

Department of Workforce Services



**Workforce Investment Act
Wagner-Peyser Act
Program Year 2011
Second Year of the Five Year State Plan**

Attachments

**State of Utah
Department of Workforce Services
Workforce Investment Act and Wagner-Peyser
State Plan Program Year 2011**

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Department of Workforce Services



**Workforce Investment Act
Wagner-Peyser Act
Program Year 2011
Second Year of the Five Year State Plan**

Attachment 1

Demand Driven Service Guidance

Attachment 1

UTAH DEPARTMENT OF WORKFORCE SERVICES

DEMAND DRIVEN SERVICES GUIDANCE

28 June 2010



Foreword

The information in this Services Guidance document provides the necessary foundation for achieving success with Workforce Development Division (WDD) services, as envisioned by Department leadership. The Services Guidance document defines the priorities, goals, expectations, and desired outcomes for the Division, as well as providing planning guidance for Division leadership. It also outlines expectations for coordinating WDD operations with other DWS and partner operations.

However, simply providing planning guidance and stating expectations are not sufficient to achieve success. While Services Guidance provides the vision and the direction, it is the dedicated effort of our employees that will result in mission accomplishment. As such, accountability is the catchword that best describes the expectation of Department leaders. Accordingly, all members of WDD should view this Services Guidance -as the standard by which successful performance is measured and by which all employees will be held accountable.

Department of Workforce Services Mission, Vision, and Strategic Guidance

Mission: DWS strengthens Utah's economy by supporting the economic stability and quality of our workforce.

Vision: We are preparing our customers to prosper now and as the workforce of the future.

DWS Goals:

Innovation
Customer Service
Employee Success
Prevention
Global Competitiveness

DWS Guiding Principles:

Customers come first
Nothing implements itself
Good isn't good enough
Listen and learn
We must be able to manage to an uncertain future
Common sense is not out of style
Character counts

Workforce Development Division

Customers, Objectives and Key Concepts

Customers

Job seekers and employers are important customers for the Workforce Development Division. The Department of Workforce Services aligns our services, efforts and training resources to meet employers' workforce needs. By connecting skilled workers with employers that provide sustainable jobs with advancement potential, we serve employers, job seekers, and the community.

The Workforce Development Division provides job seekers with an array of services, using all available resources (including web-based tools, information and services) to connect them to employment and career advancement opportunities. We help customers obtain basic skills training and collaborate on solutions for resolving employment barriers. We will develop relationships with employers who can use entry-level customers through internships and on-the-job training opportunities.

DWS will always have financial constraints and cost pressures. Therefore, we will apply our resources in a manner that provides not only the greatest return on our investment, but also the greatest benefit to our customers.

Objectives

The following are objectives specific to the Workforce Development Division. These WDD objectives support overall DWS goals and DWS annual objectives:

Employer demand

Understand the needs of employers from geographic, industry-based, human capital, and economic perspectives.

Skilled workforce

Develop the skills and abilities of job seekers so they meet the demands of employers.

Economic stability

Assist job seekers to achieve economic stability, career advancement and self-reliance.

Training capacity

Increase Utah's capacity to train and educate a skilled and qualified talent pool. Leverage resources and maximize efficiencies.

Employee capacity

Ensure that DWS employees have the knowledge, skills, abilities and resources required to meet our outcomes.

Key Concepts

Each Economic Service Area (ESA) is different, and each Area Director is best equipped to understand the unique needs of their area. State administrative staff will provide tools, information, and resources to assist Area Directors with workforce development.

Planning for services and coordinating those plans with state staff and key partners are critical activities. Area Directors submit a comprehensive plan for delivering services and meeting outcomes within budget. Once plans are approved, Area Directors have flexibility to execute their approved plans.

In planning for services and executing those plans, Area Directors must stay within the boundaries of human resource policies, budget, program rules/guidelines, and other policy and statutory requirements.

Area Directors are accountable. Each is evaluated on the ability to achieve the mandatory outcomes of the programs we deliver, for understanding the employer demands and job seeker needs of the area, and for meeting those needs.

Area Directors and state staff work together in a coordinated, cooperative process as a unified Workforce Development Division. The state staff is responsible for coordinating policy, programs, training and funding with federal and other state-level entities. State staff provides guidance and especially support for Area Directors so they can execute approved plans and achieve outcomes.

Funding

Funding allocation for ESA's is determined by availability of funds and services provided. The funding allocation model is designed to give flexibility to service areas. Funding sources have not changed, and the rules and regulations around those funding sources have not changed. Funds can only be spent on qualified program services.

Area Directors have a budget based on the allocation formula. Area Directors allocate resources within the service area to achieve outcomes. In that regard, service areas must have the flexibility to allocate their budget to meet their needs. Workforce development activities are within the scope of current funding amounts and sources. Seeking additional sources of funding through grants, partnerships or other activities is done in coordination with the appropriate DWS state and service area staffs.

Funding is formula based. The formula is applied to the Department-wide budget.

- The formula is determined by workload. Workload is based on a weighted caseload and fixed cost factors. There is a built in rural factor to account for travel, geography, and population density.
- Allocations are issued up front annually and reviewed at least quarterly.
- Once an Economic Service Area receives its allocation, the Area Director manages within that allocation.
- The state staff and Area Directors will establish a re-allocation process for adjustment of funding within a fiscal year.
- Economic Service Areas will provide core services, but there is some flexibility about how to offer those services.
- Employees are funded out of the Economic Service Area allocation. Area Directors have discretion about assigning employees to deliver programs and services, as long as source funding is available.
- The financial benefits paid to customers are not part of the formula funding.
- ESA's can apply for grants on an individual or multi-area basis in coordination with state staff to review fiscal, programmatic, and legal impacts. If an Economic Service Area receives a grant, that funding will remain in the service area. Grants will pass a fiscal, program, and legal review prior to approval (in accordance with the grant process established by DWS Finance). State staff will coordinate with ESA's on grants that come through the state office that require local implementation.

- ESA's have an assigned support service coordinator who answers to the Finance Division, with a dotted line to the Service Area Director.
- We use the Random Moment Time Samples (RMTS) process. It is critical that staff respond to RMTS e-mails quickly and accurately.

Outcomes and Accountability

Economic Service Areas are held to a set of identified outcomes. ESA success is determined by how well they achieve outcomes. These outcomes are developed through the planning process, focusing on customer requirements. The outcomes are consistent with the DWS mission, meet statutory requirements, and encompass the DWS menu of services. The right outcomes drive the right staff behaviors.

Working with state staff and other partners and applying their ESA resources, Area Directors achieve the outcomes.

- Area Directors must be aware of the defined needs of employers and job seekers in their areas, and they must develop processes to meet those needs.
- Based on an in-depth understanding of customer needs, Area Directors complete standardized performance plans for all positions and implement a formalized process to review employee performance.
- Performance plans follow alignment principles: Individual plans align with outcomes and goals.

Because accountability is key for both the ESA's and for the state staff that supports them, there must be resources and processes to gauge how well we meet this requirement.

- It is critical that we have the data necessary to measure outcomes.
- The Department is subject to state and federal audits. Thus, Area Directors and state staff work together to respond to these activities and standards.
- Economic Service Areas are monitored for program and performance compliance and services quality. The Performance Review Team will provide feedback on compliance issues, while ESA's and the state-level Program and Training Unit are responsible to monitor quality of services.

One-Stop Operations

DWS operates one-stop Employment Centers in nine Economic Service Areas throughout the state. A primary goal of Employment Centers is to serve as the anchor for a statewide workforce development system that will effectively respond to the needs of employers, job seekers and the community. Employment Centers support workforce development by focusing on providing a qualified and skilled workforce that meets the needs of employers and by helping job seekers find good jobs quickly. This requires Area Directors to develop and maintain strong relationships with employers, the education community, and partner agencies.

The Economic Service Area determines the occupations/industries most in demand, based on data, key partner inputs and employer needs. ESA staff have the responsibility and flexibility to organize and develop the most efficient and effective design for their centers, as long as policy is followed, all DWS services are properly connected, source funding is available and outcomes are met. Exceptional customer service is a Department strategic goal; therefore, how we serve our customers is critical our success.

In their role as anchors for the workforce development system, one-stop Employment Centers provide mandatory core and intensive services. A focus of the one-stop operation is employment and training services, such as: connecting job seekers to open jobs; resume and interviewing assistance; providing job counseling and labor market information; providing information on targeted occupations for their local area, information on schools and in-demand careers, internships, apprenticeships, and on-the-job training; and connection to other employer resources offered through the Department.

However, the Employment Center is an access point for all DWS services. The upfront staff (Connection Teams) in Employment Centers will assess customer needs, connect to services, and assist the customer with application for services. This will include supporting statewide consistency in the eligibility process, ensuring unemployment insurance claimants are connected to re-employment activities, and facilitating employment services. Area Directors are responsible for coordinating with the Eligibility Services Division and Unemployment Insurance Division leadership to achieve appropriate connection of all DWS services within their Employment Centers.

The One Stop Administrator (OSA) concept is key to how we manage DWS facilities. WDD and ESD managers share the responsibility of managing DWS facilities, including all Employment Centers, smaller offices and Eligibility Service Centers. Persons in charge of Employment Centers will be called One Stop Administrators (OSA's). This is a functional title for the person designated as being in charge. Where there is not a manager on site, a supervisor or other staff member will be designated as the OSA for that location. A specific reporting structure and duties will be designated for those holding OSA positions.

Economic Service Areas will receive guidance as part of the annual planning process on how source funding can be spent – how many staff they can afford and what allowable and/or optional activities they can provide.

Councils and Partnership Relations

The Area Director organizes a partnership team consisting of government, education and business representatives. Efforts are based on common industry sector connections to achieve concrete outcomes.

Area Directors use labor market data, employer information and other resources to identify partnerships within Economic Service Areas to meet workforce development goals. It is imperative that Area Directors have knowledge of industry clusters and focus on occupations that have a history of career advancement with a family-sustaining wage.

Planning Process for Demand Driven Services

To ensure that ESA's provide mandatory services but retain flexibility to address local needs, a formal planning process is established. This process ensures that Department goals, objectives, initiatives, funding and regulatory requirements are clear and aligned. Meanwhile, ESA's are able to plan for and coordinate their initiatives within this framework and ensure state-level approval and support for those initiatives.

The basic planning process focuses on an annual cycle, but with significant flexibility. Once the annual legislative session ends in March of each year, the key data elements for planning are mostly in place. From that point, the state staff sends out planning guidance for the ESA's. Using an iterative process, ESA's develop and coordinate plans within the ESA, with partners, and with the state staff. The final draft plan is presented for state staff review no later than the first week of June each year. The Executive Director's Office completes a final review, orders any changes, and then formally approves the plan.

The ESA plans are considered living documents. As such, they can be amended throughout the fiscal year, coordinating with the state staff. Also, the Executive Director's Office will meet with Area Directors quarterly to get status updates, ensure support of approved initiatives, and agree to plan adjustments.

Department of Workforce Services



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Attachment 2

Grievance Procedures

Attachment 2
STATE OF UTAH
Grievance Procedures for Participants and
Other Affected Parties

The Department of Workforce Services has grievance procedures specifically designed for:

- Complaint – Financial Assistance (FEP, GA, RCA)
- Complaint – Food Stamps
- Complaint – Discrimination
- Complaint – Overpayments
- Complaint – Training
- Complaint – Unemployment
- Complaint – Child Care
- Complaint – DWS Co-Worker Internal
- Complaint – Employment Services
- Complaint – Migrant Seasonal Farm Worker
- Complaint – Other
- Discrimination Complaint – Employer Related

ADJUDICATION / APPEALS / LEGAL

The Division of Adjudication is responsible for hearing appeals of the Department of Workforce Services decisions concerning Unemployment Insurance, Public Assistance, and Training Services. Any Unemployment Insurance decision issued by the Department may be appealed by the claimant or the employer to the Appeals Tribunal. Public Assistance and Training Service denials may be appealed by the customer negatively affected by the decision.

The person or employer requesting the appeal will receive a new hearing before an unbiased administrative law judge. The judge is not bound by the decision originally made by the Department and will consider only the evidence presented at the hearing. A record of the hearing is made that consists of the testimony and exhibits allowed at the hearing. For services related to Unemployment Insurance only the record created at the time of the hearing will be reviewed on further appeals, even if the case eventually ends up in the Supreme Court.

If either party or the Department disagrees with the Unemployment Insurance decision of the administrative law judge, the decision may be appealed to the highest level of appeal within the Department, the Workforce Services Board. The board is made up of individuals appointed by the governor who sit in three-person panels to determine whether the decision of the administrative law judge is correct. If a party is unsatisfied with the board's decision, the matter can be appealed to the Utah Court of Appeals for further consideration.

Individuals denied public assistance or training services can appeal the judge's decision to the Executive Director or Designee for an administrative review or choose to file for a new hearing (de novo) with the district court.

COMPLAINT – FINANCIAL ASSISTANCE (FEP, GA, WTE, RCA)

Revised: 06/09/09
Effective: 08/01/09

INTRODUCTION: Customer alleges that an action taken by DWS was inappropriate and/or negatively impacted the customer for financial assistance.*

Attempts to resolve the complaint should be made at the local level by the:

- Service Provider and/or Supervisor and/or Manager
- Agency Conference
- The Office of Customer Relations at 1-801-526-4390 or 1-800-331-4341
- All complaints must be resolved within 60 days

NOTE: At any time the customer has the right to request an appeal or Fair Hearing. Refer to the procedure Fair Hearing Request. If customer requests continued benefits refer to the procedure Fair Hearing - Preparing For.

*Complaint involving discrimination must follow the procedure Complaint – Discrimination.

COMPLAINT – FOOD STAMPS

Revised: 03/01/05
Effective: 04/01/05

INTRODUCTION: Customer alleges that an action taken place by DWS was inappropriate and/or negatively impacted the customer for food stamp assistance.*

Attempts to resolve the complaint should be made at the local level by the:

- Service Provider and/or Supervisor and/or Manager
- Agency Conference
- The Office of Customer Relations at 1-801-526-4390 or 1-800-331-4341
- All complaints must be resolved within 60 days

NOTE: At any time the customer has the right to request an appeal or Fair Hearing. Refer to the procedure Fair Hearing Request. If customer requests continued benefits, refer to the workflow Fair Hearings - Fairhearings@utah.gov.

*Complaint involving discrimination must follow the procedure Complaint – Discrimination.

COMPLAINT - DISCRIMINATION

Revised: 10/03/05

Effective: 10/03/05

INTRODUCTION: The Equal Opportunity provisions of the Workforce Investment Act, 29 CFR Part 37, require DWS to ensure equal access, opportunities, and consideration for all persons, for all programs and services within the DWS “One Stop” system. Should any DWS customer or DWS employee believe they have experienced discrimination on the bases of the following “protected classes”; race, color, religion, sex, national origin, age, disability, political affiliation or belief, or because of their participation in a WIA Title I sponsored program or activity (applies to those individuals legally authorized to work in the U.S.), the individual(s) may file a complaint with DWS, or one of the federal partner agencies noted below.

