

Subject:	COVID-19 Emergency Policy
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Replaces:	ADWDB-05-2020
Implementation Date:	July 31, 2020
Distribution:	Arapahoe/Douglas Works! Workforce Center Leadership and Employees

ALL JUNE 2020 PGL REVISIONS ARE HIGHLIGHTED IN YELLOW

The Arapahoe/Douglas Workforce Board (ADWDB) has designated Arapahoe/Douglas Works! as the provider of Career Services for WIOA Title I: Adult, Dislocated Worker and Young Adult programs, Title III: Wagner-Peyser, and Temporary Assistance for Needy Families (TANF).

CITATIONS/REFERENCES

- WIOA-2015-05, Change 4 (2017-11-17) WIOA Title I Eligibility Guidelines
- Workforce Innovation and Opportunity Act, PL 113-128 – July 22, 2014
- WIOA Department of Labor-Only Final Rule (81 FR 56072, Aug. 19, 2016)
- TEGL 38-14: Transition from WIA to WIOA
- Jobs for Veterans Act of 2002 (Public Law 107-288)
- Colorado House Bill 06S-1023, Restrictions on Public Benefits (July 31, 2006)
- TEGL 22-04 - Serving Military Service Members and Military Spouses under the WIA Dislocated Worker Formula Grant
- TEGL 22-04, change 1 - Serving Military Service Members and Military Spouses under the WIA Dislocated Worker Formula Grant
- TEGL 5-08, Policy for Collection and Use of Workforce System Participants' Social Security Numbers (November 13, 2008)
- TEGL 11-11, Change 2 – Selective Service Registration Requirements for Employment and Training Programs (May 16, 2012)
- TEGL 09-12, Services to Victims of Human Trafficking (October 24, 2012)
- TEGL 02-14, Eligibility of Deferred Action for Childhood Arrivals Participants for WIA and Wagner-Peyser
- TEGL 19-16: Guidance on Services provided through the Adult and Dislocated Worker Programs under WIOA (March 1, 2017)
- TEGL 21-16: Third WIOA Title I Youth Formula Program Guidance (March 2, 2017)
- PGL #MIS-2011-01 (prior #12-06-WIA): Data Integrity and the Customer Participation Cycle
- PGL #WIOA-2014-02 (prior #14-05-WIOA): Guidelines for Affidavit of Immigration Status
- PGL #VET-2004-02 (prior #14-07-V): Veterans Priority of Service
- TEN 18-19: Updated Signature Block for ETA Advisories during COVID-19 Pandemic
- [USDOL VOVID-19 Resources](#) (Updated April 1, 2020)
- WIOA-2025-05, **Change 1** - COVID-19 Emergency Policy Relief for WIOA Title I Programs
- [Arapahoe County Guideline, Office 365 – Email Message Encryption Guideline v1.0](#)

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PURPOSE

To provide guidelines and procedures for the Arapahoe/Douglas Works! workforce center staff in the determination of eligibility for the Workforce Innovation and Opportunity Act (WIOA) Adult, Dislocated Worker, Youth, set-aside, and/or Discretionary Grant program participants during the Colorado Governor's emergency declaration resulting from the COVID-19 Pandemic and Social Distancing order. This policy will remain in effect through December 31, 2020 but may be reviewed prior to the expiration date if the Arapahoe Douglas Workforce Board (ADWDB) or Arapahoe/Douglas Works! Director determines good cause to do so.

POLICY

Arapahoe/Douglas Works! has established policy that requires that a participant's eligibility for any WIOA, set-aside, and/or Discretionary Grant program be verified and documented before enrollment. Documentation of eligibility will be obtained, and maintained, in each participants file.

