

VI. PROGRAM- SPECIFIC REQUIREMENTS FOR CORE PROGRAMS

The State must address all program-specific requirements in this section for the WIOA core programs regardless of whether the State submits either a Unified or Combined State Plan.

PROGRAM- SPECIFIC REQUIREMENTS FOR ADULT, DISLOCATED WORKER, AND YOUTH UNDER TITLE I-B

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

1. ADULT, DISLOCATED WORKER, AND YOUTH ACTIVITIES GENERAL REQUIREMENTS

A. REGIONS AND LOCAL WORKFORCE DEVELOPMENT AREAS

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

Tennessee has restructured the thirteen (13) local workforce development areas and three regions - East, Middle, and West to nine (9) local workforce development areas and the three regions remain. The map below depicts the designations across the State. LWDAs Southeast, East, and Northeast comprise the East Region; LWDAs Southern Middle, Upper Cumberland, and Northern Middle comprise the Middle Region; and LWDAs Greater Memphis, Southwest, and Northwest comprise the West Region.



B. Describe the process used for designating local areas, including procedures for determining whether the local area met the criteria for “performed successfully” and “sustained fiscal integrity” in accordance with 106(b)(2) and (3) of WIOA. Describe the

process used for identifying regions and planning regions under section 106(a) of WIOA. This must include a description of how the State consulted with the local boards and chief elected officials in identifying the regions.

In February 2018, the State Workforce Development Board (SWDB) elected to review the alignment of Tennessee's Local Workforce Development Areas (LWDAs). The statewide realignment partially arose from a local government, Grundy County, requesting to change its LWDA in order to better align its resources with Tennessee's Economic Development Job Base Camps (ECD Base Camps). After recommending that Grundy County shift from LWDA 6 to LWDA 5, it was apparent that a comprehensive alignment analysis was needed of all the local areas.

During the time period from February 2018 to the SWDB quarterly meeting on May 11, 2018, the SWDB staff completed an extensive analysis of the state's workforce development areas, federal and state resources, and labor market data. Furthermore, the SWDB reviewed Tennessee's capacity to serve our citizens in the areas of workforce development, economic development, and access to higher education and training services. As part of this analysis, leadership from Tennessee's Department of Labor and Workforce Development sought input from local county mayors, local workforce development board chairs, and community leaders across the state. The meetings focused on aligning LWDAs with the ECD Base Camps and also demonstrated how the shift would coincide with the adult education and career pathways regions. The parties were also informed of the analysis and considerations being made by the SWDB and Workforce Services staff in terms of labor market analysis and workforce trends. The major takeaway from each of these meetings was that Tennessee needs to further enhance its regional development capacities and optimize opportunities to share and leverage resources in the areas of workforce development partnerships while continuing to create access to services and opportunities in rural areas.

Upon completion of this analysis, at the May 11, 2018 SWDB meeting, the board elected to recommend realignment of the current thirteen LWDAs with the nine ECD Base Camps supporting the vision of streamlining and aligning regional service delivery. Upon careful consideration and deliberation with the state agencies, partners, and local leaders, the Governor moved to adopt the recommendation of the SWDB to realign the current thirteen LWDAs to align with the nine ECD Base Camps effective July 1, 2018.

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

State Policy information regarding this full process can be found in DESIGNATION OF LOCAL WORKFORCE DEVELOPMENT AREA TN-WIOA (15-1). The content of this policy is as follows:

The Workforce Innovation and Opportunity Act (WIOA) require the Governor, in partnership with the State Board and in consultation with the Chief Elected Officials (CEOs), to develop a policy for initial designation of the Local Workforce Development Areas. WIOA requires that existing federally recognized workforce areas are designated during the first two program years; this designation is referred to as Initial Designation. The WIOA states that a unit of general local government (including a combination of

such units) or a grant recipient that requests but are not granted designation of an area as a local area, may submit an appeal to the State board under the appeal process established in this policy. The public comment period must offer adequate time for public comment prior to designation of the local workforce development area and it must provide an opportunity for representatives of interested business, education, and labor organizations to have input into the development of the formation of the local area.

APPEALS PROCESS

For purposes of appeal, a unit of general local government (including a combination of such units) or grant recipient that requests but are not granted designation as a local area may submit an appeal to the SWDB under an appeal process established below. If the appeal does not result in such a designation, the Secretary of Labor, after receiving a request for review from the unit or grant recipient and on determining that the unit or grant recipient was not accorded procedural rights under the appeals process described in the State procedure, may require that the area be designated as a local area.

