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OKLAHOMA EMPLOYMENT AND TRAINING ISSUANCE #14-2009

TO: WIA Board Staff

FROM: Richard J. Gilbertson, Director
Workforce Integrated Programs

DATE: June 10, 2009

SUBJECT: The American Recovery and Reinvestment Act of 2009 (Recovery Act) presents an opportunity for the State of Oklahoma to move a significant number of youth forward with the work experience and education needed to gain necessary skills to compete in the national and global economy.

PURPOSE: To provide direction regarding implementation of Workforce Investment Act (WIA) Youth Programs funded under the Recovery Act and to guide a strategic and significant investment in the future of youth.

BACKGROUND: Workforce Investment Act (WIA) of 1998; the American Recovery and Reinvestment Act of 2009; U.S. Dept. of Labor: Training and Employment Notice (TEN) 30-08, dated 3/4/2009; Training and Employment Guidance Letter (TEGL) 13-08, dated 3/6/2009; Training and Employment Guidance Letter (TEGL) 14-08, dated 03/18/2009.

MESSAGE: The Recovery Act is intended to preserve and create jobs, promote the nation's economic recovery, and assist those most impacted by the recession. The Recovery Act provides an opportunity for disconnected youth to reconnect through multiple pathways to education and training opportunities necessary to enter and advance in the workforce.

According to Training and Employment Guidance Letter (TEGL) 14-08, Recovery Act funds should be spent quickly and effectively. It is the intent of Congress and the Employment and Training Administration (ETA) that the majority of these funds be utilized within the first year of availability. Recovery Act funds must be spent concurrently with standard formula funds to greatly increase the capacity of the workforce system to serve workers in need. Both the Recovery Act and Conference Report language emphasize that employment and training funds should be spent on services and training. Supportive services should be available to support the needs of hard-to-serve populations. Service delivery strategies should be focused on innovative and effective approaches that both meet the demands of today's economy and result in an improved workforce system for tomorrow's global economy. **Costs associated with the planning and implementation of summer employment opportunities are allowable as of February 17, 2009, the date of passage of the Recovery Act.**

Eligibility:

For purposes of eligibility under the Recovery Act, the term “eligible youth” means an individual who is not less than age 14 or more than age 24, is a low-income individual, and is an individual who is:

1. Deficient in basic literacy skills;
2. A school dropout;
3. Homeless, runaway or foster child;
4. Pregnant or parenting;
5. An offender; and/or
6. An individual who requires additional assistance to complete an educational program, or to secure and hold employment

Five Percent Window:

Not more than five percent of youth participants in each Workforce Investment Area may be individuals who do not meet the minimum income criteria to be considered eligible youth, if those individuals fall within one or more of the following categories:

1. School dropouts;
2. Basic skills deficient;
3. Educational attainment that is one or more grade levels below the grade level appropriate to the age of the individual;
4. Pregnant or parenting youth;
5. Disability, including learning disability;
6. Homeless or runaway youth;
7. Offenders; and
8. Other eligible youth who face serious barriers to employment as identified by the Local Workforce Investment Board/Youth Council.

Focus on the Neediest Youth:

Consistent with the U.S. Department of Labor, Employment and Training Administration’s (ETA) strategic vision for the delivery of services under WIA (as stated in TEGL No. 28-05), ETA and the state of Oklahoma encourage Local Workforce Investment Boards (LWIBs) to focus services on the youth most in need including:

1. Out-of-school youth and those most at risk of dropping out;
2. Youth in and aging out of foster care;
3. Youth offenders and those at risk of court involvement;
4. Homeless and runaway youth;
5. Children of incarcerated parents;
6. Migrant youth;
7. Indian and Native American youth; and
8. Youth with disabilities.

Priority of Service for Veterans and Eligible Spouses:

Given the expanded age range to 24 under the WIA Youth Recovery Act, local service providers may encounter an increased volume of veterans who meet eligibility requirements. LWIBs must provide priority of services for veterans and eligible spouses pursuant to 20 CFR part 1010, the regulations implementing priority of service for veterans and eligible spouses in Department of Labor job training programs under the Jobs for Veterans Act Federal Register, Vol. 73, No. 245, p. 78132 on December 19, 2008.

Selective Service:

Selective Service registration is required of all males who reach 18 years of age on or after 1978. A youth applicant who meets this description must demonstrate proof of registration prior to enrollment. As with youth enrolled in the year round Title I Youth Program, males who turn 18 while participating in a summer employment work experience must obtain registration with the Selective Service.