The DWS Equal Opportunity (EO) Officer has jurisdiction when complaints of discrimination are filed by customers against DWS employees, against DWS partner agencies, such as Vocational Rehabilitation; against DWS approved training providers or vendors, or against employers with OJT contracts, or other DWS financial attachment*. Remember, DWS employees may file complaints of discrimination with the DWS EO Officer as well.

Reports of Discrimination to DWS In-Person:

1. Explain the bases of discrimination (protected classes) as noted above, and listed on the DWS Equal Opportunity Notice. Assist the customer in viewing the Notice on the DWS Homepage (<http://www.jobs.utah.gov/>) or provide the customer with a copy printed from the homepage.
2. If the customer chooses to file a complaint, provide a copy of the DWS Discrimination Complaint Information (CIF) Form 495. Check for completeness and signature.
3. Date stamp the form; provide a copy to the customer, and retain a copy on site for three years.
4. Forward the DWS 495, within 24 hours to: EO Officer, DWS, 140 East 300 South Salt Lake City, Utah 84111.

Reports of Discrimination to DWS by Phone:

1. Refer the customer to DWS home page at <http://www.jobs.utah.gov>.
2. Instruct the customer to click on “Equal Opportunity” located at the bottom of the page.

3. Scroll half way down the page, click on “495 (highlighted in blue), print, complete, and mail to the address on the notice or take to the nearest DWS Employment Center.
4. Advise complainant DWS 495 is also available at all DWS EC’s, in both Spanish and English versions.

Important Information:

- The Complainant has 180 days from the date of the alleged violation to file a complaint.
- DWS has 90 days to investigate and give Notice of Final Action.
- The DWS EO Officer will notify the complainant, and responsible DWS staff, within 10 days of receipt of the discrimination complaint form whether the complaint will be accepted and processed as a valid discrimination complaint.
- If a complaint is accepted, the complainant has the option of mediation or an investigation as a means for resolution. Information regarding mediation and investigations is mailed to the complainant as part of the acceptance notification. The complainant must return the Mediation Election Form to the EO officer within 10 days of receiving the Acceptance Notice and Mediation information packet.

NOTE: All customers have the option to file a complaint in writing directly to Civil Rights Center at: The Director, Civil Rights Center, 200 Constitution Ave. NW Room N-4123, Washington, DC 20210.

Food Stamp, TANF/FEP, and/or Medicaid applicants and recipients have the option of filing complaints of discrimination directly with the following respective agencies:

USDA Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410. Telephone: (202) 720-5964 (As noted on the “And Justice for All” poster).

The Regional Manager, U.S. Department of Health and Human Services, Office for Civil Rights, Federal Office Building, 1961 Stout Street, Room 1425, Denver, Colorado 80294. Telephone: (800) 368-1019, or (303) 844-2024, TTY: (303) 844-3439, FAX (303) 844-2025 (As noted on the Health and Human Services Non Discrimination Policy Statement poster).

* Complaints of discrimination filed against employers listing jobs with DWS, without OJT or other financial attachment to DWS; follow Complaint – Employment Services procedures.

COMPLAINT - OVERPAYMENTS

Revised: 09/22/09

Effective: 04/04/05

INTRODUCTION: Customer alleges that an action taken by the Payment Error Prevention Unit was inappropriate and/or negatively impacted the customer through the Payment Error Prevention Unit Collection Process.*

1. The customer should be referred directly to the Payment Error Prevention Team at 1-801-978-3430 or toll free at 1-801-526-9639.
2. If the matter is not resolved, then the customer may contact the Office of Customer Relations at 1-801-526-4390 or 1-800-331-4341.

NOTE: The customer may request an administrative hearing or an appeal. When a customer incurs a public assistance overpayment, they receive a Notice of Agency Action (NAA) packet outlining the details of the overpayment and all of their legal rights and responsibilities. One of the options listed for them in the NAA is to request an administrative hearing if they disagree with the alleged overpayment. The request form is included in the NAA packet. If they misplace it, they can contact the Payment Error Prevention Unit and the office will send out another one with a return envelope.

*Complaint involving discrimination must follow the procedure Complaint – Discrimination.

COMPLAINT - TRAINING

Revised: 03/01/05
Effective: 04/01/05

INTRODUCTION: Customer alleges that an action taken by DWS was inappropriate and/or negatively impacted the customer for Training assistance.*

Attempts to resolve the complaint should be made at the local level by the:

- Service Provider and/or Supervisor and/or Manager
- Agency Conference
- The Office of Customer Relations at 1-801-526-4390 or 1-800-331-4341
- All complaints must be resolved within 60 days

NOTE: At any time the customer has the right to request and appeal or Fair Hearing. Refer to the procedure Fair Hearing – Processing The Request. If customer requests continued benefits refer to the procedure Fair Hearing Preparing For.

*Complaint involving discrimination must follow the procedure Complaint – Discrimination.

COMPLAINT - UNEMPLOYMENT

Revised: 03/01/05
Effective: 04/01/05

INTRODUCTION: Customer alleges that an action taken by DWS was inappropriate and/or negatively impacted the customer for unemployment assistance.*

Attempts to resolve the complaint should be made at the local level by the:

- Service Provider and/or Supervisor and/or Manager
- Agency Conference
- The Office of Customer Relations at 1-801-526-4390 or 1-800-331-4341
- All complaints must be resolved within 60 days

NOTE: At any time the customer has the right to request an appeal. Refer the customer to the DWS online appeal process Filing Unemployment Insurance Appeals.

*Complaint involving discrimination must follow the procedure Complaint – Discrimination.

COMPLAINT – CHILD CARE

Revised: 10/24/05
Effective: 04/01/05

INTRODUCTION: Customer alleges that an action taken by DWS was inappropriate and/or negatively impacted the customer for child care assistance.*

1. Attempts to resolve the complaint should be made at the local level by the:

- Service Provider and/or Supervisor and/or Manager
- Agency Conference
- The Office of Customer Relations at 1-801-526-4390 or 1-800-331-4341
- All complaints must be resolved within 60 days

NOTE: At any time the customer has the right to request an appeal or Fair Hearing. Refer to the procedure Fair Hearing – Processing the Request. If customer requests continued benefits refer to the procedure Fair Hearing - Preparing For.

2. If the child care complaint is against a child care provider:

- Call complaint to Department of Health at 1-888-287-3704. The complaint can be for licensed or unlicensed providers.

- Call Child Protective Services for child abuse/neglect complaints at 1-800-6789399.

*Complaint involving discrimination must follow the procedure Complaint – Discrimination.

COMPLAINT – DWS CO-WORKER - INTERNAL

Revised: 03/01/05
Effective: 04/01/05

INTRODUCTION: A DWS employee alleges that an action taken by another DWS employee or other State employee was inappropriate and/or negatively impacted him/her.*

Instruct the employee to contact their immediate supervisor and/or Manager. If there are issues that require Human Resource intervention, the supervisor may then consult with Human Resources at 1-801-526-4346.

*Employees have the option of filing complaints of discrimination with the DWS Equal Opportunity Officer. The Equal Opportunity Officer will coordinate efforts with DWS' Human Resources Division regarding these complaints. Follow the procedure Complaint – Discrimination.

COMPLAINT – EMPLOYMENT SERVICES

Revised: 12/01/08
Effective: 12/01/08

INTRODUCTION: Federal regulations require that all formal complaints received be logged for tracking purposes. Use this procedure to process employment services complaints. The Service Area Manager/Supervisor is responsible for the complaint process. The Manager may designate a Workforce Development Specialist or Agency Representative to act on their behalf.

Examples of complaints you may receive and actions to take:

1. Complaint: Job Seeker was referred by DWS to a job order posted with DWS and the referral or hire occurred WITHIN 12 months from the time of complaint.
Action: Business Community Liaison follow-up is required using the procedure.
2. Complaint: Job Seeker was not referred to employer through DWS or the referral or hire occurred MORE than 12 months prior to complaint
Action: No follow-up is required.

3. Complaint: Job Seeker complaint of discrimination by an employer listing jobs with DWS.
Action: Workforce Development Specialist follow-up is required using this procedure. .
4. Complaint: Job Seeker complaint of discrimination to an OJT or other DWS financial attachment, DWS employees, DWS partner agencies, or approved training providers.
Action: Do not use this procedure. Follow the Complaint-Discrimination procedure.

Complaint Process at Employment Centers:

INTRODUCTION: Receive the completed Part 1 of the hard copy Form 8429 is completed, signed and dated by the complainant.

1. Receive Complaint.
2. Complete Form 8429 with compliant ensuring that they sign and date the form.
3. Review completed Form 8429 and determine appropriate action within 5 working days from receipt.
4. Enter the information from Form 8429 into the ES-Electronic Complaint Tracking System within 24 hours of taking the complaint.
5. Note the findings, resources, and/or resolution on the electronic system under comment section in Part II as well as employer notes section in UWORKS.
6. Narrate any interaction, discussion, resources and/or training offered and follow-up relating to the complaint resolution in the UWORKS employer notes section.
7. Resolve complaints with employers by referring them to the Labor commission or other community resources.

NOTE: DWS is not an enforcement agency.

NOTE: Contact the ES Complaint Program Administrator to coordinate the possibility of discontinuing services.

NOTE: Complaint(s) involving discrimination against employers with OJT contracts or other financial attachment to DWS must follow Complaint – Discrimination.

COMPLAINT – MIGRANT SEASONAL FARM WORKER

Revised: 07/22/05

Effective: 04/01/05

INTRODUCTION: All complaints that fall within the Employment Services area, including employers posting jobs online, have the same initial pathway process at the local employment centers as outlined below. Reference: 20 CFR – Chapter V – PART 658, Employment Security, and Department of Labor Code of Federal Regulations. *

Responsibility for Complaint Process at the Employment Centers: The Employment Center Manager is ultimately responsible for complaint processing. The Manager may designate a Business Consultant or Agency Representative to act on their behalf.

For detailed information on Migrant Seasonal Farm Worker (MSFW) go to the Department of Labor website.

1. Part I of the hard copy Form 8429 is completed, signed and dated by the complainant.
2. The DWS representative completes PART II of the hard copy Form 8429 or enters directly onto the ES-Electronic Tracking System.
3. Information is given to the Manager, Business Consultant, or Agency Representative for review and to determine appropriate action. Follow up is required within 5 working days of receipt.
4. An authorized representative enters initial information from the hard copy Form 8429 into the ES-Electronic Tracking System within 24 hours from time of receipt of complaint.
 - Notify MSFW Monitor Advocate via email to review the MSFW complaint with the electronic complaint tracking number.
 - If assistance is needed, contact State ES Complaint Program Administrator.
5. Findings and/or resolution are noted on the electronic system under comment section in Part II as well as the associated employer record note section.
6. At month end a copy of the printed electronic tracking sheet Form 102 is printed from the Electronic Complaint Tracking System, all hard copy documentation is attached in chronological order of complaint tracking log and forwarded to:
Shelly Burleson
State ES Complaint Program Administrator
DWS Office of Communications/Public Relations (EDO)
140 East 300 South
Salt Lake City, Utah 84111

NOTE: These must be received by the 15th day of the following month.

Migrant Seasonal Farm Worker Discrimination:

- Complaints of discrimination against employers listing jobs with DWS. Designated Representative, typically a Business Consultant, may assist with follow-up on these complaints, and notify the MSFS Advocate via email to review the complaint with electronic tracking number. If further assistance is needed, notify the ES Complaint Program Administrator. Complaint information from the Form 8429 must be entered into the ES Electronic Tracking System (add link). **DO NOT HAVE THE CUSTOMER COMPLETE A FORM 495 ON THESE COMPLAINTS.**
- Form 495 must be completed on the following complaints
 - Form 495 is only required for those discrimination complaints tied to an OJT or other WIA funding source. **DO NOT ENTER THESE COMPLAINTS INTO THE ES ELECTRONIC TRACKING SYSTEM.** Follow procedure in Complaint-Discrimination

- For complaints of discrimination against DWS employees, DWS partner agencies, or approved training facilities, follow the procedure in Complaint – Discrimination, and do NOT use the form 8429. DO NOT ENTER THESE COMPLAINTS INTO THE ES ELECTRONIC TRACKING SYSTEM.
 - Complaint involving discrimination against employers with OJT contracts or other financial attachment to DWS must follow Complaint – Discrimination.
-

COMPLAINT – NAFTA OR TAA

Revised: 03/01/05
Effective: 04/01/05

INTRODUCTION: Customer alleges that an action taken by DWS was inappropriate and/or negatively impacted the customer for NAFTA or TAA assistance.*

Attempts to resolve the complaint should be made at the local level by the:

- Service Provider and/or Supervisor and/or Manager
- Agency Conference
- The Office of Customer Relations at 1-801-526-4390 or 1-800-331-4341
- All complaints must be resolved within 60 days

NOTE: At any time the customer has the right to request an appeal. The appeal can be requested using Form 491A.

*Complaint involving discrimination must follow the procedure Complaint – Discrimination.

COMPLAINT – OTHER

Revised: 03/01/05
Effective: 04/01/05

INTRODUCTION: A customer complaint does not appear to fit into one of the Complaint Types, and/or the customer does not feel their complaint has been resolved through local process.*

1. Refer the complaint to your local Supervisor or Program Specialist for direction at local level.

2. If complaint type is not determined or complaint is not resolved, refer the customer to Customer Relations at 1-801-526-4390 or 1-800-331-4341.

NOTE: At any time the customer has the right to request an appeal or Fair Hearing. Refer to the procedure Fair Hearing – Processing the Request. If a customer requests continued benefits, refer to the procedure Fair Hearing – Preparing For.

*Complaint involving discrimination must follow the procedure Complaint – Discrimination.

DISCRIMINATION COMPLAINT – EMPLOYER RELATED

Revised: 01/01/07

Effective: 01/01/07

INTRODUCTION: Business consultants should use this procedure when contacted by the Equal Opportunity Officer to conduct an investigation for an Employer Related Discrimination Complaint. The Service Area Manager/Supervisor has the ability to designate another staff member to conduct the investigation if the Business Consultant is not available. Related pathway charts, policies, and forms are located on the DWS Intranet under Complaint Process for Resolution (CPR).

1. Receive call from the Equal Opportunity officer to discuss the Employer Related Discrimination Complaint.
 - Discuss details to be covered in the investigation.
 - Agree upon the time frame for the investigation results to be returned to the Equal Opportunity officer.
2. Gather evidence from the Employer and Complainant for the investigation of the Discrimination complaint.
 - Describe the Who, What, Where, When, Why and How of the complaint.
 - Make notes as necessary on the employer record.
 - Conducting the investigation does not include making any determinations or recommendations.
3. Send the Equal Opportunity officer an email with the findings of the investigation.

ATTACH FORM 495

Department of Workforce Services



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Attachment 3

***Request for Waiver Extension
Subsequent Eligibility Determination
of Training Providers***

Attachment 3
STATE OF UTAH
Request for Waiver Extension
Subsequent Eligibility Determination of Training Providers

The Department of Workforce Services (DWS) provides the following waiver plan and requests an extension to postpone implementation of the subsequent eligibility determination process for training providers. The extension will provide an opportunity to design and build an online database and reporting system for training providers. Training providers and DWS customers will have access to the latest training information, eligibility status, online provider applications, and current performance reports required for subsequent eligibility. Implementation of the Utah online database and reporting system will improve and enhance access to statewide service provider information in a cost effective way.