PROCEDURES FOR APPEALS TO THE STATE:

- An appeal must be in writing and filed with the TDLWD within fourteen (14) days after notification of the decision. The appeal is to be submitted to the Commissioner of the TDLWD.
- The appeal must contain a specific statement of the grounds upon which the appeal is sought.
- The SWDB will have sixty (60) days to review the appeal and make a recommendation to the Governor. The review will take into account the information in the original request and supplemental information provided in the appeal to determine if the criteria set forth in this policy have been met.
- The final decision rests with the Governor.
- If the appeal is connected to a request for initial designation under this policy, and if the appeal does not result in designation, the entity may request review by the Secretary of Labor to determine if procedural rights were granted or if the minimum criteria of WIOA Section 106(b)(2) or Section 106(b) (3) was met. This second level of appeal must be sent within 14 days to:
 - Assistant Secretary of Employment and Training
 - U.S. Department of Labor
 - 200 Constitution Avenue, N. W.
 - Washington, DC 20210

A copy of the appeal must be simultaneously provided to

ETA Regional Administrator

U.S. Department of Labor, Employment and Training Administration

61 Forsyth Street, SW, Room 6M12

Atlanta, GA 30303

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

One-Stop partner may appeal the Governor's determination regarding their portion of funds to be provided for infrastructure costs. The appeals process is described in the Unified State Plan and is consistent with the current Grievance and Complaint Policy TN (16-6). This policy applies to all entities and individuals who would like to appeal a decision at the local or the state levels.

The appeals process relating to determinations for infrastructure funding are as follows:

A. The Governor, through the assistance of the SWDB, will make the final determination of each required partner's proportionate share of statewide infrastructure costs under the State funding mechanism.

B. Any required partner may appeal the Governor's determination on the basis of a claim that:

- The Governor's determination is inconsistent with the proportionate share requirements of *20 CFR 678.735(a)*, or
- The Governor's determination is inconsistent with the cost contribution caps described in *20 CFR 678.736* and *20 CFR 678.738*.

C. The process will ensure resolution of the appeal in order to ensure the funds are distributed in a timely manner, consistent with the requirements of 20 CFR 683.630.

D. An appeal must be made within twenty-one (21) days of the Governor's determination and must be submitted formally, in writing, by registered mail no later than the twenty-first (21st) day from the date of receipt of the notice of denial or revocation.

STATEWIDE ACTIVITIES

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

The Workforce Innovation and Opportunity Act provide new opportunities for use of funds to support entrepreneurial activities among youth and the unemployed. In consultation with the State Board, TDLWD is exploring partnerships with Local Workforce Development Areas, Community Based Groups, and other entities to assist with facilitating activities to help boost access to entrepreneurial resources to youth and the unemployed. Activities will range from workshops, resource fairs, to events that will connect entrepreneurs to other resources and investments.

As outlined in Section 128 (a)(2), the Youth, Adult, and Dislocated Worker funds reserved by the Governor to carry out statewide activities support the required Statewide Employment and Training activities outlined in 20CFR 682.200. In addition to the required activities, the State Workforce Development Board considers the funding of allowable activities with statewide set-aside funds. Through an annual planning and budgeting process that is initiated by the Oversight Committee of the State WFB,

allowable activities outlined in 20 CFR 682.210 are approved for funding during the respective program year. Adjustments are made during the course of the year as state staff evaluate obligations and expenditures of approved statewide activities, as well as trending economic factors that impact the need to redirect funding in support of other allowable activities.

Also, in accordance with WIOA Section 134 (a)(2)(A)(ii), unobligated Rapid Response funds after the first program year for which such funds were allotted may be redirected to support statewide activities authorized under Statewide Employment and Training activities. As outlined in 20 CFR 682.210 the SWB traditionally has supported innovative programs and strategies in support of employers to include Incumbent Worker, Governor's Fast Track Initiatives (On-the-Job Training), and Apprenticeships. The SWB will utilize Performance-Based Contracts in developing strategies for serving individuals with barriers to employment, and for coordinating programs and services among one-stop partners.

Sub-recipients may request State set aside funding. Guidance for requesting additional funding is provided the State's reserve funds policy. State staff will review the request for funding to determine if reserve funds will be awarded. State staff will monitor expenditure and obligation to provide updates to the SWDB.

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

The State intends to utilize set aside funding to test pay for performance contracting strategies to increase the effectiveness and efficiency of limited formula funds to improve outcomes for WIOA participants, particularly for individuals with barriers to employment. The state will offer technical assistance to local workforce areas about how to implement pay for performance with local formula funds; and that State expects to enhance overall outcome-based strategies by utilizing existing performance-based contracting in combination with the new WIOA pay for performance for the achievement of high bar outcomes as outlined in Title I of the NPRM Section 683.520.

Regarding Rapid Response services, Jobs4TN is the management system used to manage WARN activities in Tennessee. The State has established 13 Local Rapid Response teams, consisting of LWDA staff and state staff, business service team staff, and the mobile units. Tennessee's mobile units better known as "Mobile American Job Centers," have computers with internet and Microsoft Office access and with copy and fax machines available for use by job seekers. These units will allow full service, on-site facilitation of Rapid Response services.

