Contractor's Corporation/LLC

By: _____
(Authorized Signature)

_____
(Print or Type Name)

_____
(Print or Type Title)

Exhibit A-1

WORKFORCE INVESTMENT ACT (WIA)

WIA/ARRA YEAR-ROUND YOUTH PROGRAM

EXHIBIT A-1: STATEMENT OF WORK

1.0 SCOPE OF WORK

The STATEMENT OF WORK defines the minimum required tasks for the provision of services to youth enrolled in WIA/ARRA Year-Round Youth Program.

1.1 General Principles

CONTRACTOR is obligated to provide the services described herein. The COUNTY has established a cost-reimbursement agreement with CONTRACTOR.

1.1.1 CONTRACTOR shall provide WIA In-School and/or Out- of-School services to youth ages **14-24** through a Youth Collaborative. Each Youth Collaborative shall consist of the CONTRACTOR and its partners. The CONTRACTOR shall provide services through a Youth Center(s) as defined in Section 1.4 of this Exhibit A-1. The Youth Center(s) shall be linked to a COUNTY-funded WorkSource Center, which will enable youth to access a variety of services and information.

1.1.2 CONTRACTOR shall provide eligible youth with an objective, comprehensive educational and employability assessment. This process is intended to assist participants in identifying strengths, transferable skills, interests, work values, and priorities. This objective assessment process underlies the development of an Individual Service Strategy (ISS), which serves as each participant's plan for services.

1.1.3 CONTRACTOR shall provide integrated workforce services and outcome-driven performance in the area of unsubsidized job placement of out-of-school youth.

1.2 Program Eligibility

1.2.1 CONTRACTOR shall determine eligibility based on the information attained during the initial assessment.

Eligibility for services in the County's WIA In-School and/or Out-of-School Program is limited to low income youth *(as defined by the 70% LLSIL Income Standards or Poverty Guidelines issued by the State and Federal Government),* **14-24** years old who are:

1. A citizen of the United States or an eligible non-citizen

2. A resident of an area served by the County Workforce Investment Area; and

3. Has one or more of the following barriers to employment:

   a. Deficient in basic literacy skills (e.g. reading, writing, or computing at or below eighth grade)

   b. School drop-out

   c. Homeless, runaway or foster child

   d. Pregnant or parent

   e. Offender

   f. 6th Eligibility Definition: "An individual (including a youth with disability) who requires additional assistance to complete an educational program, or to secure or hold employment" is further defined as a youth who has one or more of the following characteristics:

      - attending continuation school
      - Low self esteem and sense of self
      - involved in gang activities
      - a substance abuser
      - little or no family support or direction/negative role identification
      - alienated by sexual preference
      - physically or mentally challenged
      - an emancipated minor
      - language or cultural barriers
      - emotional problems
      - at-risk of dropping out of school
      - at least two grade levels below age

1.2.2 CONTRACTOR shall enroll In-School and/or Out-of-School Youth.

1.2.2.1 In-School Youth (ISY) is defined as an eligible youth who is enrolled in secondary or post-secondary education, has barriers to employment, and needs a connection to the labor market.

1.2.2.2 An Out-of-School Youth (OSY) is defined as an eligible youth who is a school dropout; OR who has received a secondary school diploma or its equivalent but is basic skills deficient, unemployed, or underemployed.

PLEASE NOTE: THE DEFINITION OF AN OSY MAY CHANGE IF THE REAUTHORIZATION BILL IS SIGNED. CONTRACTOR MUST DEMONSTRATE THE CAPABILITY TO MODIFY THEIR PROGRAM DESIGN TO COMPLY WITH THE NEW REGULATIONS.

1.2.3 CONTRACTOR shall set a referral system in place for ineligible youth.

1.3 Collaboratives

1.3.1 CONTRACTOR must maintain a Youth Collaborative, which will, at a minimum, consist of four partners, one of which will be the CONTRACTOR. One of the partners must represent Business/Private Industry and one must represent Education (secondary/post-secondary). The remaining partner(s) can be representative of any agency/organization with an expertise in youth, such as:

- Community Based Organizations
- Juvenile Justice
- Department of Children and Family Services
- Department of Mental Health
- Department of Public Social Services
- School-to-Career Partnerships
- Job Corps
- Probation Department

1.3.2 CONTRACTOR and its Youth Collaborative shall be linked to the nearest COUNTY-funded WorkSource Center(s)

1.4 Youth Center

1.4.1 CONTRACTOR shall ensure that the Youth Center meets the following criteria:

1. The facility shall be accessible by public transportation and provide a safe environment.

2. Youth Centers can be stand-alone or be co-located in a WIA funded WorkSource Center and/or other existing facilities. However, one Center site shall be designated as the principle Youth Center and be effectively linked to a WIA funded WorkSource Center.

3. If more than one Youth Center is established, the Collaborative shall provide a network of services that are coordinated among all the partners.

4. The majority of services shall be accessible at the principle Youth Center.

1.4.2 A Youth Center must also:

1. Be located in each Supervisorial District that the Contractor serves;

2. Function as a learning center where youth receive training and/or tutoring;

3. The facility shall provide access to computers and other appropriate educational resources;

4. Be easily accessible to the youth served and employers;

5. Youth Centers shall be located near public transportation, and must be compliant with American Disabilities Act accessibility requirements;

6. Maintain acceptable hours of operation, particularly after-school and weekend hours;

7. Have available multi-lingual staff appropriate to the population targeted;

8. Provide recreational activities for youth;

9. Demonstrate effective linkage to the closest WIA funded WorkSource Center through a letter of commitment; at a minimum CONTRACTOR must also be electronically linked to the COUNTY WorkSource Center;

10. Demonstrate integrated workforce services and outcome-driven performance in the area of unsubsidized job placement of out-of-school youth.

1.5 CONTRACTOR shall track the progress of participants and submit proper Management Information System (MIS) documentation to CSS.

1.6 CONTRACTOR shall ensure that all youth enrolled in the program are assessed to determine basic academic skill level, vocational interests, and work readiness, utilizing standardized instruments, as discussed in Section 3.1 of this Exhibit A-1.

1.7 CSS Contract Management Manager (CMM), as defined in Part II Section 3.1 of the Standard Terms and Conditions, or designated alternate, shall have full authority to monitor CONTRACTOR's performance in the day-to-day operation of the contract.

1.8 CONTRACTOR shall provide sufficient personnel, as proposed by CONTRACTOR, and approved by CSS to perform all work specified herein.

1.9 CONTRACTOR shall provide 12-month minimum follow-up after the youth exits from the program. Follow-up services may include, but are not limited to:

- Leadership;
- Support Services;
- Employer contact (including help with work related problems, help with job advancement, career development and further education);
- Peer support groups (work related);
- Adult mentoring;
- Tracking employment progress.

The level and nature of follow-up services must be individualized, and determined on a case-by-case basis.

1.10 CONTRACTOR shall comply with the following reporting requirements:

1.10.1 **Fiscal Monthly Invoice:** Two (2) copies of the Fiscal Monthly Invoice are to be submitted not later than the **10th day of each month** to be sent to:

Community and Senior Services
Contract Management Division
3175 W. Sixth Street
Los Angeles, CA 90020
Attn: Carol Domingo

1.10.2 **Participant Reporting Requirements:** Participant data information must be reported in the State Job Training Automation (JTA) system not later than **30 days after the date of participant activity.**

2.0 SPECIFIC TASKS

2.1 100% Assessments

2.1.1 CONTRACTOR shall comply with the WIA/ARRA Requirement that each enrolled youth participant participate in an objective, comprehensive, educational, and employability assessment.

2.1.2 CONTRACTOR shall use the following principles as a comprehensive framework for developing and conducting an effective assessment program:

A. Use only reliable assessment instruments and procedures;

B. Use assessment tools and processes that are appropriate for the target population;

C. Ensure staff are properly trained in assessment techniques and for the assessment tools they are using;

D. Where testing is used, ensure testing conditions are suitable for all test takers;

E. Ensure that results are interpreted properly; and

F. Integrate assessment information with other knowledge about the participant.

2.1.3 CONTRACTOR may use assessments conducted by other human services, education, or employment and training programs that were completed by the participant within the year of application. This is preferable to requiring participants to undergo duplicated assessments. Examples include results of recent academic testing, counseling reports, prior knowledge of a youth's situation, etc.

2.2 Individual Service Strategy (ISS)

2.2.1 CONTRACTOR shall use the standardized ISS developed by the COUNTY.

2.2.2 CONTRACTOR shall document all services provided to each youth in his/her ISS, which must reflect needs and goals as determined by individual assessment in the ISS.

2.2.3 CONTRACTOR shall provide weekly updates to youth client information in ISS, which must accurately reflect and measure the individual's progress while enrolled in the program.

2.2.4 CONTRACTOR shall obtain prior written approval by the COUNTY for any modification made to the prescribed ISS form. CONTRACTOR shall provide 10 days prior notice to COUNTY of any proposed change in the manner discussed under Section 6.0, Notices, in Part I, Unique Terms and Conditions.

2.3 Ten Core Elements

2.3.1 CONTRACTOR shall make available to youth the following 10 core elements:

1. Tutoring, study skills training, and instructions leading to secondary school completion including dropout prevention strategies.

2. Alternative secondary school services.

3. Summer employment directly linked to academic and occupational learning.

4. Paid and unpaid work experience (including internships, On-the-Job Training and job shadowing).
5. Occupational skill training.
6. Leadership development opportunities such as activities that encourage positive social behavior and soft skills, decision-making, teamwork and other related activities.**
7. Supportive services i.e. linkage to community services, childcare, housing assistance cost, transportation, medical services referral, uniforms and any other appropriate work attire and work related tool costs, safety shoes, eyewear.
8. Adult mentoring for a minimum of twelve (12) months.**
9. Guidance and Counseling, which may include drug and alcohol abuse counseling and referral.
10. Mandatory twelve months post-participation follow-up services, i.e. leadership development, regular contact with the participant/employer, assistance to get a better job, tracking the progress of youth in employment after training, adult mentoring etc.

** Leadership and Mentoring are considered essential to the development of the youth. CONTRACTOR must provide either Leadership development AND/OR Adult mentoring services to all In-School/Out-of-School participants.

2.3.2 CONTRACTOR shall incorporate the Secretary's Commission on Achieving Necessary Skills (SCANS) when providing all work-based component activities. Activities include but are not limited to the following exercises:

- Basic skills (written and oral)
- Application and resume writing
- Job interview practice/technique
- Orientation/Life Skills
- Job search techniques
- Grooming and Proper Work Habits
- Good citizenship
- Work-based Learning

2.4 In-School Program (ISP)

2.4.1 CONTRACTOR shall ensure that eligible ISY are provided with quality and effective youth services to better prepare them for a successful transition to the workforce and continued education and training. Within this group, there are three sub-groups based on age.

2.4.2 **Group ISP 1: Ages 14-16.** CONTRACTOR shall make available any of the following services based on the participant's individual assessment and ISS:

- Career Exploration
- Summer Employment Opportunity (work experience linked to academic or occupational learning)
- Tutoring/Contextual Basic Skills
- Leadership Development or Adult Mentoring
- Support Services to Remain in School
- 12 month Follow-Up
- Job Readiness

2.4.3 **Group ISP II: Ages 17-18.** CONTRACTOR shall make available any of the following services based on the participant's individual assessment and ISS:

- Career Planning
- Summer Employment Opportunity/Paid or Unpaid Work Experience
- Tutoring/Contextual Basic Skills
- Leadership Development or Adult Mentoring
- Support Services to Remain in School
- 12 month Follow-Up
- Job Readiness

2.4.3.1 CONTRACTOR shall focus services to lead to the following goals for this subgroup: attainment of basic skills and/or job readiness skills, graduation from high school, and entry and retention in post secondary education, advanced training, enlistment in military service, employment or registered apprenticeship programs.

2.4.4 **Group ISP III: Ages 19-24.** This subgroup has graduated from high school and is basic skills efficient. CONTRACTOR shall refer this subgroup to the WorkSource Centers for additional adult services.

2.4.5 CONTRACTOR shall ensure that the average slot cost for each eligible youth is between **$1,500 - $3,500 per ISP youth.**

2.5 Out-of-School Program (OSP)

2.5.1 CONTRACTOR shall ensure that eligible OSY are provided with quality and effective services to better prepare them for a successful transition to the workforce and continued education and training.

2.5.2 Services for these Youth may be more costly, and linkages with other organizations to provide services may be needed. CONTRACTOR shall provide the following services to OSY, as needed and assessed:

- Alternative Education/GED Preparation
- Tutoring/ESL/Contextual Basic Skills
- Paid/Unpaid Work Experience
- Drop-out Prevention Strategies
- Occupational Skills
- Leadership Development or Adult Mentoring
- Career Exploration/Planning
- Exposure to Post-Secondary Opportunities
- Support Services to Return to School
- 12 month Follow-Up

2.5.3 **Group OSP I: Ages 14-18.** CONTRACTOR shall set the following goals for this subgroup: attainment of basic skills or job readiness skills, graduation from high school, and entry and retention in post secondary education, advanced training, enlistment in military service, employment or registered apprenticeship programs.

2.5.4 **Group OSP II: Ages 19-24.** CONTRACTOR shall set the following goals for this subgroup: placement and retention into unsubsidized employment or attainment of recognized credential relating to achievement of education or occupational skills.

2.5.5 OSY (19-24) may be co-enrolled at the WorkSource Center as an adult to meet individual goals.

2.5.6 CONTRACTOR shall ensure that the average slot cost for each eligible youth is between **$3,500 - $6000 per OSP youth.**

2.6 Foster Youth, CalWORKS Youth and Probation Youth

2.6.1 CONTRACTOR shall set aside at least two (2) enrollments for Foster Youth and/or emancipated Foster Youth. CONTRACTOR shall prioritize services to Foster Youth, CalWORKs Youth, Probation Youth and emancipated Foster Youth. CONTRACTOR must have a clearly defined methodology for serving Foster Youth and must coordinate with the Department of Children and Family Services and Independent Living Program for referrals and coordinated services to Foster Youth. Furthermore, CONTRACTOR shall coordinate services with the Probation Department as well as the Department of Public Social Services in order to ensure service delivery to Probation and CalWORKs participants.

2.7 Performance Measures and Standards/Goals

2.7.1 CONTRACTOR must meet or exceed the following Common Measures for the WIA/ARRA Year-Round Youth Programs.

COMMON MEASURES	REQUIRED LEVEL FY2008- 2009
PLACEMENT IN EMPLOYMENT OR EDUCATION	67%
ATTAINMENT OF DEGREE OR CERTIFICATE	47%
LITERACY AND NUMERACY GAINS	30%

2.7.2 The CONTRACTOR must be able to measure these outcomes by obtaining, tracking, measuring and reporting the performance data of the core indicators for its youth activities as required by the WIA. The Federal government, State of California, or the COUNTY, in conjunction with the Workforce Investment Board, may establish additional performance measures.

2.7.3 Contractor shall, at a minimum, be held to the yearly State of California Performance requirements, regardless of when the State notifies the County of the performance numbers.

PLEASE NOTE: THE PERFORMANCE MEASURES MAY CHANGE IF THE REAUTHORIZATION BILL IS SIGNED. CONTRACTORS MUST DEMONSTRATE THE CAPABILITY TO MODIFY THEIR PROGRAM DESIGN TO COMPLY WITH THE NEW REGULATIONS.

3.0 QUALITY ASSURANCE PLAN AND FAILURE TO PERFORM

3.1 The CONTRACTOR shall establish and maintain a Quality Assurance Plan (QAP) to assure the requirements of the Contract are met. A copy must be provided to the CMM on the Contract start date and as changes occur. The original QAP and any revisions thereto shall include, but not be limited to, the following:

3.1.1 Methods used to ensure that the quality of service performed fully meets the performance requirements set forth in Exhibit A-1, Statement of Work and Exhibit C, Performance Requirements Summary. CONTRACTOR shall include methods for identifying and preventing deficiencies in the quality of service performed before the level of performance becomes unacceptable.

3.1.2 Assurance that if CONTRACTOR performance requirements are not met, the CMM may call CONTRACTOR during normal business hours, send CONTRACTOR a User Complaint Report (UCR), Attachment XI, or both. CONTRACTOR shall respond to a call within one hour and respond to a UCR within twenty-four (24) hours of

receipt. All performance requirement issues will be reported to the CMM.

3.1.3 Methods for ensuring uninterrupted service to COUNTY in the event of a strike by CONTRACTOR's employees or any other potential disruption in service.

3.2 If CONTRACTOR performance requirements are not met, the CMM may, in addition to all other remedies available under this Contract, call CONTRACTOR during normal business hours, send CONTRACTOR a User Complaint Report (UCR), Attachment XI, or both. CONTRACTOR shall respond to a call within one hour and respond to a UCR within twenty-four (24) hours of receipt. All performance requirement issues will be reported to the CMM.

3.3 CONTRACTOR shall not utilize any employee or Subcontractor whose work has been deemed deficient and unacceptable by the CMM.

4.0 QUALITY ASSURANCE MONITORING

The CMM, or other personnel authorized by the COUNTY, will monitor CONTRACTOR's performance under this Contract using the quality assurance procedures specified in this Statement of Work and Exhibit C-1, Performance Requirements Summary. All monitoring will be conducted in accordance with Part II, Section 25.0 COUNTY's Quality Assurance Plan, of the Contract.

Exhibit A-2

WORKFORCE INVESTMENT ACT (WIA)

WIA/ARRA SUMMER YOUTH EMPLOYMENT PROGRAM (SYEP)

EXHIBIT A-2: STATEMENT OF WORK

1.0 SCOPE OF WORK

1.1 General Principles

CONTRACTOR is obligated to provide the services described herein. The COUNTY has established a cost-reimbursement agreement with CONTRACTOR.

1.1.1 CONTRACTOR shall provide WIA/ARRA SYEP services to In-School and/or Out-Of-School youth **ages 14-24**.

1.1.2 CONTRACTOR shall provide eligible youth, as defined below, with a basic assessment geared towards determining their work readiness. This assessment must include a pre-test completed prior to the youth's start of the work experience activity and a post-test following completion of the activity.

1.2 Program Eligibility

1.2.1 CONTRACTOR shall determine eligibility based on the information attained during the program application and assessment process.

Eligibility for services in the County's WIA/ARRA SYEP In-School and/or Out-of-School Program is limited to low income youth *(as defined by the 70% LLSIL Income Standards or Poverty Guidelines issued by the State and Federal Government),* **14-24** years old who are:

1. A citizen of the United States or an eligible non-citizen
2. A resident of an area served by the County Workforce Investment Area; and
3. Has one or more of the following barriers to employment:
   a. Deficient in basic literacy skills (e.g. reading, writing, or computing at or below eighth grade)
   b. School drop-out
   c. Homeless, runaway or foster child
   d. Pregnant or parent

e. Offender

f. 6th Eligibility Definition: "An individual (including a youth with disability) who requires additional assistance to complete an educational program, or to secure or hold employment" is further defined as a youth who has one or more of the following characteristics:

- attending continuation school
- Low self esteem and sense of self
- involved in gang activities
- a substance abuser
- little or no family support or direction/negative role identification
- alienated by sexual preference
- physically or mentally challenged
- an emancipated minor
- language or cultural barriers
- emotional problems
- at-risk of dropping out of school
- at least two grade levels below age

1.2.2 CONTRACTOR shall enroll In-School and/or Out-of-School Youth.

1.2.2.1 In-School Youth (ISY) is defined as an eligible youth who is enrolled in secondary or post-secondary education, has barriers to employment, and needs a connection to the labor market.