During the COVID-19 pandemic, Arapahoe/Douglas Works! has transitioned to a teleworking environment with minimal to no customer contact. This transition to remote service has increased the use of various technology and remote access procedures to continue with service provision to current and prospective WIOA, Set-Aside and Discretionary-Grant participants. As such, this policy will provide guidance on maximizing the use of technology to obtain eligibility documentation to assure compliance with WIOA, Set-Aside and Discretionary Grant programs. Additionally, this policy will identify the temporary suspensions of WIOA Title I eligibility documentation delineated as allowable in the Colorado Department of Labor & Employment (CDLE) Program Guidance Letter (PGL) WIOA-2020-05 COVID-19 emergency Policy Relief.

Veterans and eligible spouses, who otherwise meet the eligibility requirements for enrollment, are to be given priority over non-veterans regarding enrollment in any Arapahoe/Douglas Works! program. Priority dictates that veteran applicants will be enrolled at a higher rate than non-veteran applicants. (2015-11; Priority of Service for Veterans and Eligible Spouses)

With regard to the WIOA Adult program, priority for enrollment will be given to applicants who are determined to be in one of the adult priority of service categories. (ADWB-08-2018; WIOA Priority of Service for Title I Adult Programs)

Citizenship or legal immigration status must be determined prior to provision of program services to individuals 18 years of age or older per Colorado HB1023 with the Affidavit of Immigration form and SAVE verification, when applicable. In an effort to assure continuity of service provision for prospective WIOA Title 1 customers, CDLE has temporarily suspended the requirement of customer's completing the Affidavit of Immigration form. This suspension will remain in effect until CDLE has rescinded the suspension or the Arapahoe Douglas Workforce Board (ADWDB) or Arapahoe/Douglas Works! Director determines good cause to do so, whichever is first.

PROCEDURE

Documentation verifying the eligibility of participants in WIOA is mandatory. Eligibility determination shall be made prior to enrollment in WIOA and receipt of any intensive, training or supportive services, and shall include an initial determination of need for services to ensure that the region is providing employment and training opportunities to those who may benefit from, and who are most in need of, such opportunities. This is required because WIOA is not an entitlement program.

The following procedures to obtain eligibility documentation are determined as allowable:

1. Completion of the **Attachment 1: COVID-19-Emergency-Policy- Self-Attestation Form (WIOA Eligibility Determination and Documentation)** in lieu of the required eligibility or vets priority of service documentation. A signature is required on this form. This form may be received electronically or sent through the US Mail, as it was designed to avoid the inclusion of the personally identifiable information. Electronic Signatures are allowed.
2. Arapahoe/Douglas Works! staff should, to the best of their ability, ensure that eligibility is determined based on information provided by and attested by applicants. Arapahoe/Douglas Works! staff may assist the applicant in completing the self-attestation form and the WIOA application over the phone. This assistance can include obtaining data such as the driver's license number and expiration date. This assistance should be adequately documented in the applicant's Connecting Colorado confidential case notes. A customer signature is required on the WIOA application.
3. Use of electronic means to obtain eligibility intake documentation to include cell phone pictures and email attachments. The following documents can be received using electronic means:
 - a. WIOA application, video/testimonial forms, WIOA customer Contract, Equal Employment Opportunity Notice and Discrimination Procedures, self-attestation form.
4. Electronic Signatures can be obtained using Adobe Acrobat, other electronic signature software programs or the utilization of the '/s/' signature block as prescribed in Training and Employment Notice 18-19.
5. Arapahoe/Douglas Works! staff should avoid receiving Personally Identifiable Information from personal computers, tablets, or cell phones, if not encrypted. The use of encrypted email, as delineated in Arapahoe County Guideline, Office 365 – Email Message Encryption Guideline v1.0 will be used by all Arapahoe/Douglas Works! staff when communicating with applicants to assure the security of Personally Identifiable Information received from applicants.
6. Arapahoe/Douglas Works! staff may enroll applicants in WIOA Title I programs and may provide staff-assisted services, pending receipt of the signed Self-Attestation Form. Direct customer costs such as training or supportive services are not allowed until the signed self-attestation form has been received and not prior to the signature date of the self-attestation form.
7. Enrolled customers that are being considered for work experiences or other work-based training activities, must have a completed and signed I-9 document on file prior to the start of the work experience or work-based training activity. The I-9 form must not be received electronically, but may be mailed via the US Postal Service. The most recent guidance regarding I-9 flexibility is available online with the [Department of Homeland Security](#). All questions regarding the I-9 should be directed to the US Immigration and Customs Enforcement agency.

