Instructions, Definitions, and Resources for Participant File Reviews

**Instructions**

* A webinar “New Youth Program Eligibility Fields in OSOS – Make your Work Count!” was presented on 06/21/2017, by the Youth Program Office. This webinar and the materials available on the NYSDOL webpage should be reviewed prior to beginning the participant file review. The webinar materials can be found by navigating to the NYSDOL webpage, [Programs & Tools](https://labor.ny.gov/workforcenypartners/tools.shtm) page and clicking on Youth, and then Youth Webinars.
* Using the [OSOS Management Reports](http://10.64.106.121:8055/reportsite/index.jsp), choose a sample of youth participants for the participant file review. The sample needs to include in and out-of-school youth if services were provided to both populations during your review period.
  + One method to determine your sample is explained below -
    - Determine total number of youth served during review period using the *Youth School Status/Participants* Report.
    - On the *Youth School Status/Participants* Report, select the program year being reviewed from the options on the top of the report.
    - Select the LWDA being reviewed.
    - The report that is generated includes all youth who were active, received at least 1 service, during the selected PY.
    - The data can be exported to Excel for further sorting.
  + Using the list of participants, determine the number of ISY and OSY to include in your review. The sample size should be 10%; or a maximum of 10 youth per County or Borough, for each ISY and OSY. A larger sample may be used if reviewer finds significant errors, or if area has numerous contractors determining program eligibility. Discuss with your supervisor, if needed, to determine appropriate sample size.
* Prior to the on-site review, using OSOS fill in the OSOS part of the ISY and OSY Participant Review sheets (Attachments A and B).
  + The review of individual participants will include:
    - Verify Eligibility and any required supporting documentation
    - Verify DEV and any required supporting documentation
    - Review Objective Assessment
    - Review ISS and verify:
    - Verify follow up is being conducted, including interviewing staff
    - Verify Supporting Documentation for Outcomes recorded, for example certifications such as CNA, CDLA, or ABE Test(s) showing EFL increase for a Measurable Skills Gain, or pay stubs for entered employed.
* During the on-site review, complete the ISY and OSY Participant Review sheets using available source documents maintained by the local board or contractor. Determine if youth are eligible and if all necessary data elements are properly documented. Use TA 11-12.2, or current guidance, to determine if the documentation meets NYSDOL standards.

**Definitions**

* **Basic Skills Deficient** ([CFR §681.290](https://www.gpo.gov/fdsys/pkg/CFR-2017-title20-vol4/pdf/CFR-2017-title20-vol4-part681.pdf)) is defined as a youth who:
  + Have English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or
  + 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.
  + In assessing basic skills, local programs must use assessment instruments that are valid and appropriate for the target population, and must provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities.

**Note:** [CFR §681.290(b)](https://www.gpo.gov/fdsys/pkg/CFR-2017-title20-vol4/pdf/CFR-2017-title20-vol4-part681.pdf)requires that the LWDB must establish a policy regarding “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”

* **Disability**
  + Defined at [29 CFR 37.4](https://www.gpo.gov/fdsys/pkg/CFR-2011-title29-vol1/pdf/CFR-2011-title29-vol1-sec37-4.pdf), Disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.
  + See also, [20 CFR §675.300](https://www.gpo.gov/fdsys/pkg/CFR-2017-title20-vol4/pdf/CFR-2017-title20-vol4-sec675-300.pdf)
* **English Language Learner**, defined in [TEGL 21-16](https://wdr.doleta.gov/directives/corr_doc.cfm?docn=7159), is a participant who has limited ability in speaking, reading, writing or understanding the English language and (a) whose native language is a language other than English, or (b) who lives in a family or community environment where a language other than English is the dominant language.
* **Enrolled under 5% income exception** ([CFR §681.250(c)](https://www.gpo.gov/fdsys/pkg/CFR-2017-title20-vol4/pdf/CFR-2017-title20-vol4-sec675-300.pdf))
  + WIOA allows a low-income exception where five percent of WIOA youth may be participants who ordinarily would be required to be low-income for eligibility purposes and meet all other eligibility criteria for WIOA youth except the low-income criteria. A program must calculate the five percent based on the percent of newly enrolled youth in the local area’s WIOA youth program in a given program year who would ordinarily be required to meet the low-income criteria.
  + The 5% income exception can be tracked using the OSOS Management Reports.
* **Family** – Defined in [20 CFR §675.300](https://www.gpo.gov/fdsys/pkg/CFR-2017-title20-vol4/pdf/CFR-2017-title20-vol4-sec675-300.pdf) as: two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

(1) A married couple and dependent children;

(2) A parent or guardian and dependent children; or

(3) A married couple.