Utah supports the goals of consumer choice and program accountability as directed in the Workforce Investment Act (WIA) and believes approval of the extension will substantially improve success in achieving this goal. Implementation of the subsequent eligibility determination process will continue.

Background

Utah markets the WIA concept of Eligible Training Providers (ETP) and for the most part, has experienced success. However, training providers have consistently indicated reporting requirements are not realistic, based on the limited number of enrollments and the cost of data maintenance. As subsequent eligibility determination approached, many training providers elected not to renew their eligibility. This has created a limited training choice for rural areas and threatened the Individual Training Account (ITA) System. The following synopsis presents these challenges and provides a solution that is the basis for the waiver.

Once the period of initial eligibility began, the State worked with the State Workforce Investment Board (SWIB) and service area workforce investment advisory boards to further educate local area training providers on data collection and the performance requirements of the subsequent eligibility process. Training providers consistently identified several concerns.

Creating and maintaining a system that would collect required WIA data would be costly and burdensome, especially for smaller training providers. For many providers, the relatively small number of WIA-eligible participants accessing training services through their ITAs would not justify the resources that would have to be committed to collect required data. Many training providers do not have systems in place or the staff available to produce required performance information in the specified timeframes. The majority of ETPs requested extensions primarily because production data was not available to meet subsequent eligibility requirements. There may be potential violations of data privacy especially related to the Family Educational Rights Privacy Act (FERPA).

WIA data requirements might present an additional burden to the amount of data already being collected from students at a time when most businesses, schools, and colleges are trying to streamline processes to be more customer friendly and cost efficient.

Over the last year, potential training providers have acted upon their concerns by simply not completing the provider application. Many current providers have declared they are unable to comply with the requirements for subsequent eligibility certification. The loss of training providers, especially in the State's two-year college system, may have a negative impact in rural areas where the number of eligible training providers is already limited. The lack of eligible training options could virtually shut down the ITA effort in many of Utah's rural employment centers. A waiver to extend the initial period of certification would maintain ETPs and provide customers with training option choices while ETP stakeholders have input in the design and implementation of a workable online system.

At present service area workforce investment advisory boards have insufficient data to make informed decisions about which training providers should be re-certified. Since information on employment and earnings come from the unemployment insurance wage system, there is a tremendous delay in obtaining wage information for the quarter after exit and three quarters after exit. A provider denied subsequent eligibility could consider any decisions made by local board regarding provider's eligibility arbitrary and open to a challenge.

Utah understands the need for accountability and supports efforts to ensure that customers are making informed decisions based on quality data. However, when the ability to effectively collect required data is severely limited, the resulting chaos could destroy customer choice and severely limit the use of ITAs. The primary goal of this extension is to ensure that the State's adult and dislocated workers are able choose from a wide variety of effective and quality training opportunities.

Waiver Plan

The waiver request format follows WIA Section 189(i)(4)(B) and WIA Regulation 661.420.

1. Statutory Regulations to be waived and goals:

WIA Section 122(c)(5) and WIA Regulations at Section 663.530, specifies the time limits for initial eligibility and/or subsequent eligibility. The goal is to design and implement an online database and reporting system to provide performance information, eligibility status and service applications for providers and customers. The system will complement and increase the Strategic Plan efficiency by providing users with up to date training performance information.

2. Describe action the State has undertaken to remove State or local statutory or regulatory barriers:

DWS has implemented the Eligible Training Provider process as required under WIA laws and regulations through State rules R986-600-652 and 653. No additional State requirements have been added to impede this process, but State rules will be amended to reflect any Federal waiver approved time frames. Therefore, there are no additional State regulatory barriers that need to be removed.

3. Waiver goals and measurable programmatic outcomes, if the waiver is granted:

- a. Develop and select an efficient and cost effective training provider performance data method that reasonably considers existing “substantially similar” performance data items that may be substituted for required current data items. A solution will alleviate provider concerns involving the type and extent of performance information needed and maintenance cost by including stakeholder suggestions and approval. Developmental progress and stakeholder approval will be monitored. Outcomes will include pre- and post-comparisons.**

DWS’ goal is to set criteria for performance data collection, which will ensure required data is obtained while easing the burden of data collection. The expected outcome is to retain current training providers while securing a user-friendly system that will increase the number of new providers to enhance customer choice.

- b. Continue to increase the number of Eligible Training Providers (ETP) and retain those already approved to ensure maximum customer choice. A measurable outcome would be the monitoring of ETP numbers.**

DWS currently has over 100 approved training providers. Of those training providers, about 21 are based at a university, college, or center of applied technology. These providers have been the most vocal about the type, amount, and cost of data collection for subsequent eligibility. DWS providers have expressed concern by either choosing not to participate or by not re-applying for subsequent eligibility. The latter applies to most providers that did not receive WIA funded customers.

- c. Maintain the highest level of provider accountability and satisfaction in an error-minimum information system by developing and implementing a customer friendly system.**

Satisfaction level and error rate monitoring are measurable outcomes.

- d. **Continue to develop an online initial eligibility application process that will incorporate stakeholder approval. Include the application process as an enhancement to the ETP Website, with the objective of creating a “one-stop” ETP site.**

Quantity of site enhancements may be monitored to provide measurable outcomes.

4. Describe any individuals affected by the waiver:

The waiver will impact either directly or indirectly all statewide participant training customers, training service providers, the SWIB, service area workforce investment advisory boards, and the general business community. The largest direct impact is anticipated to affect individual training customers and training providers with the former experiencing either the greatest cost or benefit.

5. Describe the processes used to:

a. Monitor the progress in implementing the waiver:

Progress will be monitored in two phases related to the system’s design, development, and implementation. Progress will be measured by the quantity of approvals and completed software programs.

Internet rollout will be monitored by observing the quantity of provider users and DWS customer users. Satisfaction will be monitored to ensure that all users have a quality experience. ETP site enhancement features will be added and monitored.

b. Provide notice to any Local Board affected by the waiver:

Although Utah is a WIA single service delivery area, each of the service areas have local workforce investment advisory boards that have provided waiver development input and approval to Utah’s ETP waiver. Final waiver recommendations were provided to the SWIB and their approval has been presented to the Department of Labor. As evidenced in the Background section, the SWIB, service area workforce investment advisory boards, and the training communities have been involved in the identification of concerns and solutions.

c. Provide any Local Board affected by the waiver an opportunity to comment on the request:

Although Utah is a WIA single service delivery area, each of the service areas have local workforce investment advisory boards that have provided waiver development input and approval to Utah’s ETP waiver. Final waiver recommendations were provided to the SWIB and their approval has been presented to the Department of Labor (DOL). As evidenced in the Background section, the SWIB, service area workforce investment advisory boards, and the

training communities have been involved in the identification of concerns and solutions.

4. Ensure meaningful public comment, including comment by business and organized labor, on the waiver:

The SWIB and service area workforce investment boards have business and organized labor representatives who were provided an opportunity for involvement and comment. Additionally, a general public comment period was provided as of the date of original waiver request. Additional comments received will be immediately forwarded and if appropriate, will be included in the waiver.

Utah appreciates the flexibility afforded to states through the waiver process and anticipates the SWIB waiver plan provides adequate accountability and improved performance for DOL approval.

Department of Workforce Services



**Workforce Investment Act
Wagner-Peyser Act
Program Year 2011
Second Year of the Five Year State Plan**

Attachment 4

***Request for Waiver Extension
Allow the Use of Individual Training
Accounts for WIA Eligible Youth***

Attachment 4
STATE OF UTAH
Request for Waiver Extension
Allow the Use of Individual Training Accounts for
WIA Eligible Youth

Utah requests a waiver of the statutory exclusion and regulatory prohibition of using Individual Training Accounts (ITAs) for youth. Utah Department of Workforce Services (DWS), the administrative entity for the Workforce Investment Act (WIA), requests this waiver as an effort to create efficiency, and in consideration of precedents set by approval of similar waivers requested by Indiana, Kentucky, Georgia, Texas, and Pennsylvania.

Under WIA, the focus of youth programs has changed from the provision of short-term, stand alone programs to providing year-round, long-term services designed to assist both in-school and out-of-school youth to make the transition to post-secondary training and careers. We believe the intent of this regulation is viable; however, we do not feel that contracted year-round youth programs are the best and only training vehicle for certain individuals within Utah's youth population.

With the focus of Common Measures moving States toward serving out-of-school youth at an increased level, the use of ITAs for this population will provide more flexibility in service delivery. The real-life informed decision-making involved in using ITAs and the Eligible Training Provider list would provide eligible youth with the experience of responsibility that is necessary as they transition to adulthood.

WIA requires local areas to make available a menu of ten (10) program elements to eligible youth, specified at 20 CFR 664.410. DWS feels the intent of this regulation is practical for successful outcomes for youth. Youth service providers will be required to comply with ITA policy and procedures. It is not DWS' intent to request this waiver to circumvent the requirements of WIA, but rather to bring service delivery for youth closer to the intent of WIA, to serve customers efficiently according to their individual need. The vision for Utah's program is, "WIA Youth will live successfully as adults."

Utah will implement the use of ITAs for youth immediately upon United State Department of Labor's approval of this waiver request.

1. Statutes Effected by this Request:

- WIA Section 122, Section 123, Section 129(c)(2)&(3)(A)(iii).
- CFR 20, WIA Final Regulations at Section 664.510

2. State or Local Statutory Regulatory Barriers:

- Upon notification of approval of the original waiver request, State rules, policies and procedures were developed and implemented in order to comply with the terms of the waiver.
- Necessary mechanisms were instituted at the time of the original waiver approval that ensured effective use of ITAs for youth, including an outline of specific actions that the State Youth Council on Workforce Services and the State Workforce Investment Board (SWIB) take to ensure appropriate use of ITAs for youth.

3. Goals to Achieve with the Waiver:

- Ensure the State has the flexibility to design and deliver programs based on the needs of customers in the service areas.
- Reduce the paperwork and tracking processes required with dual enrollment.
- Youth experience the impact of informed decision-making that has a direct impact on his or her life.
- Access to the Approved Training Provider list offers case managers the opportunity to discuss the process of decision-making (training provider, finances, etc.) and the results that ensue.
- Youth have access to a wide variety of training providers to assist them in becoming successful in the 21st Century Workforce.
- Provides for and promotes customer choice.
- Maximizes flexibility based on youth customers' assessed needs in terms of training that leads to self-sufficiency in high growth industries and occupations.

4. Programmatic Outcomes Achieved by the Waiver:

- Flexibility in service delivery
- Youth will have access to training providers which, in turn ensures their success in the changing economic conditions of the State

5. Individuals Impacted by the Waiver:

- Wider variety of providers for youth in pursuit of post-secondary education and training
- Flexibility of services offered by youth providers, and reduction of unnecessary paperwork
- Approved Training Providers will have the opportunity to serve eligible youth

6. Process Used to Monitor Progress in Implementing the Waiver:

DWS is the State administrative entity for the Workforce Investment Act. The waiver enables Utah the flexibility to maintain seamless delivery of services and to customize the education and training programs for youth. Under the waiver extension, DWS will continue to monitor the impact of the waiver through a combination of local level reporting, State oversight, and State evaluation of financial data and performance measures.

The State has developed and continues to maintain appropriate policies and procedures relating to this waiver.

7. Process for Notice of Local Boards and Opportunity to Comment:

Consistent with the general waiver request, the State is adhering to publication requirements to insure the broadest participation possible, including appropriate partners and interested parties such as labor, community based organizations, and the SWIB.

a. Provide notice to any Local Board affected by the waiver:

As Utah is a WIA single service delivery area, the State is governed by the State Workforce Investment Board (SWIB). The SWIB has provided waiver development input and approval to this Waiver plan.

b. Provide any Local Board affected by the waiver an opportunity to comment on the request:

As Utah is a WIA single service delivery area, the State is governed by the State Workforce Investment Board (SWIB). The SWIB has provided waiver development input and approval to this Waiver plan.

c. Ensure meaningful public comment, including comment by business and organized labor, on the waiver:

As Utah is a WIA single service delivery area, the State is governed by the State Workforce Investment Board (SWIB). The SWIB has provided waiver development input and approval to this Waiver plan.

Utah appreciates the flexibility afforded to State through the waiver process and anticipates the SWIB waiver extension plan provides adequate accountability and improved performance for DOL approval.

Department of Workforce Services



**Workforce Investment Act
Wagner-Peyser Act
Program Year 2011
Second Year of the Five Year State Plan**

Attachment 5

***Request for Waiver Extension
Partial Waiver of Youth Providers***

Attachment 5
STATE OF UTAH
Request for Waiver Extension
Extend the Partial Waiver of Youth Providers as
Granted Effective January 1, 2011

U.S. Department of Labor

Employment and Training Administration
200 Constitution Avenue, N.W.
Washington, D.C. 20210



JAN 24 2011

The Honorable Gary Herbert
Governor of Utah
State Capitol Building
Salt Lake City, Utah 84114

Dear Governor Herbert:

We are pleased to be able to respond to your request for a waiver of statutory and regulatory requirements under the Workforce Investment Act (WIA) submitted on November 5, 2011. This request is written in the format identified in WIA section 189(i)(4)(B) and 20 CFR 661.420(c), and appears to meet the standard for approval at 20 CFR 661.420(e). The following is the disposition of the State's submission (copy enclosed). This action is taken under the Secretary's authority to waive certain requirements of WIA Title I, Subtitles B and E, and sections 8-10 of the Wagner-Peyser Act. This waiver applies to both WIA formula funds and funds made available under the American Recovery and Reinvestment Act of 2009.

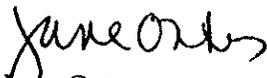
Waiver of WIA Section 123 that requires that providers of Youth program elements be selected on a competitive basis.

The State is requesting a waiver of the requirement for competitive procurement of service providers for all ten youth program elements. The State is partially granted this waiver, effective January 1, 2011 through June 30, 2011. Under this waiver, the State is permitted to allow its One-Stop Career Centers or partner agencies to directly provide the youth program elements of supportive services, follow-up services, and work experience. In utilizing this waiver for these elements, the State and local areas must still meet Office of Management and Budget requirements (codified in 29 CFR 95.40-95.48 and 97.36) and all state and local procurement laws and policies. The Employment and Training Administration (ETA) denies this waiver for the other seven youth elements. Although we acknowledge that staff resources are necessary to procure these services competitively, this process only occurs every five years and serves an important purpose in ensuring regular competitive procurement, which is the most efficient and cost-effective way to ensure the development of high-quality service providers.

The approved waiver is incorporated by reference into the State's WIA Grant Agreement, as provided for under paragraph 3 of the executed Agreement, and it constitutes a modification of the State Plan. A copy of this letter should be filed with the State's WIA Grant Agreement and the approved State Plan. In addition, as described by TEGL No. 09-10, the State should address the impact its waivers have had on the State's performance in the WIA annual performance report, due on October 1 of each year.