These local teams will coordinate activities geared to connecting employees, affected by the layoffs/closings, to other employment opportunities to minimize the time needed for unemployment insurance assistance. In addition to connecting dislocated workers to employment, Rapid Response teams will also work to connect participants to training opportunities through WIOA and partner programs, including the higher education

system. In addition to connecting participants to formal training opportunities, Rapid Response teams will also work with the AJCs to connect participants to apprenticeships, to OJTs, and other dislocated worker re-employment activities.

Rapid Response funds will be used to assist with the expenses associated with technical features such as Jobs4TN, the mobile units, materials, and staff time associated with Rapid Response activities.

Also, in accordance with WIOA Section 134 (a)(2)(A)(ii), unobligated Rapid Response funds after the first program year for which such funds were allotted may be redirected to support statewide activities authorized under Statewide Employment and Training activities. As outlined in 20 CFR 682.210 the SWB traditionally has supported innovative programs and strategies in support of employers to include Incumbent Worker, Governor's Fast Track Initiatives (On-the-Job Training), and Apprenticeships. The SWB will utilize Performance-Based Contracts in developing strategies for serving individuals with barriers to employment, and for coordinating programs and services among one-stop partners.

Sub-recipients may request State set aside funding. Guidance for requesting additional funding is provided the State's reserve funds policy. State staff will review the request for funding to determine if reserve funds will be awarded. State staff will monitor expenditure and obligation to provide updates to the SWDB. The specific technology features of Jobs4TN facilitates an online WARN to help employers easily access rapid response services when a layoff or closure occurs. Upon receipt of an official WARN, the State Dislocated Workers Unit (DWU) will create a WARN notice in VOS. If an official WARN notice is not received but layoff information is obtained, local LWDA representatives work with the company to provide services to the affected employees. Once this WARN has been created, the DWU Rapid Response will notify the appropriate rapid response coordinator. Activities and strategies are initiated to address dislocation events that ensure rapid response access to the broad range of allowable assistance in conjunction with other appropriate federal, state and local service agencies and officials, employer associations, technical or other business councils and labor organizations. The DWU serves as the central WARN contact. E-mail WARN notices are sent to local rapid response coordinators and appropriate partners in 24 -48 hours. The DWU works with the LWDAs to coordinate outreach efforts.

Upon Notification of WARN Information from the DWU, the Local Rapid Response Coordinator makes immediate contact (within 48 hours) with the employer to offer rapid response services to the company and employees. This initial contact should result in the scheduling of an initial planning meeting and begin the information gathering for the Rapid Response Company Information Report. The initial planning meeting will provide the company with an overview of what will be delivered at an employee mass meeting, scheduling of the mass meeting and completion of the information gathering.

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

SERVICES FOLLOWING A DISASTER

If the Federal Emergency Management Agency (FEMA) organizes services for disaster victims, the Department FEMA contact will assess the need for a NEG within 24 hours. The State will contact FEMA to secure a list of job orders required to assist disaster victims and to begin the cleanup afterward.

FEMA will set up Disaster Centers. These centers will include a career center, unemployment insurance, and WIOA job training programs. Other agencies and programs typically represented are American Red Cross, Internal Revenue Service, Tennessee Attorney General, Tennessee State Emergency Management Agency, local law enforcement, Salvation Army, Small Business Administration, Social and Rehabilitation Services and other appropriate local service organizations.

If FEMA is not involved in a local disaster, the DWU and LWDA will contact the following to organize services for disaster victims: chamber of commerce, city clerk and/or administrator, city mayor, Red Cross, Salvation Army and employers affected by the disaster. Once these contacts are made, the information regarding the services available to assist those who lost their jobs due to the disaster should be provided. A temporary office in the area may be set up to provide these services. Workers who have lost their jobs due to the disaster may be offered the following additional services:

- Classroom training
- Daycare
- Jobs at work sites, including wages and benefits
- Mileage
- On-the-job training
- Out-of-area job search and relocation
- Outreach and communications
- Tools needed for the job
- Work-related physical exams and medical exams

TDLWD has 6 mobile American Job Centers stationed across the state. In the event of a disaster, TDLWD will coordinate with TEMA, FEMA, and the LWDA's to mobilize the units to set up information and command centers in local communities in order to provide DWU and Rapid Response services.

D. Describe how the State provides early intervention (e.g., Rapid Response) to worker groups on whose behalf a Trade Adjustment Assistance (TAA) petition has been filed. (Section 134(a)(2)(A).) This description must include how the State disseminates benefit information to provide trade-affected workers in the groups identified in the TAA petitions with an accurate understanding of the provision of TAA benefits and services in such a way that they are transparent to the trade-affected dislocated worker applying for them (Trade Act Sec. 221(a)(2)(A) and Sec. 225; Governor-Secretary Agreement). Describe how the State will use funds that have been reserved for Rapid Response to provide services for every worker group that files a TAA petition.