* In **Foster Care** or has aged out of the foster care system -
  + A child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out of-home placement—e.g. group home residence, kinship care, residential treatment care

<http://www.ssa.gov/OP_Home/ssact/title04/0477.htm>

Sec. 477 of the Social Security Act covers individuals served under the John H. Chafee Foster Care Independence Program

* **High Poverty Area** – Defined by [20 CFR §681.260](https://www.gpo.gov/fdsys/pkg/CFR-2017-title20-vol4/pdf/CFR-2017-title20-vol4-part681.pdf) is a Census tract, a set of contiguous Census tracts, an American Indian Reservation, Oklahoma Tribal Statistical Area (as defined by the U.S. Census Bureau), Alaska Native Village Statistical Area or Alaska Native Regional Corporation Area, Native Hawaiian Homeland Area, or other tribal land as defined by the Secretary in guidance or county that has a poverty rate of at least 25 percent as set every 5 years using the [American Community Survey 5-Year data](https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml).

[TEGL 19-16, Attachment 2](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_21-16_Attachment_2.pdf), provides instructions for using census data to determine high-poverty geographical areas.

* **Homeless** **Individual**
  + defined in section 41403(6) of the [Violence Against Women Act of 1994](https://www.gpo.gov/fdsys/pkg/USCODE-2014-title42/pdf/USCODE-2014-title42-chap136-subchapIII-partM-subpart1-sec14043e-2.pdf) (42 U.S.C. 14043e–2(6))

the terms ‘‘homeless’’, ‘‘homeless individual’’, and ‘‘homeless person’’—

(A) mean an individual who lacks a fixed, regular, and adequate nighttime residence; and

(B) includes—

(i) an individual who—

(I) is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

(II) is living in a motel, hotel, trailer park, or campground due to the lack of

alternative adequate accommodations;

(III) is living in an emergency or transitional shelter;

(IV) is abandoned in a hospital; or

(V) is awaiting foster care placement;

(ii) an individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or

(iii) migratory children (as defined in section 6399 of title 20) who qualify as homeless under this section because the children are living in circumstances described in this paragraph.

* + A homeless child or youth (as defined in section 725(2) of the [McKinney-Vento Homeless Assistance Act](https://www2.ed.gov/policy/elsec/leg/esea02/pg116.html?exp=6)

The term “homeless children and youths”—

(A) means individuals who lack a fixed, regular, and adequate nighttime residence; and

(B) includes—

(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(iv) migratory children (as such term is defined in section 6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

* + Runaway youth" shall mean a person under the age of eighteen years who is absent from his legal residence without the consent of his parent, legal guardian or custodian. ([NYS Executive Law Article 19-H § 532 a.1](http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:))
* **Low Income** – Defined in [WIOA Section 3(36)](https://www.gpo.gov/fdsys/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf); Special Rule for Youth at [Section 129(a)(2)](https://www.gpo.gov/fdsys/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf)
  + (A) IN GENERAL, the term ‘‘low-income individual’’ means an individual who—
    - (i) receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008, the program of block grants to States for temporary assistance for needy families’ program, or the supplemental security income program established under title XVI of the Social Security Act, or State or local income-based public assistance;
    - (ii) is in a family with total family income that does not exceed the higher of —
      * (I) the poverty line; or
      * (II) 70 percent of the lower living standard income level;
    - (iii) is a homeless individual (as defined above)
    - (iv) receives or is eligible to receive a free or reduced-price lunch
    - (v) is a foster child on behalf of whom State or local government payments are made; or
    - (vi) is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.
  + (B) LOWER LIVING STANDARD INCOME LEVEL. — The term ‘‘lower living standard income level’’ means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary.
  + Section 129(a)(2) expands the WIOA definition of low-income for youth to include youth living in a high-poverty area.

