WIOA Final Regulations & Immigrants
Questions & Answers from August 23, 2016
webinar

Q: Do the regs define what exit from the program means?
20 CFR 677.150(c) defines exit for all WIOA core programs, including Title II. Exit means that an individual has not received any services for 90 days and no future services are planned. Participants in Title II programs are considered to “exit” based on receipt on Title II services, regardless of whether they continue receiving or plan to receive services from other core programs. States may choose to utilize a common exit, but only for DOL programs.

Additionally, note that all core programs must now report on outcomes for participants each time they exit a program, even if they exit more than once in a program year. This is a change from the way Title II programs handled repeat exiters under WIA.

Q: Can you clarify how Title II programs will be reporting on Measurable Skill Gain?
Title II programs will report on Measurable Skill Gain via Educational Functioning Levels (EFLs) and attainment of a secondary school diploma or equivalent. See the Title II/Adult Education and Family Literacy Act NRS Reporting Tables, Table 4.

Q: What is an example of a cultural barrier?
The WIOA statute in Sec. 3(24)(I) merely lists “individuals facing substantial cultural barriers” as a subset within the definition of individuals with barriers to employment. However, looking at the WIOA Participant Individual Record Layout specifications, there are a few additional details about how “cultural barriers” are being defined under WIOA. See data entry instructions below.

Cultural Barriers

- Record 1 if the participant, at program entry, perceives him or herself as possessing attitudes, beliefs, customs or practices that influence a way of thinking, acting or working that may serve as a hindrance to employment.
- Record 0 if the participant does not meet the conditions described above.
- Record 9 if the participant did not self-identify.
Q: Is Title I just for out-of-school youth?
No, Title I includes Adult, Dislocated Worker, In-School Youth, and Out-of-School Youth programs.

Q: What are the barriers that explain the low number of Limited English Proficient individuals served in Title I job training programs? How can we help clients overcome these barriers?
There are a variety of potential explanations for the low numbers, including policy, programmatic, and logistical barriers. Advocates who want to help ensure that eligible immigrants have access to training opportunities can take steps such as: 1) reviewing and commenting on their local WIOA plan and its attention to immigrants as members of the local workforce and WIOA-eligible participants; 2) supporting the development and implementation of program models that are effective in serving immigrants, such as those profiled in NSC’s Upskilling the New American Workforce report; 3) advocating for professional development training for workforce system staff on key policy guidance related to immigrant eligibility for WIOA; and 4) advocating for the use of data to better understand potential bottlenecks faced by immigrants seeking to access job training.

Q: Do we know when the guidelines will be released by the government regarding sector partnerships and career pathways?
No, there is no specific timeline for release. To ensure that you learn about new policy guidance, sign up for NSC’s mailing list by clicking on “Join Our Mailing List” at www.nationalskillscoalition.org, and keep up to date with the Department of Labor’s WIOA-related advisories page and the Department of Education’s WIOA page.

Q: Can you provide a specific reference to the regulation that encourages non-Title II funds to support occupational training?
The discussion at 81 FR 55542 provides commentary from the Department of Education on this issue:

We appreciate commenters’ concerns for optimal efficiency in devoting resources to the development and provision of integrated education and training programs. We agree that whenever possible, appropriate WIOA core programs or other appropriate resources should be leveraged to maximize overall efficiency and impact of the publicly funded workforce development system. We acknowledge that reserving title II funds for the provision of adult education and literacy activities, including workforce preparation activities, and utilizing other sources of funding, as appropriate, to provide the workforce training component can extend the availability of much-needed adult education and literacy services. We also agree with commenters who suggested strong partnerships with title I programs and strongly encourage…
effective co-enrollment strategies between title II and title I training services in order to maximize resources when delivering integrated education and training. We note, however, that the Act does not provide us with the authority to restrict the source of funding for the workforce training component of integrated education and training, nor does it provide us with the authority to limit the amount of funds that can be used for occupational training.

Q: How do worker centers fit into WIOA?
Historically, worker centers have had relatively limited connections with the public workforce system. However, there are several potential avenues for connection that worker centers may wish to be aware of. First, WIOA Sec. 167 provides funding for services to migrant and seasonal farmworkers via the National Farmworker Jobs Program. Learn more about the agencies currently funded through this program via their national member organization, the Association of Farmworker Opportunity Programs.

Depending on their organizational capacity and demonstrated track record of effectiveness in providing adult education or workforce services, worker centers may be eligible to compete for WIOA funding at the state or local level. Those interested in learning more should contact their state agency for adult education (for Title II funding) or state or local workforce board (for Title I funding). Finally, some worker centers have successfully used private foundation funding to develop and implement innovative workforce models in collaboration with local community colleges. Examples include worker centers in Pasadena, CA, and Westchester County, NY, as well as other participants in the Building Community Partnerships to Serve Immigrant Workers program.

Q: How can Title II programs serve undocumented immigrants given WIOA requirements for reporting on participants’ employment outcomes?

The Departments of Labor and Education have indicated that they will issue additional guidance on how states may use “supplemental data” to demonstrate employment outcomes for participants who may not show up in the wage-record matching due to the lack of a Social Security Number or for any other reason. That guidance has not yet been released.

In addition, policy guidance issued by the Department of Labor in 2008 (TEGL 5-08) affirms that a participant who declines to provide a Social Security Number should not be denied WIOA services. Finally, final regulations are expected to be issued this fall on WIOA Sec. 188, dealing with nondiscrimination and equal opportunity provisions. These documents in combination should help to provide guidance to the field on this topic.