We look forward to continuing our partnership with you and achieving better workforce outcomes. If you have any questions related to the issues discussed above, please contact Joseph Juarez, the Regional Administrator for the ETA Dallas Region, at 972-850-4600 or Juarez.Joseph@dol.gov.

Sincerely,



Jane Oates
Assistant Secretary

Enclosure



State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Department of
Workforce Services

KRISTIN COX
Executive Director

GREGORY B. GARDNER
Deputy Director

JON S. PIERPONT
Deputy Director

November 1, 2010

WDD-JB-002-10

Mr Joseph C. Juarez, Regional Administrator
DOL Regional Office, Region IV
US Department of Labor/ETA
Federal Bldg, Room 221
525 Griffin Street
Dallas, TX 75202

Dear Mr. Juarez:

The Department of Workforce Services is the WIA grant recipient and One-Stop operator for the State of Utah and respectfully requests waiver of the requirement for competitively bidding Workforce Investment Act youth services, WIA section 123. The waiver request is attached.

Utah's State Workforce Investment Board strongly supports the waiver request and wants DOL to be aware of their enthusiasm for increased efficiency in delivering WIA youth services.

Questions regarding this waiver may be directed to Jane Broadhead. She can be reached by phone, (801) 419-2967 or e-mail, jbroadh@utah.gov

Thank you for considering the waiver request.

Sincerely,

Kristin Cox
Executive Director

CC: Paul Jackson, Chair, State Workforce Investment Board
Marie Christman, Chair, State Youth Council
Jon Pierpont
Karla Aguirre
Rachael Stewart
Jane Broadhead

140 East 300 South, Salt Lake City, Utah 84111 • Telephone 801-526-9385 • Fax 801-526-9239 • jobs.utah.gov
Equal Opportunity Employer/Programs

STATE OF UTAH
Workforce Investment Act Waiver Request
Allow the State Flexibility to Determine the Extent of WIA Youth Program
Element Procurement

Utah Department of Workforce Services (DWS), the administrative entity for the Workforce Investment Act (WIA), requests a waiver of the statutory and regulatory requirement of selecting providers of youth activities by awarding grants or contracts on a competitive basis.

Utah will implement this waiver immediately upon Department of Labor Employment and Training Administration's (DOLETA) approval of the request.

1. **Statutory Regulations to be waived:** WIA section 123 requirements to competitively select providers of youth program elements, which by association, apply to section 129(c)(2); and 20 CFR664.410.
2. **State or local statutory regulatory barriers:** In anticipation of approval of the waiver, Utah DWS reviewed State statute and rules (including procurement rules), and DWS Workforce Development Division (WDD) policies and procedures for contradictions. Research determined there are no conflicting statutes, rules policies or procedures. State Workforce Development Board and DWS WDD policies and procedures comply with current federal guidelines. Upon notification of approval, DWS will update the WIA/Wagner Peyser State Plan to comply with the terms of the waiver.

Justification for the request and goals to achieve with the waiver:

- Utah's experience with procurement of youth services indicates few qualified providers exist, and those with whom DWS has successfully contracted are government organizations. DWS has announced RFPs for WIA youth in each of five service areas once every five years since 2000. Currently, Utah law and Procurement Code allow partner agencies to enter into non-competitive inter-governmental agreements. Waiving section 123 of WIA law would not prevent DWS from striking such agreements when appropriate.
- DWS is the WIA grant recipient and One-Stop operator for the State of Utah and respectfully requests broader waiver authorization. Utah's WIA/Wagner Peyser State Plan, as approved by DOL, allows DWS the ability to deliver all WIA youth services in the event a qualified provider is not available.
 - DWS will announce a statewide request for information (RFI) to establish a list of parties who are interested in delivering WIA youth services.
- Of the ten required WIA youth service elements, DWS currently delivers, or has the capacity to deliver the following:
 1. Tutoring/Drop-out prevention (through the Basic Education Approved Provider List)
 2. Paid and unpaid internships
 3. Summer youth employment opportunities
 4. Occupational skills training (through the current ITA waiver using the Occupational Skills Training Approved Provider List)
 5. Comprehensive guidance and counseling (through DWS Social Worker's charging WIA youth funding for the time spent with WIA eligible youth)
 6. Mentoring
 7. Leadership development
 8. Supportive services

9. Alternative school (Utah's State Youth Council on Workforce Services includes representation of public and adult education. The Utah State Office of Education staff work with DWS Youth Program Specialist to draft policy and procedures for coordination across the state. Public education is responsible to deliver alternative school, and DWS service areas work closely with local educational entities to ensure WIA eligible youth receive appropriate services. Each service area youth council includes representation from public and adult education.)

10. Follow up

- Utah is committed to the federal shared youth vision partnership. Utah's Youth Vision Team (YVT) ascribes to a shared vision, "Utah's at-risk youth live successfully as adults." The target population for Utah's YVT is youth involved with Juvenile Justice Services. This waiver would help reach the YVT goals by:
 - Increased consistency in tracking the target population with the result of increased access to employment and training resources
 - Increased high school and/or GED completion rate
 - Increased level of obtaining and maintaining employment
 - Increased consistency in access to public assistance and other supportive services offered by DWS
- A significant benefit of allowing Utah to waive the competitive procurement requirement is a reduction in the administrative costs of procurement. One of Utah's goals provided the waiver is granted, is directing funds we would use for procurement back to services for eligible customers.
- Economic Service Areas (ESA) would have the flexibility to follow existing Utah Procurement Code, which would provide the options to:
 - Enter into inter-governmental agreements as appropriate within an ESA,
 - Announce request for proposals and select providers within or outside of government as appropriate within an ESA,
 - Deliver services within DWS.
- DWS will ensure ESA youth committee input into the decision making process by having a committee member on the evaluation review panel, (as outlined in the Utah's WIA Title I Wagner Peyser PY2007 –PY2008 Strategic Plan, section G. Provider Selection Policies).

3. **Programmatic outcomes achieved by the Waiver:** This past year, Utah conducted comprehensive assessments of DWS' direction and approach in operating the state's one-stop system to reposition the department into a more demand driven system. The criteria for separating the state into economic service areas included labor market information, worker commuting patterns and access to post-secondary educational resources. The effort resulted in the creation of nine Economic Service Areas. The greater flexibility resulting from this waiver would allow employment centers to improve the continuity of services to youth, implement a more cost-effective and integrated service delivery system, and develop stronger ties with local employers in high growth and emerging industries. Utah desires to obtain the waiver to achieve efficiencies, reduce the cost of competitive procurement, and direct more funds to program activities that lead toward performance outcome improvements.

4. **Individuals affected by the waiver:**

- WIA eligible youth. The efficiencies gained, which would be a result of the waiver will assist a growing pool of disconnected, high-risk youth population. The

unemployment rates for youth 16 to 19 years old went from 8.7% in 2007 to 16.2% in 2009. For 20 to 24 year olds, 5.4% in 2007 to 13.4% in 2009.

- Local workforce investment board and youth committee members. Although Utah is a WIA single state workforce investment area, there are separate economic service areas, each with a workforce investment board and service area youth committee. In the past, procurement of youth services occurred independently in each area on a five-year cycle, a process taking almost a year to complete. Granting the waiver would allow DWS at both the state and economic service area level to minimize administrative costs associated with procurement and redirect those funds to targeted program services, such as, but not limited to:
 - Concentrating on improvements to the Literacy/Numeracy Gain performance outcome,
 - Providing increased opportunities for internships,
 - Providing in-house resources for participants needing mental health treatment, or substance abuse prevention/treatment.
- Partner agencies. The efficiencies gained, which would be a result of the waiver will assist Utah's Youth Vision Team to continue addressing the needs of high-risk youth that individual organizations cannot solve independently.

5. Process used to monitor progress in implementing the waiver: DWS is the State administrative entity for the Workforce Investment Act. The waiver enables Utah the flexibility to concentrate on continuous improvement for seamless delivery of services. DWS will monitor progress in implementing the waiver by:

- Reviewing performance outcome data quarterly and comparing results with the levels for the previous year.
- Reviewing new enrollments monthly and comparing results with the levels for the previous year. This will give us information about increased number of youth served.
- Review financial reports monthly. Increased funding availability needs ongoing monitoring to ensure service areas expend 70% of funds available by the end of each program year.
- DWS has a comprehensive compliance monitoring process in place to ensure program integrity and continuous improvement. Elements include:
 - DWS' Program Review Team (PRT) monitors 10% of WIA youth cases each year to ensure program and fiscal compliance.
 - The Office of Legislative Audit conducts an annual audit of DWS program deliver and reports the results to Department of Labor, Employment and Training Administration.
 - Each service area is responsible to monitor for quality case management practices.
- The State Youth Council on Workforce Services (SYC) provides oversight to WIA youth service delivery. In discussions about continuous improvement, SYC members agree that the current procurement process is futile, and obtaining a waiver of the requirement will improve services to an increased number of participants. The SYC reviews performance outcome results and fiscal progress at each quarterly meeting. A representative of each service area is a member of the SYC. If DWS identifies a fiscal or outcome issue in any of the service areas, the local representative takes the message back to the service area and works with the provider to improve. Likewise, the representative carries congratulations for excellence, and shares promising practices from other service areas as part of the continuous improvement effort.

6. **Process for notice of local boards and opportunity to comment:** Consistent with the general waiver request, the State is adhering to publication requirements to insure the broadest participation possible, including appropriate partners and interested parties such as labor, community based organizations, and the SWIB. Utah adheres to public notice requirements as specified in WIA section 189(i)(4)(B) and 20 CFR 661.420(c)
- (i) **Provide notice to any Local Board affected by the waiver:**
Although Utah is a WIA single state workforce investment area, each of the state's service areas have local councils on workforce services (as created under state law in 1996), and youth committees that have provided waiver development input and approval to this waiver request.
 - (ii) **Provide any Local Board affected by the waiver an opportunity to comment on the request:**
Refer to Item above explaining Utah's single state workforce investment area.
 - (iii) **Ensure meaningful public comment, including comment by business and organized labor, on the waiver:**
DWS published the waiver request for public comment at www.jobs.utah.gov on 10/7/10 allowing for the public to review and comment. DWS also sent e-mail communication to council members and stakeholders informing them of the opportunity to comment, and provided the deadline of 10/28/10 for input. DWS reviewed and incorporated comments into the waiver request.

Utah appreciates the flexibility afforded to states through the waiver process and anticipates the SWIB waiver request as outlined provides adequate efficiency, accountability and detail about improved performance for DOL approval.

Department of Workforce Services



**Workforce Investment Act
Wagner-Peyser Act
Program Year 2011
Second Year of the Five Year State Plan**

Attachment 6

***Request for Waiver Extension
Transferability of WIA Adult and
WIA Dislocated Worker Funds***

Attachment 6
STATE OF UTAH
Request for Waiver Extension
Allow Up to 50 Percent Transferability of
WIA Adult and WIA Dislocated Worker Funds

The Department of Workforce Services (DWS) provides the following waiver request extension to waive the statutory exclusion and regulatory prohibition of the transfer of no more than 20 percent of the programs year's allocation between the Workforce Investment Act (WIA) Adult and Dislocated Worker funding streams. The waiver would grant the State Workforce Investment Board (SWIB) the ability to transfer up to 50 percent of each Program Year (PY) allocation between the WIA Adult and Dislocated Worker funding streams.

The State has found this additional transfer allowance to be beneficial in local planning and in meeting service needs. This proposed waiver extension, allowing up to 50 percent transfer, would further enhance Utah's ability to address workforce needs within the State.

The direction of the current national workforce development principles promotes crosscutting of separate programs and silos wherever possible in order to enhance effectiveness of service delivery, both in customers' receipt of services and in program costs. Utah's SWIB strongly endorses these principles. Approval of this waiver request extension would contribute to alignment of Utah's workforce development strategies with the Governor's vision for a more integrated and effective workforce system. In addition, waiver approval would enhance alignment of Utah's workforce development strategies with the Department of Labor's (DOL) national strategic priorities, including enhance integration of workforce investment systems to better be able to respond to the needs of customers; and provide greater flexibility in structuring workforce investment systems.

1. Statutory Regulations to be Waived: WIA Final Regulations 20 CFR Sections 133(b)(4) and 20 CFR 667.140(a) provide that with the approval of the Governor, States may transfer up to 20 percent of a program year's allocation for adult employment and training activities, between the two programs. Federal appropriations bills enacted for fiscal years 2003 and 2004 included a provision that allowed transfer up to 30 percent of funding between both the Adult and Dislocated Worker programs.
2. State or Local Statutory Regulator Barriers:
 - Based upon the original approval of this waiver request, DWS instituted State rules, policies, and procedures that comply with the terms of this waiver. Upon notification of extension approval State rules, policies, and procedures will remain intact in order to comply with the terms of the waiver.
 - Necessary mechanisms were instituted at the time of the original waiver approval that ensured effective use of the transfer authority, including a specific outline of actions that the State Workforce Investment Board (SWIB) must take in requesting the approval to modify the current transfer percentage rate.

3. Goals to be Achieved by the Waiver Extension:

- Maintain the current flexibility that allows the SWIB to quickly and efficiently respond to workforce and economic dynamics within the State;
- Ensure that Utah's workforce investment system can support a 21st Century workforce by:
 - Increasing program delivery flexibility
 - Increasing DWS' partnership with economic development in order to meet the needs of a demand driven workforce system
 - Ensuring better partnerships with educators and economic development in relation to high growth, high demand vital industries;
- Increase accountability at the State and service provider levels;
- Improve performance outcomes; and,
- Improve the ability of the SWIB to design programs and provide targeted assistance in response to customer needs.

4. Programmatic Outcomes Achieved by the Waiver:

- Maintain flexibility in service delivery
- Ensure that the workforce investment system is responsive to the changing economic conditions of the State
- Increase the number of customers served

5. Individuals Impacted by the Waiver:

- SWIB and DWS will have the flexibility to design programs based on local needs and priorities;
- Partner programs will be able to better align their services with those of the local WIA programs;
- Employers will be better served through participants that acquire skills specific to each employer's needs;
- DWS Service Providers will be afforded additional flexibility in order to meet individual customer needs; and,
- WIA program participants will receive services appropriate to the participant group(s) needs as well as an increased utilization of funds resulting in more participants being served in the aggregate.

6. Process Used to Monitor Progress in Implementing the Waiver:

DWS is the State administrative entity for the Workforce Investment Act. The waiver enables Utah to maintain the flexibility of designing seamless delivery of services. Further, DWS is able to customize the planning and service delivery for applicable programs.

Under the waiver extension, DWS will continue to monitor the impact of the waiver through a combination of local level reporting; State oversight; and, State evaluation of financial data and performance measures.

The State has developed and continues to maintain appropriate policies and procedures relating to this waiver.