Allowable Activities:

Any youth activities under WIA are allowable activities for the Recovery Act funds. The WIA requirement that local areas expend a minimum of 30 percent of funds on out-of-school youth also applies to the Recovery Act funds. LWIBs must ensure that a minimum of 30 percent of funds are being used for serving out-of-school youth.

The Congressional explanatory statement for the Recovery Act emphasizes that **“the conferees are particularly interested in these funds being used to create summer employment opportunities for youth.”** ETA and the state of Oklahoma strongly encourage states and LWIBs to use as much of these funds as possible to operate expanded summer youth employment opportunities during the summer of 2009, then provide as many youth as possible with high quality summer employment opportunities and work experience throughout the year. ETA and the state of Oklahoma are particularly interested in and encourage LWIBs to develop work experiences and other activities that expose youth to opportunities in “green” education and career pathways.

In addition to emphasizing summer employment as a major component of the funding, the Recovery Act includes two other significant changes to youth activities under WIA. First, The Recovery Act increases the age eligibility from 21 years old to 24 years old. Second, the Recovery Act designates the work readiness indicator as the only indicator to assess the effectiveness of summer employment.

Summer Employment:

For purposes of the Recovery Act funds, the period of “summer” is May 1st through September 30th. “Summer employment” may include any set of allowable WIA Youth services that occur during this period so long as it includes a work experience component.

Work experience for youth is defined under WIA Regulations at 20 CFR 664.460 as follows:

- (a) Work experiences are planned, structured learning experiences that take place in a workplace for a limited period of time. As provided in WIA section 1 29(c)(2)(D) and § 664.470, work experiences may be paid or unpaid.
- (b) Work experience workplaces may be in the private, for-profit sector; the non-profit sector; or the public sector.
- (c) Work experiences are designed to enable youth to gain exposure to the working world and its requirements. Work experiences are appropriate and desirable activities for many youth throughout the year. Work experiences should help youth acquire the personal attributes, knowledge, and skills needed to obtain a job and advance in employment. The purpose is to provide the youth participant with the opportunities for career exploration and skill development and is not to benefit the employer, although the employer may, in fact, benefit from the activities performed by the youth. Work experiences may be subsidized or unsubsidized and may include the following elements:

- (1) Instruction in employability skills or generic workplace skills such as those identified by the Secretary's Commission on Achieving Necessary Skills (SCANS);
 - (2) Exposure to various aspects of an industry;
 - (3) Progressively more complex tasks;
 - (4) Internships and job shadowing;
 - (5) The integration of basic academic skills into work activities;
 - (6) Supported work, work adjustment, and other transition activities;
 - (7) Entrepreneurship;
 - (8) Service learning;
 - (9) Paid and unpaid community service; and
 - (10) Other elements designed to achieve the goals of work experiences.
- (d) In most cases, on-the-job training is not an appropriate work experience activity for youth participants under age 18. Local program operators may choose, however, to use this service strategy for eligible youth when it is appropriate based on the needs identified by the objective assessment of an individual youth participant (WIA sec. 129(c)(2)(D)).

In order to implement the Congressional intent to offer expanded summer employment opportunities, **it may be necessary to provide additional flexibility for youth served with Recovery Act funds who participate in summer employment only.** LWIBs have program design flexibility in the following areas that may facilitate the implementation of expanded summer employment:

- Although LWIBs have the flexibility to determine which 10 program elements they will provide, a work experience **must** be included for the summer months only.
- LWIBs should provide follow-up services **when deemed appropriate** for youth served during the summer months only.
- LWIBs must develop policy/procedures for summer youth employment Individual Service Strategies (ISS) following the minimum guidelines contained in the **Work Readiness Summer Youth Employment ISS Oklahoma Employment and Training Issuance (OETI) 08-2009.**
- OESC strongly encourages LWIBs to link academic learning to work experience for those youth who do not have a high school diploma or GED.
- **The work readiness portion of the skill attainment rate will be the only performance indicator used for youth that participate in summer employment only.** The basic and occupational skills portions of the skill attainment rate and the literacy/numeracy gains measure will not be required for youth that participate in summer employment only. In addition, no other WIA or common measure indicator is required for youth in summer employment only. **For reporting purposes, local areas must document in Oklahoma Service Link (OSL) – one of two services for all youth participating in ARRA funded work experience: 1) ARRA/Summer Employment or 2) ARRA/Extended Work Experience; and set the Work Readiness Goal in OSL as defined and explained in the Work Readiness Summer Youth Employment Individual Service Strategy (ISS) Oklahoma Employment and**

Training Issuance (OETI) 08-2009. The information captured from OSL will be used to report a completion rate for those in summer employment. The rate is the number of youth who complete the summer employment activity (numerator) divided by the number of youth who participate in summer employment (denominator). Summer employment work experiences should have predetermined start and end dates. (For example, many programs run six or eight week summer employment opportunities.) This indicator is intended to measure the percentage of participants who complete the entire summer work experience without dropping out prior to the planned end date.