1.2.2.2 An Out-of-School Youth (OSY) is defined as an eligible youth who is a school dropout; OR who has received a secondary school diploma or its equivalent but is basic skills deficient, unemployed, or underemployed.

PLEASE NOTE: THE DEFINITION OF AN OSY MAY CHANGE IF THE REAUTHORIZATION BILL IS SIGNED. CONTRACTOR MUST DEMONSTRATE THE CAPABILITY TO MODIFY THEIR PROGRAM DESIGN TO COMPLY WITH THE NEW REGULATIONS.

1.3 CONTRACTOR shall track the progress of participants and submit proper Management Information System (MIS) documentation to CSS.

1.4 CONTRACTOR shall ensure that all youth enrolled in the program are assessed to determine work readiness prior to their engaging in Work Experience activities (i.e. pre-test) and again at the culmination of the Work Experience component (i.e. post-test) to determine if the youth is work ready.

1.5 CSS Contract Management Manager (CMM), as defined in Part II Section 3.1 of the Standard Terms and Conditions, or designated alternate, shall have full authority to monitor CONTRACTOR's performance in the day-to-day operation of the contract.

1.6 CONTRACTOR shall provide sufficient personnel, as proposed by CONTRACTOR, and approved by CSS to perform all work specified herein.

1.7 CONTRACTOR shall comply with the following reporting requirements:

1.7.1 **Fiscal Monthly Invoice:** Two (2) copies of the Fiscal Monthly Invoice are to be submitted not later than the **10th day of each month** to be sent to:

Community and Senior Services
Contract Management Division
3175 W. Sixth Street
Los Angeles, CA 90020
Attn: Carol Domingo

1.7.2 **Participant Reporting Requirements:** Participant data information must be reported in the State Job Training Automation (JTA) system not later than **30 days after the date of participant activity.**

2.0 SPECIFIC TASKS

2.1 100% Assessments

CONTRACTOR shall comply with the requirement that each enrolled youth must receive a basic assessment of work readiness prior to the youth's start of Work Experience activities and, again, at the culmination of these activities to assess the youth's attainment of Work Readiness skills at exit.

2.2 Individual Service Strategy (ISS)

2.2.1 CONTRACTOR shall use an SYEP ISS developed by the County. The ISS must identify age-appropriate work readiness goals for each participant.

2.2.2 CONTRACTOR shall obtain prior written approval by the COUNTY for any modification made to the prescribed ISS form. CONTRACTOR shall provide 10 days prior notice to COUNTY of any proposed change in the manner discussed under Section 6.0, Notices, in Part I, Unique Terms and Conditions.

2.3 Work Experience

2.3.1 Work experience is defined as:

(a) Work experiences are planned structured learning experiences that take place in a workplace for a limited period of time. SYEP work experiences shall be paid positions.

(b) Work experience sites may be in the private, for-profit sector; the non-profit sector; or the public sector.

(c) Work experiences are designed to enable youth to gain exposure to the working world and its requirements. Work experiences are appropriate and desirable activities for many youth throughout the year. Work experiences should help youth acquire the personal attributes, knowledge, and skills needed to obtain a job and advance in employment. The purpose is to provide the youth participant with opportunities for career exploration and skill development and is not to benefit the employer although the employer may, in fact, benefit from the activities performed by the youth.

2.3.2 The average number of hours of work experience participation by participating youth should be 120.

2.4 Ten Core Youth Elements

While any of the "ten youth program elements," as defined in Exhibit A-1, Section 2.3, can be combined with work experience, they are not required under SYEP.

2.5 Worksites

2.5.1 Contractor shall seek worksites that demonstrate a commitment to helping participants receive the experience and training that is required to meet the work readiness goals set for SYEP participants.

2.5.2 Worksites may be with public sector, private sector and non-profit organizations.

2.5.3 Worksites shall not include any casino or other gambling establishment, aquarium, zoo, golf course or swimming pool.

2.6 Foster Youth, CalWORKs Youth and Probation Youth

CONTRACTOR shall prioritize services to Foster Youth, CalWORKs Youth, Probation Youth and emancipated Foster Youth. CONTRACTOR must have a clearly defined methodology for serving Foster Youth and must coordinate with the Department of Children and Family Services and Independent Living Program for referrals and coordinated services to Foster Youth. Furthermore, Contractor shall coordinate services with the Probation Department as well as the Department of Public Social Services in order to ensure service delivery to Probation and CalWORKs participants.

2.7 Performance Measures and Standard Goals

The Work Readiness indicator will be the only indicator to assess the effectiveness of SYEP. The indicator measures whether an increase in work readiness has occurred. Work readiness skill goal is defined as a measurable increase in work readiness skills including world-of-work awareness, labor market knowledge, occupational information, values clarification and personal understanding, career planning and decision making, and job search techniques (resumes, interviews, applications, and follow-up letters). They also encompass survival/daily living skills such as using the phone, telling time, shopping, renting an apartment, opening a bank account, and using public transportation. They also include positive work habits, attitudes, and behaviors such as punctuality, regular attendance, presenting a neat appearance, getting along and working well with others, exhibiting good conduct, following instructions and completing tasks, accepting constructive criticism from supervisors and co-workers, showing initiative and reliability, and assuming the responsibilities involved in maintaining a job. This category also entails developing motivation and adaptability, obtaining effective coping and problem-solving skills, and acquiring an improved self image.

2.8 CONTRACTOR is required to conduct an assessment at the point of entry and exit for all youth participating in the program. COUNTY will provide a standard assessment tool to determine the "work readiness" standard for youth exiting the program in concert with the requirements established by the Department of Labor.

3.0 QUALITY ASSURANCE PLAN AND FAILURE TO PERFORM

3.1 The CONTRACTOR shall establish and maintain a Quality Assurance Plan (QAP) to assure the requirements of the contract are met. A copy must be provided to the Contracts Management Manager (CMM) on the Contract start date and as changes occur. The original QAP and any revisions thereto shall include, but not be limited to, the following:

3.1.1 Methods used to ensure that the quality of service performed fully meets the performance requirements set forth in Exhibit A-2, Statement of Work and Exhibit C-2, Performance Requirements Summary. CONTRACTOR shall include methods for identifying and preventing deficiencies in the quality of service performed before the level of performance becomes unacceptable.

3.1.2 Assurance that if CONTRACTOR performance requirements are not met, the CMM may call CONTRACTOR during normal business hours, send CONTRACTOR a User Complaint Report (UCR), Attachment XI, or both. CONTRACTOR shall respond to a call within one hour and respond to a UCR within twenty-four (24) hours of receipt. All performance requirement issues will be reported to the CMM.

3.1.3 Methods for ensuring uninterrupted service to COUNTY in the event of a strike by CONTRACTOR's employees or any other potential disruption in service.

3.2 If CONTRACTOR performance requirements are not met, the CMM may, in addition to all other remedies available under this Contract, call CONTRACTOR during normal business hours, send CONTRACTOR a User Complaint Report (UCR), Attachment XI, or both. CONTRACTOR shall respond to a call within one hour and respond to a UCR within twenty-four (24) hours of receipt. All performance requirement issues will be reported to the CMM.

3.3 CONTRACTOR shall not utilize any employee or Subcontractor whose work has been deemed deficient and unacceptable by the CMM.

4.0 QUALITY ASSURANCE MONITORING

The CMM, or other personnel authorized by the COUNTY, will monitor CONTRACTOR's performance under this Contract using the quality assurance procedures specified in this Statement of Work and Exhibit C-2, Performance Requirements Summary. All monitoring will be conducted in accordance with Part II, Section 25.0 COUNTY's Quality Assurance Plan, of the Contract.

Program Staffing

WIA/ARRA Summer Youth Employment Program (SYEP)

Program Staffing

While it is up to each contractor to develop and implement its own staffing structure and assignments for the Summer Youth Employment Program, the following information is provided as general guidance on staffing functions that must be covered under the program. This information may be especially useful to WIA Youth Program contractors that do not have recent experience in operating a summer employment program.

Program Staff Functions

- Outreach and recruitment
- Eligibility determination
- MIS and file maintenance
- Work readiness assessments
- Worksite coordination/case management

Management and Support Functions

- Program management
- Fiscal, including youth payroll
- Program monitoring
- Overall contract monitoring

Staff to Participant Ratio

Although "case management" under SYEP may lack the full range of activities and processes that contractors are accustomed to providing under traditional/year-round WIA Youth Programs, Case Managers/Worksite Coordinators are responsible for overseeing activities, worksites, hours, payroll and other activities and features of the program. Given these responsibilities case management staff to participant ratios are generally in the range of 1 to 125. However, this ratio may vary significantly based on the number of worksites where participants are placed and the overall distribution of work assignments and functions among SYEP staff.

Monitoring

WIA/ARRA Summer Youth Employment Program (SYEP)

Worksite Monitoring

A principal contractor staff requirement and activity under the Summer Youth Employment Program is the monitoring of worksites where youth participants are placed into work experience positions. Contractors must develop detailed plans and procedures for monitoring worksites. Such plans and procedures will, at a minimum, include:

- Frequency of on-site review;
- Review of participant assignments and activities;
- Contact with and guidance/support provided to supervisors;
- Review of health and safety requirements;
- Reports to be completed by staff;
- General troubleshooting; and
- Collection of time sheets, post-tests and other program documents.

Contractors should be aware that County monitors, along with their State and federal counterparts, will be reviewing contractors' monitoring of worksites and will conduct on-site monitoring of some worksites.

County of Los Angeles Community and Senior Services
Workforce Investment Act (WIA)/
American Reinvestment and Recovery Act (ARRA)
Summer Youth Employment Program (SYEP)

Monitoring Requirements

The 2009 WIA/ARRA SYEP will be operated by the County's sixteen (16) current WIA Youth Program contractors. It is anticipated that 5,000 youth will be served by the program, which will operate from May 1 through September 30, 2009.

The oversight requirements delineated in the WIA regulations 20 CFR 667.410, apply to all ARRA funds. The County must conduct oversight and monitoring of contractors to determine compliance with the programmatic, accountability and transparency provisions of ARRA and other federal and state guidelines.

I. Fiscal and Internal Control Review

Standard process currently used to monitor other WIA programs.

II. Worksite Activities

A. Monitoring at WIA/ARRA Contractor Offices

Worksite related documentation and processes to be reviewed at Contractors offices will include:

- **Signed Worksite Agreements**

  For each worksite, there must be a signed agreement in place between the sponsor agency (which hosts youth in work experience positions at its site[s]) and the Youth contractor that specifies the roles and responsibilities of each.

  Reference: Sample Worksite Agreement in County SYEP TAG

- **List of Worksites**

  Contractors must contain a comprehensive list of all SYEP worksites at which youth are participating in work experience activities. Such list should indicate for each site: address, contact person(s), phone, e-mail, number of positions, work experience job titles and other pertinent information.

  Reference: None

- **Documentation of Worksite Supervisor Orientations**

  All worksite supervisors must attest in writing that they have received an orientation to SYEP supervision and program requirements.

  Reference: *Sample Worksite Agreement in County SYEP TAG*

- **Information Manual for Supervisors**

  All contractors must develop and distribute an information/procedures manual for worksite supervisors.

  Reference: *Sample Contractor Supervisor Manual in County SYEP TAG*

- **Contractor SYEP worksite monitoring plans and procedures**

  Contractors must develop and implement detailed plans and procedures for on-going monitoring of SYEP worksites.

  Reference: *Worksite Monitoring guidelines in County SYEP TAG*

- **Time Cards**

  SYEP time cards are the basis for payment of participants enrolled in WIA/ARRA SYEP. Contractors must use the standard SYEP time card, but may shrink its size, create NCR documents, insert the agency's logo or make other minor/non-substantive adjustments.

  Reference: *Los Angeles County WIA Directive – ARRA/WIA D09-08*

B. Monitoring at SYEP Worksites

The program will place participants at hundreds of worksites throughout Los Angeles County. A sample of ___% of worksite should be selected from each contractor for review.

Monitoring at SYEP worksite locations will include:

- **Supervisor Interviews**

  Supervisors will be interviewed to verify their knowledge of and adherence to SYEP objectives and requirements.
  Reference: *Sample Contractor Supervisor Manual in County SYEP TAG*

- **Participant Interviews**

  Participants will be interviewed to verify their knowledge of SYEP objectives and requirements and to determine that they are actively engaged work experience activities through which they can develop work readiness skills.

  Reference: *Sample Participant Handbook in SYEP TAG and SYEP Individual Service Strategy*

- **Worksite Observations**

  Review worksite to assess whether all provisions of the worksite agreement are being followed, including, but not limited to, all health and safety requirements and Child Labor Laws.

  Reference: *Sample Worksite Agreement in County SYEP TAG and "Child Labor Laws 2000" in SYEP TAG.*

III. Participant Eligibility and Activities

Review of participants' WIA eligibility and activities will include a verification of the following forms/criteria:

A. File Contents

Verify the presence, completeness and accuracy of items on the SYEP File Checklist. Note that the age of WIA Youth eligibility under ARRA has been extended to 24.

Reference: *Los Angeles County WIA Directive – ARRA/WIA D09-08*

B. Mandatory Forms

The following forms are mandatory, meaning that they must be used in the format provided, except that contractors may add the agency's logo to forms, change the size of forms, create NCR documents or make other minor/non-substantive adjustments.

- Universal Application
- Work Readiness Pre & Post Tests
- Individual Service Strategy
- Consent and Release Agreement
- SYEP Time Sheet
- File Checklist

Reference: *Los Angeles County WIA Directive – ARRA/WIA D09-08*

County of Los Angeles
Community and Senior Services

Workforce Investment Act (WIA)/
American Reinvestment and Recovery Act (ARRA)

Summer Youth Employment Program (SYEP)

Monitoring Timeframe and Reports

To comply with the accountability and transparency provisions of ARRA, monitoring of SYEP programs, participants and activities must occur while the program is in operation. Program reports must also be issued while the program is still operational in order to identify and correct any isolated problems before they become systemic. While, technically, program activities may occur any time within the five month period beginning May 1 and ending September 20, 2009, the vast majority of SYEP work experience and other activities will occur between July 1 and August 31. Therefore, the all SYEP monitoring activities should also occur within this period.

Reports of monitoring results and findings should be provided to CSS in accordance with the following timeframes:

1. For monitoring activities conducted between July 1 and July 31, reports should be issued no later than August 10, 2009.

2. For monitoring activities conducted between August 1 and August 31, reports should be issued no later than September 10, 2009.

Federal and State Priorities for WIA/ARRA Funding and Programs

Excerpted from the U.S. Department of Labor Employment and Training Administration's *"Readiness and Technical Assistance Consultation Guide for the American Recovery & Reinvestment Act" (March 27, 2009).* Note: The text from the guide has been edited to reflect local area priorities vs. those applicable to State workforce agencies.

I. ADMINISTRATIVE CAPACITY

A.	**Financial Management**
1.	Can the local area track ARRA funds in a manner clearly distinguishable from non-ARRA funding?
2.	Can the local area establish a process for collecting data needed from all levels for financial reporting and provide it to ETA 10 days after the end of the quarter?
3.	Does the local area have resolution activities in process for any: open audit findings, investigations, or fiscal system problems?
4.	Does the local area have internal controls sufficient to mitigate the risk of waste, fraud and abuse? Do they identify at-risk sub-grantees?
5.	Does the local area have a written fiscal monitoring plan which includes onsite reviews including; procurement, cost accounting, tracking/reporting and close out.
6.	Do the Recovery Act funds supplement and not supplant existing resources which are spent on workforce programs and services?
7.	Will the Recovery Act funds be spent at the same time as formula funds?
B.	**Reporting**
1.	Reporting elements for the ARRA activity may require information on individuals based on what is currently collected for the WIASRD. Will the local area be able to provide an aggregate extract of the information collected for the individual record?
2.	Does the local area have a plan in place to resolve any issues which would prevent the transmission of individual participant records to DOL, in addition to the requirements of the current reporting system?
3.	Can the local area data system identify and disaggregate ARRA participant from other participant data?
4.	Has the local area begun implementing changes to its existing report structure to meet the new requirements?
5.	Can the local area submit summary aggregate data within 10 days following the month to satisfy Recovery.gov requirements?
C.	**Communication and Partnership**
1.	Has the local area refined and developed a vision to use Recovery Act funds to drive change throughout its workforce system to meet 21st century workforce and economic challenges.
2.	Has the local system formed partnerships and shared vision with community colleges and education agencies, business and labor organizations, civic groups, and philanthropy to align workforce development strategies for regional development and shared prosperity?
3.	Has local area provided support to local areas and sub-grantees in the implementation of ARRA?
4.	Does the local area have a process for identifying and sharing best practices?
5.	Does the local area have a process to communicate and coordinate with other agencies doing Recovery Act activities?

