

Local Workforce Delivery System – PA CareerLink® Certification and Continuous Improvement

- I. **Purpose.** To provide guidance relating to the certification of Pennsylvania’s one-stop delivery system as required by the Workforce Innovation and Opportunity Act (WIOA). This guidance describes the criteria and process for PA CareerLink® center certification that is compliant with WIOA and complements the implementation of the local workforce delivery systems throughout the commonwealth.
- II. **References and Resources.** A list of the reference and resources used in the development of this policy can be found at *Appendix A*. Such resources provide additional information that may support implementation of this policy by the commonwealth’s workforce system stakeholders.
- III. **Definitions.** A list of definitions for terms used throughout this policy can be found at *Appendix B*.
- IV. **Background.** To be eligible to receive infrastructure funding as described in WIOA Sec. 121(h), local boards must assess the local one-stop delivery system at least once every three (3) years. Such an assessment must include the effectiveness, physical and programmatic accessibility in accordance with WIOA Sec. 188, if applicable, and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et. Seq.), service integration, and the continuous improvement of the local PA CareerLink® system and each center under its purview.
- V. **Summary of Required Actions.** Local boards must certify each Comprehensive PA CareerLink® center not later than December 31, 2017. Such certification must also include all sites and/or centers affiliated with each comprehensive center.
- VI. **Roles and Responsibilities.** This section outlines the key roles, responsibilities, and limitations of each of the following entities involved in the local PA CareerLink® service delivery system.
 - A. **Pennsylvania Workforce Development Board (PA WDB).** The PA WDB has established objective criteria and procedures for local boards to use when certifying its one-stop service delivery system/centers as described herein. The PA WDB will provide local board with technical assistance as necessary to fulfill the requirements described in the policy.
 - B. **Local Boards.** Local boards in collaboration with their chief elected officials and other local workforce system stakeholders must comply with both federal and state criteria in creating a local workforce delivery system that consists of at least one comprehensive PA CareerLink® center in the area that provides access to programs, services, and activities described in WIOA Section 121(e), and, that have co-located staff that provide Title III services consistent WIOA. The local board must:
 - Develop tailored local criteria and procedures to certify PA CareerLink® centers and affiliates and develop and engage in practices that promote and demonstrate continuous improvement;
 - Certify all comprehensive PA CareerLink® centers, affiliate sites and specialized centers; and
 - Develop criteria on which to evaluate the local workforce development system and a process in which to monitor system effectiveness and achievement of performance goals.
 - Develop a plan for continuous improvement and evaluate progress periodically

- Provide access to the data, information, and analysis described in Subsection 15(a) and all job search, placement, recruitment, and labor exchange services authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

In addition to those required responsibilities listed above, the board may:

- Enhance the one-stop service delivery system by establishing affiliated sites and/or specialized centers, as practicable, to meet specific needs of certain populations.
- Establish electronic means, in a manner that improves efficiency, to provide access to programs, services, and activities described in WIOA Section 121(e);

C. **Operator.** The operator is responsible for one-stop and delivery system functions in accordance with the contract established between the local board and the entity (or entities) serving as the operator for the local area. At a minimum the operator must assist the local board in carrying out the processes and procedures developed for PA CareerLink® certification.

VII. **Service Integration.** The foundation of WIOA principles include innovation and service integration. Program integration allows for a wider range of coordinated, streamlined services to both job-seeker and employer customers. The commonwealth encourages local boards to engage in new and inventive ways to provide all required services to customers.

Although all access to required partners' services must be made available through the local workforce delivery system, those partners are not required to be physically co-located; however, some required partner career services must be provided directly on-site. Some ways to meet the service requirements are:

- Required partner staff physically located at a PA CareerLink® center;
- Cross-trained staff members from other programs that are physically present in the center that have been appropriately trained to provide information to customers about the programs, services, and activities available through the non-co-located partner programs. For example:
 - Wagner-Peyser or Title I staff could be trained to assess eligibility for partner programs; and,
 - Can refer appropriate customers to partner programs for enrollment; or,
 - If adequately trained, may initiate the enrollment process on behalf of the partner program.

Note: Local boards must establish the method or means of providing access to partner programs and must document the method or means in their Memorandum of Understanding (MOU). Surrogate staff must document their time providing information or services for partner programs and charge their time to the appropriate programs. Charges must accurately reflect the work performed and be consistent with Federal cost principles in the Uniform Guidance at 2 CFR 200.430.