It is vital to provide early intervention to dislocated workers in Tennessee and such services are rendered through Rapid Response. The effectiveness of these services is driven by the collaboration of the TAA unit and Rapid Response at TDLWD. The services provided are paramount in creating a seamless path from dislocation to gainful employment for trade-impacted workers, especially during the first few days of the petition's filing.

Upon the receipt of a Trade Adjustment Assistance petition, the TAA Unit verifies if assistance efforts are already underway. If this is the first notification, the Rapid Response unit contacts the employer to begin the process of providing the full array of services and benefits available.

The Rapid Response process consists of these steps:

- Schedule and conduct mass meetings once a WARN Notice or Certified Trade Petition is received.
- Provide trade-affected workers with information regarding re-employment services (WP, WIOA partners), Unemployment Insurance (UI), TAA services, and Trade Readjustment Assistance (TRA).

Funding is essential to provide services to dislocated workers. Leverage funding, when possible, can better ensure that workers receive the necessary assistance. Case management funds along with WIOA partner funds enable a full assessment of trade-dislocated workers and also ensures re-employment services for gainful employment. Additional funding information has been detailed in the explanation of the distribution of funds for core programs.

2. ADULT AND DISLOCATED WORKER PROGRAM REQUIREMENTS

A. WORK-BASED TRAINING MODELS

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

In an effort to support work-based training models, Tennessee utilizes the Incumbent Worker Training (IWT) Program. This broad program is designed to support training that results in either skill attainment for employees or process improvement that contributes to the competitiveness and productivity of a business.

For-profit and (not-for-profit healthcare related only) related Tennessee businesses may be eligible to apply for participation in the IWT Program. Such eligible businesses must also: have been in operation for a minimum of one year prior to the application date; employ at least five full-time employees; be current on all Federal and State tax obligations; and be financially viable. Each LWDA receives individual allotments from State set-aside funds that are then used to contract with local, qualifying businesses to provide Incumbent Worker Training.

During the 2017 Program Year, Rapid Response/Layoff Aversion funds were obligated to 98 companies to train 6,042 Incumbent Workers. The program year ran through June 30, 2017.

B. REGISTERED APPRENTICESHIP

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

The Tennessee Department of Labor and Workforce Development administers the Apprenticeship Assistance Training Grant (AATG) in support of Tennessee companies/organizations with a DOL Office of Apprenticeship Registered Apprenticeship Program or those that are interested in starting an apprenticeship program. In partnership with the 13 Local Workforce Development Areas, TDLWD administers this grant to provide strategies to significantly increase apprenticeship opportunities for job seekers and existing first & second-year apprentices. The following benefits are provided to participating companies:

- OJT assistance for eligible Dislocated Workers entering a DOL Registered Apprenticeship program as a new hire, and or
- To provide assistance in the Classroom Training of existing first or second-year apprentices or for participants in a pre-apprenticeship program

The Tennessee State Workforce Development Board authorized \$1,000,000 to develop and implement the AATG program. The program started in August 2015 and LWDA's began promoting and receiving applications at that time.

To date there, have been six (6) applications submitted and approved, training 225 apprentices for a total of over \$144,000. There have been numerous inquiries about the program and more applications and approvals are expected during the continuation of the grant.

C. TRAINING PROVIDER ELIGIBILITY PROCEDURE

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

INITIAL ETPL ELIGIBILITY

Initial eligibility procedures for the Eligible Training Provider List (ETPL) apply to all training providers, with the exception of Registered Apprenticeship. Providers must complete a detailed application and complete all vetting procedures under which programs become eligible. Initial eligibility is based on the following:

- Meeting State minimum performance criteria, as approved by the State Board.
- Training must be for occupations in industry sectors that are in-demand. Training must result in the completion of an industry-recognized credential, national or State certificate, or degree, including all industry appropriate

competencies, licensing and/or certification requirements. Providers must provide evidence of accreditation and/or licensure with the appropriate State or other governing entity to have their programs listed on the ETPL.

In addition, Eligible Training Providers must provide the following for Initial Eligibility:

- Evidence that programs result in the awarding of an industry-recognized credential, national or state certificate, or degree, including all industry appropriate competencies, licensing and/or certification requirements
- Cost information, including tuition and fees
- Information that addresses alignment of the training services with in-demand industry sectors and occupations, to the extent possible
- Information related to the indicators of performance, which include for all students (all students are defined as every student enrolled in a WIOA-approved training program):
 - Unsubsidized Employment during the Second Quarter after Exit
 - Unsubsidized Employment during the Fourth Quarter after Exit
 - Median Earning in the Second Quarter after Exit

All providers must also meet the minimum established performance criteria, as approved by the State Workforce Development Board.

APPEAL OF LOCAL WORKFORCE DEVELOPMENT BOARD DENIAL

Provider Application Denial: If an LWDB denies an ETP's initial application for listing on the ETPL, the LWDB must, within thirty (30) days from the date of determination, inform the ETP in writing, including the detailed reason(s) for the denial and complete information on the appeal process.