II. PROGRAM CAPACITY

A.	Adult Services
1.	**Adult/Dislocated Worker Programs**
a.	Has the local area developed goals that reflect the need to expand services and increase the numbers of individuals trained and served?
b.	Is the workforce system prepared to serve dual customers, meeting needs of both the worker and employer?
c.	Have policies been developed to ensure emphasis on serving low-income, displaced, and under-skilled adults and disconnected older youth?
d.	Has the local area updated its growth occupations and targeted industries, based on the changing economy, including the President's targeted priorities of green jobs and health care occupations?
e.	Has the local area designed a service strategy which aligns all services and resources to support career pathways to emerging and future high growth jobs and industries?
2.	**Training Capacity**
a.	Has the local area reviewed existing Eligible Training Providers and their capacity to meet the current and projected needs for additional training enrollments in demand courses?
b.	Has the local area reviewed Training Provider courses for content and to determine if they meet employer and worker needs and if they are updated with current workforce information?
c.	Has the local area evaluated the potential need to increase current ITA caps/levels?
d.	Does the local area workforce system have strategies to directly contract with Community Colleges and other eligible training providers to respond to the need for increased training?
3.	**Rapid Response**
a.	Do Rapid Response strategies and procedures exist to avert or respond quickly to announced and occurring lay-offs?
b.	Does the local area have organized teams of trained staff immediately available necessary to go to locations of mass lay-off?
c.	Does the Rapid Response process link smoothly to services other WIA, NEG, or Trade resources?
4.	**One-Stop Readiness**
a.	Do One-Stops have the staff and systems, including bilingual staff, to serve increased numbers of customers to meet ARRA expectations and local economic demand?
b.	In the context of a low-growth economy, have the One-Stops changed training strategies that address longer-term unemployment?
c.	Are Case Managers focused on assisting diverse customers, including TANF and other low income individuals, along with dislocated workers, by matching skills competency training with job growth projections in the region?
d.	Does the local area have a partnership strategy to obtain job listings of all jobs created in the ARRA and related economic recovery?
e.	Are One Stop Centers and all other service options accessible to persons with

	disabilities?
f.	Are adaptive technologies and other accommodations available to ensure full service to people with special needs?
5.	**Supportive Services including Needs Related Payments [NRP]**
a.	Has the local area reviewed and updated policies for delivering supportive services and providing NRPs, based on increased need of participants?
b.	Does the local area have the capacity to accurately disseminate and track NRPs?
6.	**Reemployment and UI Integration**
a.	Has the local area UI, WIA, and WP program staff collaborated to develop reemployment services to UI claimants most likely to exhaust UI benefits?
7.	**Trade WIA Integration**
a.	Have meetings been set up with Rapid Response staff on the 2009 Trade Reauthorization to update information in outreach materials and presentations?
B.	**Youth Services**
1.	Has the local area developed a plan for providing work experiences for summer employment?
2.	Does the local area have staff assigned to oversee youth activities and summer employment, and are these staff trained in implementing the various aspects of summer employment, including appropriate wage and hour provisions, child labor laws, and work site supervision and safety?
3.	Does the Local Area have procurement policies in place which will assure an expedient launch of the ARRA-supported portion of the WIA Summer Youth Employment program?
4.	Does the local area have the capacity to report the proposed youth Recovery Act data, including the work readiness indicator for those that participate in summer employment, including youth 22-24 years of age?
5.	Does the local area system have a plan to train staff in time for implementation of expanded summer employment, including appropriate wage and hour provisions, child labor laws, and work site supervision and safety?
6.	Has the local area identified how it will measure the Work Readiness indicator for summer employment?
7.	Will the local area be able to meet the required expenditure rate of 30% for out-of-school youth for youth served with Recovery Act funds?
8.	Does the local area have a plan to closely monitor Summer Youth employment activities as well as other ARRA youth activities?
9.	Has local area identified possible providers, projects, and/or individual worksites for summer work experiences?
C.	**Demand Industries and Workforce Information**
1.	Has the local area conducted identified economic trends and emerging industry and job growth in the near and long term?
2.	Are there projections outlining the growth of green jobs and healthcare jobs and strategies for providing training in these fields?
3.	Is this economic and job information widely available to workers seeking employment and training services?
4.	Does the local area utilize electronic labor market tools, such as LED, EMSI, and/or other tools (specify)

Relationship of SYEP to WIA Traditional/Year-Round Program

WIA/ARRA Summer Youth Employment Program (SYEP)

Relationship of SYEP to Traditional Program

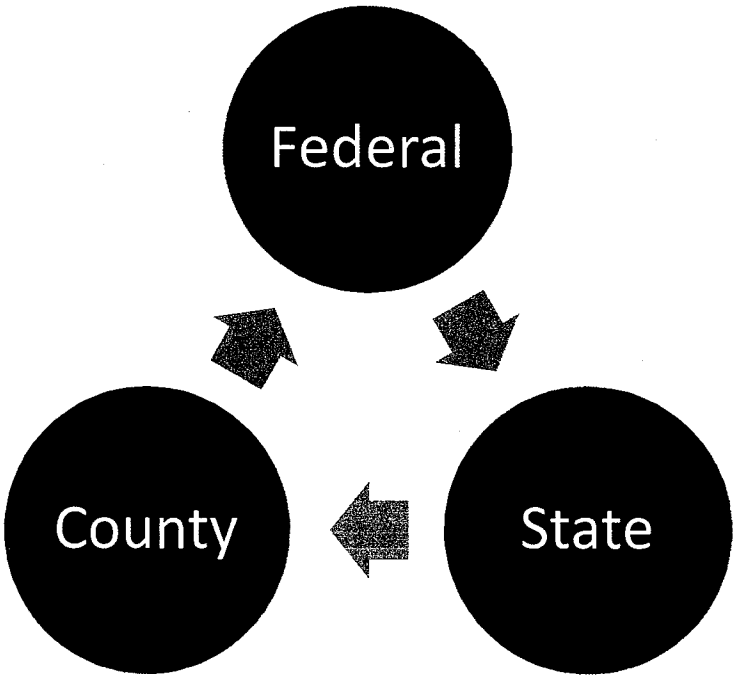
Contractors should keep in mind that the Summer Youth Employment Program operated under WIA/ARRA funding is a stand-alone program, separate from the traditional/year-round WIA program for youth. Youth participating in the program will be enrolled on or after May 1, 2009 and will exit on or before September 30, 2009.

Approximately 5,000 youth will be served in the County's Summer Youth Employment Program. While it will not be possible to provide traditional/year-round WIA services to all SYEP participants, contractors should use SYEP as a feeder program for:

- Traditional/year-round WIA services funded by WIA/ARRA; or
- Traditional/year-round services funded by the WIA formula program.

A participant in the SYEP program will be exited from the program after completing work experience and achieving the work readiness goal. The youth will need to go through the regular process to enroll in the traditional/year-round WIA program.

Federal, State and County Directives



ARRA SYEP Related Directives & Bulletins	
2009 ADMINISTRATIVE BULLETINS	
WIAB09-01	WORK SHARING UNEMPLOYMENT INSURANCE PROGRAM
WIAB09-02	JTA SYSTEM VERSION 4.46.0 RELEASE
WIAB09-03	STATE EMPLOYEE FURLOUGH PLAN EXEMPTION
WIAB09-04	WIA FEDERAL STIMULUS FUNDING FOR AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) OF 2009
WIAB09-05	IMPLEMENTATION OF WIA PROGRAM UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) OF 2009
WIAB09-06	GUIDANCE FOR IMPLEMENTATION OF WIA PROGRAM UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) OF 2009
WIAB09-07	GUIDANCE FOR IMPLEMENTATION OF WIA PROGRAM UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) OF 2009
2008 ADMINISTRATIVE and YOUTH DIRECTIVES	
WIAD08-1	SELECTIVE SERVICE REGISTRATION
WIAD08-2	WIA JTA SYSTEM CLIENT FORMS HANDBOOK
WIAD08-14	6TH ELIGIBILITY DEFINITION
WIAD08-16	INDIVIDUAL SERVICES STRATEGY (ISS) FORM WITH POLICIES AND PROCEDURES
WIAD08-17	GRIEVANCE AND COMPLAINT PROCEDURES
WIAD08-19	REPORTING ACCRUALS
WIAD08-20	WIA PARTICIPANT DATA MONTHLY SUBMISSION DEADLINE INTO THE JOB TRAINING
WAID08-21	LOS ANGELES COUNTY WORKFORCE INVESTMENT BOARD GRIEVANCES AND COMPLIANT POLICY
WIAD08-24	PROGRAM INCOME
WIAD08-25	ALLOWABLE COSTS
WIAD08-26	PROGRAM INVENTORY CLOSEOUT
WIAD08-27	WIA CLOSEOUT PROCEDURES
WIAD08-28	FINAL-FINAL FISCAL INVOICING GUIDELINES
WIAD08-30	AUDIT REQUIREMENTS
WIAD08-34	FISCAL INVOICING GUIDELINES FY 2007-08
WIAD08-36	REVISED NONDISCRIMINATION AND EQUAL OPPORTUNITY PROCEDURES
WIAD08-38	THE DOCUMENTATION OF WIA PARTICIPANT DATA INTO THE JOB TRAINING AUTOMATION (JTA) SYSTEM
WIAD08-41	FINANCIAL REPORTING AND FISCAL-INVOICING GUIDEILNES FY 2008-09
WIAD08-42	2008 70 PERCENT LLSIL AND POVERTY GUIDELINES
WIAD08-43	GRIEVANCE AND COMPLAINT PROCEDURES
WIAD08-44	WIA TITLE I ELIGIBILITY
2008 GENERAL BULLETINS	
WIAB08-01	USE OF WHITE-OUT CORRECTION FLUID
WIAB08-02	VETERANS EMPLOYMENT RESOURCES

The above Directives and Bulletins can be found at **http://www.worksourcecalifornia.com**

LOS ANGELES COUNTY

WIA Adult, Dislocated Worker and Youth Programs

INFORMATIONAL BULLETIN

NUMBER:	**WIAB09-05**	**SUBJECT: Notification of Contacts for all Los Angeles County Bulletins/Directives and WIA Single Point of Contact Update**		
DATE:	**04/20/09**	**EFFECTIVE DATE:**	**Immediately**	**PAGE 1 of 2**

FOR YOUR IMMEDIATE ATTENTION

TO: WIA Contractors:

Purpose

The purpose of this bulletin is to 1) serve as contact update notification for all County Directives/Bulletins 2) provide the WIA contractors with the current information regarding the WIA Planning & Operations staff who will serve as the "single point of contact" for the WIA programs, activities and reporting.

Scope

The directive provides the WIA contractors with a "single point of contact" to address questions and determine technical assistance needs in the most expeditious manner.

Contact Information

WIA Planning and Operations Division::

Name	Program/Activity	Phone number	Email address
Francisco Perez	Youth	(213) 739-7321	fperez@css.lacounty.gov
Irene Pelayo	Adult	(213) 351-5246	ipelayo@css.lacounty.gov
Barbara Banck	Dislocated Worker	(213) 351-8924	bbanck@css.lacounty.gov
Francisco Perez	Rapid Response	213) 739-7321	fperez@css.lacounty.gov
Barbara Banck	Bulletins/ Directives	(213) 351-8924	bbanck@css.lacounty.gov

Internal Support Service Division:

Ellie Wolfe	Equipment/ Inventory	(213) 738-2681	ewolfe@css.lacounty.gov

Research and Statistic Division:

Peter Curtis	JTA/MIS	(213) 739-7323	pcurtis@css.lacounty.gov

Centralized Compliance Division:

Robert Brieff	Compliance/ Audit Resolution	(213) 738-2675	rbrieff@css.lacounty.gov

Contracts Management Division:

Chris Frau	WIA Contracts	(213) 738-2621	cfrau@css.lacounty.gov

Questions that are not clearly program specific regarding WIA or WorkSource centers issues can be directed to Barbara Banck at (213) 351-8924, Irene Pelayo at (213) 351-5246.

ACTION:
Bring this bulletin to the attention of all affected staff and sub-recipients.

INQUIRIES:
Inquiries regarding this matter should be directed to Maggie Mireles at (213) 738-2198 or Barbara Banck at (213) 351-8924 or bbanck@css.lacounty.gov.

Josie Marquez, Executive Director
Workforce Investment Board

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION
	CORRESPONDENCE SYMBOL OWI
	DATE March 18, 2009

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 14-08

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE WORKFORCE LIAISONS
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS
STATE LABOR COMMISSIONERS

FROM: DOUGLAS F. SMALL
Deputy Assistant Secretary

SUBJECT: Guidance for Implementation of the Workforce Investment Act and Wagner-Peyser Act Funding in the American Recovery and Reinvestment Act of 2009 and State Planning Requirements for Program Year 2009

1. **Purpose.** The purpose of this Training and Employment Guidance Letter (TEGL) is twofold. First, the TEGL provides policy guidance and direction regarding the American Recovery and Reinvestment Act of 2009 ("the Recovery Act") funding for activities authorized under the Workforce Investment Act of 1998 (WIA) and the Wagner-Peyser Act. The second purpose is to provide specific instructions regarding the requirement for states to modify their WIA and Wagner-Peyser Strategic State Plans. More specifically, the TEGL provides policy guidance on the use of:

- WIA Adult and Dislocated Worker funds provided in the Recovery Act;
- Wagner-Peyser Act funds included in the Recovery Act, including guidelines on reemployment services; and
- WIA Youth funds provided in the Recovery Act, including guidelines for summer youth employment activities.

The infusion of funds through the Recovery Act has implications for WIA/Wagner-Peyser Act State Planning. The TEGL also provides instructions to states for:

- Extending the life of current State Plans for Title I of WIA and the Wagner-Peyser Act ("the State Plan") for an additional year;
- Submitting modifications to address how states will utilize funding under the Recovery Act to meet the growing demand for workforce development services; and
- Extending existing waivers and requesting new waivers.

Rescissions	Expiration Date
TEGL 7-08 and TEGL 13-06	Continuing

2. **References.**
   - Wagner-Peyser Act, as amended (29 U.S.C. 49 et seq.)
   - Workforce Investment Act of 1998, as amended (29 U.S.C. 2801 et seq.)
   - WIA Regulations, 20 CFR parts 652 and 660-671
   - The American Recovery and Reinvestment Act of 2009 (P.L. 111-5)
   - Planning Guidance for the Strategic State Plan for Title I of the Workforce Investment Act of 1998 (WIA) and the Wagner-Peyser Act (73 FR 72853 (Dec. 1, 2008)) (OMB No. 1205-0398)
   - TEGL No. 17-05, "Common Measures Policy for the Employment and Training Administration's (ETA) Performance Accountability System and Related Performance Issues"
   - TEGL No. 28-05, "The Employment and Training Administration's (ETA's) New Strategic Vision for the Delivery of Youth Services Under the Workforce Investment Act (WIA): Expanding ETA's Vision for the Delivery of Youth Services under WIA to include Indian and Native American Youth and Youth with Disabilities"
   - TEGL No. 2-07, "Leveraging Registered Apprenticeship as a Workforce Development Strategy for the Workforce Investment System"
   - TEGL No. 9-08, "Negotiating Performance Goals for the Workforce Investment Act Title IB Programs and Wagner-Peyser Act Funded Activities for Program Year 2009"
   - TEGL No. 13-08, "Allotments for training and employment services as specified in the American Recovery and Reinvestment Act of 2009 (Recovery Act) for activities under the Workforce Investment Act of 1998 (WIA). Workforce Investment Act Adult, Dislocated Worker and Youth Activities Program Allotments; Wagner-Peyser Act Allotments, and Reemployment Service (RES) Allotments."

3. **Table of Contents.** The TEGL contains the following sections:

1. Purpose 1
2. References 2
3. Table Of Contents 2
4. Strategic Vision for Implementation of Employment and Training Provisions of the Recovery Act 3
5. General Policy Guidelines 4
6. Key Recovery Act Provisions and Emphases of Note 6
7. Listing Recovery Act Jobs on State Job Banks 8
8. Availability of Funds 9
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10. Program and Performance Reporting 9
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12. WIA Dislocated Worker Program 12
13. Additional Guidance For WIA Adult and Dislocated Worker Programs 15
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4. Strategic Vision for Implementation of Employment and Training Provisions of the Recovery Act. The Recovery Act, signed by President Obama on February 17, 2009, is intended to preserve and create jobs, promote the nation's economic recovery, and to assist those most impacted by the recession. With the additional workforce funding provided in the Recovery Act, and the increased employment and training services such funding will support, the workforce system will play a vital role in America's economic recovery by assisting workers who are facing unprecedented challenges to retool their skills and re-establish themselves in viable career paths. Drawing on the workforce system's expertise in developing our nation's workers, One-Stop Career Centers across the country will target services to meet the changing needs of workers and employers, helping the dislocated engineer to refine her resume, the construction worker to develop competencies in green construction technologies, and the nurse's aide to enroll in a registered apprenticeship program that will put her on the pathway to higher skilled and higher paying jobs that will lift her family from poverty to the middle class.

If the workforce system is to meet both the letter and the spirit of the law and fulfill its critical role in U.S. economic recovery, we must implement the Recovery Act expeditiously and effectively, with full transparency and accountability of our expenditure of funds. But the Recovery Act provides more than an injection of workforce development resources into communities in need across the country. The significant investment of stimulus funds presents an extraordinary and unique opportunity for the workforce system to accelerate its transformational efforts and demonstrate its ability to innovate and implement effective One-Stop service delivery strategies. As states and local areas plan how their One-Stop systems will make immediate use of the Recovery Act funds, the Employment and Training Administration (ETA) strongly encourages them to take an expansive view of how the funds can be integrated into transformational efforts to improve the effectiveness of the public workforce system. In this system, the needs of workers and employers are both important in developing thriving communities where all citizens succeed and businesses prosper. The system's implementation of the Recovery Act should yield not only increased services and training for workers in need, but also an invigorated, more innovative public workforce system capable of helping enable future economic growth and advancing shared prosperity for Americans.

In a stronger, more comprehensive One-Stop system, adults move easily between the labor market and further education and training in order to advance in their careers and upgrade their contributions to the workplace, while disconnected youth are able to reconnect through multiple pathways to education and training that enable them to enter and advance in the workforce. Adult education, job training, postsecondary education, registered apprenticeship, career advancement activities and supportive services are fully aligned with economic and community development strategies, so as to meet the skill needs of existing and emerging regional employers and high-growth occupations as well as the needs of under-skilled adults. Under such a dual-customer approach, seamless career pathways are developed and offered, and support services and needs-based payments are available, making it far easier for young people and

adults, particularly those most in need, to advance and persist through progressive levels of the education and job training system as quickly as possible and gain education and workforce skills of demonstrated value at each level. Education and training at every level are closely aligned with jobs and industries important to local and regional economies. Every level of education and training affords students, apprentices, and trainees the ability to advance in school or at work, with assessments and certifications articulated to the requirements of the next level of education and employment.

To achieve this vision of a strong and vital workforce system, system stakeholders at every level must continue to develop and refine innovative service delivery strategies in the context of regional economies. Although we confront the challenges of a global economy on a national level, economic prosperity for individuals and families will be determined in large part in regional economies – both metropolitan and rural. It is critical therefore that workforce boards partner with each other regionally and across political jurisdictions, and develop solutions in collaboration with community colleges and other education providers, registered apprenticeship, employers, business and labor organizations, civic groups and community philanthropy to align workforce development services with strategies for regional development. Sector strategies that enable low-income, displaced and under-skilled adults and disconnected youth to acquire the knowledge and skills for success at work in key industries are an important service delivery innovation. Sector strategies for renewable energy, broadband and telecommunications, health care, advanced manufacturing, and other high-demand industry sectors identified by local areas should become an integral part of comprehensive approaches to workforce development and regional growth.

5. General Policy Guidelines. In utilizing the funding in the Recovery Act, federal, state, and local levels of the workforce system must be guided by four principles:

- Transparency and accountability in the use of Recovery Act funding;
- Timely spending of the funds and implementation of activities;
- Increasing workforce system capacity and service levels; and
- Using data and workforce information to guide strategic planning and service delivery.

The Recovery Act contains many provisions stressing transparency in the use of the funding provided by the Act, including the creation of a new website named www.recovery.gov. This emphasis on transparency, along with national interest in the impact of the Recovery Act on our nation's economy, will translate into increased attention on the workforce system's implementation of the Recovery Act. The modifications to the State Plans described in this guidance and the information gathered through the WIA and Wagner-Peyser performance and reporting systems will be important sources of information to ensure transparency and accountability for use of Recovery Act funding. The One-Stop system's success in implementing the Recovery Act will be gauged in part by the progress it achieves in using annual appropriations along with Recovery Act funds to help unemployed, underemployed, and dislocated workers find new, good jobs and to access and remain in the middle class; to help low-skill or low-income workers acquire 21st century skills, find family-supporting jobs in healthy industries and access the middle class; and to help enhance the education pathways for disadvantaged and disconnected youth to improve their labor market prospects and long term career success.

Another guiding principle is the timely spending of funding and implementation of activities contained in the Recovery Act. The Act is intended to stimulate the nation's economy and provide quick assistance to those impacted by the economic downturn, which is reflected in the Congress's requirement that ETA allot the WIA and Wagner-Peyser formula funding in the Act within 30 days of enactment. In turn, ETA is requiring states to allocate their funds to local areas within 30 days of their receipt of funding. States and local areas are expected to move quickly to use the Recovery Act funding, in conjunction with other available funds, to provide career assessments, remedial and occupational training and job search assistance to unemployed workers; help youth access the services they need to pursue education and employment; assist businesses in hiring qualified workers; and other activities that can aid in the recovery of local, regional, and state economies.