7. Process for Notice of Local Boards and Opportunity to Comment:

Consistent with the general waiver request, the State is adhering to publication requirements to insure the broadest participation possible, including appropriate partners and interested parties such as labor, community based organizations, and the SWIB.

a. Provide notice to any Local Board affected by the waiver:

As Utah is a WIA single service delivery area, the State is governed by the State Workforce Investment Board (SWIB). The SWIB has provided waiver development input and approval to this Waiver plan.

b. Provide any Local Board affected by the waiver an opportunity to comment on the request:

As Utah is a WIA single service delivery area, the State is governed by the State Workforce Investment Board (SWIB). The SWIB has provided waiver development input and approval to this Waiver plan.

c. Ensure meaningful public comment, including comment by business and organized labor, on the waiver:

As Utah is a WIA single service delivery area, the State is governed by the State Workforce Investment Board (SWIB). The SWIB has provided waiver development input and approval to this Waiver plan.

Utah appreciates the flexibility afforded to State through the waiver process and anticipates the SWIB waiver extension plan provides adequate accountability and improved performance for DOL approval.

Department of Workforce Services



**Workforce Investment Act
Wagner-Peyser Act
Program Year 2011
Second Year of the Five Year State Plan**

Attachment 7

***Request for Waiver Extension
Requirements for Reporting
Performance Outcome Measures***

Attachment 7
STATE OF UTAH
Waiver Request Extension
Waive the Requirement for Reporting
Performance Outcome Measures

The Department of Workforce Services (DWS) seeks to maintain its waiver of the seventeen indicators of performance, including 15 core and two customer satisfaction, employment and training activities authorized under Sections 129 and 134 of the Workforce Investment Act; the four Labor Exchange Performance Measures authorized under the Wagner-Peyser Act; the three Veterans Performance Measures authorized under Title 38 United States Code as amended by the Jobs for Veterans Act of 2002; and, the Trade Act performance measures. This waiver request extension will enable Utah's workforce development partners to maintain the six common performance measures, three for adult and three for youth, currently being finalized by the Department of Labor (DOL) and five other Federal agencies.

These new measures focus on employment placement and retention, earnings, placement in education, attainment of degree or certificate, and literacy and numeracy gains. Utah's intent mirrors that of the Workforce Investment Act (WIA) and WIA Reauthorization – to simplify and streamline the performance accountability system that is an integral part of a reformed workforce development system. This request is in keeping with the State's vision of a more knowledgeable, skilled, engaged, and flexible workforce. It has been DWS' experience, and is the consensus opinion of most workforce development professionals, that the current performance measurement system is too cumbersome to be a viable program management tool across departments. A set of clear and understandable outcome measures will ensure accountability across all workforce development programs, while improving program management and performance.

Common performance measures across programs, and data collected for them, will also provide necessary information to help effectively oversee the workforce investment system. They will enhance the State's ability to assess the effectiveness and impact of workforce development efforts. Common measures will provide a more effective means of determining performance of the various programs, accomplishing this through a system-wide perspective. Such a cross-program strategy is consistent with the move toward integration of programs as embodied in WIA's one-stop system.

1. Statutes Effected by this Request are as Follows:

- WIA §189(i)(4), §129, §134, §168;
- 20 CFR WIA Final Rules §652.3, §661.400, §661.410, §661.420, §666.100;
- Wagner-Peyser Act as amended, Section 10(c) and 3(c);
- Title 38 United States Code as amended by the Jobs for Veterans Act of 2002; and,
- Trade Act performance measures.

2. State or Local Statutory Regulator Barriers:

Based upon the original waiver approval, State rules, policies, and procedures were developed and implemented in order to comply with the terms of the waiver. These rules, policies, and procedures would be maintained under the waiver extension.

3. Goals to Achieve with the Waiver Extension:

- Maintain a simplified and streamlined performance measurement system.
- Maintain integrated system-wide performance accountability.
- Maintain commonality across workforce development programs.
- Maintain a reduction of paperwork and labor costs associated with performance data collection.
- Maintain clear and understandable information presented to Congressional and legislative leaders and the general public concerning the use of public funds and return on investment.
- Maintain a more useful program management tool.
- Maintain customer-driven instead of program-driven outcomes.
- Maintain better service coordination and information sharing among programs.
- Serve as a catalyst to begin the process of using the common performance measures across programs.

4. Programmatic Outcomes Achieved by the Waiver Extension:

- Greater degree of efficiency in program delivery.
- Simplified and streamlined performance measurement system.
- Ability to provide clear and understandable information to stakeholders, including the State Workforce Investment Board (SWIB).

5. Individuals Impacted by the Waiver:

Approval of this waiver extension will positively impact all customers of the workforce investment system by maintaining accountability and high standards of program performance and management.

6. Process Used to Monitor Progress in Implementing the Waiver:

DWS is the state administrative entity for WIA, the Wagner-Peyser Act, Veterans Programs, and the Trade Act. DWS monitors the impact of the waiver, as well as progress toward expected outcomes, through a combination of performance reporting and discussion with stakeholders. State oversight and evaluation will make effective use of these means to identify and address obstacles. Upon original waiver approval, the State reviewed and modified applicable rules, policies, and procedures.

7. Process for Notice of Local Boards and Opportunity to Comment:

Consistent with the general waiver request, the State is adhering to publication requirements to insure the broadest participation possible, including appropriate partners and interested parties such as labor, community based organizations, and the SWIB.

a. **Provide Notice to Any Local Board Affected by the Waiver:**

As Utah is a WIA single service delivery area, the State is governed by the State Workforce Investment Board (SWIB). The SWIB has provided waiver development input and approval to this Waiver plan.

b. **Provide any Local Board Affected by the Waiver an Opportunity to Comment on the Request:**

As Utah is a WIA single service delivery area, the State is governed by the State Workforce Investment Board (SWIB). The SWIB has provided waiver development input and approval to this Waiver plan.

c. **Ensure Meaningful Public Comment, including Comment by Business and Organized Labor, on the Waiver:**

As Utah is a WIA single service delivery area, the State is governed by the State Workforce Investment Board (SWIB). The SWIB has provided waiver development input and approval to this Waiver plan.

Utah appreciates the flexibility afforded to states through the waiver process and anticipates the SWIB waiver plan provides adequate accountability and improved performance for DOL approval.

Department of Workforce Services



**Workforce Investment Act
Wagner-Peyser Act
Program Year 2011
Second Year of the Five Year State Plan**

Attachment 8

***Job Corps
Memorandum of Understanding***

Attachment 8

**Memorandum of Understanding
Between
State of Utah Department of Workforce Services
And
Clearfield Job Corps
Weber Basin Job Corps
Management & Training Corporation**

E-SHARE INFORMATION SHARING

March 1, 2010 to February 28, 2015

Purpose

This Agreement is made between the State of Utah Department of Workforce Services (hereafter referred to as "DWS") and the Clearfield Job Corps, Weber Basin Job Corps Management & Training Corporation (hereafter referred to as the "Agency"), to allow the Agency query access to the Utah eSHARE information system for the purpose of administration of Agency programs. DWS and Agency may herein be referred to collectively as the "Parties."

A. Background

It is the intent of the participating Parties that when more than one agency is involved in providing services to clients that a collaborative, coordinated service delivery system is a "best practice," serving the goal of improved service delivery and outcomes. Collaborative services may include all forms of appropriate communication, including the information sharing allowed under this Agreement.

Historically, DWS has allowed community agencies query access to public assistance records stored in the PACMIS system. Currently, the PACMIS system is being phased out and replaced with the eREP/eSHARE system. This Agreement allows the Agency query access to designated information in the new system.

B. Period of Performance

This MOU is effective upon the signature of both parties and shall remain in effect until modified in writing by the mutual consent of both parties or terminated by either party upon 30 days prior written notice to the other party.

D. Termination

DWS may terminate this MOU without prior notice if deemed necessary because of a requirement of law or policy, upon determination by DWS that there has been a breach of system integrity or security by the Agency, or a failure of the Agency to comply with the terms of this agreement, established procedures, or legal requirements.

E. Attachments Included as Part of this Agreement

Attachment A: DWS 3rd Party Access Request Form & Computer Security Policy Statement

Attachment B: Disclosure of Information Certification

Attachment C: 20 CFR 603.7 Protection of Confidentiality

Attachment D: Unemployment Insurance Program Letter No. 21-99

Attachment E: Department of Workforce Services Code of Conduct

Attachment F: DWS Form 360 Utah's Partnership Referral for Services

Attachment G: Form 115 DWS Release of Referral

Attachment H: Work Statement

F. Legal Authority

DWS will enter into agreements concerning the exchange of private information with federal, state, and local agencies as required or permitted under provisions of the Deficit Reduction Act of 1984, 20CFR 630 – Income and Eligibility Verification System, the Utah Governmental Records Access and Management Act, the Utah Employment Security Act, or other applicable law and the rules adopted pursuant thereto.

1. Legal Authority for Sharing Public Assistance Records with

Governmental Entities: Government Records Access and Management Act (GRAMA) located in the Utah Code Annotated § 63G-2-206(2)(a) Sharing Records states: "A governmental entity may provide a private, controlled, or protected record or record series to another governmental entity, a political subdivision, a government-managed corporation, the federal government, or another state if the requesting entity provides written assurance : (a) that the record or record series is necessary to the performance of the governmental entity's duties and functions; (b) that the record or record series will be used for a purpose similar to the purpose for which the information in the record or record series was collected or obtained; and (c) that the use of the record or record series produces a public benefit that outweighs the individual privacy right that protects the record or record series." R986-100-110(4)(b), (c), (g).

2. Wage Records: The Wagner-Peyser Act, as amended (29 U.S.C 49 et seq.); the Workforce Investment Act of 1998, 29 U.S.C. 2801 et seq., P.L. 106-113 (WIA); the Utah Code Annotated Subsection 35A-4-312(5)(e), (i); Unemployment Insurance Program Letter (UIPL) No. 21-99, including Attachments A and B; and 20 CFR 666.150 definition of "quarterly wage record information" to be used for WIA performance measurement; 20 CFR 603.7 confidentiality protection provisions.

3. Social Security Records: The Privacy Act of 1974, (5 U.S.C. § 552a, as amended); the Social Security Administration Privacy Act Regulations (20 C.F.R. § 401.150, as amended); and the Social Security Act's Disclosure of Information in Possession of an Agency (42 U.S.C1306, as amended).

F. Disclosure and Confidentiality Requirements

1. **Agency must agree to the terms of and sign the “State of Utah DWS Security Application Access Request Form”** (see Attachment A).
2. Information obtained under this Agreement shall only be used to support the valid administrative needs of the Agency and shall not be disclosed for any purpose other than those specifically authorized by this Agreement. **The Agency must sign the Department of Workforce Services Disclosure of Information Form** (see Attachment B).
3. Agency shall only request/query information for individuals who are applying for or participating in Agency’s programmed services.
4. Agency shall have sufficient safeguards in place to ensure the information obtained is used only for the purpose disclosed. Information in electronic format shall be stored and process in such a way that unauthorized persons cannot retrieve the information by computer, remote terminal, or any other means.
5. The information shall not be stored on any server accessible from the Internet or by unauthorized Agency personnel.
6. At the request of DWS, the Agency shall identify all Agency personnel, by position, authorized to request and receive information.
7. Agency shall instruct all authorized personnel regarding the private nature of the information and sanctions specified in Utah State law against unauthorized disclosure. Section 35A-4-105(4) of the Utah Employment Security Act provided penalties for unauthorized disclosure in the form of a fine, imprisonment or both.

Section 63-2-801 of the Government Records Access and Management Act provides that *“A public employee or other person who has lawful access to any private, controlled, or protected record under this chapter, and who intentionally discloses or provides a copy of private, controlled or protected record to any person knowing that such disclosure is prohibited, is guilty of a Class B misdemeanor.”*

Furthermore, Subsection (2) (a) of Section 63-2-801 provides penalties against any person who by false pretenses, bribery, or theft gains access to or obtains a copy of any private, controlled or protected record to which he is not legally entitled, and classifies such acts as Class B misdemeanors.

8. Agency shall permit DWS and other authorized state and federal officials to make on-site inspections to ensure that the requirements of this Agreement and state and federal statutes and regulations are being met.
9. Wage Record Confidentiality: Agency shall follow the confidentiality protections provisions of 20 CFR 603.7 (see Attachment C) until such time as the Secretary of Labor issues new confidentiality regulations. Thereafter, Agency shall follow the new regulations.

10. Re-disclosure of Wage Record Information is limited to public officials or their agents whose duties fall within the Wagner-Peyser Act, as amended (29 U.S.C. 49 et seq.); Workforce Investment Act of 1998 (WIA), (29 U.S.C. 2801 et seq.) P.L. 106-113; and Utah Code, Section 35A-4-312(5)(h), or to private entities on the basis of informed consent of the individual or the employer to whom the information pertains (*see Attachment D-Unemployment Insurance Program Letter No. 21-99*).
11. Wage record informed consent requirements: A signed release must contain the following: a) a specific statement indicating that the individual/employer's information will be released, b) a statement that indicates what the private entity needs the release for, c) a clear statement informing the individual that the private entity may use information from State governmental files, and d) a statement indicating all the parties who may receive the information released (UIPL 23-96 Disclosure of Confidential Employment Information to Private Entities).
12. Wage Records – Unlawful Access or Disclosure Penalties: Any person who knowingly and willfully requests or obtains wage records under false pretenses, or any person who knowingly and willfully discloses any such information in any manner to any individual not entitled under law to receive it shall be guilty of a misdemeanor and receive a fine of not more than \$5,000 under federal law (UIPL 11-89, Attachment III), and/or guilty of a class A misdemeanor sentence with a sentence of imprisonment not exceeding one year and/or fine not exceed \$2,500 under Utah law (Subsection 76-8-1301(4)). Any person whose information was negligently or knowingly disclosed without authorization may bring a civil action for damages or such other relief as may be appropriate against any officer or employee (UIPL 11-89, Attachment III).
13. Public Assistance Record Confidentiality: Agency shall follow the confidentiality protection provisions of Utah Code Title 63G-Chapter 02, Government Records Access Management Act, for public record confidentiality.
14. Re-disclosure of public assistance record information is limited to public officials who may receive the information under Utah Code, Subsection 63-2-206(2) or to private entities on the basis of informed consent of the individual to whom the information pertains.
15. Public Assistance Records – Unlawful Access or Disclosure Penalties: Utah Code Annotated, Section 63-2-801 provides criminal penalties as follows: Any person with lawful access to such record and who intentionally discloses or provides a copy to any person knowing that the disclosure is prohibited is guilty of a class B misdemeanor. Any person who by false pretenses, bribery, or theft, gains access to or obtains a copy of any such record to which he is not legally entitled is guilty of a class B misdemeanor. The penalty for a class B misdemeanor is imprisonment for a term not to exceed six (6) months and/or a fine not to exceed \$1,000.