- Direct linkages to partner program staff who can provide meaningful information, made available through technology (web-based communication, telephonically) consistent with 20 CFR 678.305(d)

VIII. **Continuous Improvement.** Local boards are required to develop, implement, and systematically evaluate a continuous improvement plan for the local workforce delivery system that includes measurable benchmarks. Evaluation of continuous improvement must include how well the one-stop centers support the achievement of the negotiated local levels of performance for the indicators of performance. Additionally, the plan and subsequent evaluations must include staff development, cross-partner/program training and customer satisfaction, as well as any other measures the local boards deems appropriate. Local boards are highly encouraged to actively engage PA CareerLink® partner staff in the development and delivery of cross-partner training.

- IX. Outreach and Branding.** The workforce delivery system outreach and branding is a shared Department and local board responsibility. The PA CareerLink® logo in conjunction with the American Job Center Network logo will be used to ensure recognition of the statewide seamless workforce delivery system. All branding must be consistent with Workforce System Policy (WSP) No. 121-07, *Local Workforce Delivery System—Common Identifier for Pennsylvania’s One-Stop Delivery System*.
- X. Workforce System Communication Protocol.** To promote effective coordination of the delivery of workforce services, all communication regarding workforce system policy, directives and information will flow from the Department to the CEOs, Local Workforce Development Boards, state regional staff and PA CareerLink® Operators. The Operators must inform PA CareerLink® staff and site managers. Communications regarding partner program policy, directives and information will be conveyed from the respective program authority at the state level to appropriate PA CareerLink® staff responsible for program administration ensuring that the state regional staff, local workforce development board and PA CareerLink® Operator are simultaneously copied. Communication directly related to state personnel matters will be sent from the state supervisor or official to individual staff. State officials or supervisors in the appropriate offices will be notified when necessary.
- XI. Rescissions.** Workforce System Policy (WSP) 02-2014, Version 002, *Workforce Delivery System*, Sections III. *PA CareerLink® Certification*; Section IV. *Service Integration*; Section V. *Outreach and Branding*; VII. *Job Gateway*; and VIII. *Workforce System Communication Protocol*.
- XII. Contact Entity.** Requests and/or inquiries related to this guidance should be forwarded to the Pennsylvania Department of Labor & Industry, Bureau of Workforce Development Administration via the following resource account: RA-LI-BWDA-Policy@pa.gov
- XIII. Accessibility.** Pennsylvania’s workforce system directives are available for downloading on the PA Department of Labor & Industry website at <http://www.dli.pa.gov>
- XIV. Appendices.**
- Appendix A: References
 - Appendix B: Definitions
 - Appendix C: Certification Requirements and Frequency
 - Appendix D: State Partner Staff Provisions

Appendix A: References/Resources

- [Public Law \(Pub. L.\) 113-128, Workforce Innovation and Opportunity Act \(WIOA\)](#)
- [20 Code of Federal Regulations \(CFR\), WIOA Final Rules and Regulations](#)
- [2 CFR Part 200 et al, and Part 2900, *Office of Management and Budget \(OMB\) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*](#)
- [USDOL Employment and Training Administration's \(ETA\) Training and Employment Guidance Letter \(TEGL\) No. 19-14, *Vision for the Workforce System and Initial Implementation of the Workforce Innovation and Opportunity Act*](#)
- [TEGL No. 27-14, *Workforce Innovation and Opportunity Act Transition Authority for Immediate Implementation of Governance Provisions*](#)
- [TEGL No. 37-14, *Update on Complying with Nondiscrimination Requirements: Discrimination Based on Gender Identity, Gender Expression and Sex Stereotyping Are Prohibited Forms of Sex Discrimination in the Workforce Development System*](#)
- [TEGL No. 4-15, *Vision for the One-Stop Delivery System under the Workforce Innovation and Opportunity Act \(WIOA\)*](#)
- [TEGL No. 16-16, *Guidance on Services Provided Through the Adult and Dislocated Worker Program under Workforce Innovation and Opportunity Act \(WIOA or Opportunity Act\) and Wagner-Peyser, as Amended by Title III of WIOA, and for Implementation of the WIOA Final Rules*](#)
- [TEGL No. 17-16, *Infrastructure Funding of the One-Stop Delivery System*](#)
- [USDOL Employment and Training Administration's Training and Employment Notice \(TEN\) No. 1-15, *Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide*](#)
- [Pennsylvania Workforce System Policies](#)

Appendix B: Definitions

Affiliate Sites are local workforce delivery service locations where one or more partners make workforce employment and training programs, services, and activities available.