Recovery Act funding may only be used for authorized WIA and Wagner-Peyser Act activities as provided in this TEGL. ETA expects states and local areas to fully utilize the additional workforce funding to substantially increase the number of customers served, and to substantially increase the number and proportion of those customers who receive training. These funds must be used to supplement annual WIA/Wagner-Peyser appropriations and must only be used for activities that are in addition to those otherwise available in the local area (WIA sec. 195(2)). To that end, Recovery Act funding is to be spent concurrently with other WIA and Wagner-Peyser funding, and should not be used to replace state or local funding currently dedicated to workforce development and summer jobs. While the law requires states to track and spend Recovery Act funds separately from other WIA and Wagner-Peyser formula funds, ETA encourages states to strategically align all of their resources to meet both short- and long-term state and regional workforce development needs. States should anticipate that Congress and the public will be looking for expenditures and performance results very quickly. State spending of Recovery Act formula funds will be integrated into ETA's ongoing regional monitoring workplans.

To facilitate rapid expansion of workforce service delivery capacity, states must be prepared to hire the workforce professionals needed to administer workforce programs and deliver services. In some states, a state-wide hiring freeze or other personnel restrictions have been applied to WIA and Wagner-Peyser programs. In light of the Recovery Act funding, and the significant need for workforce services across the country, ETA strongly encourages Governors to exempt WIA and Wagner-Peyser programs from such hiring freezes or personnel restrictions in order to reach the capacity necessary to meet the demand for workforce services. In making hiring decisions, however, states should be mindful of the temporary nature of the Recovery Act funding.

Additionally, states should consider the value of workforce and economic information and use this information in implementing the Recovery Act. Now more than ever, this type of information should be the foundation of workforce development strategies. Workforce information will be particularly critical as states and local areas seek to identify those businesses and sectors of the economy that are still in need of workers, even in the economic downturn, and those that will begin to grow as the economy recovers. Workforce information is also central to analysis of transferable skills for workers who have lost their jobs in industries and occupations that are not likely to rebound and need to transition to new careers. States should consider

utilizing a portion of Recovery Act funding to enhance workforce and economic information availability and use, with particular focus on supporting regional and local workforce investment board planning for the use of Recovery Act funds and creating linkages to jobs created through Recovery Act investments.

6. Key Recovery Act Provisions and Emphases of Note.

- ***Contracts with Institutions of Higher Education and Other Training Providers.*** To increase the availability of training to workforce system customers, the Recovery Act allows Local Workforce Investment Boards (LWIB) to award contracts to institutions of higher education, such as community colleges, or other eligible training providers, if the board determines it would facilitate the training of multiple individuals in high-demand occupations and if the contracts do not limit customer choice. This provision of the law is in addition to the current methods for providing training and is intended to help increase education and training enrollments and capacity in a time when many states and educational institutions are experiencing budget shortfalls, by allowing LWIBs to pay for the full cost of training at the beginning of the course. Direct contracts with institutions of higher education and eligible training providers also allow LWIBs to quickly design training to fit the needs of the job seekers and employers.

  Training services include the full range of occupational skills training, adult education and literacy services, and customized training as described in WIA section 134 (d)(4)(D). Before to entering into such contracts, ETA encourages LWIBs to assess current training offerings to ensure that the contracts are not duplicating existing training courses and curricula. These training contracts can be performance-based to ensure that they result in real outcomes for the students.

  As part of the contract, the institution of higher education or eligible training provider could develop curriculum for emerging sectors and enhance the capacity of the institutions to ensure quality training within limited timeframes. As such, the development of curriculum by institutions of higher education can be considered a training activity under WIA, if it is developed in the context of providing training to WIA participants. To be consistent with the timely spending of Recovery Act funds, curriculum activities should focus on adapting existing or creating new curriculum that will result in a short-term increase in training capacity, rather than long-term curriculum development activities.

  Institutions of higher education, such as community colleges, need not be on a state list of eligible providers of training services in order to be awarded a contract with Recovery Act funds. Other providers of training that are not institutions of higher education must be on the state list of eligible providers in order to be awarded a contract.

- ***Emphasis on Serving Low-income, Displaced and Under-skilled Adults and Disconnected Youth.*** Particular populations have been heavily impacted by the recession, and have particular challenges in regaining employment. ETA encourages states and local areas to pay particular attention to these populations in the development of implementation strategies for Recovery Act funds. State, regional, and local workforce development strategies should

include robust approaches to helping these workers access training and employment services that advance them along career pathways in high-growth industries, and help them gain access to and remain in the middle class. The Recovery Act contains several provisions designed to target services to these populations. Priority use of WIA Adult formula funds under the Recovery Act must be for services to recipients of public assistance and other low-income individuals as described in WIA section 134(d)(4)(E) (see Section 11.B. of this TEGL for additional discussion of the interaction of this priority with the veterans' priority under the Jobs for Veterans Act). Furthermore, the law requires states to ensure that supportive services and needs-related payments described in WIA section 134(e)(2) and (3) are made available to support the employment and training needs of these priority populations. The provision of supportive services and needs-related payments should also be a focus for the Recovery Act Dislocated Worker formula funds. Summer youth work experiences are similarly intended to include youth who are disconnected from education and the workforce. WIA funds may be used for adult education, including basic or English language education, as delivered through community colleges and other high quality public programs and community organizations that provide such services, as long as they are provided in connection with occupational skill training leading to a job or career for which the individual is preparing.

- ***Provision of Reemployment Services.*** The workforce system plays a vital role in helping unemployed workers quickly find work, and in helping employers find workers when they are ready to hire. The Recovery Act includes a new, major investment to provide Reemployment Services to Unemployment Insurance (UI) claimants. These funds are in addition to those provided through the Reemployment and Eligibility Assessment program implemented under the UI system, currently in 19 states, and soon to be in others. All states and local areas must develop close partnering relationships between UI and One-Stop services to ensure UI claimants are quickly linked to a local One-Stop in their area to develop and pursue an employment plan. States are urged to leverage all available services to maximize the resources and enhance workers' opportunities to return to the workforce. ETA encourages states to find and share best practices through the online community of practice at www.reemploymentworks.workforce3one.org.

- ***Green Jobs.*** The energy efficiency and renewable energy industries offer workers new opportunities that may require additional training and certification. Through the Recovery Act, a number of other federal programs will receive large investments in programs and projects that could create "green jobs." These include investments in renewable energy infrastructure, energy-efficiency home retrofitting, biofuel development, and advanced drive train/vehicle development and manufacturing. As states receive Recovery Act funding for the WIA and Wagner-Peyser programs and implement training and reemployment strategies, ETA encourages states to recognize opportunities to prepare workers for "green jobs" related to other sources of federal funding. States are also encouraged to expand existing training programs, such as registered apprenticeship programs that have the potential to prepare workers for careers in the renewable energy sectors and for other "green jobs."

  While occupational data collection on green jobs is ongoing and occurring in both the public and private sectors, there appears to be general consensus from the research that not all

"green jobs" are necessarily new or unique occupations, but represent "layers" of green skills upon existing occupations. For example, O*NET has identified a number of occupations that may be moderately impacted by "green" technologies. These may include, but are not limited to, power plant operators; electrical engineers; heating, ventilating and air conditioning (HVAC) mechanics and installers; and roofers and construction managers. Other occupations that have the potential for significant change and growth include, but are not limited to, wind turbine engineers; solar power plant operators; and wind turbine service technicians. Additional data collection will further inform the work of the workforce system at all levels.

While this TEGL provides specific policy guidance for the WIA and Wagner-Peyser programs, states and local areas should note that $750 million was made available to ETA through the Recovery Act to award competitive grants focused on projects that train workers and place them in employment in the energy efficiency and renewable energy industries; the healthcare industry; and other high-growth and emerging industries. Approximately $500 million of the funding will be provided through the future competitions to support research, labor exchange and job training projects that prepare individuals for careers in industries as defined in the Green Jobs Act of 2007.

- ***Connections to Other Federal Recovery Act Investments.*** Through the Recovery Act, billions of dollars will be invested in projects related to infrastructure development and improvement, healthcare, and other areas that will create jobs and opportunities for unemployed workers to rejoin the labor force. For instance, the development and implementation of a national infrastructure for electronic medical records will modernize health information technology and increase this industry's need for qualified workers. Other Recovery Act funding will focus on projects that include, but are not limited to: school renovations and construction; Veterans Affairs hospital and medical facility construction and improvements; repair and restoration of public facilities and parks; repair and restoration of Department of Defense facilities; and construction of highways, public transportation, air, and rail (including high speed rail) transportation infrastructure. Clearly, these projects create opportunities for workers nationwide.

  ETA strongly recommends that workforce agencies and LWIBs review other parts of the Recovery Act, with an eye toward the activities to be carried out through the Departments of Agriculture, Defense, Energy, Health and Human Services, Interior, Transportation, and others, to monitor these funding streams at the state level in an effort to coordinate workforce development activities and maximize the return on each investment in terms of the number of workers employed or reemployed through such projects. For example, LWIBs should collaborate with local government agencies and employers who are creating jobs in road and bridge projects, local food production and processing, nursing and allied health, and local conservation projects and energy efficiency programs such as the Weatherization Program run by many local Community Action Agencies.

7. <u>Listing Recovery Act Jobs on State Job Banks</u>. ETA strongly encourages State Workforce Administrators to work closely with their Governors and State Workforce Investment Boards to facilitate the listing of all jobs generated through the Recovery Act on their State Job Banks.

Governors in several states are requiring such listings. This will enable all job seekers to view and, if appropriate, pursue new jobs created, as well assist job placement coordinators in identifying reemployment opportunities for job seekers.

In order to foster greater accountability and transparency in the use of Recovery Act funds, states should also note that the Act requires the federal government to include on www.Recovery.gov links to and information about how to access job and registered apprenticeship opportunities, local employment agencies, and State Job Banks.

8. Availability of Funds. States are strongly encouraged to spend Recovery Act funding quickly and effectively. WIA funding for Adults, Dislocated Workers, and Youth are considered to be Program Year (PY) 2008 funds and, therefore, must be expended by the end of PY 2010 (June 30, 2011). Wagner-Peyser funds are available for obligation by the states through September 30, 2010, and must be expended by the end of PY 2010 (June 30, 2011). It is the Congress' intent, as well as that of the Administration, that the majority of these funds will be utilized within the first year of availability. States are reminded that the Recovery Act provides additional funds under existing WIA or Wagner-Peyser authority, and the design and delivery of the services for the Recovery Act funds are governed by WIA and Wagner-Peyser laws and regulations.

9. Monitoring. Pursuant to WIA regulations at 20 CFR 667.410, each state recipient and subrecipient of Recovery Act funds must conduct regular oversight and monitoring of its WIA and Wagner-Peyser Employment Services activities and those of its subrecipients and contractors in order to determine that expenditures have been made against the appropriate cost categories and within the cost limitations. Oversight and monitoring should determine whether or not there is compliance with programmatic, accountability, and transparency provisions of the Recovery Act and this TEGL, as well as the regular provisions of WIA and the Wagner-Peyser Act, as amended by WIA, and their regulations and other applicable laws and regulations. States are also required to provide technical assistance as necessary and appropriate. In the State Plan modification described in Section 18 and Attachment A, the Governor must be able to demonstrate, through a monitoring plan or otherwise, that the state monitoring system meets the requirements of 20 CFR 667.410(b)(2) and that the state's plan includes monitoring and oversight of the additional funds provided under the Recovery Act.

10. Program and Performance Reporting. Accountability guidelines provided by the Office of Management and Budget for the Recovery Act emphasize data quality, streamlining data collection, and collection of information that shows measurable program outputs. ETA is developing reporting guidelines for these funds with the intent to minimize any new collection burdens. Final guidance on participant and performance reporting will be issued under a separate TEGL. To the extent that new information or reports are required for Recovery Act activities, ETA will seek Office of Management and Budget (OMB) clearance through the Paperwork Reduction Act process.

11. WIA Adult Program. The Recovery Act makes available an additional $500,000,000 for the WIA Adult formula program. ETA is distributing funds to states via the existing WIA Adult formula per TEGL No. 13-08, which specifies amounts for each state. These funds are available

for states to provide employment and training services to adults through the One-Stop system in accordance with WIA allocation requirements. Per the Recovery Act, the funds shall remain available to states for the same period of time as regular PY 2008 WIA Adult formula funds, or until June 30, 2011, and are subject to the 15 percent reserve for state activities under WIA section 133(a).

A. Allowable Activities

It is the intent of the Recovery Act that WIA Adult funds be used to provide the necessary services to substantially increased numbers of adults to support their entry or reentry into the job market. To that end, states should consider how assessment and data-driven career counseling can be integrated into their service strategies to support adults in successful training and job search activities that align with areas of anticipated economic and job growth. Recovery Act funds can be used on all activities specified under the WIA Adult program. To maximize the reach of Adult formula funds, One-Stop Career Centers should help eligible customers take advantage of the significant increase in Pell Grant funds also included in the Recovery Act.

Because workers may need to up-skill or re-skill to compete for limited career opportunities, training will be a particularly vital service during the economic recovery, and overall training enrollments are expected to increase. Training services may include occupational skills training, on-the-job training, programs that combine workplace training and related instruction, including registered apprenticeship, training programs operated by the private sector, skill upgrade and retraining, entrepreneurship training, job readiness training, adult education and literacy training, and customized training. These funds can also be used to support adult basic education training, including English as a second language.

The Recovery Act specifically emphasizes the authority to use these funds for supportive and needs-related payments to ensure participants have the means to pay living expenses while receiving training. This should allow workers to pursue training of sufficient duration to acquire skills and credentials of value that will connect them to emerging jobs as the economy recovers. To increase state, regional, and local training capacity, the Act gives states the authority to enter into contracts with institutions of higher education, such as community colleges, or other eligible training providers to facilitate the training of multiple individuals in high-demand occupations, so long as the contract does not limit customer choice, as discussed in section 6.

As stated earlier, priority use of these funds shall be for services to recipients of public assistance and other low-income individuals as described in WIA section 134(d)(4)(E). States are particularly encouraged to provide training opportunities to these individuals. Again, because family and income responsibilities often prevent these priority populations from successfully entering or completing training, states should ensure that supportive services and needs-related payments described in WIA section 134(e)(2) and (3) are available to support the employment and training needs of priority populations. Supportive services may include transportation, child care, dependent care, housing, and other services that are necessary to enable an individual who is unable to obtain the services from other programs to participate in activities authorized under WIA. Needs-related payments may be provided to adults who are unemployed and do not qualify for or have ceased to quality for unemployment compensation for the purpose of enabling

such individuals to participate in programs of training services. One-Stop Career Centers should take advantage of the availability of these payments so that customers can pursue their career goals, rather than their short-term income needs determining the length of their training.

B. Recommended Strategies

In allocating the WIA Adult formula funds in the Recovery Act, ETA encourages states to consider including the following in their service delivery strategies:

- ***Targeted Use of Funds.*** ETA encourages states to develop plans and strategies that target the use of WIA Adult formula funds on the services that most efficiently and effectively assist workers impacted by the current economy to obtain employment, with priority given to recipients of public assistance and other low-income individuals as described in WIA section 134(d)(4)(E). These strategies should include assisting adults to adapt their skills and career goals to the rapidly changing economy and employment options. States should make every effort to assess the skills, abilities, and career goals of adults and to help them map their skills against current and anticipated jobs. The Recovery Act recognizes that adults participating in training to advance or retool their skills will need supportive services and needs-related payments to remain and succeed in training. In gathering best practices, states may wish to look to the papers, curriculum, and other products shared through www.workforce3one.org, and are encouraged to share their own best practices through the Web site. Further, ETA encourages states to execute these plans and strategies in a way that builds towards the vision of the workforce system as articulated in Section 4 of this guidance letter.

- ***Coordination and Alignment with Wagner-Peyser, Reemployment Services, Trade Adjustment Assistance, Unemployment Insurance, and One-Stop Career Center Partner Programs.*** ETA encourages states to align their use of WIA Adult formula funds and other federal and state resources, such as Adult Basic Education and Pell grants, and with their spending strategies for other funding streams provided through the Recovery Act to ensure the most efficient and effective use of all funding. In particular, states should integrate their implementation of Adult services with Reemployment Services and UI programs so that individuals have easy access to all programs, regardless of their point of entry into the system.

- ***Leveraging and Support for Registered Apprenticeship Programs.*** ETA encourages states to leverage new, and existing national, state and local registered apprenticeship programs and assets as a key resource in their talent development and reemployment strategies. Significant Recovery Act investments are targeted to key industries such as construction, health care, transportation, and other industries with emerging green jobs that traditionally utilize or are expected to draw heavily upon registered apprenticeship. Linking talent development and reemployment strategies to these Recovery Act investments, particularly those focused on generating new "green" jobs, is critical to providing employment opportunities that can provide a pathway to the middle class and allow individuals to earn while they learn.

- ***Alignment with State and Regional Economic Recovery Plans.*** ETA encourages states to align their WIA Adult formula activities with state and regional economic recovery plans as they are developed, particularly those connected with the Recovery Act, to ensure that training and employment services support anticipated industry growth, and corresponding expected employment opportunities and required skill competencies. States and local areas are encouraged to develop comprehensive regional partnerships to facilitate this alignment. LWIBs are encouraged to partner with each other regionally and across political jurisdictions as necessary.

C. Priority of Service for Veterans and Eligible Spouses

States and local areas must incorporate priority of services for veterans and eligible spouses sufficient to meet the requirements of 20 CFR part 1010, published at Fed. Reg. 78132 on December 19, 2008, the regulations implementing priority of service for veterans and eligible spouses in Department of Labor job training programs under the Jobs for Veterans Act. Under sec. 1010.310(b)(3) of these regulations, when the veterans priority is applied in conjunction with another statutory priority like the Recovery Act's priority for recipients of public assistance and low-income individuals, veterans and eligible spouses who are members of the Recovery Act priority group must receive the highest priority within that priority group, followed by non-veteran members of the Recovery Act priority group.

12. <u>WIA Dislocated Worker Program</u>. The Recovery Act makes available an additional $1,250,000,000 to the WIA Dislocated Worker formula program. Funds will be distributed to states via the existing WIA Dislocated Worker formula per TEGL No. 13-08, which specified amounts for each state. These funds are available for states to provide employment and training services to dislocated workers through the One-Stop system in accordance with WIA local area allocation requirements. Under the Act, the funds shall remain available to states for the same period of time as standard PY 2008 Dislocated Worker formula funds, or until June 30, 2011. Under WIA section 133(a) the WIA Dislocated Worker funds in the Recovery Act are subject to the 25 percent Governor's reserve for statewide rapid response activities and the 15 percent reserve for state-wide activities.

A. Allowable activities

It is the intent of the Recovery Act that WIA Dislocated Worker funds be used to provide the necessary services to dislocated workers to support their reentry into the recovering job market. To that end, states should consider how assessment and data-driven career counseling can be integrated into their service strategies to support dislocated workers in successful training and job search activities that align with areas of anticipated economic and job growth. The funds can be used for all activities specified under WIA for the Dislocated Worker program. It is the intent of the law that substantially increased numbers of dislocated workers will be served with this infusion of formula funds, and that training will be a significant area of focus. Training services include occupational skills training, on-the-job training, programs that combine workplace training and related instruction, including registered apprenticeship, training programs operated by the private sector, skill upgrade and retraining, entrepreneurship training, job readiness

training, adult education and literacy training, and customized training. Additionally, states have the authority to enter into contracts with institutions of higher education, such as community colleges, or other eligible training providers to facilitate the training of multiple individuals in high-demand occupations, so long as the contract does not limit customer choice.

States may reserve up to 25 percent of the Dislocated Worker Recovery Act formula funds for Rapid Response activities. Given expectations for the expeditious spending of funds, ETA encourages states to be strategic in determining how much money to set aside for this purpose. States are further reminded of the wide range of activities that can be supported using Rapid Response funds, such as lay-off aversion activities (see 20 CFR part 665, subpart C).