REASONS FOR DENIAL OF APPLICATION FOR INITIAL ELIGIBILITY

- The LWDB or the State may deny eligibility if the application from an ETP is not complete or not submitted within the required time frame.
- The LWDB or the State may deny eligibility if an applicant fails to meet the minimum criteria for initial listing specified in this policy (WIOA Section 122[c][1]).
- The LWDB may deny eligibility if the training programs offered by the ETP do not lead to gainful employment in in-demand occupations as determined by a labor market analysis.
- The LWDB may deny eligibility if the training program demographics (i.e. cost and length) are substantially higher (beyond fifty percent [50%]) than previously approved programs offering the same credential (within the past two [2] program years).

- The LWDB or the State may deny eligibility if it is determined that the applicant intentionally supplied inaccurate information (WIOA Section 122[f][1][B]).
- The LWDB or the State may deny eligibility to a training provider who has been found to have substantially violated any WIOA requirements (WIOA Section 122[f][1][B]).

APPEALS TO THE LOCAL WORKFORCE DEVELOPMENT BOARD (WIOA SECTION 122[C][1])

This procedure applies to appeals by ETPs to the LWDBs based on the denial of an ETP's application for the initial listing on the ETPL. The LWDB must establish an appeal procedure for providers of training to appeal a denial of eligibility that meets the requirements of 20 CFR 683.630(b). The LWDB must have a written appeal process that includes the following provisions:

- A training provider wishing to appeal a decision by the LWDB must submit an appeal to the LWDB within thirty (30) days of the issuance of the denial notice. The appeal must be in writing and include a statement of the desire to appeal, the specification of the program(s) in question, the reason(s) for the appeal (i.e. grounds), and the signature of the appropriate provider official.
- The LWDB appeal process must grant the training provider the opportunity to directly address the reasons for their denial and do it either in writing or through an appeal hearing.
- The LWDB must have one to three (1-3) impartial appeal officers who are responsible for re-evaluating the supplemental materials supplied by the ETP in addressing the initial reasons for denial. An impartial appeal officer may be any staff member uninvolved in the initial designation.
- The LWDB will notify the ETP of the final decision made by the LWDB on an appeal within thirty (30) days of receipt of the appeal. e. The LWDB appeal notification to the ETP must reference the process for filing a State appeal in the event that the ETP is not satisfied with the outcome of the local appeal.

APPEALS TO THE STATE (WIOA SECTION 122[c][1])

This procedure applies only to ETPs who have exhausted the appeal process of a LWDB and are dissatisfied with the LWDB's final decision.

- A training provider wanting to appeal to the State must submit an appeal request to the State within thirty (30) days from the LWDB's notification to the training provider of its final decision on an appeal. The request for an appeal to the State must be in writing and include a statement of the desire to appeal, specifications of the program(s) in question, the reason(s) for the appeal (i.e. grounds), and the signature of the appropriate provider official.

- The State will promptly notify the appropriate LWDB when it receives a request for appeal. The State will also notify the appropriate LWDB when it makes the final decision on an appeal.
- The State appeal process includes the opportunity for the appealing ETP to have a hearing. The hearing officer must be impartial. The hearing officer must provide a written notice to the concerned parties of the date, time, and place of the hearing at least ten (10) calendar days before the scheduled hearing. Both parties must have the opportunity to: present oral and written testimony under oath, to call and question witnesses, to present oral and written arguments, to request documents relevant to the issue(s), and to be represented.
- The five-member State appeals committee, chaired by the hearing officer, will administratively review the appeal, make a preliminary decision, and notify the ETP and the LWDB. The committee may either uphold or reverse the LWDB decision.
- The State appeals committee must render a decision within sixty (60) days from receiving the training provider's initial state-appeal request.

Apprenticeship programs registered under the National Apprenticeship Act (NAA) are exempt from initial eligibility procedures since the vetting of these programs is done by USDOL Office of Apprenticeship. Registered apprenticeships must only make a request to be included on the ETPL list by filling out the application in our Jobs4tn system and provide documentation that they are a certified registered apprenticeship program to be included on the ETPL list. Under WIOA title 1-B, Registered Apprenticeship program sponsors that request to be ETPs are automatically included on the list and will remain as long as the program is registered or until the program sponsor notifies the State that it no longer wants to be included on the list [TEGL14-41]. Providers receive initial eligibility for only one fiscal year for a particular program. After the initial eligibility expires, these initially- eligible providers are subject to application procedures for continued eligibility.

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

PRIORITY OF SERVICE IMPLEMENTATION

WIOA provides many opportunities to help low-income and lower-skilled youth and adults achieve economic success. For the Title I - Adult program, the priority of service in Sec. 133(c)(3)(E) requires that recipients of public assistance, other low- income individuals, and individuals who are basic-skills deficient receive priority for career and training services. To ensure that adults meeting the priority of career and training services is implemented, Tennessee has issued Adult Priority of Services Guidance to Local Development Boards (LWDBs), One-Stop Operators, and Service Providers. The guidance defines priority of service in accordance with WIOA regulations. The guidance

also provides an opportunity for LWDBs to develop local policy identifying additional barriers adults in their community face. In addition, guidance has also been provided to LWDBs outlining the requirements for Veterans and Eligible Spouse Priority of Services.

