

# **Workforce Innovation and Opportunity Act (WIOA)**

## **INFORMATION PAMPHLET**

## **I. Introduction to WIOA**

WIOA stands for the Workforce Innovation and Opportunity Act. Title I of WIOA establishes program activities to prepare adults, dislocated workers and disconnected youth with the skills and knowledge for successful entry or reentry into the labor force. The goal of WIOA is to increase the employment, retention, and earnings of participants and increase occupational skill attainment by participants.

## **II. Program activities**

Career services are classified into three categories

- Basic career services must be made available through the American Job Center network to all job seekers and include services such as labor exchange services, labor market information, job listings, and information on partner programs.
- Individualized career services are those that involve intensive staff assistance and are provided as appropriate for an individual to obtain or retain employment. These services include career guidance counseling, intensive assessment, development of the Individual Service Strategy (ISS), and short-term pre-vocational services to develop soft skills and job seeking skills.
- Follow-up services must be made available for a minimum of 12 months following the first day of employment to participants who are placed in unsubsidized employment. Services include tracking progress on the job, referral to community resources, and assistance with job/work related problems. Follow up services for Adult and Dislocated Workers does NOT include financial supportive services
- Follow-up services must be provided to all youth participants for a minimum of 12 months unless the participant declines to receive follow-up services or the participant cannot be located or contacted. Following a youth's exit from the program, these critical services help ensure the youth is successful in employment and/or postsecondary education and training. The types of services provided and the duration of services must be determined based on the needs of the individual and therefore, the type and intensity of follow-up services may differ for each participant. Follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome.

Training services – Customers, who after assessment and career planning, have been prioritized by the program partner to 1) be unlikely or unable to obtain or retain employment that leads to economic self-sufficiency through career services alone; 2) in need of training services to obtain or retain employment that leads to economic self-sufficiency; and 3) have the skills and qualifications to successfully participate in the selected program of training services, are linked to job opportunities in their communities, including occupational skills training.. Participants may use an "individual training account" to select an appropriate training program from a qualified training provider.

Training Services include:

- Occupational skills training, including training for nontraditional employment
- Work-based learning opportunities such as On-the-job training (OJT), including registered apprenticeship
- Skill upgrading and retraining
- Entrepreneurial training
- Job readiness training provided in combination with other training described above
- Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, in combination with training described above

Supportive services - If needed for an individual to participate in WIOA activities, assistance with supportive services such as transportation, childcare, dependent care, or housing needs may be available under certain circumstances.

### **III. Adult and Dislocated Worker services**

The WIOA Adult and Dislocated Worker Program is designed to provide quality employment and training services to assist eligible individuals in finding and qualifying for meaningful employment, and to help employers find the skilled workers they need to compete and succeed in business.

Eligibility for Adult Program

- All adults, 18 years and older, are eligible for basic services.
- Priority for individualized and training services must be given to recipients of public assistance and other low-income/basic skills deficient individuals.

Eligibility for Dislocated Worker Program is an individual who:

- Has been terminated or laid off, or has received a notice of termination or layoff from employment;
- Is eligible for or has exhausted unemployment insurance;
- Has demonstrated an appropriate attachment to the workforce, but not eligible for unemployment insurance and unlikely to return to a previous industry or occupation;
- Has been terminated or laid off or received notification of termination or layoff from employment as a result of a permanent closure or substantial layoff;
- Is employed at a facility, where the employer has made the general announcement that the facility will close within a 180 days;
- Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community or because of a natural disaster; or
- A displaced homemaker who is no longer supported by another family member

### **IV. Youth services**

The WIOA Youth program delivers a comprehensive array of services for out-of-school youth with one or more barriers to employment. These services help disconnected youth prepare for post-secondary education and employment opportunities, attain educational and/or skills training credentials, and secure employment with career/promotional opportunities.

## V. Veteran priority

A veteran or the qualifying spouse of a veteran is entitled to, and will be given priority over, a non-veteran when the veteran/qualifying spouse meets WIOA eligibility and priority requirements.

For purposes of WIOA eligibility, a **veteran** is defined as a person who:

- Served on active duty for more than 180 days and was discharged with other than a dishonorable discharge, or
- Was discharged from active duty because of a service-connected disability, or
- As a reservist, was called to active duty and served during a period of war or qualifying campaign and was discharged with other than a dishonorable discharge.