To be eligible to receive services under the WIA Dislocated Worker formula funds provided in the Recovery Act, individuals must meet the eligibility requirements as stated in WIA section 101(9). This definition allows individuals to qualify as a dislocated worker in four different ways. The workforce system is encouraged to test individuals' eligibility against all options to ensure that the maximum number of people qualify as dislocated workers. Individuals who do not qualify under category A because of the nature of their employment separation may still qualify under category B, C, or D. Additional guidance will be forthcoming discussion dislocated worker eligibility scenarios. Customers who do not qualify as dislocated workers should be considered for eligibility in the Adult formula program.

Category A – General Dislocated Workers. To qualify, an individual must meet the following three criteria:

1. Has been terminated or laid off, or has received a notice of termination or layoff, from employment;
2. EITHER is eligible for or has exhausted entitlement to unemployment compensation; OR has been employed for a duration sufficient to demonstrate, to the appropriate entity at a One-Stop Career Center referred to in WIA section 134(c), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a state unemployment compensation law; and
3. Is unlikely to return to a previous industry or occupation.

Category B – Plant Closure. To qualify, an individual must meet one of the following three criteria:

1. Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise;
2. Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or
3. For purposes of eligibility to receive services other than training services described in WIA section 134(d)(4), intensive services described in WIA section 134(d)(3), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close.

Category C – Self-Employed or Unemployed. To qualify, an individual must meet the following criteria:

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

Category D – Displaced Homemaker. To qualify, an individual must meet the following three criteria:

1. Has been providing unpaid services to family members in the home;
2. Has been dependent on the income of another family member but is no longer supported by that income; and
3. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

B. Recommended Strategies

In allocating the WIA Dislocated Worker formula funds in the Recovery Act, ETA encourages states to consider the following:

- ***Targeted Use of Funds.*** ETA encourages states to develop plans and strategies that target the use of WIA Dislocated Worker formula funds on the services that most efficiently and effectively assist dislocated workers to obtain employment. These strategies should include assisting dislocated workers to adapt their skills and career goals to the rapidly changing economy and employment options. ETA encourages states to assess the skills, abilities, and career goals of dislocated workers and to help them map their skills against current and anticipated jobs.

- ***Supportive Services and Needs-related Payments.*** Because of the nature of our nation's changing economy, many dislocated workers may need training to increase their skills and gain employment. ETA encourages statesto establish policies that assure that supportive services and needs-related payments, described in WIA section 134(e)(2) and (3) and in WIA regulations 20 CFR part 663, subpart H, that may be necessary for an individual's participation in job training are part of the dislocated worker service strategy. Guidance on the provision of needs-related payments to dislocated workers can be found in 20 CFR 663.820 and 663.825. To maximize the reach of these funds, One-Stop Career Centers should help eligible customers take advantage of the significant increase in Pell Grant funds also included in the Recovery Act by coordinating with the Pell Grant program in accordance with 20 CFR 663.320. One-Stop staff should also take into account the additional weeks of UI benefits available under the Emergency Unemployment Compensation and Extended Benefits that may help eligible customers complete longer-term training.

- ***Coordination and Alignment with Wagner-Peyser, Reemployment Services, Trade Adjustment Assistance, Unemployment Insurance, One-Stop Career Center Partner Programs, and Registered Apprenticeship.*** ETA encourages states to align their use of WIA Dislocated Worker formula funds with their spending strategies for other funding streams provided through the Recovery Act to ensure the most efficient and effective use of all

funding. In particular, states should integrate their implementation of Dislocated Worker services with Reemployment Services and UI programs such that individuals have easy access to all programs, regardless of their point of entry into the system. Since significant Recovery Act investments are targeted to key industries such as construction, transportation, healthcare and other industries with emerging "green" jobs that traditionally utilize or are expected to draw heavily upon registered apprenticeship, states are also encouraged to leverage new and existing registered apprenticeship programs and assets.

- ***Alignment with State and Regional Economic Recovery Plans.*** ETA encourages states to align their WIA Dislocated Worker formula activities with state and regional economic recovery plans, particularly those connected with the Recovery Act as they are developed, to ensure that training and employment services support anticipated industry growth, and corresponding expected employment opportunities and required skill competencies. States and local areas are encouraged to develop comprehensive regional partnerships to facilitate this alignment. LWIBs are encouraged to partner with each other regionally and across political jurisdictions as necessary.

C. Priority of Service for Veterans and Eligible Spouses

States and local areas must incorporate priority of services for veterans and eligible spouses sufficient to meet the requirements of 20 CFR part 1010, published at Fed. Reg. 78132 on December 19, 2008, the regulations implementing priority of service for veterans and eligible spouses in Department of Labor job training programs under the Jobs for Veterans Act. Under sec. 1010.310(b)(3) of these regulations, when the veterans priority is applied in conjunction with another statutory priority like the Recovery Act's priority for recipients of public assistance and low-income individuals, veterans and eligible spouses who are members of the Recovery Act priority group must receive the highest priority within that priority group, followed by non-veteran members of the Recovery Act priority group.

13. <u>Additional Guidance for WIA Adult and Dislocated Worker Programs</u>.

A. Training Activities

ETA encourages states to consider using the six methods of providing training listed below in utilizing the WIA Adult and Dislocated Worker funds provided in the Recovery Act: 1) Individual Training Accounts; 2) Customized training; 3) On-the-job training; 4) Contracts with institutions of higher education and other eligible training providers; 5) Contracts with community-based organizations for the provision of training; and 6) Registered apprenticeship.

- ***Individual Training Accounts*** allow job seekers maximum flexibility in selecting training providers to meet their training and education needs.

- ***Customized training*** is designed to meet the special requirements of an employer or group of employers and is conducted with a commitment by the employer to employ an individual on successful completion of the training. The employer pays for not less than 50 percent of the cost of the training. Customized training is a valuable tool to create specific training for an

employer or group of employers with jobs available that require similar skill needs that results in positive employment outcomes for individuals upon completion of training.

- ***On-the-job training (OJT)*** provides job seekers with work experience and skills training needed to successful obtain and retain employment. Under OJT, the employer is provided up to 50 percent of the costs of training calculated and paid on a wage reimbursement basis. National outcome data shows that outcomes for individuals completing OJT are higher than for those using other training methods. Additionally, research on successful adult learning strategies indicates that "earn-while-you-learn" models are critical to the successful training outcomes.

- ***Contracts with institutions of higher education and other training providers*** allow LWIBs to work directly with institutions of higher education, such as community colleges, and other training providers to quickly design education and training to fit the needs of the job seekers and employers they are serving. Given the budget restrictions many states and regions are facing, these contracts are intended to provide a means of quickly ramping up much-needed training capacity.

- ***Contracts with community-based organizations.*** WIA section 134(d)(4)(G) gives local areas the flexibility to contract directly with community-based organizations to provide training, in lieu of Individual Training Accounts, if the local board determines that there is a training services program of demonstrated effectiveness offered in the local area by a community-based organization to serve special participant populations that face multiple barriers to employment.

- ***Registered apprenticeship*** combines education and work experience resulting in a nationally recognized portable credential and offers adults and dislocated workers a career pathway into specific fields. There are a number of creative ways to utilize WIA funding in support of both pre-apprenticeship and apprenticeship programs. See TEGL No. 2-07, "Leveraging Registered Apprenticeship as a Workforce Development Strategy for the Workforce Investment System," and the recently updated apprenticeship regulations (73 Fed. Reg. 64402 (Oct. 29, 2008)) for more information.

B. Sequence of Service

In this guidance, ETA is clarifying requirements in WIA regulations related to sequence of services for the WIA Adult and Dislocated Worker programs as follows:

- Before providing intensive services, a local area must determine that an individual is unable to obtain employment through core services, among other criteria.
- To provide training services to an individual, the local area must determine that an individual is unable to obtain employment through intensive services, among other criteria.

As stated in the preamble to the WIA regulations, these determinations do not mean that the individual must go through layers of service to prove that need; the determination of need itself can be a core and/or intensive service, such as an assessment or development of an Individual

Employment Plan. Thus, a case worker could initially meet with a participant at a One-Stop Career Center, assess his or her skills and consider labor market conditions, and determine that core or intensive services will not be sufficient to result in employment for the participant. The provision of training or other needed services can then be provided sequentially, concurrently, or in whatever order makes the most sense for the individual.

14. Wagner-Peyser Act Funding. The Recovery Act makes available funding for Employment Services Operations, excluding reemployment services, in the amount of $150,000,000. Funds will be distributed to states via existing Wagner-Peyser formula per TEGL No. 13-08 which identifies the specific amounts for each state. These funds are available for states to assist persons in One-Stop Career Centers to secure employment and workforce information by providing a variety of services, including job search assistance, skills assessment, and labor market information services to job seekers and to employers seeking qualified individuals to fill job openings. Per the Recovery Act, the funds are available for obligation by the states through September 30, 2010. All Wagner-Peyser Recovery Act funds must be expended by June 30, 2011.

A. Allowable Activities

As outlined in section 7(a) of the Wagner-Peyser Act, 90 percent of the sums allotted under the Recovery Act may be used for a variety of employment services, including job search and placement services for job seekers, appropriate services for employers, and other services listed in section 7(a)(3)(A) through (F). Wagner-Peyser services include assessment of skill levels, abilities and aptitudes; career guidance when appropriate; job search workshops; and referral to employers. The services offered to employers, in addition to referral of job seekers to job openings, include matching job requirements with job seeker experience, skills and other attributes; helping with special recruitment needs; assisting employers analyze hard-to-fill job orders; assisting with job restructuring; and helping employers. States are expected to provide these services within their One-Stop Career Centers.

Other key services include: 1) a computerized career information system including access to State Job Bank resources and institutions and organizations that provide training; and 2) the development and distribution of state and local workforce information which allows job seekers, employers, and providers and planners of job training and economic development to obtain information about job opportunities, regional job vacancies, labor supply, labor market or workforce trends, and the market situation in particular industries.

Under section 7(b), 10 percent of the Wagner-Peyser funds allotted are reserved for use in other areas, including performance incentives for public employment service offices, services for groups with special needs, and the extra costs of exemplary models.

Veterans receive priority of service under Wagner-Peyser activities. In addition, under Wagner-Peyser Act section 7(b)(2), the workforce system may provide specialized service to groups with special needs, including individuals with disabilities, as well as groups such as Indians and Native Americans, migrant and seasonal farmworkers, ex-offenders, youth, and older workers.

Additionally, states have flexibility to use Wagner-Peyser funds to support support targeted services to individuals with disabilities, such as the disability navigator programs similar to those currently operated in many One-Stop Career Centers nationally, and to purchase assistive technology and other devices to support providing services to individuals with disabilities. This supports the goals outlined in Wagner-Peyser Act section 8(b), as DPNs and other technology support the promotion and development of employment opportunities of persons with disabilities and placement of such individuals into employment.

B. Recommended Strategies

In implementing Wagner-Peyser services under the Recovery Act, ETA encourages states to consider including the following in their service delivery strategies:

- ***Seamless Service Integration with WIA Services, Unemployment Insurance, and One Stop Partners to Ensure Individuals have Access to a Full Array of Employment And Training Services.*** The Wagner-Peyser funded activities are an integral part of the One-Stop Career Center network that provides an integrated array of high-quality services so that workers, job seekers, and businesses can access the services they need in easy-to-reach locations, with many services also offered through self-service electronic access. WIA programs offer additional intensive and training services not available under Wagner-Peyser, while UI and One-Stop partners offer valuable income supports and other supportive services. The UI application process should also provide a direct link to a local One-Stop Career Center for assistance to reconnect to a job. The integration of services supports seamless transition between services for adults and dislocated workers.

- ***Assessment and Career Counseling.*** ETA strongly encourages states to use these funds to support career guidance and counseling services, including assessments, which are integral to helping unemployed workers assess transferrable skills and skill gaps.

- ***Workforce Information.*** ETA encourages states to consider utilizing a portion of Wagner-Peyser funding to enhance workforce and economic information availability and utilization. Such investments are critical to identifying businesses and sectors of the economy still in need of workers and those that will begin to grow as the economy recovers, as well as identifying transferable skills for workers who have lost their jobs and need to transition to new careers.

- ***Outreach to Migrant and Seasonal Farmworkers.*** Migrant and seasonal farmworkers will be impacted by the current economic downturn as well, requiring new strategies to ensure they have access to employment and training opportunities available as a result of Recovery Act funds.

C. Priority of Service for Veterans and Eligible Spouses

States and local areas must incorporate priority of services for veterans and eligible spouses sufficient to meet the requirements of 20 CFR part 1010, published at Fed. Reg. 78132 on December 19, 2008, the regulations implementing priority of service for veterans and eligible

spouses in Department of Labor job training programs under the Jobs for Veterans Act. Under sec. 1010.310(b)(3) of these regulations, when the veterans priority is applied in conjunction with another statutory priority like the Recovery Act's priority for recipients of public assistance and low-income individuals, veterans and eligible spouses who are members of the Recovery Act priority group must receive the highest priority within that priority group, followed by non-veteran members of the Recovery Act priority group.

D. Hiring of Personnel

Due to the limited funding life and the economic crisis faced in many local areas, ETA strongly encourages states to work as quickly as possible to hire staff to accomplish the aforementioned allowable activities, in accordance with the staffing requirements of Wagner-Peyser codified at 20 CFR 652.215 and 216. Accordingly, ETA strongly encourages Governors to consider lifting state-wide hiring freezes for Wagner-Peyser, as well as other workforce programs receiving funds under the Recovery Act, in order to effectively meet the intent of the law. In making hiring decisions, however, states should be mindful of the temporary nature of the Recovery Act funding.

15. Reemployment Services. The Recovery Act makes available funding for reemployment services (RES) in the amount of $250,000,000. These funds will be distributed to states using the Wagner-Peyser formula to supplement existing RES for UI claimants, and to support integrating Employment Service and UI information technology to identify and serve the needs of such claimants. Per the Recovery Act, the funds are available for obligation through September 30, 2010 and for expenditure through June 30, 2011.

A. Allowable Activities

RES funding provides job search and other employment-related assistance services to UI claimants. As was the case with prior RES grants in PY 2001 through PY 2005, these funds are to be used to provide RES to UI claimants through the One-Stop Career Centers, in addition to the regular Wagner-Peyser Act funded employment services, in order to accelerate their return to work. States are expected to provide reemployment services within the One-Stop Career Centers.

Under Wagner-Peyser Act section 7(a) through (c), allowable activities include job search and placement services to job seekers including counseling, testing, occupational and labor market information, assessment, and referral to employers, and appropriate recruitment services and special technical services for employers. Specifically, this may include:

- Services provided to UI claimants identified through the UI profiling system;
- In-person staff assisted services;
- Initial claimant reemployment assessments;
- Career guidance and group and individual counseling, including provision of materials, suggestions, or advice which are intended to assist the job seeker in making occupation or career decisions;

- Provision of labor market, occupational, and skills transferability information that clarifies claimants' reemployment opportunities and skills used in related or other industries;
- Referral to job banks, job portals, and job openings;
- Referral to employers and registered apprenticeship sponsors;
- Referral to training;
- Assessment, including interviews, testing, individual and group counseling, or employability planning; and
- Referral to training by WIA-funded or third party service providers.

States should also evaluate potential technological changes and updates that would improve their capacity to serve growing numbers of UI claimants, as Recovery Act funds may be used for information technology required to identify and serve the needs of UI claimants.

B. Recommended Strategies

In utilizing RES funding in the Recovery Act, ETA encourages states to consider the following:

Collaboration between State Employment Service, Unemployment Insurance, and Labor Market Information Offices. ETA strongly encourages states to bring together all partners in their state workforce system, including the UI, Employment Services and Labor Market Information offices, as well as the State Workforce Agency and State Workforce Investment Board leadership, to create a comprehensive strategic plan to most effectively serve UI claimants and businesses in need of a job ready, labor market connected workforce. In designing the strategic plan, ETA encourages states to consider the full range of Recovery Act economic stimulus projects and funds that will be available to the state, in addition to employment opportunities that may be available in the state in industries that continue to need more workers. For example, some areas have seen a general decline in economic activity and these states will receive significant economic stimulus funding for a wide variety of "shovel-ready" infrastructure projects. ETA encourages states to post these positions in the public job bank and to fill these positions with One-Stop Career Center customers. This type of coordinated response will optimize federal investments and benefits to unemployed workers.

Full Array of Services. ETA expects states to provide a full array of services for UI claimants through RES, Wagner-Peyser Act, and WIA grant funding as applicable. ETA encourages states to develop a comprehensive and integrated service delivery model to ensure the UI claimants receive an enhanced level of service. Based on the claimants' needs, ETA encourages states to consider the following service strategies and tactics:

- Claimant reemployment job clubs and/or networking support groups, including White Collar Job Clubs;
- Expanding the basis under the UI profiling system for referring UI claimants for services through the One-Stop system;
- Providing training for One-Stop staff on assessments, including worker profiling; autocoder software; labor market information, etc. to help staff understand how to use information and technology tools to target RES;

- Collaboration with UI to identify claimants who would benefit most from RES or WIA services, and encouraging UI to adjust the profiling models to target these individuals;
- Targeting job development efforts to better identify the skills transferability needs of UI claimants;
- One-on-one career guidance and counseling to include examination of whether an individual is likely to return to previous occupation or industry and, if not, use of skills assessment and testing techniques, labor market information data, workforce information, O*NET, and other tools to identify the claimant's transferable skills and other occupations and/or industries in which these skills can be used;
- Development of individual reemployment plans for claimants who, based on assessments, would not be a candidate for immediate reemployment in the regional labor market area and would benefit from additional RES and/or WIA intensive and training services; and
- Soft-skills pre-training services such as computer and internet keyboarding, and other competency classes to improve claimants' ability to job search and apply to jobs online.

Profiling and the Use of Statistical Modeling. With the limited funds available and the large numbers of claimants that would benefit from RES, ETA encourages states to assess claimants through the use of existing statistical profiling models using claimants' characteristics, as known from their initial UI claim, to help identify the most effective mix of interventions and services for different groups of UI claimants. Matching the types of services with the skills and abilities of claimants to be served will vary from state to state depending on the type of profiling model used, the local labor market dynamics, and the claimant characteristics. Close coordination and collaboration with UI is required to make this a success. Based simply on the claimants' potential duration of UI benefits (the maximum number of weeks of UI they are eligible to receive) and their profiled likelihood of exhausting those benefits, states may make the generalizations about service referrals described below. This information is not intended to place individuals into defined categories that have defined service delivery strategies, but instead can be used by states to guide development of the most effective strategies for all UI claimants.

- Claimants with low likelihood of benefit exhaustion and short potential benefit duration may be referred to immediate and intensive job development and job referral services. These claimants tend to be seasonal workers or multiple job holders. Their short potential duration on UI is a powerful incentive to return to work and their general characteristics (e.g., multiple employers, relatively low levels of wages, tenure, and education) generally indicate a claimant who is likely to regain employment quickly.

- Claimants who have a high likelihood of exhaustion and short potential benefit duration may be referred to skills training or skills transferability analysis. These claimants tend to have a strong work history, but need additional skills. This group is characterized by relatively longer job tenure, lower wages, and lower education than the average UI claimant.

- Claimants who have a high likelihood of exhaustion and long potential benefit duration may be referred to job search assistance services. These workers often have long tenure, very high education, and high wages. These claimants have strong attachment to the workforce but may not have looked for a job in a long time. They are often good job

candidates, but may need job search assistance such as resume writing assistance, job search workshops, and labor market information. They may also be facing an adjustment in wage expectations as a result of their work histories.