**Note**: Under WIOA, there is no exclusion of payments for unemployment compensation, child support payments, and old-age survivors’ insurance benefits from the income calculations for determining if an individual is low-income ([TEGL 19-16](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_19-16_acc.pdf), pg. 9); see also [TEGL 21-16](https://wdr.doleta.gov/directives/corr_doc.cfm?docn=7159)

* **Offender** 
  + Defined in [WIOA Section 3(38)](https://www.gpo.gov/fdsys/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf) - The term ‘‘offender’’ means an adult or juvenile—

(A) who is or has been subject to any stage of the criminal justice process, and for whom services under this Act may be beneficial; or

(B) who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

* + See also, [TEGL 21-16](https://wdr.doleta.gov/directives/corr_doc.cfm?docn=7159), [TA 11-12.2](https://labor.ny.gov/workforcenypartners/tas.shtm)
* **Pregnant or Parenting**
  + Defined in [TEGL 21-16](https://wdr.doleta.gov/directives/corr_doc.cfm?docn=7159) as an individual who is parenting can be a mother or father, custodial or non-custodial. A pregnant individual can only be the expectant mother.
* **Recognized Postsecondary Credential** [TEGL 10-16, Change 1](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_10-16-Change1_Acc.pdf) **–** 
  + A recognized postsecondary credential is defined as a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal government, or an associate or baccalaureate degree, as well as graduate degrees for purposes of the VR program as required by section 103(a)(5) of the Rehabilitation Act of 1973, as amended by title IV of WIOA. A recognized postsecondary credential is awarded in recognition of an individual’s attainment of measurable technical or industry/occupational skills necessary to obtain employment or advance within an industry/occupation. These technical or industry/occupational skills generally are based on standards developed or endorsed by employers or industry associations.
  + See also resources section below.
* **Requires (Needs) Additional Assistance** ([CFR §681.310](https://www.gpo.gov/fdsys/pkg/CFR-2017-title20-vol4/pdf/CFR-2017-title20-vol4-part681.pdf)) to complete an educational program or to secure and hold employment
  + Must be determined by LWDB policy and will likely differ from one Local Area to the next.
  + In each local area, not more than 5% of the ISY newly enrolled in a given program year may be eligible using this barrier ([CFR §681.310](https://www.gpo.gov/fdsys/pkg/CFR-2017-title20-vol4/pdf/CFR-2017-title20-vol4-part681.pdf)(b)).
* Resource Mapping (CFR §681.[400](https://www.gpo.gov/fdsys/pkg/CFR-2017-title20-vol4/pdf/CFR-2017-title20-vol4-part681.pdf)(b)(2) & 681.470)
  + Resource mapping is the process of reviewing agencies within the local community to determine if these agencies are providing compatible WIOA youth program elements. LWDBs should explore developing MOAs with these agencies to leverage WIOA funds. Additional information on resource mapping can be found here: [The National Center on Secondary Education and Transition](http://www.ncset.org/publications/essentialtools/mapping/overview.asp)

**Resources**

**Federal Resources**

* [WorkforceGPS](https://www.workforcegps.org/) **–** 
  + Website sponsored by the US Department of Labor’s Employment and Training Administration (DOLETA) which includes recorded web-based trainings and reference materials.
* **WIOA Legislation**
  + [WIOA Law](https://www.gpo.gov/fdsys/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf)
  + [WIOA 20 CFR Parts 676, 677 and 678](https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15977.pdf)
    - §676 – Unified & Combined State Plans Under Title I of WIOA
    - §677 – Performance Accountability Under Title I of WIOA
    - §678 – Description of the One-Stop Delivery System Under Title I of WIOA
  + [WIOA 20 CFR Parts 679, 680, 681, 682, 683](https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15975.pdf)
    - §679 – Statewide & Local Governance of the Workforce Development System under Title I of WIOA
    - §680 – Adult & Dislocated Worker Activities under Title I of WIOA
    - §681 – Youth Activities under Title I of WIOA
    - §682 – Statewide Activities under Title I of WIOA
    - §683 – Administrative Provisions under Title I of WIOA
* **Training and Employment Guidance Letter’s (TEGL)**
  + **DOLETA all WIOA related advisories -** <https://wdr.doleta.gov/directives/All_WIOA_Related_Advisories.cfm>
  + [TEGL 21-16 WIOA Title I Youth Formula Program Guidance](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_21-16_Acc.pdf) (8/23/17)
    - Eligibility (pg. 2)
    - Program Design, including Objective Assessment (pg. 7)
    - Incentives (pg. 9)
    - Competitive Procurement (pg. 11)
    - Program Elements (pg. 12)
  + [TEGL 10-16 Change 1 Performance Accountability Guidance for WIOA](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3255)
    - Youth Education & Employment Rate – 2nd Quarter After Exit (pg. 9)
    - Youth Education & Employment Rate – 4th Quarter After Exit (pg. 10)
    - Median Earnings – 2nd Quarter After Exit (pg. 11)
    - Credential Attainment (pg. 12)
      * [CareerOneStop Credentials Center](https://www.careeronestop.org/Credentials/Toolkit/toolkit.aspx)
    - Measurable Skills Gains (pg. 18)
      * For EFL See TEGL 17-05 Change 2, [Attachment A](https://wdr.doleta.gov/directives/attach/TEGL17-05c2a1.pdf)
    - Categories of Enrollment – Reportable Individual, Participant & Date of Program Exit (pg. 30)
  + [TEGL 33-12](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_33_12_Acc.pdf) WIA Youth Program Guidance for Program Year (PY) 2013 (6/11/13)
    - Though dated, this TEGL remains active and provides guidance on:
      * ISS (pg. 3)
      * Case File Maintenance (pg. 5)
      * Service Providers & Measurable Contract Goals (pg. 8)
  + [TEGL 39-11](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_39_11_Acc.pdf) Guidance on the Handling and Protection of Personally Identifiable Information (PII)
  + The WIA Youth Program RFP Guide – see addendum 1