A **qualifying spouse** is the spouse of any of the following:

- Any veteran who died of a service-connected disability, or
- Any member of the Armed Forces who is listed in one of the following categories for at least 90 days: missing in action; captured in the line of duty; forcibly detained by a foreign government, or
- Any veteran who has a total disability resulting from a service-connected disability.

## VI. Rights and benefits of participants

The WIOA work-based training participant is not required or permitted to work in buildings, surroundings or under working conditions that are unsanitary, hazardous, or dangerous to health or safety. If the participant works at a work site that is inherently dangerous (e.g., fire or police jobs), work will be assigned in accordance with reasonable safety procedures, including adherence to child labor requirements under FLSA.

All WIOA participants in work-based activities are covered by Worker's Compensation Insurance. In case of injury on the job or while in training, the participant should contact the work or training site supervisor for the procedure for filing a claim.

Participants cannot be required to contribute to any organization, including the work site, nor may any representation be made that obtaining or keeping the job is dependent on such a contribution. Prospective participants should not feel compelled or obligated to make such contributions. If asked, they should report such requests immediately to the WIOA Service Provider.

Incentive payments provided under WIOA may be considered taxable income. Participants who receive incentive payments may be issued a Form 1099-MISC for tax reporting purposes.

## VII. Complaints

Complaints may occur for a number of reasons and can arise from anyone being served by the workforce investment system. Complaints generally fall into three categories:

- Program complaints involving the proper application of WIOA regulations and policies
- Discrimination

- Fraud, abuse, or other criminal activity

Details regarding processes for each of the three complaint categories are provided in sections below. All complaints, no matter what type, may utilize the complaint system found at [Labor Complaints](#). See section on Discrimination Complaints for information on the option to file those complaints directly with the Civil Rights Center.

## A. WIOA Program Complaints

Program complaints are nondiscriminatory, non-criminal complaints involving the proper application of the Workforce Innovation and Opportunity Act regulations and policies at both the local service provider and state level.

**Who may file:** WIOA recipients which includes any entity to which financial assistance under WIOA Title I is extended, applicants, state-level agencies financed with WIOA Title I funds, state and local WIOA Boards, WIOA grant recipients, One-Stop Operators, Eligible Training Providers, On the Job Training Employers, program participants, One-Stop Partners, service providers, and other interested parties.

**Time and place for filing:** The complainant, representative, or service provider complaint specialist must file program complaints in writing within **180 days** from the date of the event or condition that is alleged to be in violation. Each WIOA service provider must have a complaint specialist available to provide assistance.

A complaint may be amended to correct technical deficiencies prior to a scheduled hearing or withdrawn by the complainant at any time prior to the issuance of the hearing officer's decision. Complaints may not be revised to add new issues. If the complainant identifies additional issues, complainants should either withdraw the previously submitted complaint and file a new complaint with the added issues or file an additional complaint.

Procedures for filing a WIOA Program Complaint are available on the Idaho Department of Labor Website here: [WIOA Program Complaint Procedure](#)

## B. Discrimination Complaints

### EQUAL OPPORTUNITY IS THE LAW

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases: against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I–financially assisted program or activity.

The recipient must not discriminate in any of the following areas: deciding who will be admitted, or have access, to any WIOA Title I–financially assisted program or activity; providing opportunities in, or treating any person

with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

## **WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION**

If you think that you have been subjected to discrimination under a WIOA Title I—financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either: the recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or

**Director, Civil Rights Center (CRC), U.S. Department of Labor**  
**200 Constitution Avenue NW, Room N-4123, Washington, DC 20210**  
or electronically as directed on the CRC website at [www.dol.gov/crc](http://www.dol.gov/crc).

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above). If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient). If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

Procedures for filing a Discrimination Complaint may be found on the Idaho Department of Labor website here: [WIOA Discrimination Complaint Procedure](#)

### **C. Criminal Fraud, Waste or Abuse Complaints**

Complaints involving allegations of fraud, abuse, or other criminal activity may be reported through the department's on-line system as referenced under WIOA Program Complaints above, or contact the office of the Inspector General directly at <https://oig.dol.gov/>