Extension of the deadline for completing data entry in Connecting Colorado

- [PGL MIS-2017-01, change1: Data Integrity and the Participation Cycle for WIOA Title I and TAA Programs](#)

For the period of the COVID-19 emergency, the deadline for completing data entry into Connecting Colorado is hereby extended from 14 calendar days to 30 calendar days. This change went live in Connecting Colorado on Friday, March 27, 2020.

Gaps in Service for WIOA Title I Programs - This section is completely new per recent guidance from USDOL and is a permanent change in the way gaps in service are to be captured in Connecting Colorado. This PGL and MIS-2017-01, change 1, are being modified with the changes below.

- [PGL MIS-2017-01, change1: Data Integrity and the Participation Cycle for WIOA Title I and TAA Programs](#)

New guidance from USDOL is changing the way we approach planned gaps in services provided to WIOA participants. In the past, the focus primarily has been identifying a qualifying reason for a gap in services to occur. Those reasons included military service, temporary relocation, medical necessity, caring for family members with health issues, and a delay in the start date of training. **Now, the focus must be on the fact that a future service will be initiated by a certain date, participation is expected to resume, and the case manager has a reasonable expectation of *when* participation will resume and *what* participation will consist of.**

The entering in Connecting Colorado of an “inactivity code” that places a participant in an inactive status and overrides any prior or upcoming exits without an additional scheduled service, does not comply with the federal exit rule. This is a non-compliant recording method, since it is not utilizing the scheduled, future service date entry to set a planned gap in service, where a future service is feasible and is a planned service. Performance guidance (TEGL 10-16, Change 1) defines exit as when the participant has not received services for 90 days and has no additional services scheduled.

For the most part, the use of the PG service will not change, except that:

1. When MIS staff enter a PG, they must make sure to document clearly in the notes what the next participation service will be, and when it is expected to start. The estimated end date of the PG that is entered in Connecting Colorado should match up with the start date of the planned service when it is entered in Connecting Colorado. Entering a PG without identifying a planned next participation service and a planned next participation service date and/or simply stating that the participant will “resume participation” without stating what specific activities are planned will not be acceptable.
2. The reason for the PG will now be broadened. The participant will no longer need to have their service interruption fall into the previously defined categories. The PG can be entered for any legitimate purpose, if there are specific services to be scheduled and there is a clear expectation that participation will resume. Local areas have the option of setting a stricter local policy with specific reason categories that will be allowable and unallowable.
3. If there is a need to extend a PG beyond the original expected end date, the additional notes entered must again state what service is planned and when that service is expected to start. If no specific service is entered, the enrollment will be exited to the date of the last staff-assisted service per standard policy and procedures.

4. Case managers must document in case notes the reason for the gap in service, the services expected to be provided when participation resumes, and the expected date the gap will end. Upon resumption of participation, case managers must update the IEP or ISS with any new or revised planned services and goals.

Rapid Response

- [PGL WIOA-2020-03: Rapid Response Policy](#)

The requirement for on-site Rapid Response for mass layoffs is hereby suspended for the period of the COVID-19 emergency. The State and local Rapid Response team may provide information to employers and workers that are impacted by layoffs remotely through technology including conference calls, webinars, video conferences, virtual job fairs, and other means.

