



DISCUSSION QUESTIONS: FOLLOW UP

2019 NATIONAL WIOA PERFORMANCE TRAININGS (DALLAS AND CHICAGO)

The Employment and Training Administration (ETA) held two performance and accountability trainings related to Workforce Innovation and Opportunity Act (WIOA) implementation in spring 2019. The trainings focused on data and reporting issues, as well as provided an opportunity for peer engagement. This document provides additional clarifications to issues addressed during the events.

- 1. Annual Narrative Report:** Can ETA provide an example of, or a template for, a successful Annual Report Narrative format?

A: ETA encourages WIOA state grantees to develop their own unique templates in accordance with guidance in TEGL 05-18, *Workforce Innovation and Opportunity Act (WIOA) Annual Statewide Performance Report Narrative*, which specifies the required contents in the Annual Report Narratives. The report specifications provide plain text language to assist reviewers in understanding the WIOA Annual Report Submissions. States are permitted (but not required) to include appendices, such as relevant data tables or state/local area reports, which are not subject to the 25-page limit. To see examples of other state reports, please visit:

https://www.doleta.gov/performance/results/AnnualReports/annual_report.cfm

- 2. Youth Measurable Skill Gains (MSG):** Our youth performance team is requesting a fresh update on where the DOL is headed with respect to reporting the educational functioning level (EFL) component of MSGs. The interest seems to be if we are going to be returning to the types of literacy numeracy methodologies that existed under WIA.

A: At this time, ETA has no plans to change reporting requirements, definitions, or operational parameters for the EFL component of the Measurable Skill Gains indicator. Guidance on the indicator can be found in TEGL 10-16, *Change 1*.

- 3. Workforce Integrated Performance System (WIPS) Edit Checks:** ETA received multiple questions related to WIPS edit checks that have been resolved at this time. For the most up-to-date list of edit checks in WIPS, please visit <https://www.doleta.gov/performance/wips/> or send state-specific questions related to the Participant Individual Record Layout (PIRL) to ETAPerforms@dol.gov.

- 4. Cost-Per-Participant Calculation:** How do we calculate the Funds Expended and Cost-Per-Participant Served that is reported on the ETA-9169 by program? We don't think we calculated the Cost-Per-Participant correctly in the previous program year. As noted, some of our amounts were much higher than most other states.

A: ETA created a Cost-Per-Participant Tool to assist state agencies that administer WIOA title I and III programs in determining how they should be calculating the funds expended amounts needed to complete the Cost-Per-Participant portions of the WIOA Annual Performance Reports. To access the tool, please visit the WorkforceGPS link below:

<https://performancereporting.workforcegps.org/resources/2019/07/05/13/29/Cost-Per-Participant-Tool-WIOA-Annual-Performance-Report>



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- 5. Eligible Training Provider (ETP) Report Usage:** We have questions related to the ETP report (ETA-9171), principally about how the data is going to be used by the DOL. We will be leveraging our State Longitudinal Data System (SLDS) to complete the report, and there are certain advance notice policies for educational institutions/training providers that go along with using SLDS data that our agency will be expected to abide by, particularly when it comes to small numbers of students and/or participants served.

A: The Eligible Training Provider report, ETA-9171, satisfies performance reporting required by the WIOA statute. The Department may use the data to inform Congress and other stakeholders in accordance to data standards relating to publicly available data. As outlined in TEGL 3-18, Eligible Training Provider (ETP) Reporting Guidance under the Workforce Innovation and Opportunity Act (WIOA), WIOA section 116(d)(6)(B) requires that the state make these ETP performance reports available (including by electronic means) in an easily understandable format. The WIOA final rule at 20 CFR 677.230 requires that these reports must be made available annually and 20 CFR 680.500 requires that performance information from these reports be accessible as a part of the state ETP list information that is made available to the public through whatever means the state uses to disseminate such information to consumers. This means including such information as public websites and searchable databases. This information must be made available in a manner that does not reveal personally identifiable information (PII) about any individual participant. In developing the information to accompany the state ETP list, disclosure of PII from an education record must be carried out in accordance with the Family Educational Rights and Privacy Act (FERPA), including the circumstances relating to prior written consent. For more information regarding data matching and FERPA, please reference TEGL 7-16, Data Matching to Facilitate WIOA Performance Reporting.

The Department notes that the standards relating to the suppression of data apply to data made publicly available. All data, regardless of the ultimate application of suppression standards for the protection of PII, still must be reported to DOL to comply with the statute. Any data DOL makes publicly available will be done so with proper PII protections and suppression applied.

In addition, TEGL 8-19, WIOA Title I Training Provider Eligibility and State List of Eligible Training Providers and Programs, provides guidance to states about performance reporting of ETPs. ETP results will ultimately be featured in a public facing website, www.TrainingProviderResults.gov.