In addition to the completion rate, the Work Readiness Attainment Rate will also be reported on. The guidelines are as follows:

1. Defined as the percentage of participants in summer employment who attain a Work Readiness Skill Goal
2. Numerator, denominator, and rate are reported
3. Participants have until the end of their summer work experience to attain the goal. (All applicable participants should be reported in this measure in the report ending September 30.)
4. When setting the work readiness goal, LWIBs must follow the definition for a work readiness skill goal as specified in OETI 08-2009 Work Readiness Summer Youth Employment Individual Service Strategy (ISS).
5. The same instrument(s) must be utilized for post-testing that is used for pre-testing.

The reporting requirements for both the Completion Rate and the Work Readiness Skill Attainment Rate strive to keep the additional reporting burden to a minimum, while ensuring that sufficient information is reported showing stakeholders the impact of the Recovery Act.

- For youth in the summer work experience, LWIBs may provide wages or stipends per the following guidelines: 1) wages must be paid for employment and 2) stipends may be provided to youth in a classroom based component of a summer employment opportunity. LWIBs must have a policy regarding the payment of stipends. If you have questions regarding wages contact the Wage and Hour division at 1-888-269-5353 or at [http://www.ok.gov/odol/Wage and Hour/index.html](http://www.ok.gov/odol/Wage%20and%20Hour/index.html).

Worksite Development:

LWIBs should seek employers that are committed to helping participants receive the experience and training required to meet the work readiness goal, and that are flexible in working with youth that may have barriers to employment. ETA and the state of Oklahoma recommend selecting employers that are willing to work closely with program staff. It is critical that local areas ensure proper worksite supervision in cooperation with both worksite supervisors and program monitors.

LWIBs must adhere to current workplace safety guidelines and applicable federal/state wage laws. For information and resources on safety and child labor laws, consult <http://www.youthrules.dol.gov/about.htm> and <http://www.osha.gov/teens>. Provisions for wages under the amendments to the Fair Labor Standards Act (FLSA) apply to all youth participants employed under WIA. If you have questions regarding wages contact the

Wage and Hour division at 1-888-269-5353 or at [http://www.ok.gov/odol/Wage and Hour/index.html](http://www.ok.gov/odol/Wage%20and%20Hour/index.html).

LWIBs should consider a combination of public sector, private sector, and non-profit summer employment opportunities. This may also include project-based community service learning opportunities not conducted at an employer worksite.

Attention should be given to ensure that work experience arrangements do not unfavorably impact current employees and do not impair existing contracts for services or collective bargaining agreements. **In addition, youth enrolled in a summer work experience must not replace the work of employees who have experienced layoffs (see 20 CFR 667.270 for non-displacement requirements). The Department of Labor strongly encourages the state of Oklahoma and local areas not to place youth at worksites where there have been current layoffs. The state of Oklahoma defines current layoffs as “layoffs occurring within the last 120 days.” LWIBs must not place youth in a summer employment or work experience at worksites in companies that have had layoffs within the past 120 days. The state of Oklahoma strongly encourages local areas to use caution and professional discretion when placing youth at worksites where layoffs occurred outside the 120 day timeframe.** Youth summer employment is a work experience intended to increase work readiness skills of participants and not impact the profit margin of a for-profit company or replace workers that have been laid off.

Section 1604 of Division A of the Recovery Act states, “none of the funds appropriated or otherwise made available in this Act may be used by any state or local government, or any private entity, for any **casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.**” **Therefore, LWIBs must not use Recovery Act funds to place youth in summer employment or work experience in any of these facilities.**

Program Design Considerations:

Because all 10 youth program elements are already available through existing WIA Youth funds, local areas will not be required to use Recovery Act funds for all 10 program elements. LWIBs have the flexibility to determine which program elements to focus on with Recovery Act funds; however **for youth enrolled in summer youth employment opportunities only a work experience component must be included.** When considering expanded summer employment opportunities, LWIBs should consider the following design elements:

- **Objective Assessment and Individual Service Strategies**

LWIBs have the flexibility to determine the appropriate type of objective assessment for youth served with Recovery Act funds for the summer months only. A full objective assessment as required in the WIA regulations is not required for youth served only during the summer months. The state has provided a Work Readiness Summer Youth Employment ISS containing minimum standards relating to policy development that must be followed for summer employment. The Work Readiness Summer Youth Employment ISS requires the assessment of work readiness skills exclusively. **Upon transition of summer employment only participants into any of the year round programs, basic and occupational skill levels must also be assessed and a comprehensive ISS/Individual Employment Plan (IEP) must be developed according to existing policies and procedures.**