Policy relief regarding WIOA Title I Work Experiences

- [PGL WIOA-2018-02, change 1: WIOA Title I Work Experiences](#)

For the duration of the COVID-19 emergency, this policy is hereby modified as follows:

1. WIOA work experience participants may work from home if this is approved by the employer and appropriate from the perspective of the participant's Individual Service Strategy or Individual Employment Plan, given the tasks that participants are assigned to complete. In addition, employers must attest to the hours worked when submitting time sheets for payment. Any such changes may be documented in the ISS, IEP, or case notes.
2. If a participant is unable to continue working, and a local area wishes to continue to pay the individual, stipends must be used, provided that the participant is engaging in other allowable career services authorized by local area staff.
3. If youth participants are unable to continue working, but can continue participating in their educational component, local areas must move from paying hourly wages to paying a stipend to avoid FLSA issues. **Stipends count toward youth 20% WE expenditures.**
4. **Local areas may make Youth (not Adult or DW) incentive payments for completion of milestones or successful completion of a partial work experience, when a customer's work experience has been interrupted or terminated as a result of the COVID-19 emergency. Such incentive payments will NOT count towards the 20% work experience expenditure requirement for the WIOA Youth Program. Also, there will need to be documentation that the work experience ended early because of the pandemic, and that the customer successfully completed the shortened work experience or milestone. This can include an attestation by the employer, all of which can be captured in case notes. The ISS should also be updated with the work experience milestone prior to issuing the incentive payment.**

NOTE: For Adults, DWs or Youth customers, local areas may also provide stipends in lieu of wages for completion of milestones or other approved activities that are aligned with their ISS or IEP.

5. Local areas must create a written policy/process regarding the payment of stipends and/or youth incentives, if it does not already exist. This policy/process must be consistent and equitable. See [item H.](#) for obtaining approvals for COVID-19 policy and process changes.
6. Local areas may adopt virtual methods of monitoring work experience (or OJT) worksites, such as a live video feed, or may develop self-attestation forms for both the employer and participant to complete. These alternatives to on-site monitoring must address the minimum requirements for site visits as stipulated in PGLs [WIOA-2018-02: Work Experience](#) and [WIOA-2016-08: On-the-Job Training](#). In addition, CDLE recommends follow-up conversations with participants and employers as needed to cover any concerns raised by the responses in the completed self-attestation forms.
7. Local areas must incorporate alternative worksite monitoring approaches in their local policies and procedures. To assist with this requirement, Denver Workforce Services has agreed to share their [self-attestation forms](#), which have been approved by CDLE.

NOTE: CDLE has contacted the regional office of the US Department of Labor to obtain a temporary suspension of the statutory requirement to spend 20% of WIOA Title I Youth program funds on work experiences. The response from USDOL will be added to this PGL upon receipt. CDLE is also submitting a waiver of this requirement as part of a package of COVID-19 waiver requests.

NOTE: USDOL has granted state workforce agencies the ability to conduct foreign labor housing inspections virtually. CDLE is looking into this model for monitoring of work experience sites and will include further guidance on this topic as it becomes available.

G. In-Demand Occupation/Industry Requirement

Local Area Directors have requested that CDLE request a waiver of the requirement to fund classroom training and OJTs for in-demand occupations only; instead allowing local areas to focus on current high demand occupations resulting from the COVID-19 pandemic. A waiver is not necessary due to the following WIOA definition:

"LINKAGE TO OCCUPATIONS IN DEMAND.— Training services (provided under this paragraph) shall be directly linked to an in-demand industry sector or occupation in the local area or the planning region, or in another area to which an adult or dislocated worker receiving such services is willing to relocate, except that a local board may approve training services for occupations determined by the local board to be in sectors of the economy that have a high potential for sustained demand or growth in the local area."

Corresponding PGL Attachments:

1. [COVID-19 Virus WIOA Title I Eligibility Self-Attestation Form](#)
2. [CV Marker Code Final Guidance \(New\)](#)
3. [FAQs for the COVID-19 Emergency as of May 15, 2020 \(New\)](#)

Only the Arapahoe/Douglas Works! Division Manager and/or the Workforce Center Administrator may grant exceptions to provisions within this policy.

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