Priority of services for the adult population begins when an individual receives staff assistance to register into Jobs4TN. Jobs4TN is the data collection system that enables a career specialist to determine eligibility for priority of services. Monitoring begins after the completion of the service strategy process and services commence.

PRIORITY OF SERVICE MONITORING

The Tennessee Department of Labor and Workforce Development has established a tiered layer of monitoring to ensure compliance with state and federal regulations. The first tier of monitoring takes place within the Workforce Services Division, Compliance and Policy Unit (CPU). The CPU monitors services of WIOA participants including low-income adults with basic skills deficiencies, to ensure these participants are receiving career and training services to improve their opportunity for employment. Throughout the program year, the staff conducts desktop monitoring to confirm that the individual service delivery has been established and the opportunity for being the first to receive career and training services has taken place. To strengthen the initial desktop monitoring process the, CPU sends their findings to the Department's internal Program Accountability Review (PAR) Unit to combines the findings identified and conduct site reviews to check that the services provided include career and training services for those identified as basic skills deficient and low income.

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

In accordance with WIOA statutes (WIOA Section 133(b)(4)), a local board may transfer, if such a transfer is approved by the Governor, up to and including 100 percent of the PY funds allocation between the adult and dislocated workers funding streams. As outlined in the State's Workforce Services Policy local areas must provide supporting documentation indicating the required rate of expenditure/obligations and other specified criteria have been met.

3. YOUTH PROGRAM REQUIREMENTS

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

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

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

The state-developed criteria to be used by local boards in awarding grants seeks to establish strong program design and assure full compliance with WIOA youth program standards. There are 13 Local Workforce Development Areas in Tennessee, and whether local government/higher education or 501(c)(3), each has an administrative entity which is held accountable for costs and for competitively procuring and monitoring the success of youth services delivered by youth vendors. Tennessee, as shown in this state plan, requires that all program elements are to be competitively procured by the administrative entity, through scrutiny by the LWDB and in turn by TDLWD.

We measure the effectiveness of the vendors by way of computed return on investment, economic impact, and target-guided common measure outcomes under WIOA; and the penalties for failure up to termination of the contract, are made clear in the RFP and the rubrics that are used to select vendors. The required items of RFPs include:

- Checklists for the youth services covered by the proposals
- Program design
- A detailed cost budget with admin costs
- And required performance outcomes under the common measures

In addition, the proposed vendor must provide a detailed narrative on the youth services to be provided, such as 1) Leadership Development Services: a. develop responsibility, employability, and positive social behaviors; b. organizational and professional leadership skills in i) teamwork, ii) communication, iii) competition, and iv) commitment.

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

The State is implementing a WIOA common intake and reporting system, VOS, which will capture common participant information for core programs. The system will align resources and generate automatic referrals among the core programs as applicable to the individual's needs.

As it specifically pertains to out-of-school youth, individual service plans will identify the participants' needs and interest and seek to coordinate the optimum blend of services and funding to achieve the participant's goals for success. This success plan can include but is not limited to indication of a work experience opportunity, career pathways program of study, and any of the other 14 program elements. This model is an integrated compilation of programs and services intended to develop basic, technical and employability skills; provide continuing education and training, and work supports that lead to high-demand jobs in targeted sectors. The combined efforts of all of the aforementioned items can contribute to the improved outcomes for the growing number of out-of-school youth participants.

As it pertains to leveraging and aligning with core and partner programs, the expanded partnerships with the Department of Children Services and school districts (under the Department of Education) across the state will allow local areas to have direct access to potential out-of-school youth are involved in the juvenile justice system and/or at risk of dropping out of secondary education. Local staff serves as facilitators for onsite training sessions in their local YDCs and provide information on job readiness, establishing educational and career goals, exploration of demand occupations and identification of potential training needs. Due to the variance in each potential participant's permanent residence across the state, the staff has developed "release resource packets" to include workforce services staff contact information, checklists for paperwork and partner programs that can assist the juvenile offender with a successful transition into their community. This comprehensive information sharing helps mitigate barriers and increases the chances a participant will accomplish their goals for success as initially outlined in their individual service strategy.

In the same regard, local area staff members are encouraged to maintain working relationships with the local school districts and education providers to assure that youth participant have the necessary resources for career exploration (vi Jobs4TN), career readiness and job skills training. These resources are especially helpful for youth participants who are engaged in an education program or other formal partner programs, however, new challenges are presented when disconnected youth are included in the target service population. In hopes of eventually mitigating these issues, TDLWD and TDOE staff along with several community stakeholders seek to develop legislation regarding the sharing of student drop-out records. Such sharing, with the appropriate provisions in place, can improve outreach efforts for AJC staff and other workforce system partners as they seek to quickly re-engage disconnected youth and connect to beneficial training and supportive services. While there is no proven effectiveness of these potential strategies, they can increase the accurate leveraging of partner program resources and services to improved outcome for out-of-school youth.