- Claimants who have a lower likelihood of exhaustion and long potential benefit duration may be referred to assessments, intensive services, and training. These claimants, who are characterized by low job tenure, high reserve wages, and low education, may have other barriers that affect their ability to find and maintain employment in the regional labor market.

ETA encourages states to work with their UI offices to ensure that all UI applicants are simultaneously referred to their One-Stop Career Center, regardless of their eligibility for UI.

Upgrading of Information Technology. Given that the Recovery Act allows for funds to be spent on information technology to better target and serve UI claimants, ETA encourages states to consider whether the following activities would strengthen and support their ability to more effectively serve RES participants and incorporate as appropriate:

- Updating the state's UI profiling model to improve effectiveness in targeting claimants;

- Integrating and/or significantly improving the communication and or the data transfer of UI claimant identification and characteristics data between the UI and One-Stop Career Center or Wagner-Peyser Act funded employment service management information and/or case management systems to eliminate the wasteful and redundant data collection and to improve the accuracy of UI data shared with RES;

- Implementing O*Net-SOC AutoCoder software and/or system in the UI claims taking process and in One-Stop Career Center intake operation. AutoCoder converts plain English job descriptions into O*NET standard occupational classification (SOC) codes, enabling case managers to quickly evaluate a UI claimant's work history and his/her competitiveness in the regional economy;

- Integrating labor market data into a strategic decision-making system would provide immediate and future benefit to the efficiency of service delivery; and

- Infrastructure upgrades to administrative systems, case management, and Internet access to improve efficiency.

16. <u>WIA Youth Program</u>. The Recovery Act makes available $1,200,000,000 for WIA Youth activities. Funds will be distributed to states via the existing WIA Youth formula per TEGL No. 13-08, which specified amounts for each state. These funds are available for states to provide activities for youth in accordance with WIA requirements. Per the Act, the funds shall remain available to states for the same period of time as standard PY 2008 Youth formula funds, or until June 30, 2011.

A. Allowable Activities

Any youth activities under WIA are allowable activities for the Recovery Act funds. Unless otherwise stated in this guidance, the laws and regulations for WIA Youth funds apply to the Recovery Act funds.

While the Act does not limit the use of the Recovery Act funds to summer employment, the Congressional explanatory statement for the Act states that "the conferees are particularly interested in these funds being used to create summer employment opportunities for youth." ETA strongly encourages states and local areas to use as much of these funds as possible to operate expanded summer youth employment opportunities during the summer of 2009, and provide as many youth as possible with summer employment opportunities and work experiences throughout the year, while ensuring that these summer employment opportunities and work experiences are high quality. ETA is also particularly interested in and encourages states and local areas to develop work experiences and other activities that expose youth to opportunities in "green" educational and career pathways.

In addition to emphasizing summer employment as a major component of the funding, the Recovery Act includes two other significant changes to youth activities under WIA. The Act increases the age eligibility to a maximum of 24 years old. The Recovery Act also states that the work readiness indicator will be the only indicator to assess the effectiveness of summer employment.

Summer Employment. For purposes of the Recovery Act funds, the period of "summer" will be from May 1 through September 30. "Summer employment" may include any set of allowable WIA Youth services that occur during the above referenced summer months as long as it includes a work experience component. Work experience is defined under WIA regulations at 20 CFR 664.460.

In order to implement the Congressional intent to offer expanded summer employment opportunities, it may be necessary to provide additional flexibility for youth served with Recovery Act funds who participate in summer employment only. States and local areas have program design flexibility in the following areas that may facilitate the implementation of expanded summer employment.

- Because all 10 youth program elements will already be available through existing WIA Youth funds, local areas will not be required to use Recovery Act funds to make all 10 program elements available. Local areas have the flexibility to determine which program elements they provide with Recovery Act funds.

- Local areas have the flexibility to determine if the 12 month follow-up will be required for youth served with Recovery Act funds during the summer months only (May 1 through September 30). Local areas should provide follow-up services when deemed appropriate for such individuals.

- Local areas have the flexibility to determine the type of assessment and Individual

Service Strategy (ISS) for youth served with Recovery Act funds during the summer months only and provide the type of assessment deemed appropriate for each individual.

- Local areas have the flexibility to determine whether it is appropriate that academic learning be directly linked to summer employment for each youth served with Recovery Act funds during the summer months only.

- The work readiness portion of the skill attainment rate will be the only indicator used for youth that participate in "summer employment" only. The basic and occupational skills portions of the skill attainment rate and the literacy/numeracy gains measure will not be required for youth that participate in summer employment only. In addition, no other WIA or common measure indicator will be required for youth in summer employment only. However, for reporting purposes, local areas will be required to track the number of participants enrolled in summer employment and the completion rate of those in summer employment (i.e., (# youth who complete their summer employment work experience/ # of youth who participate in summer employment) x 100%).

- ETA is considering funding a process evaluation to collect information on best practices and implementation challenges. Local areas may be asked to participate in such an evaluation.

As described further in Section 17, ETA has gathered tools and resources that may be helpful to local areas in implementing summer employment.

Tracking and Reporting. In order to determine how to track and report youth served by Recovery Act funds, youth will be classified in the following ways:

- Any youth served with Recovery Act funds will be included in a separate Youth Recovery Act report. (Guidance will be provided in an upcoming Recovery Act Performance and Reporting TEGL.)

- Any youth served with only Recovery Act funds that participates in summer employment only, will only be included in the Youth Recovery Act report and the work readiness indicator will be the only measure that applies to such youth.

- If a youth served with Recovery Act funds does not participate in summer employment or is served beyond the summer months, he/she would also be included in the regular WIA reporting mechanisms (WIASRD, annual report, quarterly report) and be subject to the full set of WIA Youth measures or youth common measures for those states that have a common measures waiver. (As described in Section 19, states may apply for a waiver that would allow states to use the work readiness indicator as the only indicator of performance for youth ages 18 to 24 who participate in work experience only beyond the summer months).

B. Expenditure of Funds

Local areas will have until the end of PY 2010 (June 30, 2011) to expend WIA Youth Recovery Act funds. It is critical that local areas balance the need to expend the funds quickly in order to stimulate the economy, while ensuring that quality programs are in place for youth served with Recovery Act funds. Local areas with the necessary infrastructure in place to quickly implement programming for youth served with the Recovery Act funds are strongly encouraged to expend significant Recovery Act funds in the summer of 2009. However, local areas may expend Recovery Act funds over the course of two summers and the non-summer months in between.

As specified in the state funding agreement for Recovery Act funds, costs associated with Recovery Act funds are allowable effective the date of the passage of the Recovery Act, February 17, 2009. Therefore, costs associated with the planning and implementation of summer employment opportunities are allowable if incurred after that date.

C. Program Administration

Eligibility for youth served with Recovery Act funds is the same as for the WIA Youth program, with the exception specified in the Act that allows for youth up to the age of 24 to be served with Recovery Act funds. Local areas are encouraged to begin the eligibility determination process for summer employment immediately.

Workplace Guidelines. ETA encourages states to develop policies to ensure local areas adhere to current workplace safety guidelines and applicable federal/state wage laws. For information and resources on safety and child labor laws, consult http://www.youthrules.dol.gov/about.htm and http://www.osha.gov/teens. Provisions for wages under the amendments to the Fair Labor Standards Act (FLSA) apply to all youth participants employed under WIA. Current law specifies a minimum wage of $6.55 per hour effective July 24, 2008; and $7.25 per hour effective July 24, 2009. Depending on the facts, FLSA regulations may apply only to the workplace portion, and not to the classroom portion, of summer employment. Any hours spent in classroom training as part of a summer employment opportunity may or may not fall under the FLSA. (If you have questions regarding whether an individual is an employee, or whether an employee's time spent in training is compensable, please contact the Wage and Hour Division at 1-866-4-USWAGE, or at http://www.dol.gov/esa/WHD.) States and local areas may provide wages or stipends to youth in a classroom-based component of a summer employment opportunity. States and/or local areas should have a policy guiding the payment of classroom-based stipends and wages.

Priority of Service for Veterans and Eligible Spouses. Given the expanded age range to 24 under the Recovery Act, states and local areas may encounter an increased volume of veterans. Veterans age 21 to 24 have a particularly high incidence of unemployment immediately upon discharge. States and local areas are required to provide priority of services for veterans and eligible spouses pursuant to 20 CFR part 1010, the regulations implementing priority of service for veterans and eligible spouses in Department of Labor job training programs under the Jobs for Veterans Act published at 73 Fed. Reg. 78132 on December 19, 2008.

Out-of-School Youth. The requirement that local areas expend a minimum of 30 percent of funds on out-of-school youth applies to the Recovery Act funds. Local areas must ensure that a minimum of 30 percent of funds are used for serving out-of-school youth.

D. Procurement

Per WIA regulations at 20 CFR 664.610 chief elected officials and LWIBs are responsible for ensuring that the local youth program provides summer employment opportunities to youth. The chief elected officials are the grant recipients for local youth funds, unless another entity is chosen to be the grant recipient or fiscal agent. The grant recipient/fiscal agent has the option of administering summer youth employment opportunities themselves. If providers other than the grant recipient/fiscal agent are used to provide summer employment, these providers must be selected by awarding a grant or contract on a competitive basis. If necessary, states and local areas should explore expedited or emergency procurement processes that may be available under current state and local law, provided that these processes comply with OMB requirements codified in 29 CFR Parts 95.40-95.48 and 97.36

In order to implement summer employment during the summer of 2009, ETA recognizes the need for flexibility in the youth procurement requirements in WIA section 123. States have the option of applying for a waiver as detailed in Section 19 of this guidance.

E. Program Design Considerations

Because all 10 youth program elements will already be available through existing WIA Youth funds, local areas will not be required to use Recovery Act funds for all 10 program elements. Therefore, local areas have the flexibility to determine which program elements to focus on with Recovery Act funds.

States can provide direction and leadership to LWIBS and Youth Councils to assist local youth programs to consider using these funds to operate expanded summer youth employment opportunities during the summer of 2009, and provide as many youth as possible with summer employment opportunities and other work experiences outside of the summer months, while ensuring that these summer employment opportunities and work experiences are of high quality.

When considering expanded summer employment opportunities, states and local areas should consider the following design elements.

- ***Objective Assessment and Individual Service Strategies.*** Under 20 CFR 664.405(a)(1) and (2), the design framework of local youth programs must provide a comprehensive objective assessment of each youth participant, including a review of the academic and occupational skill levels, as well as the service needs of each youth. In addition, an ISS must be developed for each youth participant identifying age-appropriate career goals and consideration of the assessment results for each youth.

Local areas have the flexibility to determine the appropriate type of assessment and ISS for youth served with Recovery Act funds during the summer months only. Although some level of assessment and development of an individual service strategy is required, a full objective assessment and comprehensive ISS as specified in the WIA regulations is not required for youth served only during the summer months. Local programs have the flexibility to determine what, if any, academic needs should be addressed for these summer only participants. Also, local programs will not be required to assess basic skills level for out-of-school youth participating in summer employment as part of the objective assessment, since the basic skills portion of the skill attainment rate and the literacy/numeracy gains measure will not be used for summer youth participants.

- ***Age Appropriate Activities and Work Readiness Goals.*** Summer employment activities should be designed to encourage participants to take responsibility for their learning, to understand and manage their career options, and to develop social skills and a maturity level that will help them interact positively with others. This is especially true for at-risk students and high school dropouts, as summer employment may be one of the few opportunities they come across to learn how to enter the world of work. These efforts should rely on developmentally or age-appropriate strategies: what is appropriate for a 24 year-old may not be appropriate for a younger youth. Consequently, the services provided to these youth participants and the work readiness goals set for these individuals should be age appropriate.

  When setting work readiness goals, local areas should follow the definition for a work readiness skill goal as specified in TEGL No. 17-05, Attachment B Definition of Key Terms found at http://wdr.doleta.gov/directives/attach/TEGL17-05_AttachB.pdf. The key part of the definition is the need for local areas to determine whether a measureable increase in work readiness skills has occurred. States and/or local areas should establish a methodology for determining work readiness skills upon beginning and completing the summer experience in order to determine whether a measurable increase has occurred. Although local areas are not required to use a specific assessment instrument to determine pre- and post-work readiness skills, local areas should choose from a variety of assessment tools including worksite supervisor evaluations, work readiness skill checklists administered by program staff, portfolio assessments, and any other relevant forms of assessing work readiness skills.

- ***Meaningful Work Experience.*** Work experience is the core component of a summer employment program. All states and local areas should ensure that participating worksites introduce and reinforce the rigors, demands, rewards, and sanctions associated with holding a job. States and local areas should make an effort to match worksites with participants' interests and goals. Some states and local areas have created work experience activities where the learning of work readiness skills is acquired on the job. This may be an acceptable model for older youth who already possess the necessary academic skills. Also, as discussed further below, pre-apprenticeship programs are an effective way of training youth for registered apprenticeship programs and can be a valuable component of summer employment opportunities for youth.

To succeed in the workplace, today's jobseekers and current employees should be able to build relationships with peers, managers, and customers. Consequently, work experience provided to summer employment participants should be structured to impart measureable communication, interpersonal, decision-making, and learning skills.

- ***Worksites.*** States and local areas should seek employers that are committed to helping participants receive the experience and training that is required to meet the work readiness goals set for summer employment participants. ETA recommends selecting employers that are willing to work closely with program staff. It is critical that local areas ensure proper worksite supervision in cooperation with both worksite supervisors and program monitors. Employers should be flexible in working with youth who have issues that may have barriers to employment. States and local areas should consider a combination of public sector, private sector, and non-profit summer employment opportunities. This may also include project-based community service learning opportunities not conducted at an employer worksite. When utilizing service learning opportunities, worksite supervision, including participant to staff ratio, is critical.

  Attention should be given to ensure that work experience arrangements do not unfavorably impact current employees and do not impair existing contracts for services or collective bargaining agreements. In addition, the work experience of the participants should not replace the work of employees who have experienced layoffs (see 20 CFR 667.270 for non-displacement requirements). Youth summer employment should be a work experience intended to increase work readiness skills of participants and not impact the profit margin of a for-profit company. ETA recommends adopting selection criteria to ensure that one employer is not favored at the expense of another employer.

  Section 1604 of Division A of the Recovery Act states, "none of the funds appropriated or otherwise made available in this Act may be used by any state or local government, or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool." Therefore, states and local areas should not use Recovery Act funds to place youth in summer employment or work experiences outside the summer months in any of these facilities.

- ***Incorporating Green Work Experiences.*** Opportunities for skilled workers in the fields of solar, geothermal, wind power design, and the use of environmentally-friendly building materials will mean increased job opportunities for young people who have had exposure to work experiences that equip them with the appropriate "green" knowledge. States and local areas can identify regional and local environmental resources, businesses, and pre-apprenticeship programs promoting "green" jobs and products to provide youth summer work experiences that prepare them to compete in a "green" economy. Conservation and sustainability efforts representing existing green work can be used to provide training and work opportunities in areas such as the retrofitting of public buildings, the construction of energy-efficient affordable public housing, solar panel installation, reclaiming of public park areas, or the recycling of computers. Mapping "green" educational and career pathways – both short term and long term – is an excellent way to provide youth opportunities to align their skills with those required by the "green" industries and prepare them for entry into

registered apprenticeship or technical training. As a part of mapping these pathways, local areas can work with community colleges to ascertain how training opportunities and coursework are being infused with "green" components. Developing a jobs directory that details the community's "green" industries is another possible way youth can learn more about "green" career opportunities.

- ***Connections to Registered Apprenticeship.*** Registered apprenticeship programs represent collaborative partnerships with schools, employers, labor organizations, community groups, and state apprenticeship offices. In order to better tap into the older, out-of-school pipeline of youth, an increasing number of employers are encouraging workforce professionals to assist with developing and implementing "pre-apprenticeship" training programs. Pre-apprenticeship programs represent a hands-on training experience that provides an introduction to the skills and knowledge needed in a potential career field and prepares young adults to be eligible for formal apprenticeship programs. Summer employment opportunities can include these introductory programs and combine basic technical skills training in the classroom with experience on the worksite or through a work experience or internship. Frequently, these pre-apprenticeship programs also provide specific life skills training, work readiness or employability skill training, financial literacy classes, and even individual or group counseling. Local areas can connect with registered apprenticeship program sponsors and their individual state apprenticeship office to better determine how best to coordinate a pre-apprenticeship or pre-employment training program. States and local areas are encouraged to expand work experience opportunities to registered apprenticeships offered by employers in the information technology, health care, and financial services sectors.

- ***Integration of Work-Based and Classroom-Based Learning Activities.*** In some situations, states and local areas may want to complement work experience with classroom-based learning so that the youth are provided with assistance in developing and refining attitudes, values, and work habits which will contribute to their success in the workplace.

  As stated earlier, some states and local areas have integrated work experience activities and learning to the point that all learning is acquired on the job. While this is an acceptable model for older youth who already possess the necessary academic skills, it may not be appropriate for younger youth and older youth with educational deficiencies. For these youth, a combination of work-based and classroom-based learning activities may be warranted to provide basic skills instruction, career exploration and life skills training. In these situations, classrooms may be transformed into interactive, work-related environments to complement the work experience activities.

- ***Academic and Occupational Linkages.*** Under WIA regulations at 20 CFR 664.600, local areas are required to offer summer youth employment opportunities that link academic and occupational learning. Rather than requiring the linkage to academic and occupational learning for all summer youth participants, local areas have the flexibility to determine for each youth participant whether academic learning must be directly linked to a summer employment opportunity. Local areas may choose to have a direct link between summer employment and academic learning when deemed appropriate for such individuals. ETA

encourages local areas to link summer employment to academic learning for summer employment participants who do not have a high school diploma.

- ***Continued Services Supporting Older/Out-of-School Youth During Non-Summer Months.*** Out-of-school youth, ages 16-24, experience among the highest rates of unemployment and their future labor market prospects are poor given their lack of education and work experience. ETA encourages states and local areas to develop strategies to engage this population. For older and out-of-school youth who are not returning to school following the summer months, states and local areas should consider work experiences and other appropriate activities beyond the summer months including training opportunities and reconnecting to academic opportunities through multiple education pathways. Additionally, states and local areas may consider transitional job models that combine short-term subsidized work experience with support services and career counseling. ETA encourages states to consider how Statewide Youth Activities funds may be used to support new and innovative strategies for out-of-school youth. States and local areas may also consider co-enrolling such youth in adult training services, particularly youth ages 22-24. Information on co-enrolling youth ages 18 and older can be found at 20 CFR 664.500.

  For older and out-of-school youth transitioning to the workplace following work experiences, the WOTC may be promoted as an incentive for employers to hire disconnected youth. The Recovery Act expands the WOTC to disconnected youth ages 16-24 who are not regularly attending school, not readily employed, and lacking basic skills.

- ***Focus on the Neediest Youth.*** Consistent with ETA's strategic vision for the delivery of services under WIA (as stated in TEGL No. 28-05), ETA encourages states and local areas to focus services on the youth most in need including: out-of-school youth and those most at risk of dropping out, youth in and aging out of foster care, youth offenders and those at risk of court involvement, homeless and runaway youth, children of incarcerated parents, migrant youth, Indian and Native American youth, and youth with disabilities.