- 6. Unpublished Guidance (TEGLs):** Why doesn't DOL give us a sneak preview of the data validation guidance that applies to WIOA titles I and III?

A: ETA does not provide previews to guidance because it undergoes various steps in the clearance process and it often changes. We may discuss some parameters of the guidance but cannot share drafts prior to official transmission. Please note that we expect to issue guidance soon for DOL-only data validation, including additional specifics for titles I and III.

In the interim, please refer to joint data validation guidance outlined in TEGL 7-18, Guidance for Validating Jointly Required Performance Data Submitted Under WIOA.



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7. Definition of accredited post-secondary institution: Identify what is a postsecondary institution at the state-level.

A: There is no requirement for accreditation in ETA guidance, TEGL 10-16, Change 1, because postsecondary institutions are just one of the types of organizations that can award credentials. Within each state there is an administrative unit that provides authorization to postsecondary institutions within the state. For the purposes of a recognized postsecondary credential, ETA guidance states that there are a variety of different public and private entities that issue recognized postsecondary credentials. The guidance lists the types of organizations and institutions that award recognized postsecondary credentials (not all credentials by these entities meet the definition of recognized postsecondary credential). For a list of the types of organizations and institutions that award recognized postsecondary credentials, refer to the answer in Question 8.

8. Definition of post-secondary: What are the latest developments concerning a formal WIOA definition for post-secondary?

A: TEGL 10-16, Change 1, Performance Accountability Guidance for Workforce Innovation and Opportunity Act (WIOA) Title I, Title II, Title III, and Title IV Core Programs, indicates “a variety of different public and private entities recognize postsecondary credentials.” Below is a list of the types of organizations and institutions that award recognized postsecondary credentials (not all credentials by these entities meet the definition of recognized postsecondary credential). The list from TEGL 10-16, Change 1 follows:

- A State educational agency or a State agency responsible for administering vocational and technical education within a State;
- An institution of higher education described in Section 102 of the Higher Education Act of 1965 (20 USC sec. 1002) that is qualified to participate in the student financial assistance programs authorized by title IV of that Act. This includes community colleges, proprietary schools, and all other institutions of higher education that are eligible to participate in Federal student financial aid programs;
- An institution of higher education that is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or tribes;
- A professional, industry, or employer organization (e.g., National Institute for Automotive Service Excellence certification, National Institute for Metalworking Skills, Inc., Machining Level I credential) or product manufacturer or developer (e.g., recognized Microsoft Information Technology certificates, such as Microsoft Certified IT Professional (MCITP), Certified Novell Engineer, a Sun Certified Java Programmer, etc.) using a valid and reliable assessment of an individual's knowledge, skills and abilities;
- ETA's Office of Apprenticeship or a recognized State Apprenticeship Agency;
- A public regulatory agency, which awards a credential upon an individual's fulfillment of educational, work experience, or skill requirements that are legally necessary for an individual to use an occupational or professional title or to practice an occupation or profession (e.g., Federal Aviation Administration aviation mechanic license, or a State-licensed asbestos inspector).



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9. Statistical Adjustment Model:

- a. At what point in time will DOL apply the Statistical Adjustment Model (SAM) for the purpose of adjusting the state performance levels?

A: The official use of the SAM in the negotiation and performance assessment process will begin in PY 2020 for the Employment Rate 2nd Quarter after Exit, Median Earnings 2nd Quarter after Exit, and Measurable Skill Gains performance indicators (negotiated levels of performance for these program years will be agreed upon in spring 2020). It will be used for the other performance indicators in later program years.

For additional information, please reference [TEGL 11-19](#), *Negotiations and Sanctions Guidance for the Workforce Innovation and Opportunity Act (WIOA) Core Programs*, issued February 6, 2020.

- b. When should this process occur at the state to adjust local performance levels?

A: The same timeline applies for the local area models within a state. States should use their local area models for the Employment Rate 2nd Quarter after Exit, Median Earnings 2nd Quarter after Exit, and Measurable Skill Gains performance indicators beginning with PY 2020 – 2021 negotiations.

- c. What federal guidance is available to guide states through the process of making year-end adjustments to local performance levels?

A: In [TEGL 11-19](#), *Negotiations and Sanctions Guidance for the Workforce Innovation and Opportunity Act (WIOA) Core Programs*, the U.S. Departments of Labor and Education provide guidance on the requirements for reaching agreement on the negotiated levels of performance.

- d. DOL has already expressed inaccuracy/reliability concerns about using the SAM for predicting performance outcomes at the Local Area level. Is DOL planning to use the Local Area SAMs for anything more than a soft estimate for where a Local Area might possibly score? Is there a different tool DOL would recommend using rather than the SAM?