Business Service Function is a role within the local one-stop service delivery system that includes, but is not limited to: business outreach; recruitment and referral for job vacancies primarily for targeted business and industry; job candidate qualification review; provision of economic, business and workforce trend data and information; organized service delivery around business and industry needs; referral to human resource and other business services; and job development.

Career Services consist of three types of services, basic, individualized career services, and follow-up services.

Comprehensive One-stop is a physical location where job seeker and employer customers can access the programs, services, and activities of all required one-stop partners. A comprehensive one-stop center must have at least one title I staff person physically present.

Continuous Improvement means an ongoing effort to improve products, services, and/or processes. These efforts seek incremental improvement over time.

Department is the Pennsylvania Department of Labor & Industry, which has been designated by the governor to serve as the state administrative entity/state workforce agency.

JobGateway® is the registered trademark for Pennsylvania's online, job-matching system for jobseekers and employers. PA CareerLink® sites must utilize JobGatewaySM as the job-match system when job seekers are looking for employment and employers are searching for candidates.

PA CareerLink® is the registered trademark for Pennsylvania's one-stop service delivery system and its local centers/sites/network.

Required and additional partners are the partner entities identified as "required" at WIOA Sec. 121(b)(1)(B) and as "additional" at WIOA Sec. 121(b)(2)(B), as well as, at 20 CFR §§ 679.400 and 405 respectively, that compose the designated area's one-stop delivery system. The required partners are the entities responsible for administering the required programs and activities in the local area. In addition to the required partners, other entities that carry out a workforce development program, including federal, commonwealth, or local programs and programs in the private sector, may serve as additional partners in the one-stop delivery system if the local board and chief elected official(s) approve the entity's participation (see 20 CFR § 678.410). **Note:** The entity that carries out the program and activities listed at WIOA sections 121(b)(1)(B) and 121(b)(2)(B), and therefore serves as the one-stop partner, is the grant recipient, administrative entity, or organization responsible for administering the funds of the specified program in the local area. Consistent with WIOA final rules, the term "entity" does not include the service providers that contract with, or are subrecipients of, the local administrative entity (e.g., title I service providers are not program partners). For programs that do not include local administrative entities, the responsible commonwealth agency must be the partner. Specific entities for particular programs can be found at 20 CFR § 678.415.

Service Integration means that all of the partners within a local workforce delivery system work collaboratively to leverage resources, avoid the duplication of services, and provide cohesive services among multiple programs whether or not they are physically present within the PA CareerLink® center or affiliate sites.

Welcome Function means a role within the one-stop centers aimed at greeting customers and determining their individual needs.

Appendix C: Certification Requirements and Frequency

Certification must occur at least once every three (3) years, and is required in order for one-stop systems to become and remain eligible to use infrastructure funds (20 CFR §678.730). Certification criteria must be reviewed and updated every two (2) years as part of the review and modification of State plans as described in WIOA Section 102(c)(2) and 108(a) (20 CFR §676.135).

A. EVALUATION/REVIEW CRITERIA: Evaluation must address the one-stop centers/sites and workforce delivery system effectiveness, including customer satisfaction, achievement of negotiated performance goals for the local area, physical and programmatic accessibility, and continuous improvement.

Evaluations for *effectiveness* must include:

- How well the one-stop system center integrates services for participants and businesses;
- Performance accountability as outlined in the grant agreement for the local area;
- How well the local service delivery system meets the workforce development needs of participants and the employment needs of local employers (performance measures);
- Cost-efficiency;
- Fiscal accountability;
- Coordination of partner program services including regular hours of operation; and, comprehensive access to services outside of regular business hours if applicable; and
- Enrollment objectives for targeted populations.

Evaluations for physical and programmatic accessibility must include:

- Disability-related regulation compliance including but not limited to:
 - Reasonable accommodations for individuals with disabilities;
 - Reasonable modifications to policies, procedures and practices to avoid discrimination of disabled persons;
 - Administering programs in the most integrated setting appropriate;
 - Communicating with persons with disabilities as effectively as with others;
 - Providing appropriate auxiliary aids and services including technology devices; and
 - Providing physical accessibility to individuals with disabilities.