- ***Twelve Month Follow-up.*** Follow-up services are one of the 10 required youth program elements as indicated in 20 CFR 664.410(a)(9) and a minimum of 12 months of follow-up services are generally to be provided to participants. Given that summer employment programs usually run for six to eight weeks, local areas have the flexibility to determine if and when the 12 month follow-up requirement will be required for youth served with Recovery Act funds during the summer months only (May 1 – September 30). Local areas should provide follow-up services when deemed appropriate for such individuals.

F. Performance and Reporting

In accordance with the accountability guidelines in the Recovery Act, grantees will be required to collect and report information as conveyed in an upcoming Recovery Act Performance and Reporting TEGL. To the extent that new information or reports are required, ETA will seek OMB clearance through the Paperwork Reduction Act process.

For the WIA Youth program, because of the requirement that the work readiness performance indicator be the only measure of performance to assess the effectiveness of summer employment for youth served with Recovery Act funds, a new reporting form, separate from the current data collection instruments, will be used to track youth served with Recovery Act funds. Further details will be provided in the upcoming Performance and Reporting TEGL.

17. Tools and Resources. Through ETA's interactive knowledge sharing and learning platform – www.workforce3one.org – ETA will provide technical assistance by: broadcasting podcasts and hosting Webinars and Webcasts on topics related to using Recovery Act funds and effective economic recovery strategies; consulting with states and locals to ensure the effective implementation of these investments; offering tools and resources on models and strategies, particularly focused on reemployment and One-Stop service delivery; and connecting state and local leaders and practitioners through virtual communities of practice to encourage peer-to-peer sharing of practices and expertise. Technical assistance related to Recovery Act implementation can be accessed directly at economicrecovery.workforce3one.org. In addition, ETA will convene regional events and conferences to provide more in-depth learning and networking opportunities.

ETA has gathered a number of tools and resources from around the country that may be helpful to local areas in implementing a summer employment program with their Recovery Act funds. The tools and resources include summer youth program models, worksite agreements, work readiness measurement methodologies, training materials for staff and worksite supervisors, guidance for monitoring worksites, and past technical assistance materials developed under the Job Training Partnership Act summer employment program. The tools and resources for summer youth, as well as for reemployment, can be found on www.workforce3one.org.

18. State Plans. Given the dramatic changes in states' economic conditions since the submission of their PY 2007-2008 State Plans and the infusion of new funding, ETA is requiring that states submit a modification to their WIA/Wagner-Peyser Act State Plan to describe revised strategies to meet the challenges of the economic downturn and use the additional funds provided under the Recovery Act. The State Plans for all states, and all approved waivers currently in place, will expire on June 30, 2009. In order to ensure that all states have the approved State Plan necessary to receive PY 2009 allotments by the beginning of the program year, while still allowing states sufficient time to submit a substantial State Plan modification, ETA is asking states to follow a two-step process. First, as originally indicated in TEGL No. 7-08, ETA asks all states to submit by April 15, 2009 a request to extend into PY 2009 their current State Plan along with proposed levels of performance and a request for current waivers the state wishes to extend. Second, ETA requires all states to submit a State Plan modification describing strategies to respond to the economic downturn and implement the Recovery Act by June 30, 2009. This June 30, 2009 submission will cover the period of July 1, 2009 through June 30, 2010. Further details on both the April 15 and June 30 submissions follow in the sections below.

A. Extension of the Current State Plan for an Additional Year

States must have approved State Plans in place to receive formula allotments under WIA. The State Plans for all states, and all approved waivers currently in place, will expire on June 30,

2009. In the Planning Guidances (stand-alone and unified) issued on April 12, 2005, ETA only required states to submit a State Plan for the first two years of the five-year planning cycle that began on July 1, 2005, because of the anticipated reauthorization of WIA. With continued uncertainty of WIA reauthorization, TEGL No. 13-06 provided authority to states to submit a modification request to extend the life of the State Plan for two additional years, PY 2007 and 2008. TEGL No. 7-08 offered states the opportunity to extend the life of the existing State Plan for PY 2009, the final year of the five-year planning cycle, by submitting a letter requesting a one-year extension by April 15, 2009. ETA now asks that *all* states submit a request to extend the current State Plan into PY 2009 by April 15, 2009.

TEGL No. 7-08 allowed states to submit a modification by April 15, 2009, and noted that some states must submit a State Plan modification because of the need to describe organizational changes that had taken place since the state's last modification. ETA now encourages these states to address these issues in the modification to be submitted on June 30, 2009, as described in Section F below.

B. Submission of Extension Requests

The due date for submission of the extension requests is April 15, 2009. States have the option to submit their extension requests in hard copy or in an electronic format. ETA encourages electronic submissions. A state submitting its extension request by e-mail should send it to WIA.PLAN@dol.gov with a copy to the appropriate ETA Regional Administrator.

States choosing to submit a hard copy should submit one copy of the extension request with an original signature to Janet Sten, the Federal Coordinator for Plan Review and Approval, and one copy to the appropriate ETA Regional Administrator. The address for the Federal Coordinator follows:

Division of Workforce System Support
Employment and Training Administration
U.S. Department of Labor
200 Constitution Ave., NW, Room S-4231
Washington, DC 20210
ATTN: Janet Sten

States will receive a letter from ETA approving the request for an extension of the State Plan into PY 2009.

C. Public Comment and Review of Extension Requests

When submitting a request to extend the State Plan, ETA encourages states to notify the public of their intent, and make the current State Plan available to the public.

D. Negotiation of Levels of Performance

In 2007, states negotiated performance levels with their Regional Office for PY 2007 and PY 2008. States have the option of continuing to use the goals negotiated for PY 2008 or negotiating new goals for PY 2009. If a state wishes to negotiate new goals, the state must submit proposed levels of performance as part of the State Plan extension request due on April 15, 2009. States that have completed negotiations with ETA can include their agreed-upon levels of performance for PY 2009 for WIA and Wagner-Peyser Act programs with the extension request. States that choose to extend their negotiated PY 2008 goals for an additional year should notify ETA of this in their letter requesting an extension of their State Plan. Proposed levels of performance are subject to WIA's public comment requirements for modifications.

TEGL No. 9-08, "Negotiating Performance Goals for the Workforce Investment Act Title IB Programs and Wagner-Peyser Act Funded Activities for Program Year 2009," provides guidance on the negotiation of the performance goals. Guidance regarding the negotiation of measures of One-Stop Career Center services to veterans, and measures for the Jobs for Veterans state grant specific outcomes, is being issued separately by the Veterans Employment and Training Service.

E. State Plan Modification Requirement

States are required to submit a modification of their State Plan by June 30, 2009. Several events prompt the requirement for PY 2009 State Plan modifications. The downturn in the economy and its effects upon states' workforces and economies should prompt states to reconsider and reconfigure the strategies outlined in their current State Plans, in order to serve workers, jobseekers and businesses facing different challenges than at the time the Plan was last updated. Further, the additional WIA and Wagner-Peyser funding made available to states through the Recovery Act expands the reach of workforce development and requires new strategies for increasing the capacity of the workforce system. Lastly, the issuance of the Jobs for Veterans Act Final Rule (20 CFR part 1010) published at 73 Fed. Reg. 78132 (Dec. 19, 2008) requires that State Plans specifically address certain aspects of state policy ensuring priority of service for veterans and eligible spouses.

WIA regulations at 20 CFR 661.230(b) require states to submit a State Plan modification when changes in federal or state law or policy substantially change the assumptions upon which the plan is based, or when states' vision, strategies or policies change. The Recovery Act requires the Secretary of Labor to establish planning and reporting procedures necessary to provide oversight of funds used for reemployment services. ETA also intends to use State Plans to communicate to the public each state's plan for implementing the funding in the Act and as a baseline for monitoring each state's implementation of the funds. The grant agreements with states for the Recovery Act funds reflect these intentions and include a provision that requires State Plan modifications.

F. State Plan Modification Content

This TEGL contains information that modifies the State Plan Guidance information collection. ETA sought and obtained approval from the Office of Management and Budget to modify the State Planning Guidance in OMB Control No. 1205-0398, as contained in Appendix A.

The significant investment of stimulus funds presents an extraordinary and unique opportunity for the workforce system to accelerate transformational efforts and demonstrate its ability to innovate and implement effective service strategies. As states and local areas plan how their systems will make immediate use of the Recovery Act funds, ETA strongly encourages them to take an expansive view of how the funds can be integrated into these foundational efforts to achieve a new level of effectiveness throughout the public workforce system that delivers responsive, seamless and relevant services to citizens and business both now and in the future as the economy recovers. ETA requests that states submit a stand-alone document that responds to the list of questions drawn from the State Planning Guidance specified in Attachment A of this TEGL. State responses to these questions should be in the context of the "Strategic Vision for Implementation of Employment and Training Provisions of the Recovery Act" in Section 4, and should include the Governor's priorities and key strategies for Recovery Act funds, along with a description on the use of the combined funds. States should also feel free to integrate the responses into the Plan itself, as well as to examine the entire State Plan and make other modifications as needed.

The State Plan modification is the states' primary vehicle for communicating to the public how it will implement the Recovery Act, and will be a key tool in ETA's monitoring of Recovery Act implementation. ETA anticipates making the stimulus plans available to the public on the ETA Web site (www.doleta.gov) and potentially on an overarching Recovery Act Web site, and so wishes to alert states now to the public information significance of the Plans they will submit.

The required questions are limited, but ETA expects states to engage in a comprehensive planning process to implement the Recovery Act, and to provide full answers with detail sufficient to fulfill the President's and Congress' goal of transparency. A comprehensive detailed plan will also facilitate public comment and meaningful public input in the state's strategy for implementation of this new law.

G. Submission of Modification

The due date for submission of the modification request is June 30, 2009. Under the modifications of PY 2008 grant awards, states may expend Recovery Act funds under the authority of the currently approved State Plans and need not wait for approval of the State Plan modification to spend funds allocated under the Recovery Act.

States have the option to submit their State Plan modification requests in an electronic, hard copy, or CD-ROM format. ETA encourages electronic submissions to reduce the processing burden and to ensure timely receipt by ETA.

The Federal Coordinator, without regard to which option the state uses for submission, will confirm receipt of the State Plan modification within two business days of receipt and indicate the date for the start of the review period. When a state submits an incomplete State Plan modification, the period for review will not start until all required components of the modification have been received.

Electronic Submission. States can submit a State Plan modification request electronically either by posting it on an Internet Web site that is accessible to ETA or by transmitting it through e-mail to ETA. States choosing to post on an Internet Web site should post the State Plan modification request on a Web site and send an e-mail to WIA.PLAN@dol.gov and the appropriate ETA Regional Administrator. The e-mail must identify the URL for the Plan, provide contact information in the event of problems with accessing the Web site, and certify that no changes will be made to the version posted on the Web site after it has been submitted to ETA, unless ETA gives prior approval for such changes.

States submitting their modification request by electronic mail should send it to WIA.PLAN@dol.gov with a copy sent to the appropriate ETA Regional Administrator. If a state chooses to submit its modification request by transmitting it through e-mail, the state must submit it in Microsoft Word or PDF format.

State Plan certifications with electronic signatures are acceptable. If a state chooses not to use an electronic signature, then the signature page must be submitted in hard copy with an original signature.

Hard Copy or CD-ROM Submission. States choosing to submit a hard copy should submit one copy of the modification request with an original signature to Janet Sten, the Federal Coordinator for Plan Review and Approval, and one copy to the appropriate ETA Regional Administrator. The address for the Federal Coordinator is as follows:

Division of Workforce System Support
Employment and Training Administration
U.S. Department of Labor
200 Constitution Ave., NW, Room S-4231
Washington, DC 20210
ATTN: Janet Sten

States submitting a State Plan modification on CD-ROM should submit one copy to Janet Sten at the address above, and one copy of the Plan to the appropriate ETA Regional Administrator. If the modification on the CD-ROM does not include the signature of the Governor on the signature page, the state must submit separately an electronic signature or a hand-signed signature page in hard copy. Plans submitted on a CD-ROM must be in Microsoft Word or PDF format.

H. Public Comment and Review of Modification

The WIA regulations at 20 CFR 661.230(d) provide that modifications to the State Plan are subject to the same public review and comment requirements that apply to the development of the original Plan. Providing an opportunity for meaningful public input and comment during the development of the State Plan is a critical part of the strategic planning process.

19. Waivers. Many states have approved WIA and Wagner-Peyser Act waivers for PY 2008 that will expire on June 30, 2009. Section B below describes how waivers will be handled going forward. However, there are certain waivers that appear contrary to the Congressional intent for the funding provided by the Act. The following waivers therefore do not apply to Recovery Act funding for the remainder of PY 2008 and for the life of the funds:

- ***Waiver of the funds transfer limit between the Adult and Dislocated Worker programs.*** To be consistent with Congressional intent as to the level of funding appropriated for the WIA Adult and Dislocated Worker programs, this waiver cannot be applied to Recovery Act funds. The funds transfer limit provided by WIA will apply: up to 20 percent of the adult and dislocated worker funds allocated to a local area may, with the approval of the Governor, be transferred between programs.

- ***Waiver of the limitation on the use of funds for capitalization of businesses at WIA section 181(e).*** This waiver allows up to $5,000 in WIA funds to be used to capitalize a small business. Workforce funds in the Recovery Act are targeted towards immediately assisting, reemploying, and retraining workers impacted by the current economic downturn. While entrepreneurship is an important path to employment, the workforce investment system should focus Recovery Act dollars on training rather than business capitalization, which is not the system's core mission.

- ***Waiver to permit the state to use a portion of rapid response funds to conduct statewide activities including incumbent worker training.*** Rapid response is a critical strategy in a time of economic downturn. Given the statutory intent for the use of WIA rapid response funds, to quickly provide services and businesses affected by mass layoffs, this waiver does not automatically apply to Recovery Act funds. However, ETA recognizes that incumbent worker training can be an effective lay-off aversion component of a state's rapid response effort. Therefore, states may submit a waiver plan to ETA that requests that this waiver apply to Recovery Act funds for the purpose of utilizing incumbent worker training as part of lay-off aversion strategies.

A. Waivers to Support Youth Services under the Recovery Act

States may wish to consider requesting two waivers to assist in implementing funding and provisions in the Recovery Act related to the WIA Youth program.

Waiver relating to procurement requirements for youth summer employment providers. Given the short timeframe for 2009 summer youth implementation, states and local areas are encouraged to begin planning for summer employment immediately and to begin the process to procure the necessary service providers to carry out summer employment. If necessary, states and local areas should explore expedited or emergency procurement processes that may be available under current state and local law, provided that these processes comply with OMB requirements codified in 29 CFR Parts 95.40-95.48 and 97.36

Where existing processes are a barrier to rapid implementation of summer employment programs, states may request a waiver relating to procurement requirements for youth services in WIA section 123. States may request a waiver to expand existing competitively procured contracts by a certain percentage. Alternatively, states may request a waiver to conduct an expedited, limited competition to select service providers. The limited competition should be among service providers with proven records of success in providing youth services. Such a waiver would only apply to the summer employment program element and only for the summer of 2009. The waiver would only be applicable to Recovery Act funding.

When submitting a waiver request, states must provide a detailed justification for the waiver, describe reasonable accountability safeguards against unfair procurement practices, assure compliance with state and local procurement laws and policies, and describe how states will publicly announce summer employment providers, as indicated by the transparency provisions in the Recovery Act.

Waiver of performance measures for youth who participate in work experience only. States may submit a waiver plan to request that ETA waive the youth performance measures (either the seven statutory youth measures or the common measures as applicable) for out-of-school youth ages 18 to 24 served with Recovery Act funds beyond the summer months who participate in work experience only. This waiver would allow states to use the work readiness indicator as the only indicator of performance for such youth, the same measure that applies to summer youth only participants. The waiver would only be applicable for the first six months following the summer of 2009 (i.e., October to March). As part of this waiver, states may also request that the program design flexibility for summer youth articulated in Section 16.A of this TEGL apply to such youth who participate in work experience only beyond the summer months. This waiver is intended to facilitate implementation of WIA Youth services under the Recovery Act and support the intent of Congress to serve 18-24 year olds through work experience in a time of difficult employment for young people.

When submitting a waiver plan to request this waiver, states must provide a justification for the waiver and address continued service plans for participants served under the waiver, such as transition to the WIA Adult program (i.e., co-enrollment in WIA Adult services) or further education and training activities under WIA or Recovery Act-funded youth services.

B. Waiver Requests for PY 2009

States will be given an opportunity to request that current waivers be approved for PY 2009 for both WIA formula and Recovery Act funds (except those identified above as not applying to

Recovery Act funds) through a two-step process. First, by April 15, 2009, states wishing to continue their waivers in PY 2009 until the State Plan modification described in Section 18 is reviewed and approved should submit to ETA a request to extend their waivers. This request should be included in the state's PY 2009 WIA and Wagner-Peyser Act State Plan extension request letter, as described in Section 18. For this purpose, states are not required to submit a waiver plan, but must clearly identify in the letter each waiver that the state wishes to extend. When requesting a waiver extension, ETA encourages states to notify the public of their intent. ETA will review these requests and waivers will be temporarily approved for PY 2009 until the State Plan modification is reviewed and approved. States will be notified of this temporary waiver approval as part of ETA's approval of State Plan extensions for the program year.

Second, by June 30, 2009, states seeking approval of their waivers for the remainder of PY 2009 must submit a full waiver plan for both regular formula and Recovery Act funds to ETA as part of the State Plan modification submission described in Section 18. The waiver plan must include all the required elements listed in WIA section 189(i)(4)(b), and is subject to public comment requirements. ETA will review these waiver requests to determine their continued necessity, and will approve waivers for the remainder of PY 2009 or disapprove the waivers by September 30, 2009.

Three waivers are exempted from the requirement to submit a full waiver plan by June 30 since they have become fundamental aspects of the operation of the workforce system:

- ***Waiver to permit implementation of, and reporting only for, the common measures in place of the current WIA measures.*** The common measures have become the basis of the workforce system's performance accountability.

- ***Waiver of the prohibition on the use of Individual Training Accounts for youth.*** This waiver provides increased flexibility in the provision of training services to youth, and may be particularly useful to states in light of the Recovery Act provision that raises the eligible youth age range to 24.

- ***Waiver of the time limit on the period of initial eligibility for training providers.*** This waiver has addressed barriers for meeting eligible training provider requirements, thereby increasing the number of community colleges and other entities that are available to deliver training to WIA Adult and Dislocated Worker participants.

States that currently have approval for these three waivers, and wish to continue these waivers for PY 2009, will only need to submit the abbreviated waiver request by the April 15 deadline, and will not need to include these waivers in a subsequent full waiver plan. ETA will approve these waivers for all of PY 2009.

States are also permitted to submit requests for new waivers as part of the State Plan modification due on June 30. States wishing to request new waivers must submit full waiver plans to ETA and public comment requirements apply. States should be aware that ETA is not able to waive provisions in the Recovery Act, nor OMB requirements such as the OMB Cost Principles or OMB Circulars.

20. Local Plan Development. Local Plans, required by WIA section 118, may be dated and not reflect the economic context altered by the economic downturn or strategies altered by the additional funds available through the Recovery Act. Under 20 CFR 661.355, each Governor sets the policy for when a Local Plan must be modified, such as significant changes in local economic conditions and changes in financing available for WIA title I and partner-provided WIA services. ETA encourages states to review their Local Plan modification policy, and to require that Local Plans are modified according to state policy. States are also strongly encouraged to devise a Local Plan modification process that ensures the allocation of funds to local areas within 30 days of receipt of funds by the State, and the expedient use of the funds. Note that updates to Local Plans are subject to public comment requirements (20 CFR 661.350(8)).