**NYSDOL Resources**

**NYSDOL Youth Unit** **Email-** [labor.sm.DEWS.YouthPortal@labor.ny.gov](mailto:labor.sm.DEWS.YouthPortal@labor.ny.gov)

* [WIOA Title I Youth Program Eligibility](https://www.labor.ny.gov/youth/PDFs/wioa-youth-eligibility.pdf)
* [14 Service Elements of WIOA Title I Youth Program](https://www.labor.ny.gov/youth/PDFs/wioa-youth-service-elements.pdf)
* Youth Unit Webinars – (new presentations posted on NYSDOL webpage)
  + [OSOS Tips & Tricks for Youth Program Data Entry](https://www.labor.ny.gov/youth/PDFs/osos-tips-youth-webinar-presentation.pdf)
  + [The LMI Element is More Than Occupational Information](https://www.labor.ny.gov/youth/PDFs/lmi-element-youth-webinar-presentation.pdf)
  + [Insights into the WIOA Follow-Up Element](https://www.labor.ny.gov/youth/PDFs/followup-element-youth-webinar-presentation.pdf)
  + [Youth Service Types and Outcomes](https://labor.ny.gov/workforcenypartners/osos/Service-Types-and-Outcomes-Youth-Webinar.pdf)

**NYESS/OSOS Guides** (Youth)

* [OSOS Service Categories and Types](https://labor.ny.gov/workforcenypartners/PDFs/youth-OSOS-service-categories-types.pdf)
* [Youth Programs: OSOS Data Entry Eligibility Guide](https://labor.ny.gov/workforcenypartners/osos/youth-ig.html) (2018)
* [Attainment of Degree or Certification OSOS Guide](https://labor.ny.gov/workforcenypartners/osos/osos-guide-degree-cert-attainment.pdf)
* [Placement in Employment or Education OSOS Guide](https://labor.ny.gov/workforcenypartners/osos/osos-guide-youth-placement.pdf)
* [Provider Search and Documenting Services to Youth Program Customers](https://labor.ny.gov/workforcenypartners/osos/Provider-Search-and-Documenting-Services-to-Youth-Program-Customers.pdf)

**NYESS/OSOS How-to Guides**

* [Comprehensive Assessment OSOS Guide](https://labor.ny.gov/workforcenypartners/osos/Comprehensive-Assessment-OSOS-Guide-2017.pdf) (2017)

