

Extension of WorkSource Information Notices

PRESENTED BY: Drew Cassidy, Workforce Board and Gary Kamimura, Employment Security Department (ESD)

CHECK ONE:

☐ Action Item

☒ Possible Action

☐ Discussion Only

SUMMARY:

The Board is asked to deliberate on the potential extension of the following state WorkSource Information Notices (WINs) currently set to expire on December 31, 2023. These WINs, established during the COVID-19 pandemic, aimed to enhance the ability of Local Workforce Development Boards (LWDBs) and Title I-B providers to respond to the changing needs of customers under the Workforce Investment and Opportunity Act (WIOA). Staff request the extension of these three WINs to provide time to consider or implement permanent policy changes and align with new and forthcoming federal rules and guidance.

Please note the [pre-meeting videos](#), where Board and ESD staff provides an overview of each item.

- [WIN 0107 \(Rev9\)](#)—Temporary suspension of WorkSource System Policy 1011 (CASAS for Basic Skills Assessment) to allow alternative documentation of basic skills deficiency in WIOA Title I-B programs. (Exp 12-31-23)
- [WIN 0108 \(Rev9\)](#)—Temporary suspension of the 30 percent limit on transfers of formula grant funds between the WIOA Title I-B adult and dislocated worker programs to allow up to 100 percent transferability. (Exp 12-31-23)
- [WIN 0109 \(Rev9\)](#)—WIOA Title I-B verbal self-attestation and remote eligibility documentation and registration requirements during the COVID-19 emergency. (Exp 12-31-23)

BACKGROUND:

In response to the challenges and service delivery changes caused by the COVID-19 pandemic, the Workforce Board acted at the request of the Washington Workforce Association (WWA), and introduced policy flexibilities in April 2020. These WINs, extended multiple times since their inception with the most recent extension to December 31, 2023,

occurring in February 2023, were envisioned as a strategic response designed to adapt to the pandemic's evolving landscape and subsequent recovery phase. Local areas, having experienced the tangible benefits of these flexibilities, have since expressed a desire for these flexibilities to become permanent in WorkSource System and WIOA Title I policies, citing their effectiveness in addressing the dynamic needs of customers, changing use of technology, and a desire to ensure equitable service delivery.

WIN 0107 – CASAS for Title I-B Basic Skills Deficiency (BSD) Determinations

The Board acted in 2010 to require a single basic skills test, CASAS, be administered across all workforce system programs. During the pandemic, the Board was asked to temporarily suspend this [Policy 1011, Revision 6](#), and allow Title I-B to use alternative means (other informal basic skills assessments or school record data) to determine basic skills deficiency (BSD) for the purpose of eligibility determinations. The CASAS test is most often administered in-person and proctored, and local areas have reported continuing concerns with the ability to access CASAS across the state, although an online version is now available.

Board staff recently convened a meeting of stakeholders with representatives from all WIOA core programs (Title I – LWDBs, Title II – SBCTC, Title I/III – ESD, Title I/IV – DSHS and DVR) to discuss [WIN 0107](#) and the exclusive reliance on CASAS for basic skills deficiency (BSD) determinations in WIOA Title I-B programs. The consensus of this group was a desire for a more holistic and inclusive array of assessment methodologies to remove the barrier created for customers in Policy 1011, Rev. 6 that requires CASAS as the only method of determining BSD for the limited purpose of Title I program enrollment (WIOA Out-of-School-Youth (OSY), WIOA In-School Youth (ISY), and WIOA Adult Priority of Service Categories 1 and 2).

Important points made during the stakeholder meeting include:

- Only to the extent that a standardized test is required, should it be CASAS, as that is the chosen assessment of Title II partners.
- Title I-B focuses on determining if an individual possesses basic career skills (or BSD) at the time of enrollment, versus Title II, which utilizes CASAS for Entering Educational Functioning (EFL) Placement.
- Under WIOA, there are multiple methods beyond standardized testing, including staff observation and self-attestation, that may be utilized to assess and document BSD, as it relates to basic career skills, for the purposes of Title I-B eligibility and enrollment.
- There is an equity concern for requiring CASAS for individuals with disabilities and individuals who are basic skills deficient for reasons not related to academics or who are English Language Learners (ELL).
- Many individuals do not proceed to Title II services, making CASAS an unnecessary barrier for them. Title I and Title II enrollment are typically more sequential in nature due to the intensity of formal instruction programs.

In addition to the request for WIN 0107 flexibilities to be made permanent, all partners agreed that WIN 0107 should at least be extended until December 31, 2024, to allow time to review and incorporate potential changes to the Measures and Methods for National Reporting for Adult Education currently being considered as part of a [Federal Agency Information Request](#) by the Office of Career, Technical, and Adult Education (OCTAE), in the Department of Education (ED).

WIN 0108 – Transferability Between Adult and Dislocated Worker Fund

The Workforce Innovation and Opportunity Act ([Public Law 113-128](#)) Section 133(b)(4), allows LWDBs to transfer up to 100% of formula funds between the Adult and Dislocated Worker (DW) Title I-B programs. This transfer is contingent upon receiving the Governor's approval or ESD's approval with the delegated authority from the Governor.

Historically, during a pivotal May 2015 Workforce Board meeting, the Board opted for a more conservative approach. Instead of allowing full transferability between these funds, the Board decided to maintain a cap on transferability at 30%. This cap mirrored the criteria that had been previously set under the Workforce Investment Act (WIA) of 1998.