16. Social Security Record Confidentiality: The confidentiality of social security records shall be maintained in accordance with 42 U.S.C. 1306; 5 U.S.C. 552a; and 20 CFR 401.150.
17. Re-disclosure of Social Security Record Information: Social security records may only be re-disclosed pursuant to the provisions of 42 U.S.C. 1306; 5 U.S.C. 552a; and 20 CFR 401.150.
18. Social Security – Unlawful Access or Disclosure Penalties: The penalties for unlawful access or disclosure of social security records shall be governed by the provisions of 42 U.S.C. 1306.
19. Unemployment Insurance Record Confidentiality: The confidentiality of unemployment insurance records shall be maintained pursuant to the provisions of Utah Code Ann. §35A-4-312; Utah Code Ann. §63-2-206; and 20 CFR 603.7.
20. Re-disclosure of Unemployment Insurance Record Information: Unemployment insurance records may only be re-disclosed pursuant to the provisions of Utah Code Ann. §35A-4-312; Utah Code Ann. §63-2-206 and 20 CFR 603.7.
21. Unemployment Insurance – Unlawful Access or Disclosure Penalties: The penalties for unlawful access or disclosure of unemployment insurance records shall be governed by the provisions of Utah Code Ann. §63-2-801.

G. Data Security

1. Agency will ensure that it has thoroughly investigated the employees who are given access to this data. Agency will not grant access to employees whose background suggests they will be unable to meet the data security requirements of this agreement.
2. **Access to Data:** Agency shall limit access to data in electronic or hardcopy format to authorized individuals only. DWS reserves the right to disapprove access to selected individuals or groups of individuals.
3. **Query Log:** DWS will create and maintain a query log containing the user identification, the date/time of each query, and the social security number used in each query.
4. **Unauthorized Access to Stored Data:** Information either in electronic format such as magnetic tapes or discs or in hardcopy paper format shall be stored and/or processed in such a manner that unauthorized access is avoided. Agency shall secure data in a manner to protect internal confidential files.
5. **User Training:** DWS and Agency agree to train users accessing, disclosing, or receiving information under this MOU, including contractors and contract providers, on relevant statutes prescribing confidentiality and safeguarding requirements, re-disclosure prohibitions, and penalties for unauthorized access or disclosure. Disclosure officers for each Party have the right to review disclosure-training programs for each Party and require any changes necessary to said programs.

6. **Security Plans:** DWS and Agency system security plans must include provisions warning of the potential statutory sanctions for individuals who violate access and disclosure provisions. Procedures governing sanctions and individual corrective actions under applicable statutory authority shall be pursued and taken against individuals who violate terms of this agreement.
7. **On-site Review:** Agency shall permit DWS the right of on-site inspection without prior notification to ensure that the requirements of this agreement are being met. Additionally, the Agency will allow on-site inspections by any other state and federal agencies with statutory oversight responsibility for the data being shared.
8. Agency shall report to DWS any breaches of access and disclosure requirements.
9. Agency shall develop a contingency plan for addressing access to any uniquely sensitive records e.g. public official, celebrities, etc.
10. Agency shall notify DWS of any major change in a system platform (hardware and/or software) procedure and or policy affecting transmission and/or distribution so that re-review of system safeguards can be initiated.
11. Agency must identify all Agency users, by position, who are authorized to access shared information. Requests shall be sent to DWS Data Security, where access will be granted through the use of the RACF request process (see Attachment A – DWS 3rd Party Access Request Form & Computer Security Policy Statement)
12. Agency shall notify DWS when previously authorized employees are terminated or otherwise deemed ineligible so such person's future access can be discontinued.
13. Agency shall comply with the following measures to protect the data security and virus protection of DWS computer resources. Failure to meet the requirements will result in liability against the Agency. All updates must be maintained within 48 hours of their patch and software release dates including but not limited to the following:
 - a. Required to maintain the latest Operating System (OS) service pack
 - b. Required to maintain the latest OS security updates
 - c. Required to run and maintain virus scan software with latest signature

H. Code of Conduct

Agency agrees to follow and enforce the then current Utah Administrative Code R982-601-101 et seq. "Provider Code of Conduct." Agency must agree to and sign the DWS Code of Conduct (see *Attachment E*) and agrees that each of its employees or volunteers will receive a copy of the DWS Code of Conduct. A signed statement by each employee or volunteer to this effect must be in employee's/volunteer's file subject to inspection and review by DWS.

I. Job Corps will access eSHARE information

Agency and its authorized representatives shall be granted access only to the specific information set forth in the following list:

1. Public Assistance Records
2. Wage Records
3. Social Security Records
4. Unemployment Insurance
5. Data Elements:
 1. SSN
 2. Last Name
 3. First Name
 4. Initial
 5. Relationship (to head of household)
 6. Gross Income for household

J. Client Informed Consent This section will be included on a case-by-case basis, depending on the Agency and how they are using the information

Agency may only request/query information for individuals who are applying for or participating in the Agency's program and who have signed an informed consent form that contains a specific statement: a) of what government records are to be released; b) what the information will be used for; and c) who may receive the information. This informed consent shall be retained by the Agency for any DWS access necessary to determine compliance with this agreement.

L. Contacts

Agency

Paul Otto
Weber Basin Job Corps
South Ogden, UT 84403
801- 476- 5981
otto.paul@jobcorps.org

Melissa Freigang
Clearfield Job Corps
Business Community Liaison
Clearfield, UT 84016
801-416-4690
freigang.Melissa@jobcorps.com

Robyn Wright
Management and Training Corporation
Project Director
Centerville, UT 84014
801.693.2901
wright.robyn@jobcorps.org

DWS

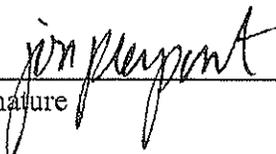
Kathleen Johnson
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140 East 300 South
Salt Lake City, UT 84111
801-526-9730
kathjohn@utah.gov

Barbara Hollister
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140 East 300 South
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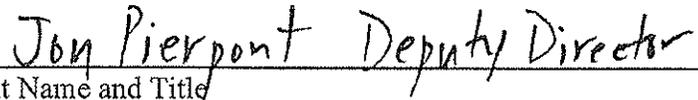
This MOU, its attachments, and all documents incorporated by reference constitute the entire agreement between the parties and supersede all prior negotiations, representations, or agreements, either written or oral between the parties relating to the subject matter of this MOU.

SIGNATURE AND ACKNOWLEDGEMENT:

By Signing below, the following officials acknowledge that they understand and agree to all of the terms and responsibilities set forth herein and cause this Agreement to be executed.



Signature 3-25-10
Date



Print Name and Title

ATTEST: UTAH DEPARTMENT OF WORKFORCE SERVICES



Kevin Grandall
Chair

Date 3-19-10

Kevin Grandall, Chair
Print Name and Title

ATTEST: STATE COUNCIL ON WORKFORCE SERVICES

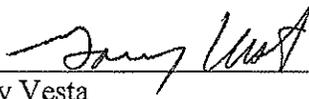


Robert Archer
Center Director

Date 3-15-10

Print Name and Title

ATTEST: WEBER BASIN JOB CORPS

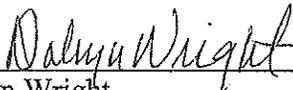


Gary Vesta
Center Director

Date 3-16-10

Gary Vesta, center director
Print Name and Title

ATTEST: CLEARFIELD JOB CORPS CENTER



Robyn Wright
Director

Date March 11, 2010

Robyn Wright, Director MTC ORA & CTS Utah & Montana
Print Name and Title

**ATTEST: MANAGEMENT TRAINING CORPORATION OUTREACH
ADMISSIONS AND CAREER TRANSITION SERVICES**

Attachment A
STATE OF UTAH
Department of Workforce Services
DWS 3RD PARTY ACCESS REQUEST FORM

Revised. 2/23/09

(e-mail) DWS_DATA_SECURITY@utah.gov

(Fax) 801-526-9288

USER INFORMATION

(print) _____
NAME _____ WORK PHONE (____) _____ - _____ Last 4 digits of SSN _____

Current Mainframe Log-on ID: _____ Previous State Employment [] Previous Logon id: _____

**Contract/Agreement: _____ Business Office/Location: _____

New/Re-instated [] Delete User [] Access Change [] E-MAIL ADDRESS: _____

Effective Date ___/___/___ (Default is date received) Until date ___/___/___ (Temporary use)

ACCESS REQUESTING

CONTENT MANAGER IMAGING VIEW: []

CUBS UNEMPLOYMENT [] and/or WAGE DATA []

ESHARE []

PACMIS QUERY: []

UTAH CARES (211 Access) []

Security Role: _____ Home page: _____

Position: _____ Org Unit Team: _____ Parent Org: _____

UWORKS []

Job Title: _____ Office: _____ Team: _____

LAN Logon ID: _____ LAN Context: _____

YODA/ACTUATE REPORTS []

OTHER SPECIAL ACCESS: _____

For REFERENCE ONLY, please, indicate another similar 3rd party user with same requested access.

Special instructions/comments: _____

Read and Sign the Security Agreement on the Back of This Form

Security Only: GROUP: _____ Log id: _____

DWS Disclosure Officer Signature: _____ Date _____

DWS Security Officer Signature: _____ Date _____

DWS COMPUTER SECURITY POLICY STATEMENT

Computer system resources and information of the Department of Workforce Services are information technology assets of the State of Utah and must be protected. This includes protection from **unauthorized disclosure**, modification, or destruction, whether accidental or intentional.

Managers, employees, or users of information technology assets are subject to all requirements and sanctions of Federal and State statute, and administrative rules. Policies and procedures regarding proper use, ethics and conduct while using information technology assets either purchased or developed must also be followed.

Proper use is defined as employees, contractors, outside agencies and volunteers being responsible to see that State information technology assets are used in an effective, ethical and lawful manner.

Users of electronic mail, voice mail, and facsimile, as applicable, must be aware that they are non-confidential means of electronic Messaging and/or document exchange for government related use and are subject to monitoring. Brief personal messages will be allowed; as long as these messages are not too excessive, do not interfere with the normal conduct of business, do not involve solicitation, do not involve a for-profit personal business activity, or have the potential to embarrass the DWS. Users must be aware of the value and sensitivity of the information they are sending and may need to select a more conventional and secure method of delivery. Items such as chain letters are **not** to be forwarded via **any** State communication/distribution systems (electronic or otherwise).

DWS employees who maintain additional commercial software on their workstations, i.e., local disk drives or other write able media must do so in compliance with all licensing and copyright laws. The employee must also maintain documentation to identify inventory and ownership information. Prior to loading any software, you must contact your local LAN Administrator.

Each employee is encouraged to review the **State of Utah Information Technology Resources Acceptable Use Policy** for further information. This document can be found on the Internet at https://dws.utah.gov/Infosource/DWSAdminPolicy/DWS_Administrative_Policy_Manual.htm under 1700 Information Technology; also, review Administrative Rules found at <http://www.rules.utah.gov/publicat/code/r895/r895.htm>; or copies can be obtained from the Office of Technology, Security Group.

Access to State IT resources is given on a need-to-know basis only. This is authorized only by certified owners of the specific resource. Any unauthorized or improper use of networks, files, software, or providing access to others by disclosing access codes, passwords, and/or leaving active workstations unattended, etc., may result in corrective action and discipline in accordance with Utah Administrative Rule R477-9-1, or Utah Administrative Code, R477-11 found at Internet address: <http://www.rules.utah.gov/publicat/code/r477/r477.htm> and may include prosecution under state and federal statues. Access, including queries, are logged and stored.

I understand there are confidentiality regulations including specific IRS, SSA, and NDNH data that govern DWS. I understand that I will be provided direction and/or training on various confidentiality and disclosure requirements and that my supervisor can provide information and direction. I will only use the information for purposes specifically authorized in the contract or agreement between my agency and the Department of Workforce Services. I agree to comply with program confidentiality requirements specified in that contract or agreement. I understand that failure to safeguard confidential data from may result in penalties, including fines, costs of prosecution, dismissal from employment, and imprisonment.

I have read and understand the State of Utah Information Technology Resources Acceptable Use policy and agree to abide with all conditions contained within. I have also read and agree to all of the provisions outlined in this security policy statement.

USER SIGNATURE _____

DATE _____

USER NAME (print) _____

SUPERVISOR NAME (print) _____

PHONE _____

SUPERVISOR SIGNATURE _____

DATE _____

****SUPERVISOR'S SIGNATURE IS ACKNOWLEDGING THIS INDIVIDUAL HAS BEEN TRAINED IN DWS CONFIDENTIALITY AND NON-DISCLOSUER POLICIES. ****

APPROVING AUTHORITY NAME (print) _____

PHONE _____

APPROVING AUTHORITY SIGNATURE _____

DATE _____

*****Supervisors or the Approving Authority must notify the Technical Support Specialist at their location and WIT Security when an employee's access to IT resources must be removed because of termination, transfer, or other reasons.**

ATTACHMENT B

DEPARTMENT OF WORKFORCE SERVICES DISCLOSURE OF
INFORMATION CERTIFICATION

The **Agency** will comply with the following measures to protect the privacy of the information released under this agreement against unauthorized access or disclosure:

1. The information shall be used only to the extent necessary to assist in the purposes identified within this contract and shall not be re-disclosed for any purpose not specifically authorized in this contract.
2. The information shall be stored in a placed physically secure from access by unauthorized persons.
3. Information in electronic format, such as magnetic tapes or discs shall be stored and processed in such a way that unauthorized persons cannot retrieve the information by computer, remote terminal or any other means.
4. Precautions shall be taken to ensure that only authorized personnel are given access to on-line files.
5. The **Agency** shall instruct all authorized personnel regarding the private nature of the information and that State and Federal law provides sanctions for unauthorized disclosure to include up to six months imprisonment and fines up to \$1,000.
6. The **Agency** shall permit the **Utah Department of Workforce Services** or any other authorized State or Federal Agency to make on-site inspections to insure that the requirements of this contract and all applicable State and Federal laws, statutes and regulations are being met.

Grantee

Date

Attachment C

20 CFR 603.7 - Protection of confidentiality.

- **Section Number:** 603.7
- **Section Name:** Protection of confidentiality.

(a) State unemployment compensation agencies shall require requesting agencies receiving information under this part to comply with

the following measures to protect the confidentiality of the information

against unauthorized access or disclosure:

(1) The information shall be used only to the extent necessary to assist in the valid administrative needs of the program receiving such information and shall be disclosed only for these purposes as defined in

this agreement;

(2) The requesting agency shall not use the information for any purposes not specifically authorized under an agreement that meets the requirements of Sec. 603.6;

(3) The information shall be stored in a place physically secure from access by unauthorized persons;

(4) Information in electronic format, such as magnetic tapes or discs, shall be stored and processed in such a way that unauthorized persons cannot retrieve the information by means of computer, remote terminal or other means;

(5) Precautions shall be taken to ensure that only authorized personnel are given access to on-line files;

(6)(i) The requesting agency shall instruct all personnel with access to the information regarding the confidential nature of the information, the requirements of this part, and the sanctions specified

in State unemployment compensation laws against unauthorized disclosure of information covered by this part, and any other relevant State statutes, and

(ii) The head of each State agency shall sign an acknowledgment on behalf of the entire agency attesting to the agency's policies and procedures regarding confidentiality.

(b) Any requesting agency is authorized to redisclose the information only as follows:

(1) Any wage or claim information may be given to the individual who

is the subject of the information;

(2) Information about an individual may be given to an attorney or other duly authorized agent representing the individual if the individual has given written consent and the information is needed in connection with a claim for benefits against the requesting agency; and

(3) Any wage or claim information may be given to another requesting agency as defined in this part or to any criminal or civil prosecuting authorities acting for or on behalf of the requesting agency if provision for such redisclosure is contained in the agreement between the requesting agency and the State unemployment compensation agency.