**Technical Advisories** (TA)

* [TA 16-2](https://labor.ny.gov/workforcenypartners/ta/ta-16-2-record-retention.pdf) Retention of Records by Local Workforce Development Boards
* [TA 16-1](https://labor.ny.gov/workforcenypartners/ta/ta-16-1-poverty-income-and-llsil-guidelines.pdf) Poverty Guidelines (Current tables can be found on the NYSDOL website under *Income Eligibility Guidelines* on the [Programs and Tools page](https://labor.ny.gov/workforcenypartners/tools.shtm).)
  + [LLSIL Guidelines 2017 by County](https://labor.ny.gov/workforcenypartners/ta/70-percent-llsi-2017-county.pdf)
  + [LLSIL Guidelines 2017 by LWDA](https://labor.ny.gov/workforcenypartners/ta/70-percent-llsi-2017-lwia.pdf)
  + [Poverty Guidelines 2018](https://labor.ny.gov/workforcenypartners/ta/poverty-guidelines-2018.pdf)
* [TA 12-9.1](https://labor.ny.gov/workforcenypartners/ta/TA12-9-1-Selective-Service.pdf) Selective Service Registration Requirements under WIOA
  + [Selective Service System](https://www.sss.gov/Home/Verification) – Registration Verification
* [TA 09-2.1](https://labor.ny.gov/workforcenypartners/ta/TA09-2-1-ITA-Approval-Policy.pdf) Individual Training Account (ITA) Approval Policy
* [TA 11-12.2](https://labor.ny.gov/workforcenypartners/ta/TA11-12.2.pdf) Data Element Validation for the WIA, Wagner-Peyser, Veterans Employment and Training Service and TAA/TGAA Programs
  + [Attachment C](https://labor.ny.gov/workforcenypartners/ta/TA11-12AttC.pdf) – WIA Youth Program Eligibility Handbook
  + [Attachment D](https://labor.ny.gov/workforcenypartners/ta/TA11-12.2AttD.pdf) – Data Element Validation Handbook – WIA Youth Program
* [TA 14-10](https://labor.ny.gov/workforcenypartners/ta/ta14-10-WIAAgreements.pdf) Memorandums of Understanding and Other Related Agreements
* [TA 06-16.2](https://labor.ny.gov/workforcenypartners/ta/ta06-16-2-ServiceDefinitionsandDataEntryProcedures.pdf) L1 and L2 Service Definitions and Data Entry Procedures
  + [Attachment 4](https://labor.ny.gov/workforcenypartners/ta/ta06-16-2-Level2ServiceDefinitionsandDataEntryProcedures.pdf) – Level 2 Service Definitions and Data Entry Procedures
* [TA 10-15.2](https://labor.ny.gov/workforcenypartners/ta/ta-10-15-2.pdf) Updated Local Workforce Investment Area On-the-Job Training Policy
* [TA 04-21](https://labor.ny.gov/workforcenypartners/ta/ta04-21.htm) WIA Work Experience Programs and Employer Liability for Unemployment Insurance Coverage
* [TA 04-19](https://labor.ny.gov/workforcenypartners/ta/ta-04-19.pdf) Technical Assistance and Clarifying Guidance Regarding Oversight and Monitoring Responsibilities for Chief Local Elected Officials and Local Workforce Investment Boards

**Credential Attainment**

* We occasionally receive requests from local area staff or program operators to provide guidance on if a specific credential can be reported as a positive outcome for the Credential Attainment measure. To provide consistent guidance on reportable credentials, these requests need to be submitted to the NYSDOL Youth Office using the email address above. Provide as much detail as possible, including links to training provider webpages if available.

Below is a list of credentials that are not reportable as a positive outcome in New York, this list is not all inclusive, discuss any questionable credentials found during your review with your supervisor –

* First Aid;
* CPR training;
* Occupational Safety and Health Administration 10-hour course (OSHA 10);
* Work or career readiness certificate, including the National Career Readiness Certification[[1]](#footnote-1);
* Completion of an assistive technology training program, such as screen reading software1;
* Completion of orientation and mobility training1;
* Certificates awarded by workforce development boards (WDBs) (TEGL 10-16, Change 1);
* Graduate degrees are not included in the definition of a recognized postsecondary credential. Therefore, graduate degrees do not count towards credential attainment (TEGL 10-16, Change 1);
* Certificates for general skills related to safety, hygiene, etc., even if such general skills certificates are broadly required to qualify for entry-level employment or advancement in employment (TEGL 10-16, Change 1).

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1. WorkforceGPS [WIOA Performance Accountability Guidance Overview](https://apprenticeship.workforcegps.org/events/2016/12/14/12/38/WIOA-Wednesday-WIOA-Performance-Accountability-Hot-Topics) webinar presented on January 11, 2017. [↑](#footnote-ref-1)