Tennessee Workforce System will continue its collaboration with the statewide PreEmployment Transition Services (Pre-ETS) team comprised of Pre-ETS Specialists and Field Supervisors in serving youth with disabilities. This implementation will include both internal staff training and external training for AJC staff, partners, and other stakeholders.

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

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

Our workforce system and partners are aligned in order to prevent duplication, but more importantly, to better manage and carry out the WIOA adult, dislocated worker, and youth programs. Allocations for youth began in April 2015, and we prepared for this eventuality by having a strong state plan linked internally and externally to local Consortiums, Consortium Youth Councils, local workforce boards, and local education

agencies. Currently, there are comprehensive MOU's which exist between these local organizations covering everything between youth service model maps and employment pathways, to multi-county roles and responsibilities for fiduciary and program integrity.

Our statewide monitoring manual, which these agencies localize for their monitoring purposes, has an entire chapter devoted to audit questions and requirements, including that the fourteen (14) youth program elements must be actively available and carried out by vendors selected by competitive procurement. Workforce Services Guidance- Youth Program Service Design, makes it clear that functional organization, and service delivery and customer flow are conducive to prompt enrollment, whether in AEFLA, RSA, SNAP, or public higher education, regular case management in accordance with youth individual service strategies, and eventual achievement of post-secondary opportunities and employment.

In alignment with the Governor's Conservative Fiscal Leadership Goal, TDLWD partners with other agencies to eliminate duplication and also to leverage dollars to provide more opportunities to existing youth participants and the emerging workforce. Services to eligible youth are delivered through a network of approved youth providers. LWDAs competitively procure independent contractors to deliver youth services in alignment with WIOA Section 129(c)(2). As a part of the procuring process, local areas are encouraged to review and assess all contractors' capacity and experience in providing the necessary services for the 14 program elements. Evaluation criteria and awarding of contracts is not limited to but must specifically include the provider's ability to track participation activities, progress towards success goals and attainment of employment, to name a few. Use of the Jobs4TN system is essential for both provider and participant success in effectively implementing WIOA standards for the 14 program elements.

Evaluation of the delivery of the 14 program elements is a function of regular reviews of performance outcomes and changes done quarterly by TDLWD staff. This assessment includes an examination of extract files and enrollment records within the VOS system.

Any discrepancies identified in performance outcomes that are greater than 2% are flagged for further review and consultation with the applicable local area. This consultation includes a written explanation from the local area providing details on the inconsistencies in youth performance outcomes and potential strategies for changes and improvement. As a secondary measure of evaluation, the monitoring of priority of service populations, including youth, is carried out under the auspices of our WIOA monitoring guide. TDLWD's PAR monitoring group is currently using the guide to oversee compliance with the development of youth participant files to include an objective assessment and an individual service strategy that are both linked to case notes, activities, and providers in the VOS system. The User Guide for VOS provides all of the specific business rules regarding intake, enrollment and eligibility determination that determine case management for participants. Both state and local monitors are required, to monitor the effectiveness of each, and regularly report outcomes to the respective workforce boards. Our draft WFS Policy on *Certification* sets out teams of reviewers and observers at the onset of WIOA planning, both regional and local, who report back on youth program compliance and effectiveness with recommendations to certify or no.

Additional innovative programs or approaches to services are always welcomed and encouraged by youth service providers. Unique partnerships with local employers, integration of education/training activities in work experiences, and increased attainment of credentials all are indicators of administration and transformation of program elements by youth service providers. State and LWDA core and partner staff members are integral stakeholders in the overall achievement of youth participants across the state and the continued growth of the youth program. The following is a list of agencies and organizations that are currently meeting regularly to address cross-agency collaboration, planning and resource sharing as well as assisting in making available all 14 program elements to youth in Tennessee.