(c) The requesting agency shall permit the State unemployment compensation agency to make onsite inspections to ensure that the requirements of State unemployment compensation laws and Federal statutes and regulations are being met (section 1137(a)(5)(B)).

Attachment D
UNEMPLOYMENT INSURANCE PROGRAM LETTER (UIPL)
No. 21-99

U.S. DEPARTMENT OF LABOR Employment and Training Administration Washington, D. C. 20210	CLASSIFICATION
	UI
	CORRESPONDENCE SYMBOL
	TEUL
	ISSUE DATE
	March 23, 1999
RESCISSIONS	EXPIRATION DATE
None	Continuing

DIRECTIVE : UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 21-99

TO : ALL STATE EMPLOYMENT SECURITY AGENCIES

FROM : GRACE A. KILBANE
Director
Unemployment Insurance Service

SUBJECT : The Workforce Investment Act of 1998 - Affect on the
Unemployment Insurance Program

1. **Purpose.** To inform the States of provisions of the Workforce Investment Act of 1998, Pub. L. 105-220 (WIA), that affect the unemployment insurance (UI) program.
2. **References.** The WIA, the Wagner-Peyser Act, the Job Training Partnership Act (JTPA), the Social Security Act, and the Federal Unemployment Tax Act.
3. **Background.** The WIA is the first major legislation addressing the nation's job training system in more than 15 years. Under the WIA, the Federal government, States, and local communities are provided with an opportunity to develop a system that provides workers with the information, advice, job search assistance, and training they need to get and keep good jobs. The system established under the WIA will also provide employers with skilled workers.

Although the WIA does not amend Federal UI laws, it does require that programs authorized under State UI laws, in accordance with applicable Federal law, be mandatory partners. As a mandatory partner under WIA, State UI programs must make available applicable services to participants, through a One-Stop delivery system. Two related partners are those agencies operating the programs authorized under the Wagner-Peyser Act and title II of the Trade Act of 1974. Also, UI wage records must be made available under the WIA for evaluating performance and creating consumer reports that provide key information on the performance of training and education providers. These data exchanges will be facilitated across States through the electronic wage record interchange system (WRIS) overseen by the Interstate Conference of Employment Security Agencies (ICESA) on behalf of all States. See Attachment B for further information on WRIS.

Other provisions of WIA that affect the UI program include:

- o the authorized use of real property in which the Federal government has acquired equity through UI or Wagner-Peyser administrative grants, or through Reed Act funds;
- o the establishment of an employment statistics system;
- o the continued application of the approved training provisions of the JTPA for dislocated workers during the transition period to WIA; and
- o the UI role in a State's submission of a unified plan.

The specific WIA provisions that impact the UI program are described in the attached WIA-UI synopsis (Attachment B).

As expressed in the attached policy paper (Attachment A), the Department of Labor strongly encourages maximum involvement of the UI program in the WIA system, including participation in WRIS. As a mandatory partner and as a provider of critical information, the UI system has a significant role under the WIA.

4. **Effective Dates.** States may voluntarily implement WIA provisions beginning July 1, 1999; however, all States must implement the WIA in its entirety by July 1, 2000. The new Section 15 of the Wagner-Peyser Act, as added by Section 309, WIA, to create the employment statistics system, is effective July 1, 1999. The JTPA provisions terminate June 30, 2000.
5. **Action.** The Department encourages State UI agencies to participate as active partners in the WIA to the maximum possible extent, to amend UI laws as necessary to facilitate use of information for the purposes of the WIA, and to begin participating in WRIS.
6. **Inquiries.** Please direct inquiries to the appropriate Regional Office.
7. **Attachments.**
 - A. Unemployment Insurance and the Workforce Investment Act, and
 - B. Synopsis of WIA Provisions with UI Relevance.

Attachment A

**UNEMPLOYMENT INSURANCE
and the
WORKFORCE INVESTMENT ACT**

(Policy Paper)

INTRODUCTION

Implementation of the Workforce Investment Act (WIA) offers an opportunity for States to forge closer linkages between programs including unemployment insurance (UI) claims services and reemployment services. With the evolution of One-Stop centers and telephone/internet UI claims systems, new ways are needed to ensure that UI beneficiaries are connected with reemployment services and that One-Stop centers have the information that unemployed workers need to be able to file UI claims.

In addition, UI wage records will be a critical resource for evaluating training and other services provided through the WIA. Each State is expected to have an agency that will compile UI wage record information about those who participate in WIA services and provide statistical information to the public about the post-participation labor market experiences of participants.

ACCESS TO UI CLAIMS INFORMATION

Providing information about filing claims for UI benefits is one of the core services that WIA requires for One-Stop centers. Anyone who goes into a One-Stop center should be able to easily learn how to file for UI benefits and ideally be able to file a claim on the spot. (The Employment and Training Administration required, as part of the One-Stop grants, that workers be able to file claims for benefits in One-Stop centers.) There are a variety of ways to provide these services, and States will employ different methods, using the approaches that best meet the needs of their customers. On-site telephone and

electronic access to claims services, brochures, posters, and other information are examples.

Many One-Stop centers will probably have telephones that can be used to access claims filing systems. Others may have electronic self-filing for those that are comfortable with using automated systems.

In addition to having telecommunications or electronic linkages to claims systems and information, One-Stop center staff should be available to assist those who have difficulty using those systems. It will not be feasible to have staff that are conversant in all the details of UI in every One-Stop center; however, One-Stop staff should be able to help customers access UI benefits and appropriate information. UI agencies and local One-Stop systems should determine how best to provide unemployed workers access to UI benefits.

In addition, One-Stop centers should be stocked with brochures that give basic information about eligibility for benefits, how to file claims, how new businesses register and pay UI taxes, how to file quarterly wage and tax information, employer and claimant appeal rights and how to file an appeal, and other pertinent topics.

GATEWAY TO THE WORKFORCE DEVELOPMENT SYSTEM

UI claims filing should be a gateway for unemployed workers into the workforce development system. Information collected as part of the claims process and used in Worker Profiling can help to identify beneficiaries who are likely to need reemployment services. Follow up eligibility interviews, held periodically during an individual's claim period, are also good opportunities to determine whether additional services are needed and to make workers aware of the kinds of services available and how to access them.

LINKAGES WITH REEMPLOYMENT SERVICES

There are a variety of ways that States might link UI claimants with reemployment services, including Worker Profiling. One possible linkage is an electronic connection between claims systems and the electronic labor exchange tools--America's Job Bank (AJB), America's Talent Bank (ATB), and Career InfoNet. Ideas that are being explored include development of an ATB r&#eacute;sum&#eacute; concurrent with filing an initial claim and access to AJB listings and labor market information by staff conducting eligi-bility interviews.

Other ideas include "cross marketing" of reemployment services in connection with telephone initial claims filing. Claims systems could be designed to provide telephone claims staff with the location of One-Stop centers convenient to claimants based on their zip codes. As part of the initial claim interview, claimants would be told the One-Stop location and which services are offered.

USING UI WAGE RECORDS FOR EVALUATING PERFORMANCE

UI wage record data provide a valuable tool for evaluating training providers and measuring State and local performance by examining the labor market experiences of those who have participated in WIA programs. The Congress has made clear that continued investment in training and reemployment services is contingent on data demonstrating that training and other services are of value to participants. Wage record data can also be used to determine which service providers' programs are the most successful--by looking at how many of those who participated in the services are working and how much they are earning. A State agency designated by the Governor will develop and distribute consumer reports that provide key information on the performance of the service providers.

The WIA requires that States use quarterly wage records (consistent with State laws) to measure State and local performance and to make those records available to other States to carry out the State plan or complete the annual report. An electronic wage record interchange system (WRIS) has been developed as a pilot system so States can easily find wage and employment information on individuals who are working in States other than the one where they participated in WIA programs. Central to the WRIS design is an index of the social security numbers reported on State quarterly wage records. Inquiries that match a social security number with one in the index will be routed to the State where the information is located. The information will be retrieved and forwarded to the State entity that made the inquiry and will be used in State performance measures or in consumer reports.

CONCLUSION

The WIA establishes a platform for multiple programs to collaborate through a variety of mediums to better serve their customers and meet program goals. As WIA partners, UI agencies have the opportunity to become actively engaged in strengthening services for America's workers and employers.

Synopsis of WIA Provisions with Unemployment Insurance (UI) Relevance

1. **One-Stop Service Delivery System: Section 121, WIA.** The WIA mandates a One-Stop service delivery system designed to link services across programs to provide easier access and better services to customers. One-Stop service centers will provide information to the public about jobs, labor market dynamics, available training and education opportunities, and links to other services.

Each local area is required to have at least one physical "full service" center at which customers can access services from each of the One-Stop partners. This center may be augmented by additional "full service" centers, by a network of affiliated sites, or by a network of One-Stop partners consisting of a combination of physical sites or electronic access points.

Required One-Stop Partners: Section 121(b), WIA--This section requires that State UI agencies participate as partners in the local One-Stop system. In addition to the UI agencies, government agencies that administer the following programs are also mandatory One-Stop partners:

- o Adult, Dislocated Worker, Youth, Native American, Migrant and Seasonal Farm Workers, Veterans', and Job Corps activities under Title I of the WIA;
- o Employment Service (Wagner-Peyser);
- o Adult Education and Literacy;
- o Postsecondary Vocational Education;
- o Vocational Rehabilitation;
- o Welfare-to-Work;
- o Title V of the Older Americans Act;
- o Title II of the Trade Act of 1974;
- o Veterans Employment and Training Programs;
- o Community Services Block Grant; and
- o Employment and training activities carried out by the U.S. Department of Housing and Urban Development.

Core Services: Section 134(d)(2), WIA--Each One-Stop system must provide, at a minimum, "core services" including the "provision of information regarding filing claims for unemployment compensation." UI services in One-Stop centers are not limited by the WIA to only providing information about how to file UI claims, however. UI agencies are encouraged to provide any other claimant (or employer) service through the One-Stop system that the agencies consider best for their customers. UI services may be provided in the One-Stop environment through on-site staff, telephones for claims filing, or other methods the State UI agency considers effective.

The One-Stop system will also provide available reemployment services to UI claimants, including those who have been determined under the worker profiling and reemployment services system required by Section 303(j), Social Security Act (SSA), as likely to exhaust UI benefits and need such services. The One-Stop system will also assist the UI program in verifying that UI claimants are satisfying availability requirements and any applicable work search requirements.

Other core services include skill level assessment, job search and placement assistance, labor market information, and performance and cost information on eligible training providers.

Memorandum of Understanding: Section 121(c), WIA--Each One-Stop partner is required to enter into a Memorandum of Understanding (MOU) with the local board that is responsible, in collaboration with the local elected official, for overseeing the One-Stop system in its local area. Each MOU will describe: (a) the services to be provided through the One-Stop system; (b) how the costs of the services and the operating costs of the system will be funded; (c) methods of referral of individuals between the One-Stop operator and the One-Stop partners; (d) the duration of the MOU and the procedures for amending the MOU during its duration; and (e) any other provisions consistent with the WIA that the parties determine are appropriate.

2. **Performance Measures: Section 136, WIA.** With respect to WIA-funded activities, each State will be required to meet performance measures negotiated with the Secretary of Labor based on core indicators established by the WIA. States will, in turn, negotiate performance measures with local areas. States will maintain a list of all eligible training providers that shows each provider's performance. The list will be available for public use, primarily for the benefit of training recipients when considering which provider's services to use.

The core indicators of performance include, among other things, entry into, retention in, and earnings from unsubsidized employment.

Wage Record Information: Section 136(f)(2), WIA, and Section 15(e)(2)(I), Wagner-Peyser (created by Section 309, WIA)--The WIA requires States to use quarterly wage records, consistent with State law, in measuring State progress on the WIA performance measures. States must also share wage record information, consistent with State law, with other States for performance measurement purposes. The State WIA plan must describe the strategy for using wage record data for performance and identify the entities that will have access to wage record data.

Wage record interchange system: The Secretary of Labor is charged with making arrangements, consistent with State law, to ensure that the wage records of any State are available to any other State for performance measurement purposes. To this end, an electronic wage record interchange system (WRIS) has

been developed as a pilot system, with plans for it to become an operational system during fiscal years 1999-2000. Central to WRIS will be an index of all social security numbers (SSNs) reported on the quarterly wage records of all States. The index will have three information items for each entry--an SSN, the quarter, and the State that holds the wage record. When an authorized State agency needs information for performance measurement purposes, the index will be searched via electronic request to determine where wage record information on an individual exists. If an SSN match occurs, a request for wage information will automatically be transmitted to the State where the wage record for the individual is located. The wage information will then be sent electronically to the requesting agency.

The UI Information Technology Support Center (ITSC) has developed and successfully tested the pilot WRIS in several States. The Interstate Conference of Employment Security Agencies (ICESA) has now agreed to govern and oversee the business operations of WRIS. Those business operations include developing data sharing agreements, monitoring WRIS, and collection of user charges associated with WRIS. The plan for implementing WRIS is to have the ITSC operate WRIS for an initial group of States (up to 16) while Lockheed Martin Corporation develops a full-scale operational WRIS. The operational system will be implemented as part of the overall ICON (interstate connection) system and is expected to be ready for testing in early 2000. After testing is successfully completed, the ITSC will transition the technical responsibility for WRIS operations to Lockheed Martin in accordance with a jointly agreed upon transition plan. Governance and oversight of business operations will remain with ICESA. The transition of responsibility will have minimal impact on the initial group of States participating in WRIS.

States that want to participate in WRIS should take the following actions:

- o contact Rich Hobbie at ICESA (202-434-8020) regarding ICESA's role;
- o contact Henry James, Executive Director, ITSC (301-982-1575) regarding technical participation procedures.

Participation in WRIS is voluntary, but it provides an efficient means for States to make possible the interstate use of wage record data. Without WRIS, a State's measure of the performance of its workforce investment system would be incomplete. Because of the importance of WRIS to the operations of the Workforce Investment System, States are encouraged to participate.

A series of documents pertaining to WRIS produced by the ITSC are available on the UI web site at www.itsc.state.md.us. A more detailed technical and operational description of WRIS will be issued soon by the appropriate program office within the Department. Additional details on governance of WRIS will be included in that issuance, to the extent it is available.

Confidentiality: As noted above, the WIA requires States to use quarterly wage record information for performance measurement and to share the wage record information with other States for the same purpose. The WIA did not change the basic requirements concerning the confidentiality of UI data. Therefore, the Department of Labor's interpretation of Federal UI law concerning confidentiality applies. ⁽¹⁾ Consequently, the wage record information may only be disclosed to public officials or their agents in the performance of public duties, or to private entities on the basis of the informed consent of the individual or the employer to whom the information pertains. Disclosure for WIA purposes must be consistent with one or more of these conditions. As currently envisioned, however, wage record use for consumer report and performance management purposes under WIA is consistent with these requirements. Therefore, States should not experience conflict between such uses and Federal UI law.