- **Age-Appropriate Activities and Work Readiness Goals**

The services provided to youth participants and the work readiness goal set for these individuals should be age-appropriate. Summer employment activities should be designed to encourage participants to take responsibility for their learning, to understand and manage their career options, and to develop social skills and a maturity level that will help them interact positively with others. This is especially true for at-risk students and high school dropouts, as summer employment may be one of the few opportunities they come across to learn how to enter the world of work. Efforts should rely on age and stages of development, as what is appropriate for a 24 year-old may not be appropriate for a younger youth.

- **Work Readiness Skills Goal**

When setting work readiness goals, local areas should follow the **Work Readiness Summer Youth Employment Individual Service Strategy (ISS) Oklahoma Employment and Training Issuance (OETI) 08-2009**. The Work Readiness definition follows:

Work Readiness Goal components

- **Career Development Skills** – Include skills such as labor market knowledge, occupational information and personal understanding, career planning and decision making.
- **Pre-Employment Skills** – Include skills such as job search techniques (resumes, interviews, applications, etc.).
- **Survival/Daily Living Skills** - For the purpose of this model, this category uses daily living skills that are job related, such as perseverance, staying organized, etc.
- **Job Retention Skills** – Includes skills such as positive work habits, attitudes, and behaviors such as punctuality, regular attendance, presenting a neat appearance, getting along and working well with others, exhibiting good conduct, following instructions and completing tasks, accepting constructive criticism from supervisors and co-workers, showing initiative and reliability, and assuming the responsibilities involved in maintaining a job. This category also entails developing motivation and adaptability, obtaining effective coping and problem-solving skills, and acquiring an improved self image.

The key part of the definition is the need for local areas to determine whether a measurable increase in work readiness skills has occurred. LWIBs must establish a methodology for determining work readiness skills upon beginning and completing the summer experience in order to determine whether a measurable increase has occurred. Although local areas are not required to use a specific assessment instrument to determine pre- and post-work readiness skills, LWIBs must develop or direct service providers in the development of procedures utilizing a variety of assessment tools including worksite supervisor evaluations, work readiness skill checklists administered by program staff, portfolio assessments, and any other relevant forms of assessing work readiness skills.

Successful attainment of the Summer Work Readiness Goal must be documented in Oklahoma Service Link (OSL) and include the attainment of the Career

Development Skills component of the work readiness definition identified during the planning process of the Summer Youth Employment ISS in addition to completion of the Job Retention Skills component (work experience). LWIBs are strongly encouraged to include all Work Readiness Goal components.

- **Meaningful Work Experience**

Work experience is the core component of a summer employment program. LWIBs must ensure that participating worksites introduce and reinforce the rigors, demands, rewards, and sanctions associated with holding a job. LWIBs should make an effort to match worksites with participant’s interests and goals when possible. Pre-apprenticeship programs are an effective way of training youth for registered apprenticeship programs and can be a valuable component of summer employment opportunities for youth.

To succeed in the workplace, today’s jobseekers and current employees should be able to build relationships with peers, managers, and customers. Consequently, work experience provided to summer employment participants should be structured to impart measurable communications, interpersonal, decision-making, and learning skills. **LWIBs must provide a pre-employment orientation to further emphasize the meaningfulness of work experience and to help prepare youth for successful outcomes.**

- **Incorporating Green Work Experiences**

Opportunities for skilled workers in the fields of solar, geothermal, wind power design, and the use of environmentally-friendly building materials will mean increased job opportunities for young people who have had exposure to work experiences that equip them with the appropriate “green” knowledge. LWIBs can identify regional and local environmental resources, businesses, and pre-apprenticeship programs promoting “green” jobs and products to provide youth summer work experiences that prepare them to compete in a “green” economy. Conservation and sustainability efforts representing existing green work can be used to provide training and work opportunities in areas such as the retrofitting of public buildings, construction of energy-efficient affordable public housing, solar panel installation, reclaiming of public park areas, or the recycling of computers. Mapping “green” educational and career pathways – both short term and long term – is an excellent way to provide youth opportunities to align their skills with those required by the “green” industries and prepare them for entry into registered apprenticeship or technical training. As a part of mapping these pathways, local areas can work with community colleges to ascertain how training opportunities and coursework are being infused with “green” components. Developing a jobs directory that details the community’s “green” industries is another possible way youth can learn more about “green” career opportunities.