Youth Serving Agencies Snapshot of Activity

Department of Education	<ul style="list-style-type: none"> • Commissioner serves on the State Workforce Development Board • Pathways TN, State Planning Team - career pathways alignment • TDLWD staff participates in evaluating Lottery Education After School Program grants (LEAPS) targeting dropout prevention and increase in SAT/ACT exam • Partners with Special Education on the Tennessee Transition Leadership team
Human Services	<ul style="list-style-type: none"> • Provides expertise in serving youth with disabilities through its Vocational Rehabilitation Program and participates on the Tennessee Transition Leadership Team with community-based organizations and the Disability Rights Tennessee. Partner Agency in Youth Memorandum of Understanding Regarding Transition Services for Youth with Disabilities (Division of Rehabilitation Services)
Youth Transitions Advisory Council	Includes many of the same agencies already listed with strong ties to the foster-care system. Meets quarterly. Efforts are coordinated by the Tennessee Commission on Children and Youth
Department of Mental Health and Substance Abuse	It has also invited Career Center and previous Disability Navigator staff from local Career Centers to speak at town hall meetings and other outreach opportunities. Partner Agency in Youth Memorandum of Understanding Regarding Transition Services for Youth with Disabilities
Volunteer Tennessee	Provides oversight of AmeriCorps and service-learning programs to advance volunteerism and citizen services to solve community problems in the State. Meets quarterly.
Governor’s Subcabinet on Children	Part of Core Group Team for Childhood Poverty Initiative
Tennessee Department of Children’s Services	Youth Serving Agencies
Tennessee Commission on Children and Youth	Part of the strategic vision team and provides data related to at-risk youth. Serves on several LWDA boards and provides support for Tennessee Suicide. Prevention Network (TSPN) with an emphasis on teen suicide prevention. Part of Core Group Team. Responsible for coordinating and compiling the Resource Mapping report to analyze all State programs which provide services to youth. Coordinates grant applications among departments. Serves as lead for Youth Transitions Advisory Council. Provides administrative support for the Council on Children’s Mental Health, a statewide stakeholder group working to implement a more coordinated system of care for children’s mental health, including services to facilitate a successful transition to adulthood. Collects data for and publishes and disseminates an annual KIDS COUNT Data Book and The State of the Child in Tennessee report that includes county-by-county data on youth unemployment and other factors that impact the workforce.
Tennessee Council on Developmental	Partner Agency in Youth Memorandum of Understanding Regarding Transition Services for Youth with Disabilities

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

TDLWD has identified the following criterion for youth who “require additional assistance to enter or complete an educational program, or to secure and hold employment”:

IN-SCHOOL YOUTH

- Has poor attendance patterns in an educational program during the last 12 months
- Has been expelled from school within the last 12 calendar months
- Has been suspended from school at least within the last 12 calendar months
- Has below average grades
- Has been previously placed in out -of home care (foster care, group home or kinship care) for more than 6 months between the ages of 14-21
- Currently incarcerated parents (s), guardian

OUT-OF-SCHOOL YOUTH

- Has dropped out of a post-secondary educational program during the past 12 months
- Has a poor work history, to include no work history, or has been fired from a job in the last 6 calendar months;
- Has suspended from school at least within the last 12 calendar months; or
- Has below average grades; or;
- Has been previously placed in out -of home care (foster care, group home or kinship care) for more than 6 months between the ages of 14-21; or
- Currently incarcerated parents (s), guardian

5. Include the State definition, as defined in law, for not attending school and attending school as specified in WIOA Section 129(a)(1)(B)(i) and Section 129(a)(1)(C)(i). If State law does not define “not attending school” or

“attending school,” indicate that is the case and provide the state policy for determining whether a youth is attending or not attending school.

School - any secondary or post-secondary school as defined by the applicable State law (TCA 9-6-301 and 49-7-2001-2003) for secondary and postsecondary institutions (20 CFR 681.230). For purposes of WIOA, the Department does not consider providers of adult education under Title II of WIOA, YouthBuild programs, the Job Corps program, high school equivalency programs, or dropout re-engagement programs to be schools (20 CFR 681.230). In all cases except the one provided below, WIOA youth programs may consider a youth to be an OSY for purposes of WIOA youth program eligibility if he or she attend adult education provided under title II of WIOA, YouthBuild, Job Corps, high school equivalency programs, or dropout reengagement programs regardless of the funding source of those programs. Youth attending high school equivalency programs funded by the public K-12 school system who are classified by the school system as still enrolled in school are an exception: they are considered ISY.

Attending School - An individual is considered to be attending school if the individual is enrolled in a secondary or post-secondary school. Such schools include, but are not limited to: TCATs, community colleges, 4-year college/university, traditional K-12 public and private, and alternative (e.g., continuation, magnet, and charter) schools.

Not attending School - is an individual who is not attending a secondary or post-secondary school (WIOA Section 129[a][1J][BJ). An individual who is enrolled in adult education, Youth Build, or Job Corps is not considered to be attending school (Final Rule 681.230-32).

Alternative School - is a type of school designed to achieve grade-level (K12) standards and to meet student needs (Education Code EDC Section 58500). Examples of alternative schools include, but are not limited to: continuation, magnet, and charter schools. If the youth participant is attending an alternative school, at the time of enrollment, the participant is considered to be in-school.

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

The State will use the basic skills deficient definition contained in WIOA Section 3(5)(B).

4. SINGLE-AREA STATE REQUIREMENTS

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

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

Tennessee is not a single area State - this section does not apply.

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

e. Waiver Requests (optional)

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

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

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

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

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

6. Describes the processes used to:

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

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

TITLE I-B ASSURANCES

The State Plan must include assurances that:

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

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