3. **Real Property: Section 193, WIA.** The Governor of a State may authorize a public agency to make available, for One-Stop purposes, any property in which the Federal government has acquired equity through the use of funds provided under Titles III and IX of the Social Security Act and the Wagner-Peyser Act if the public agency is a One-Stop partner. This provision applies only to properties in which the Federal government had acquired equity as of August 7, 1998.

Although this provision does not specifically include Reed Act equity, which is State rather than Federal equity, Reed Act equity is subject to this provision through the specific reference to Section 903(c), SSA. Section 903(c), SSA, contains the authorization for Reed Act money to be used for UI and Employment Service administration, including the purchase of real property.

Therefore, the Department of Labor considers Section 193, WIA, to authorize the use of such real property for WIA purposes.

Once a property becomes a One-Stop service center, each partner must pay a fair share of the operating costs based on the use of the One-Stop delivery system by individuals attributable to the partner's program. Methods of cost allocation must be consistent with the requirements of the Office of Management and Budget circulars.

4. **Employment Statistics System: Section 309, WIA** This section of the WIA adds a new Section 15, "Employment Statistics," to the Wagner-Peyser Act, establishing a nationwide employment statistics system. The Bureau of Labor Statistics has responsibility for the system which will be planned, administered, overseen, and evaluated through a cooperative governance structure involving the Federal government and the States. The statistics system will include, among other things, "employment and earnings information maintained in a longitudinal manner to be used for research and program evaluation" and will meet the information needs for the employment and training activities under WIA. Section

15(c), Wagner-Peyser, also requires the annual submission of a Federal-State cooperatively developed plan regarding the statistics system.

Section 15(e), Wagner-Peyser, requires each Governor to designate a single State agency to manage a statewide employment statistics system and participate in the development of the State's annual plan. Among the State agency's responsibilities are the collection and dissemination of labor market and job training information. The agency is also required to use wage record information to assist the State and other States in measuring progress on State performance measures.

5. **Unified Plans: Section 501, WIA.** This section allows States to develop and submit a unified plan for activities covered under WIA. If a State chooses to submit a unified plan, it must include at least one of the following activities:
 - o the 5-year strategic WIA and Wagner-Peyser plan;
 - o secondary or postsecondary vocational education programs authorized under the Carl Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et. seq.); or
 - o Adult education and literacy programs authorized under WIA.

States also have the option of including the following DOL programs in the unified plan:

- o programs authorized under State unemployment compensation laws;
- o trade adjustment assistance activities;
- o veterans' programs under 38 USC Chapter 41;
- o welfare-to-work programs; and
- o senior community service employment programs under title V of the Older Americans Act.

Further information will be forthcoming on how the unified plan provisions of the WIA relate to UI.

6. **Approved Training.** Section 3304(a)(8) of the Federal Unemployment Tax Act (FUTA) prohibits the denial of UI to a worker who is in training with the approval of the State UI agency. Section 314(f)(2) of the Job Training Partnership Act (JTPA) provides that an eligible dislocated worker participating in training (except for on-the-job training) under Title III, JTPA, "shall be deemed to be in training with the approval of the State agency for purposes of" the FUTA. The WIA contains no provisions requiring WIA training to be considered approved training for UI purposes. However, during the transition to WIA, the requirement of Section 314(f)(2), JTPA, will be maintained. The Department anticipates that State UI agencies will continue to treat such training as approved training for UI purposes.

Footnote(s)

1. UIPLs 23-96 and 34-97 discuss the confidentiality requirements. The Department plans to issue confidentiality regulations regarding UI information, including wage record information, soon. Because these UIPLs are broadly written, they could be read to apply to wage records collected and maintained by non-UI agencies for purposes of the Income Eligibility Verification System established by Section 1137, SSA. This is not the case. Only when information contained in these non-UI wage records is transmitted to the UI agency does the information become UI information and subject to UI confidentiality requirements. (This situation only exists in two States: Massachusetts and New York.)

ATTACHMENT E CODE OF CONDUCT

The Contractor agrees that it shall adhere to the following Code of Conduct when providing services and shall require all others authorized through or engaged by the Contractor to perform services to follow the same Code of Conduct. The Provider Code of Conduct is in addition to all other contract requirements, policies, rules and regulations governing delivery of services to clients. The purpose of the code is to protect vulnerable clients from abuse, neglect, maltreatment and exploitation. The Code of Conduct clarifies the expectation of conduct for providers of contracted, licensed and certified programs and their employees, which includes administrative staff, non direct care staff, direct care staff, support services staff and any others when interacting with clients. Nothing in this Code shall be interpreted to mean that clients should not be held accountable for misbehavior or inappropriate behavior on their part, or that providers are restricted from instituting suitable consequences for such behavior. As used in this clause "Contractor" shall include, the contractor, its employees, officers, agents, representative or those contracted through the Contractor to perform services authorized by the contract.

Contractor, its agents or representatives authorized through it shall not abuse, sexually abuse or sexually exploit, neglect, exploit or maltreat; any client. Furthermore, no person shall cause physical injury to any client. All injury to clients (explained or unexplained) shall be documented in writing and immediately reported to supervisory personnel.

The Contractor shall not by acting, failing to act, encouragement to engage in, or failure to deter from will cause any client to be subject to abuse, sexual abuse or sexual exploitation, neglect, exploitation, or maltreatment. The Contractor shall not engage any client as an observer or participant in sexual acts. The Contractor shall not make clearly improper use of a client or their resources for profit or advantage.

Contractor understands and acknowledges that failure to comply with this Code of Conduct may result in corrective action, probation, suspension, and/or termination of contract, license or certification.

Clients protected by this clause shall include any person under the age of 18 years; and any person 18 years of age or older who is impaired because of mental illness, mental deficiency, physical illness or disability, use of drugs, intoxication, or other cause, to the extent that he is unable to care for his own personal safety, health or medical care; and is a participant in, or a recipient of a program or service contracted with, or licensed or certified by the Department of Workforce Services.

Abuse shall include the following, but is not limited to:

1. Harm or threatened harm, meaning damage or threatened damage to the physical or emotional health and welfare of a client.
2. Unlawful confinement.
3. Deprivation of life-sustaining treatment.

4. Physical injury including, but not limited to, any contusion of the skin, laceration, malnutrition, burn, fracture of any bone, subdural hematoma, injury to any internal organ, any injury causing bleeding, or any physical condition which imperils a client's health or welfare.
5. Any type of physical hitting or corporal punishment inflicted in any manner upon the body.

Sexual abuse and sexual exploitation will include, but not be limited to:

1. Engaging in sexual intercourse with any client.
2. Touching the anus or any part of the genitals or otherwise taking indecent liberties with a client, or causing an individual to take indecent liberties with a client, with the intent to arouse or gratify the sexual desire of any person.
3. Employing, using, persuading, inducing, enticing, or coercing a client to pose in the nude.
4. Employing, using, persuading, inducing, enticing or coercing a client to engage in any sexual or simulated sexual conduct for the purpose of photographing, filming, recording, or displaying in any way the sexual or simulated sexual conduct. This includes displaying, distributing, possessing for the purpose of distribution, or selling material depicting nudity, or engaging in sexual or simulated sexual conduct with a client.
5. Committing or attempting to commit acts of sodomy or molestation with a client.
6. This definition is not to include therapeutic processes used in the treatment of sexual deviancy or dysfunction which have been outlined in the clients treatment plan and is in accordance with written agency policy.

Neglect may include but is not limited to:

1. Denial of sufficient nutrition.
2. Denial of sufficient sleep.
3. Denial of sufficient clothing, or bedding.
4. Failure to provide adequate supervision; including impairment of employee resulting in inadequate supervision. Impairment of an employee may include but is not limited to use of alcohol and drugs, illness, sleeping.
5. Failure to arrange for medical care and/or medical treatment as prescribed or instructed by a physician when not contraindicated by agency after consultation with agency physician.
6. Denial of sufficient shelter, except in accordance with the written agency policy.

Exploitation will include, but is not limited to:

1. Utilizing the labor of a client without giving just or equivalent return except as part of a written agency policy which is in accordance with reasonable therapeutic interventions and goals.
2. Using property belonging to clients.
3. Acceptance of gifts as a condition of receipt of program services.

Maltreatment will include, but is not limited to:

1. Physical exercises, such as running laps or performing pushups, except in accordance with an individual's service plan and written agency policy.
2. Chemical, mechanical or physical restraints except when authorized by individual's service plan and administered by appropriate personnel or when threat of injury to the client or other person exists.
3. Assignment of unduly physically strenuous or harsh work.
4. Requiring or forcing the individual to take an uncomfortable position, such as squatting or bending, or requiring or forcing the individual to repeat physical movements when used solely as a means of punishment.
5. Group punishments for misbehavior of individuals except in accordance with the written agency policy.
6. Verbal abuse by agency personnel: engaging in language whose intent or result is demeaning to the client except in accordance with written agency policy which is in accordance with reasonable therapeutic interventions and goals.
7. Denial of any essential program service solely for disciplinary purposes except in accordance with written agency policy.
8. Denial of visiting or communication privileges with family or significant others solely for disciplinary purposes except in accordance with written agency policy.
9. Requiring the individual to remain silent for long periods of time solely for the purpose of punishment.
10. Extensive withholding of emotional response or stimulation.
11. Exclusion of a client from entry to the residence except in accordance with the written agency policy.

Contractor agrees to document and report abuse, sexual abuse and sexual exploitation, neglect, maltreatment and exploitation as outlined in this Code and cooperate fully in any resulting investigation. Reports may be made by contacting the local Regional Office within 24 hours on the first available work day. All injury to clients (explained or unexplained) shall be documented in writing and immediately reported to the Department of Workforce Services. Contractor shall prominently display a poster, provided by the Department, notifying contractor employees of their responsibilities to report violations and giving appropriate phone numbers.

[Rev.12/02]

Contractor

Date



ATTACHMENT F

UTAH'S PARTNERSHIP REFERRAL FOR SERVICES

Date: _____

Customer's Name: _____

Address: _____ Zip Code: _____

Phone: _____ Alternative Phone: _____

Referred To: _____

Organization	Address	City	Zip Code
--------------	---------	------	----------

Contact Person: _____ Phone: _____ Ext: _____

Referred For:

- Assessment
- Family Services
- Education/Training
- Counseling, Personal
- Veteran's Services
- Placement/Job Development
- SSI/SSDI
- Medical Services
- Financial Assistance
- Housing
- Abuse Advocate
- Vocational Rehabilitation
- Transportation
- Food Assistance
- Energy Assistance
- Legal Services
- Crisis Intervention
- Other

Specify: _____

List of other Agencies Referred To: _____

Referring From: _____

Organization	Address	City	Zip Code
--------------	---------	------	----------

Referred By: _____ Phone: _____ Fax: _____

Response Requested: • Yes • No Comments: _____

Attachments (if applicable):

- Release of
- Payment
- Assessments
- Medical Records
- Intake/Eligibility
- Other: _____
- Employment Plan

Note to the Customer: **"THIS IS A REFERRAL ONLY!"** Services will be determined by the provider according to agency guidelines.



ATTACHMENT G
State of Utah
Department of Workforce Services
**EXCHANGE OF INFORMATION &
CONSENT FOR COORDINATED SERVICES**

Date Received

PID#: _____

Name (print) _____

Case Number _____

I understand that my records are protected under the State and Federal regulations as well as professional codes of ethics governing confidentiality and cannot be disclosed without my written consent, unless otherwise provided for in the State and Federal regulations.

I authorize the exchange of information only to the agencies listed below with the restriction that the information cannot be passed on to any other person or entity..... Yes No

- | | | |
|---|---|--|
| Division of Child & Family Services | Division of Youth Corrections
Juvenile Court | State\Local Health Dept.
Substance Abuse |
| Division of Services for People with Disabilities | Local Mental Health Providers
School Districts | Treatment Providers
Vocational Rehabilitation |
| Job Corps | Other _____ | |

The information is to be released for the following purpose only: to provide a variety of services to myself and/or my family. In order to provide these services, representatives of public and private agencies may be working together with a family advocate as a team and may need to share information about me\my family with each other.

Family Members	Social Security Number	Date of Birth

The above mentioned individuals require services from a number of agencies and providers to meet their medical, social, educational, and other needs. There is a reasonable indication that the above mentioned child(ren) will access needed services only if assisted by a qualified Case Manager who locates, coordinates, and regularly monitors the services in accordance with an *individualized employment plan*..... Yes No

Signature of Customer

Date

Signature of Parent or Guardian

Date

Distribution: Original: Customer file Copy 1: Customer Copy 2: Coordinating Agency

Equal Opportunity Employer Program

Auxiliary aids and services are available upon request to individuals with disabilities by calling (801) 526-9240. Individuals with speech and/or hearing impairments may call Relay Utah by dialing 711. Spanish Relay Utah: 1-888-346-3162

ATTACHMENT G

RECORD SHARING PROTOCOL FOR COOPERATING AGENCIES

Customer Choice:

Explain to the customer the process they may take if they need services outside DWS, (for example, DWS employees are able to facilitate those services, however the customer's permission is required prior to contacting other service providers on the customer's behalf). Explain to the customer the collaborative approach is available, but the customer may elect to secure services by contacting individual agencies.

Use of Forms:

Use the Exchange of Information & Consent for Coordinated Services form to begin the process of coordinating services for a customer or family. Do not use this form for families involved in CCS (Collaborative Coordinated Services). (For CCS families, use the statewide CCS Release of Information form issued through the Governor's office.)

Coordination of Services:

In an attempt to coordinate services for a family or individual, Employment Counselors will share information to reduce customer time spent completing general information forms or multiple assessment instruments.

DEPARTMENT OF WORKFORCE SERVICES
MOU
Work Statement
Attachment H

Background

Weber Basin and Clearfield Jobs Corps (Job Corps) and Management Training Corporation (MTC) have requested access to ESHARE. The current MOU does not include verbiage that permits access.

Purpose

DWS will allow designated Job Corps and MTC employees to access data relevant to their students using ESHARE.

Services

Each entity named in the MOU will meet all data sharing security requirements. Data will be shared in a timely manner as stipulated in the MOU.

Contractor Responsibilities

The contractor will provide the data elements specified in the MOU within the timeframes that are outlined. Access to ESHARE will be limited to only those Job Corps/MTC employees whose names have been submitted to Barbara Hollister. The contractor will provide the data elements outlined in the MOU so that DWS performance outcomes can be generated. Corps.

DWS Responsibilities

DWS Staff will train Job Corps and MTC employees on how to access data using ESHARE. DWS Employment Counselors will refer students interested in Job Corps using a 360-referral form. Employment Counselors will enter data received from Job Corps into the UWORKS system. MIS will generate data downloads and output files.

Pathways

Customers will be referred to Job Corps by generating a UWORKS 360-Referral Form, (*Attachment F*).

Eligibility Requirements

Eligibility for Job Corps services will be determine by Job Corps and MTC employees.

Deliverables/Outcomes DWS MIS will receive bi-monthly data downloads from Job Corps. Job Corps will receive quarterly output reports from DWS. The outcomes will be included in the WIA Youth Outcomes report. Tracking will be done through the UWORKS system.