A: ETA has expressed concerns about applying the state-level model estimates (those generated by ETA's Statistical Adjustment Model) to the local-areas—this should be avoided if possible. Instead, states should use the same framework that ETA uses for the state-level model to determine the model specifications that best work for their state, and generate model estimates for their local areas using state data. The accuracy and reliability of the local area models will largely be determined by the model specifications chosen and quality of the data for the state and will not necessarily be any less effective at predicting performance outcomes. States are required to use a local-area statistical adjustment model as a factor in reaching negotiated levels of performance and adjusting those negotiated levels of performance based on the actual characteristics of the participants served and the economic conditions within the state during the period of performance.



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- e. Will the statistical adjustment model ever be used to help set the employer services indicator?

A: Yes, a statistical adjustment model will be used for the Effectiveness in Serving Employers performance indicator. Many of the factors that will affect how a statistical model will be used for this indicator are yet to be determined (including the definition of this indicator).

- 10. Last Payment Date:** The participant exit date can be affected by last payment, although payments are not qualifying services. To confirm, can the last payment extend the exit date of the participant? The exit date edit checks in PIRL do not allow for payments to be reported after the exit date of the last service provided.

A: The parameters for program exit are defined in 20 CFR sec. 677.150 (c) and addressed in TEGL 10-16, Change 1, as the last date of service. Payments for services do not extend the participant exit date as the exit date is based solely on the date that the service was received.

11. Co-enrollments:

- a. How would DOL define co-enrollments and what are the possible benefits and drawbacks on co-enrollment?

A: Co-enrollment within ETA refers to participants enrolled in multiple ETA-administered partner programs. Co-enrollment with partner programs requires that a participant receiving services funded by ETA is also receiving services funded by a core or partner program. For instance, to be co-enrolled with the Trade Adjustment Assistance (TAA) program requires that WIOA program funds must contribute to at least one service for a TAA participant.

Benefits of co-enrollment include leveraged resources and improved service delivery to participants. The TAA program addresses frequently asked questions regarding WIOA Title I Dislocated Worker and Adult co-enrollment, through three Frequently Asked Questions (FAQs) posted on the TAA participant reporting page, <https://www.doleta.gov/tradeact/taa-data/participant-reporting/>. The following are direct links to each of the FAQ documents:

- Co-Enrollment #1: https://www.doleta.gov/tradeact/taa-data/participant-reporting/docs/Co-Enrollment_FAQ-1.pdf
- Co-Enrollment #2: https://www.doleta.gov/tradeact/taa-data/participant-reporting/docs/Co-Enrollment_FAQ-2.pdf
- Co-Enrollment #3: https://www.doleta.gov/tradeact/taa-data/participant-reporting/docs/Co-Enrollment_FAQ-3.pdf

- b. When an area is impacted by a large layoff, there have been cases where TAA/WIOA co-enrolled customers in training were called back to work. Therefore the majority did not complete the training and earn their credential. This will likely result in failure to meet the area's Dislocated Worker Credential Attainment Rate (DCAR) measure. Would ETA consider some new methodology for the DCAR measure to address circumstances like this one?



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A: The Credential Attainment indicator is described in TEGL 10-16, Change 1 Performance Accountability Guidance for Workforce Innovation and Opportunity Act (WIOA) Title I, Title II, Title III, and Title IV Core Programs. All Dislocated Worker program participants who received training that was not On-the-Job Training (OJT) or Customized Training are included in the Credential Attainment indicator. There is no exclusion for co-enrolled TAA participants who fail to complete training due to a recall to work. States should develop an individual employment plan, or similar assessment, to address the participant's specific needs and circumstances. This assessment may include the appropriateness of shorter term training, virtual learning opportunities, or other approaches to support a participant in completing training. Additionally, states must provide training for TAA training participants as approved by the state and the individual in the training plan, even if the individual becomes employed during that training, provided that he meets the ongoing training participation requirements, and even though the employed training participant will no longer be eligible for TAA.

For more on this, please see TEGL 10-11, Change 2, Change 2 to the Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Extension Act of 2011 (TAAEA). Should the participant fail to complete training in the scenario presented and return to work he or she would become employed. Employment would result in a positive outcome in the Employment Rate 2nd Quarter after Exit, and the Employment Rate 4th Quarter after Exit. Local Workforce Development Areas impacted by large layoffs and subsequent recalls to work affecting outcomes for the credential attainment measure should work with their state during the negotiations period to set appropriate performance targets.