Fast forward to the pandemic and more recent times, where the Board voted to allow 100% flexibility on transfers between Adult and DW funds as described in [WIN 0108](#). Beyond the LWDBs' advocacy for maximizing the flexibility that WIOA permits, ESD, as the delegated authority in [WIOA Title I Policy 5401, Rev. 3](#), has also been consulted. Key representatives from the Workforce Policy and the Grants Management Office (GMO) have expressed their agreement for the continued flexibility that WIN 0108 offers. This flexibility bypasses the 30% transfer limit, allowing for more fluid movement of formula grant funds between the WIOA Title I-B Adult and Dislocated Worker (DW) programs.

The GMO revealed an interesting trend: over the past three years, four LWDBs requested a total of six fund transfers and were approved. A third of those transfers were above the 30% threshold, indicating a need at the local level for greater funding flexibility. The rationale behind this flexibility is multifaceted and has allowed for greater agility in the system's ability to respond to fluctuating labor market conditions. On one hand, it facilitates Title I-B programs in leveraging the more streamlined eligibility process associated with the Adult program, effectively dismantling enrollment barriers when the demand is pressing to reengage discouraged or underemployed workers into greater labor market participation. On the other hand, it provides a safety net, enabling fund transfers from the Adult to the DW program in scenarios marked by significant job losses or large-scale layoffs. However, it's crucial to note that this flexibility isn't automatically allowed by GMO. Policy 5401 and WIN 0108 mandates that any fund transfer request be accompanied by a comprehensive program impact analysis. This analysis, along with a robust justification, ensures that such fund transfers do not detrimentally affect the service provision of the program from which the funds are being redirected. For those seeking a deeper dive into the nuances of this

process, [WIOA Title I Policy 5401, Rev. 3](#), offers a detailed overview of the specific documentation requirements and the transfer procedure.

Given this backdrop, Board staff ask that the Board contemplate a permanent change to WIOA Title I Policy 5401. This change could sanction an increase in the permissible transfer amount, allowing up to 100% of formula fund transfers between the Adult and DW Title I-B programs. Alternatively, or concurrently, the Board could also consider a request to extend WIN 0108 until June 30, 2024. This extension would provide a conducive environment for more in-depth research, fostering informed discussions and facilitating meaningful stakeholder engagement on this pivotal topic, or if additional fund transferability is approved by the Board, time to update Policy 5401.

WIN 0109 – Self-Attestation and Remote Eligibility Determinations for WIOA Title I-B

The U.S. Department of Labor (USDOL) recently updated its [COVID-19 FAQ](#) to end certain flexibilities retroactive to May 2022 when the COVID-19 national emergency was declared over. However, the flexibilities captured in [WIN 0109](#) were not ended, and in fact USDOL, contrary to our previous understanding of the federal guidance, noted certain flexibilities were always allowed and encouraged “grant recipients to consider the impacts on equity and accessibility when developing their source documentation policies and procedures.” The recent 2023 USDOL Update notes that: “...self-attestation is an important option for populations with barriers to obtaining eligibility and reporting documents (such as disconnected youth, American Indian and Alaska Native populations, individuals experiencing homelessness, justice involved individuals, refugees, disaster impacted individuals, and others) and help ensure such populations are able to equitably access services.” Eligibility determination is a critical and non-waivable element of DOL-funded programs. WIN 0109 established temporary, minimum requirements for eligibility documentation and registration into WIOA Title I-B programs and specified under what limited conditions written or verbal self-attestation can be used to determine eligibility.

A recent poll of local areas, with results from seven (out of 12) areas, indicated post-pandemic nearly all Title I-B service providers have stopped using verbal self-attestation, but most are still utilizing remote or virtual approaches to enrollment via electronic applications and electronic signatures. The WWA requested that those options, as well as the ability to capture and upload eligibility and data element requirements, be included in WorkSource System Policies. As a result, Board staff request an extension of WIN 0109 until June 30, 2024, to enable: 1) confirmation of flexibilities with USDOL; 2) engage in state-local discussions to update [WorkSource System Policy 1003 \(Rev 5\)](#) (Data Element Validation) and [WorkSource System Policy 1019 \(Rev 8\)](#) (Eligibility Policy and Handbook); and 3) conform Title I-B monitoring checklists to state policy revisions.

STAFF GUIDANCE & RECOMMENDATION:

Please watch the [pre-meeting videos](#) in advance.

Possible Action: The Board may decide to approve permanent policy changes and/or extend each of the WINs to allow time for policy revisions or defer action to the November meeting with requests for additional information or actions by staff.

Board staff recommendations are as follows:

- WIN 0107: Approve an extension to December 31, 2024, to provide time to revise Policy 1011.6, after receipt of USDOL's revised guidance.
- WIN 0108: Staff have proposed two options:
 1. Approve 100% fund transferability between Adult and Dislocated Worker Title I-B programs, AND approve an extension to June 30, 2024, to WIN 0108 to allow staff and stakeholders time to revise Policy 5401.3.
OR
 2. Approve an extension to June 30, 2024, to enable further information gathering, discussion, and stakeholder engagement.
- WIN 0109: Approve an extension to June 30, 2024, to enable confirmation with USDOL, state-local discussions to update WorkSource System Policies 1003.5 and 1019.8, and updates to Title I-B monitoring checklists.