21. Inquiries. Questions regarding this guidance should be directed to the appropriate ETA Regional Office or to the Employment and Training Administration through a special email address established for this purpose: eta.economicrecovery@dol.gov. ETA will monitor this account daily, and may respond to inquiries directly or through general communications such as official guidance, Webinars, and public Q&A documents.

22. Attachment. Attachment A: Questions for Workforce Investment Act/Wagner-Peyser Act State Plan Modifications

Attachment A:
Questions for Workforce Investment Act/Wagner-Peyser Act State Plan Modifications

This section of the Training and Employment Guidance Letter (TEGL) contains information that modifies the State Plan Guidance information collection. The Employment and Training Administration (ETA) sought and obtained approval from the Office of Management and Budget (OMB) to modify the State Plan Guidance in OMB Control No. 1205-0398.

In order to modify Program Year (PY) 2009 Workforce Investment Act (WIA)/Wagner-Peyser Act State Plans, states should respond to the following questions from the Stand-Alone Planning Guidance for PY 2009 (OMB No. 1205-0398). Provided below each question from the Stand-Alone Planning Guidance are examples of the types of information ETA seeks in State Plan modifications, describing both adjustments to current strategies and new activities related to Recovery Act implementation. As states update the Governor's vision, strategies, and service delivery designs, they are encouraged to reflect on and respond to ETA's strategic vision for how Recovery Act funding will be used to respond to immediate needs and priorities while also fulfilling the opportunity to transform the workforce system to achieve a new level of effectiveness. The strategic vision is described in Section 4 of this TEGL.

In its State Plan modification, the state should respond to the questions listed below:

Section I. Context, Vision, and Strategy
- Economic and Labor Market Context
- State Vision and Priorities
- Overarching State Strategies
- Service Delivery Strategies, Support for Training

Section II. Service Delivery
- State Governance and Collaboration
- Reemployment Services, and Wagner-Peyser Act Services
- Adult and Dislocated Worker Services
- Youth Services
- Veterans' Priority of Service
- Service Delivery to Targeted Populations

Section III. Operations
- Transparency and Public Comment
- Increasing Services for Universal Access
- Local Planning Process
- Procurement
- Technical Assistance
- Monitoring and Oversight
- Accountability and Performance

Section I. Context, Vision, and Strategy

Economic and Labor Market Context

Question IV in PY 2009 Stand-Alone Planning Guidance: Provide a detailed analysis of the state's economy, the labor pool, and the labor market context. (§112(b)(4).)

In responding to this question, the state should update its analysis to indicate how the economic downturn has impacted the state's economy and the labor market context. This analysis should include current and anticipated impacts on employment by sector, current and projected demographics of the available labor pool including income levels as appropriate, and describe any skills gaps the state faces, based on the skills held by current and expected dislocated workers and the skills demanded by industries and occupations expected to grow through economic recovery.

State Vision and Priorities

Question I.C. What is the Governor's vision for ensuring a continuum of education and training opportunities that support a skilled workforce? (§112(a) and (b)(4).)

In responding to this question, the state should review ETA's vision for implementing the Recovery Act in Section 4 of this TEGL, and describe the Governor's new vision since the economic downturn. The description should include the Governor's vision for economic recovery, touching on the Act's principles and the Governor's view of how the Recovery Act funds can be integrated into transformational efforts to achieve an invigorated, more innovative public workforce system capable of helping enable future economic growth and advancing shared prosperity for all Americans.

Question I.E. What is the Governor's vision for ensuring that every youth has the opportunity for developing and achieving career goals through education and workforce training, including the youth most in need of assistance, such as out-of-school youth, homeless youth, youth in foster care, youth aging out of foster care, youth offenders, children of incarcerated parents, migrant and seasonal farmworker youth, youth with disabilities, and other youth at risk? (§112(b)(18)(A.)

In responding to this question, the state should review ETA's vision for implementing the Recovery Act in Section 16 of this TEGL to reconnect disconnected youth through multiple pathways to education and training that enable them to enter and advance in the workforce. The state should describe its strategy for serving youth with funds from the Recovery Act, as well as how its strategies will be adjusted to respond to the economic downturn. What activities will the state focus on (i.e., primarily focus on summer employment opportunities, the full range of WIA youth services, or a combination)? Describe how plans for the Recovery Act youth activities will complement the state's overall vision for serving youth under WIA.

Question II. Identify the Governor's key workforce investment system priorities for the state's workforce investment system and how each will lead to actualizing the Governor's vision for workforce and economic development. (§§111(d) and 112(a).)

In responding to this question, states should reflect on shifting priorities necessitated by the economic downturn and areas of focus for economic recovery. States should identify the Governor's key workforce investment priorities for the use of the Recovery Act funds infused into the state's workforce investment system and how each will lead to actualizing the Governor's new vision.

Overarching State Strategies

Question V.B. What strategies are in place to address the national strategic direction discussed in [Section 4] of this guidance, the Governor's priorities, and the workforce development issues identified through the analysis of the State's economy and labor market? (§112(b)(4)(D) and 112(a).)

The state's response to this question should describe the state's key, actionable strategies it is deploying to achieve the Governor's vision for the use of Recovery Act and regular formula funds. ETA is interested in how the state is connecting and integrating recovery activities to on-going workforce investments. The responses should provide actionable direction to local areas.

- How workforce investment system resources, both stimulus and regular formula funds, can be deployed to serve increased numbers of workers in need.
- How adults and dislocated workers, including low-income adults, who need to acquire new skills will have increased access to education and training opportunities.
- How the state will address a dual-customer approach, meeting the skill needs of existing and emerging employers and high-growth occupations as well as the needs of under-skilled adults.
- How workforce activities (e.g., adult education, job training, postsecondary education, registered apprenticeship, career advancement, needs based payments, and supportive service activities) will be aligned in career pathways both now in implementing the Recovery Act and in the transformed workforce system of the future.
- How the state will partner to develop workforce solutions with community colleges, business and labor organizations, registered apprenticeship program sponsors, civic groups, and community organizations to align workforce development strategies and align workforce strategies with strategies for regional development and shared prosperity.

Service Delivery Strategies, Support for Training

Question IX.G. Describe innovative service delivery strategies the state has or is planning to undertake to maximize resources, increase service levels, improve service quality, achieve better integration or meet other key state goals. (§112(b)(17)(A).)

In answering this question, the state should describe innovative state strategies to accomplish the state's vision and achieve the goals of the Recovery Act, including how the state will:

- Increase services to workers in need.
- Support the full range of One-Stop Career Center customers in acquiring the skills needed to attain jobs in high-growth, high-wage industries and occupations, including such supports as needs-based payments, basic skills remediation, English as a second language, and supportive services.
- Ensure education and training delivered through the workforce system results in education and workforce skills of demonstrated value, and focus assessments and certifications towards the next level of education and employment.
- Strategically use youth, dislocated worker and adult statewide funds to quickly deliver innovative services.
- Provide targeted work experiences in order to prepare individuals for job opportunities in new industries or occupations, particularly using registered apprenticeship and on-the-job-training for all jobseekers, and summer work experience for youth.
- Align workforce activities with education strategies and economic and community development strategies to meet skill needs of jobs and industries important to the local and regional economies and meet the needs of under-skilled adults.

Section II. Service Delivery

State Governance and Collaboration

Question III.A.2. Describe how the agencies involved in the workforce investment system interrelate on workforce, economic development, and education issues and the respective lines of authority. (§112(b)(8)(A).)

In responding to this question, the state should describe how the Governor is ensuring cross-agency collaboration so that workforce investments are fully tied to other investments funded by the Recovery Act outside of workforce development.

Question III.C.1. Describe the steps the state will take to improve operational collaboration of the workforce investment activities and other related activities and programs outlined in section 112(b)(8)(A) of WIA, at both the state and local level (e.g.,

joint activities, memoranda of understanding, planned mergers, coordinated policies, etc.). How will the State Board and agencies eliminate any existing state-level barriers to coordination? (§§111(d)(2) and 112(b)(8)(A).)

In responding to this question, states should describe how collaboration will be supported and sustained between state agencies, particularly between the organizational entities responsible for WIA, Wagner-Peyser Act, Unemployment Insurance, Trade Act services, and Registered Apprenticeship.

Reemployment Services and Wagner-Peyser Act Services

Question IX.C.4.b. Describe the reemployment services the state provides to Unemployment Insurance claimants and the worker profiling services provided to claimants identified as most likely to exhaust their Unemployment Insurance benefits in accordance with section 3(c)(3) of the Wagner-Peyser Act. (§112(b)(17)(A)(iv).)

In responding to this question, states should describe:

- The Governor's vision for Reemployment Services (RES), including how they differ from Wagner-Peyser core services.
- How RES will be coordinated with other services provided at the One-Stop Career Center under WIA.
- How UI claimants will be identified quickly and RES provided as early as possible following initial receipt of UI benefits or referrals through UI profiling systems.
- The services that will be provided under RES, including in-depth services such as skill assessment, career guidance, individual service plans, and labor market information.
- The specific population among UI claimants (e.g., those most likely to exhaust benefits) that the state intends to target with Recovery Act funds for RES.
- How the state intends to integrate information technology into its RES program to better identify and serve UI claimants, including the percentage of funds that will be used for integrating ES and UI technology requirements to identify and serve the needs of UI claimants
- Any labor market information tools that will be funded and integrated into RES.

Question IX.C.1.b. Describe how the State will ensure the three-tiered service delivery strategy for labor exchange services for job seekers and employers authorized by the Wagner-Peyser Act includes: (1) self-service, (2) facilitated self-help service, and (3) staff-assisted service, and is accessible and available to all customers at the local level. (§112(b)(17)(a)(i).)

In order to ensure that jobs generated through the Recovery Act are accessible and available to all customers, describe how the state will facilitate the listing of such jobs on the State Job Bank.

Adult and Dislocated Worker Services

Question IX.C.1.a. Describe state strategies and policies to ensure adults and dislocated workers have universal access to the minimum required core services as described in §134(d)(2).

In its response, the state should address core services for adults, dislocated workers, and target populations, especially those given preference in the WIA Adult program in the Recovery Act – recipients of public assistance and other low-income individuals.

Question IX.C.1.c. Describe how the state will integrate resources provided under the Wagner-Peyser Act and WIA Title I for adults and dislocated workers, as well as resources provided by required One-Stop partner programs, to deliver core services. (§112(b)(17)(a)(i).)

In its response, the state should address how it will integrate resources provided under the Recovery Act, the Wagner-Peyser Act, and WIA Title I for adults and dislocated workers, as well as resources provided by required One-Stop partner programs. For example, how will the state use these resources to provide significant funding for low-income and low-skilled workers that help them access the services and training needed to pursue family-supporting jobs.

Question IX.C.3.a. Describe the Governor's vision for increasing training access and opportunities for individuals including the investment of WIA Title I funds and the leveraging of other funds and resources. (§112(b)(17)(a)(i).)

In its response, the state should describe how the state will increase training access and opportunities for individuals, including the investment of WIA Title I funds and Recovery Act funds, and the leveraging of other funds and resources. How will the state use contracts with institutions of higher education and other training providers (as described in Section 6 of this TEGL) to maximize funds to the greatest benefit?

Question IX.A.5. What models/templates/approaches does the state recommend and/or mandate for service delivery in the One-Stop Career Centers? For example, do all One-Stop Career Centers have a uniform method of organizing their service delivery to business customers? Is there a common individual assessment process utilized in every One-Stop Career Center? Are all One-Stop Career Centers required to have a resource center that is open to anyone? (§§112(b)(2) and 111(d)(2).)

In its response, the state should describe its models/templates/approaches for service delivery in the One-Stop Career Centers, particularly whether the state is adjusting its approach to deliver increased levels of services with funds received under the Recovery Act.

- Do all One-Stop Career Centers have a uniform method of organizing their service delivery to business customers?
- Is there a common individual assessment process utilized in every One-Stop Career Center?
- What approaches will be used to ensure funds are targeted to those most in need, including low-income, public assistance recipients, persons with disabilities, etc.?
- How will states streamline the sequence of service to facilitate individual access to needed services and training?

Youth Services

Question IX.E.1. Describe the state's strategy for providing comprehensive, integrated services to eligible youth, including those most in need. (§112(b)(18).)

In responding to this question, the state should include the following:

- Describe the anticipated program design for the WIA Youth funds provided under the Recovery Act. Include in this description a program design for both younger, in-school, and older or out-of-school youth (including the 22-24 year olds that can be served with Recovery Act funds).
- Will the state use the Recovery Act funds to fund only a 2009 summer youth program or some combination of 2009 and 2010? If using the funds over two summers, what percentage of funds does the state anticipate using for the first summer?
- If using the funds for summer employment opportunities, describe how the state will deliver summer youth employment opportunities. Will the state operate the program or allocate the funds?
- Describe the types of worksites that will be developed for summer employment, including a mix of public and private sector work experiences, and how the state will ensure that meaningful work experiences will be developed.

- Describe the state's policy for developing the mix of classroom versus worksite time in a summer employment opportunity. Describe the state's policy for determining that summer employment opportunities are connected to academic and/or occupational learning and the types of connections that will be utilized.

- Describe any policies or strategies that the state is implementing to ensure that local areas implement activities that support out-of-school youth during summer and/or non-summer months, such as supportive services, needs-based payments, or day-care.

- Provide the anticipated number of youth to be served with Recovery Act funds, including the anticipated number of summer employment opportunities created with Recovery Act funds.

Veterans' Priority of Service

Question IX.C.5.b. What policies and strategies does the state have in place to ensure that, pursuant to the Jobs for Veterans Act (P.L.107-288) (38 USC 4215), priority of service is provided to veterans (and certain spouses) who otherwise meet the eligibility requirements for all employment and training programs funded by the Department of Labor?
In answering this question, the state should outline the changes to state and local policies and strategies that make them sufficient to meet the requirements of 20 CFR 1010.230, published at 73 Fed. Reg. 78132 on December 19, 2008, of the Jobs for Veterans Act regulations issued on December 19, 2008 implementing priority of service for veterans and eligible spouses in Department of Labor job training programs. This includes providing the following information and/or attachments to the State Plan modification:

- A description of the changes to policies for the delivery of priority of service by the State Workforce Agency or Agencies, Local Workforce Investment Boards, and One-Stop Career Centers for all qualified job training programs delivered through the state's workforce system. The description must include how:
  1. The state policies ensure that covered persons are identified at the point of entry and given an opportunity to take full advantage of priority of service.
  2. The state policies ensure that covered persons are aware of:
     a. Their entitlement to priority of service;
     b. The full array of employment, training, and placement services available under priority of service; and
     c. Any applicable eligibility requirements for those programs and/ or services.

- A description or copy of the state's policy requiring Local Workforce Investment Boards to develop and include policies in their Local Plan to implement priority of service for the local One-Stop Career Centers and for service delivery by local workforce preparation and training providers.

Service Delivery to Targeted Populations

Question IX.C.4.a. Describe the state's strategies to ensure that the full range of employment and training programs and services delivered through the state's One-Stop delivery system are accessible to and will meet the needs of dislocated workers, displaced homemakers, low-income individuals, migrant and seasonal farm workers, women, minorities, individuals training for nontraditional employment, veterans, public assistance recipients and individuals with multiple barriers to employment (including older individuals, limited English proficiency individuals, and people with disabilities). (§112(b)(17)(A)(iv).)

In responding to this question, the state should:

- Describe the strategy the state will use to effectively implement the Recovery Act priority of service for low-income individuals and recipients of public assistance under the WIA Adult program.
- Indicate how the state will use Wagner-Peyser resources to support individuals with disabilities, such as funding disability program navigators in One-Stop Career Centers, or assisting other targeted populations.

Section III. Operations

Transparency and Public Comment

Instruction from Section II of State Planning Guidance Plan Development Process: Include a description of the process the state used to make the Plan available to the public and the outcome of the state's review of the resulting public comments. (§§111(g) and 112(b)(9).)

The Recovery Act places a high priority on transparency. The state should describe:

- State efforts to promote transparency.

- The process used to make the Plan modification available to the public and the outcome of the state's review of resulting public comments.

Increasing Services for Universal Access

Question VI.C. What state policies are in place to promote universal access and consistency of service statewide? (§112(b)(2).)

In its response, the state should explain how it will efficiently and effectively use its Wagner-Peyser Recovery Act funds to support the hiring of sufficient levels of staff in the limited time period available for state One-Stop Career Centers to provide universal access and services required to meet the needs of increased numbers of customers in the economic downturn.

Local Planning Process

Question VIII.D. Describe the state-mandated requirements for local areas' strategic planning, and the assistance the state provides to local areas to facilitate this process. ((§112(b)(2) and 20 CFR 661.350(a)(13).)

In responding to this question, states should describe how they are facilitating the use of the local planning process to ensure that local areas are able to update their Local Plans and still quickly and efficiently deliver increased levels of services as intended under the Recovery Act.

Procurement

Question VIII.F.5. Describe the competitive and non-competitive processes that will be used at the state level to award grants and contracts for activities under title I of WIA, including how potential bidders are being made aware of the availability of grants and contracts. (§112(b)(16).) (Note: All procurements must comply with OMB requirements codified in 29 CFR Parts 95.40-95.48 and 97.36.)
In answering this question, the state should describe:

- How providers of all youth services will be procured under the Recovery Act. If using funds for summer employment opportunities and the fiscal agent or the state is not operating this program element, please specifically describe procedures for procuring summer employment operational entities and job opportunities.

- How the state will implement the Recovery Act provision that a Local Workforce Investment Board may award a contract to an institution of higher education or other eligible training provider if the local board determines that it would facilitate the training of multiple individuals in high-demand occupations, and if such a contract does not limit customer choice.

Technical Assistance

Question VIII.G.2. Describe how the state helps local areas identify areas needing improvement and how technical assistance will be provided. (§112(b)(14).)

In answering this question, the state should describe its strategy for providing training and technical assistance to local areas for all programs funded by the Recovery Act, including whether Recovery Act funds will be used for technical assistance and training to local areas. The state should also address training to be provided to new staff and technical assistance on the creation of a summer employment program.

Monitoring and Oversight

Question VIII.H. Describe the monitoring and oversight criteria and procedures the state utilizes to move the system toward the state's vision and achieve the goals identified above, such as the use of mystery shoppers, performance agreements. (§112(b)(14).)

In responding to this question, the state should demonstrate, through a monitoring plan or otherwise, that the state monitoring system meets the requirement of 20 CFR 667.410(b)(2) and that the state's plan includes monitoring and oversight of the additional funds provided under the Recovery Act, particularly plans to monitor reemployment services and summer employment, including summer employment worksites.

Accountability and Performance

Question X.C.1. Describe the state's performance accountability system, including any state-system measures and the state's performance goals established with local areas. Identify the performance indicators and goals the state has established to track its progress toward meeting its strategic goals and implementing its vision for the workforce investment system. (§§112(b)(3) and 136(b)(3).)

- The Recovery Act emphasizes the importance of accountability. Describe the state's overall efforts to hold the state and its local areas accountable for the results of activities funded by the Recovery Act, and how the state will measure whether it has achieved the state's goals for implementation as described in Questions I.C. and I.E. under "State Vision and Priorities."

- The Recovery Act requires states to report on work readiness to assess the effectiveness of summer employment opportunities for youth. The state should identify its methodology for determining whether a measurable increase in work readiness skills has occurred, and what tools will be used for this determination.