12. Supportive Services and Participation:

- a. Program Referrals and Supportive Service Referrals are Participant Level Services. What staff activities do you see taking place at the time these services are provided? Because these services will also extend the exit, is the intent to prevent referral services from being recorded/reported outside of the period of participation (once 90 days have passed with no new/scheduled service)?

A: While this change impacts reporting, it should not dramatically change the provision of services. A participant level referral requires an individualized assessment of the customer's needs and may potentially include assistance in the outreach and application for other programs or services. An information-only service does not require an individualized assessment and may only involve sharing of publicly available information such as providing a brochure about another program or available supportive services.

- b. There are some referrals that take place long before a client comes back in to begin working with the case manager on training and/or job searches. They have more pressing immediate needs (housing, transportation, etc.). With the referrals triggering inclusion in the performance counts, additional information is required to be gathered at that time.



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A: In the previous response in Question 12a, we outlined the differences between informational referrals and participant level services. Note that each situation is unique and participants may be co-enrolled in several programs. There are many relevant services that may be provided in tandem with career and training services.

13. Data Sharing Agreements:

- a. Provide an update on the transition from WRIS/WRIS2 to SWIS.

A: The U.S. Departments of Labor and Education (Departments) are pleased to report that, as of January 30, 2020, all 50 states, the District of Columbia, and Puerto Rico have signed the State Wage Interchange System (SWIS) Data Sharing Agreement.

The Wage Record Interchange System (WRIS) and WRIS2 ceased operation on December 31, 2019. Since January 1, 2020, SWIS has fully replaced WRIS and WRIS2, meaning that all queries for wage data for all programs are now processed through the SWIS Clearinghouse.

Should you have questions or require more information, state workforce agencies may email SWIS@dol.gov; state adult education agencies may email NRS@ed.gov; and state Vocational Rehabilitation agencies may email RSADData@ed.gov. For more information, please visit: <https://www.doleta.gov/performance/swis.cfm>

- b. Provide an update on Federal Employment Data Exchange System (FEDES).

A: At this time, FEDES is not operational. We are currently working with our Federal Partners to re-establish FEDES, which includes developing a Memorandum of Understanding with each partner—starting with the Department of Defense. Additionally, we are working to establish a new state partner. When FEDES is operational, DOL will provide information as to the requirements for obtaining wage data for federal employees.

14. Data Validation Guidance (TEGL 7-18):

- a. In TEGL 7-18, Attachment 1, which highlights the source documentation requirements for PIRL 1600, 1602, 1604, 1606 (Qtr 1 – Qtr 4 post exit employment), and PIRL 1704 (2nd Qtr after exit wages), the second bullet point lists: “Follow up survey from program participants.” Is the survey a sample of participants or do you expect states to contact all of the exiters with a given set of questions pertaining to employment and wages?

A: TEGL 26-16, *Supplemental Wage Data*, describes the circumstances for which gathering supplemental wage data may be appropriate, and the acceptable methods. According to the TEGL, “matching a participant's SSN against quarterly wage record information is the most effective means for determining employment status and earnings for a program participant.” 20 CFR 677.175 (a) (3) permits the use of “other information as necessary to measure the progress of those participants” for whom quarter wage records are unavailable. Supplemental wage information cannot be generalized; the information must be specific to each participant being



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reported. Refer to TEGL 26-16 for details regarding collecting supplemental wage data for employment-related performance indicators.

- b. Would an email or text blast to all exiters who give us contact information be acceptable documentation if the customer provided employment information and wages in response to the blast?

A: Refer to TEGL 26-16 for details regarding collecting supplemental wage data for employment-related performance indicators. The Departments do not specify the method of data collection. However, be aware that TEGL 26-16 addresses considerations for identifying participants needing follow-up for wage collection purposes, as well as methods and procedures. States considering a survey should review the parameters outlined in the TEGL.

- c. If neither, what conditions would meet this condition?

A: Acceptable source documentation for wages is outlined in Attachment I of TEGL 7-18 which includes follow-up surveys from program participants. As a reminder, documentation must be available to support the reported employment-indicator results for each individual rather than an aggregate population.

15. Data Validation: Since this will be the first year the WIOA programs will be validated, are states and local areas to use the program-specific guidance provided in TEGL 22-15, which was for WIA? The longer the wait for WIOA program-specific data validation guidance, the more difficult it will be for local areas to be immediately successful. For example, what data elements are required for validating participants included in the Measurable Skill Gains performance indicator?

A: States should follow guidance outlined in TEGL 7-18, *Guidance for Validating Jointly Required Performance Data Submitted under the Workforce Innovation and Opportunity Act (WIOA)*. Specifically, this guidance provides information about the guidelines states must use in developing procedures for ensuring that the data submitted are valid and reliable. The TEGL also contains an attachment that outlines source documentation and the list of elements that are required for data validation.