Physical and programmatic accessibility requirements apply to all one-stop centers and, any services that are provided through direct linkages (i.e., telephonically, electronically, etc.).

Evaluations for continuous improvement *must* include the workforce delivery system's ability to meet or exceed negotiated performance goals as described in WIOA Section 116(b)(2). Additionally, such assessments must include, but are not limited to:

- A defined process for identifying and responding to technical assistance needs;
- A plan for systematic staff development and cross-program training; and
- A system in place to elicit and respond to specific customer and partner feedback.

Appendix C: Certification Requirements and Frequency

B. COMPREHENSIVE CENTER CERTIFICATION CRITERIA: Local boards must ensure the following criteria is met prior to certifying its comprehensive one-stop centers:

- A mission statement is posted and visible to the public;
- Full-time hours of operation are posted on the door or in view of the outside entrance;
- Access to all partner programs;
- The operator provides oversight of day-to-day operations;
- At least one (1) WIOA Title I service provider staff member is physically present;
- The following functions are in place:
 - Welcome function;
 - Skills/career development services;
 - Access to training services;
 - Access to all programs carried out by the one-stop partners;
 - Workforce and labor market information;
 - Business and employer services;
- Staff Development/Program Cross-Training is provided and documented;
- A plan for continuous improvement has been developed and is being followed;
- The center is both physically and programmatically accessible; and

C. AFFILIATE SITES. Affiliate sites must:

- Be connected to a comprehensive site;
- Display hours of operation on the door or in view of the outside entrance;
- Provide information on the career services offered by the one-stop system and make them available regardless of the participant's initial entry point into the workforce development system; and
- Be physically and programmatically accessible.

D. SPECIALIZED CENTER CERTIFICATION CRITERIA. Specialized centers must:

- Be connected to comprehensive PA CareerLink® centers meaning, the locations have a process in place to make referrals to services provided through a comprehensive site;
- Allow for the provision of a variety of services tailored to the needs of the population being served, which may include: career coaching, networking opportunities, comprehensive assessment, etc.
- Be physically and programmatically accessible.

E. NOTIFICATION AND RECORD KEEPING Local Boards must notify the Department of the results of the initial certification and each subsequent certification.

Boards must maintain record of the evaluation criteria used in the initial and subsequent certification reviews and the results of those reviews. The Department may review certification criteria and results at any time.

Appendix D: State Partner Staff Provisions

Pennsylvania state personnel laws and collective bargaining agreements must continue to govern all state merit staff in a PA CareerLink® site. No part of this policy shall infringe upon any collective bargaining agreement. Unless otherwise specified by the state, all state employee positions will be treated as nonexempt under the Fair Labor Standards Act.

- A. Performance Evaluations.** State supervisors will complete performance evaluations of state employees in accordance with state rules and regulations, collective bargaining agreements and agency policy.
- B. Grievances and Complaints.** The state partner agency must fulfill the duties and responsibilities defined in the agency and state personnel and collective bargaining agreement's grievance process in the employee's initial grievance meeting. The state must conduct appropriate investigation(s), conduct the initial grievance meeting and follow state policies and procedures. The state retains the responsibility for all actions on grievances after the initial meeting.
- C. Corrective Action.** The state partner agency will determine and implement any necessary corrective actions, in accordance with the procedures in the agency and state personnel policies, laws, regulations and collective bargaining agreements.
- D. Disciplinary Action(s).** The state agency retains the sole right to terminate, demote and suspend its employees for disciplinary reasons, pursuant to Commonwealth administrative policies. The PA CareerLink® Operator Consortium and site administrator will assist and provide information deemed necessary by the state partner agency in conjunction with proposed disciplinary action(s).
- E. Timesheet and Leave Approval.** Final approval of timesheets and leave requests for all state employees must remain with the state agency.
- F. State Veterans' Programs.** Veterans' employment services staff working in PA CareerLink® sites must be functionally supervised. The state veterans' employment representatives must oversee the delivery of veterans' programs and services under Title 38, the Special Grant Provisions, and as provided in the Wagner-Peyser funding proposal. State veterans' employment services staff must comply with PA CareerLink® operational procedures, but veteran program requirements and staff responsibilities must continue as stated in Title 38 in accordance with the Grant Agreement, to include 100 percent of their time being assigned to the duties outlined in the grant or program.