- **Connection to Registered Apprenticeship**

Registered apprenticeship programs represent collaborative partnerships with schools, employers, labor organizations, community groups, and state apprenticeship offices. In order to better tap into the older, out-of-school pipeline of youth, an increasing number of employers are encouraging workforce professionals to assist with developing and implementing “pre-apprenticeship” training programs. Pre-apprenticeship programs represent a hands-on training experience providing an introduction to the skills and

knowledge needed in a potential career field and preparing young adults to be eligible for formal apprenticeship programs. Summer employment opportunities can include these introductory programs and combine basic technical skills training in the classroom with experience on the worksite or through a work experience or internship. Local areas are encouraged to expand work experience opportunities to registered apprenticeships offered by employers in the information technology, health care, and financial service sectors.

- **Integration of Work-Based and Classroom-Based Learning Activities**

In some situations, LWIBs may want to complement work experience with classroom-based learning so that the youth are provided with assistance in developing and refining attitudes, values, and work habits which will contribute to their success in the workplace. For some youth, a combination of work-based and classroom-based learning activities may be warranted to provide basic skills instruction, career exploration and life skills training. In these situations, classrooms may be transformed into interactive, work-related environments to complement the work experience activities.

- **Academic and Occupational Linkages**

Under WIA regulations at 20 CFR 644.600, LWIBs are required to offer summer youth employment opportunities that link academic and occupational learning. Rather than requiring a link to academic and occupational learning for **all** summer youth participants, LWIBs have the flexibility to determine for **some** youth participants whether academic learning must be directly linked to a summer employment opportunity. LWIBs may choose to have a direct link between summer employment and academic learning when deemed appropriate for individuals **other than Out of School youth who do not have a high school diploma or GED.**

All Out of School youth who do not have a high school diploma or GED will be required by the State to participate in an academic activity. Of the out of school youth that are required to participate in an academic activity, the state recommends that at least 20% of their time will be spent in an academic activity, whether it is GED training or occupational-relevant curriculum designed to teach relevant theory and skills. Academic activity may include soft skills instruction, work readiness, occupational skills, or academic curriculum. The training should, where possible, include occupational information on the region's targeted industry sectors and a component on green technologies.

NOTE: Those Out of School youth without a high school diploma or GED who began work experience components beginning June 1, 2009 are required to participate in an academic activity as mentioned above.

- **Continued Services Supporting Older/Out-of-School Youth During Non-Summer Months**

Out-of-school youth, ages 16 to 24, have among the highest rates of unemployment and their future labor market prospects are poor given the lack of education and work experience. OESC encourages LWIBs to develop strategies to engage this population. For older and out-of-school youth who are not returning to school following the summer months, LWIBs should consider work experience and other appropriate activities beyond

the summer months including training opportunities and reconnecting to academic opportunities through multiple education pathways. Additionally, LWIBs may consider transitional job models that combine short-term subsidized work experience with support services and career counseling. LWIBs may also consider co-enrolling such youth in adult training services, particularly youth ages 22 to 24.

Older youth who participate in non-summer work experience only and who may also receive supportive services enabling continued participation in that work experience from the end of summer (September 30, 2009) through March 31, 2010 will only be counted in the work readiness measure.

For older and out-of-school youth transitioning to the workplace following work experiences, the Work Opportunity Tax Credit (WOTC) may be promoted as an incentive for employers to hire disconnected youth. The Recovery Act expands the WOTC to disconnected youth ages 16 to 24 who are not regularly attending school, not readily employed, and lacking basic skills. **For resources and contact information regarding WOTC and the Recovery Act visit <http://www.oesc.state.ok.us/WIP/WOTC.shtm>.**

Follow-Up:

Follow-up services are one of the 10 required youth program elements as indicated in 20 CFR 664.410(a)(9). A minimum of 12 months of follow-up services are generally required to be provided to participants. Given that summer employment programs usually run for six to eight weeks, LWIBs have the flexibility to determine if and when the 12-month follow-up requirement will be necessary for youth served with Recovery Act funds during the summer months only (May 1 to September 30). LWIBs should provide follow-up services when deemed appropriate.

ADDITIONAL RESOURCES: Technical assistance and resources related to Recovery Act implementation can be accessed directly at economicrecovery.workforce3one.org. or <http://www.dol.gov/recovery/>.

ACTION REQUIRED: Distribute copies of this issuance to staff as appropriate. This is official State policy and should be kept in your permanent policy issuance file.

INQUIRIES: If you have any questions pertaining to this issuance, please contact Kim Braddy at 405-557-5328, kim.braddy@oesc.state.ok.us or Tami Decker at 405-962-7595, tdecker@oesc.state.ok.us.