



GUIDANCE

COMMONWEALTH OF KENTUCKY
DEPARTMENT OF WORKFORCE DEVELOPMENT

GUIDANCE NAME: WIOA Guidance on Need to Train

GUIDANCE NUMBER: 20-004

DATE OF ISSUE: Issued July 8, 2020; Reissued April 4, 2024

EFFECTIVE DATE: July 15, 2020

APPLIES/OF INTEREST TO: Kentucky Career Center (KCC) Staff and Local Workforce Development Area (LWDA) staff

POINT OF CONTACT: Division of Technical Assistance, compliance.unit@ky.gov

HISTORY: Initially issued 11/03/2015 in preliminary form; issued on July 8, 2020; effective date July 15, 2020; reissued April 4, 2024 with no substantive change, thus effective date remains.

BACKGROUND: Training services are provided to equip individuals to enter the workforce and retain employment. Training services may include, for example, occupational skills training, On the Job Training (OJT), and registered apprenticeship which incorporates both OJT and classroom training, pre-apprenticeship training, workplace training with related instruction, training programs operated by the private sector, skill upgrading and retraining, entrepreneurial training, and transitional jobs. **Training services are available for individuals who, after interview, evaluation or assessment, and career planning are determined to be unlikely or unable to obtain or retain employment that leads to self-sufficiency or higher wages from previous employment through career services alone.** The participant must be determined to be in need of training services and to possess the skills and qualifications to successfully participate in the selected program. Some participants may need additional services to assist their vocational training, such as job readiness training, literacy activities including English language training, and customized training.

20 CFR Section 680.210(b) requires that individuals, for whom training has been deemed appropriate, select a training program linked to employment opportunities in the local area or in an area to which the individual is willing to commute or relocate. The selection of this training program should be fully informed by the performance of relevant training providers, and individuals must be provided with the performance reports for all training providers who provide a relevant program. Training provider performance information is available and published by the Kentucky Center for Statistics (KYSTATS).

PURPOSE: To issue guidance on the criteria and documentation for Need to Train.

GUIDANCE: After an interview, evaluation or assessment, and career planning with the customer and they are determined to be unlikely or unable to obtain or retain employment that will lead to self-sufficiency or higher wages from previous employment through career services alone, the customer may be placed into training with the following six criteria documented in the Individual Employment Plan (IEP):

1) **Is suitable employment available?** Is there suitable employment available in the local commuting area, or a reasonable prospect of such suitable employment becoming available in the foreseeable future?

2) **Will customer benefit from appropriate training?** There must be a documented customer need for skills upgrading and training. It must also be documented that the customer will be job ready upon completion of the training program.

3) **Is there a reasonable expectation for employment following training?** Documentation must indicate that there is a reasonable expectation that the customer will find a job in the labor market after completion of training. There should be a fair and objective projection of job market conditions expected to exist at the time of completion of training. This shall be documented in case notes in the Case Management System of Record.

4) **Is training reasonably available?** Documentation must indicate that training is reasonably accessible to the customer within the local community area. If not accessible within the local community area, but is available outside the local commuting area, the cost must be reasonable and documented. This shall be documented in case notes in the Case Management System of Record.

5) **Is the customer is qualified to undertake and complete the training?** Documentation must indicate the customer's personal qualifications to undertake and complete approved training. Evaluation of the customer's personal qualifications must include physical and mental capabilities, educational background, work experience and financial resources, as adequate to undertake and complete the specific training program.

6) **Is training suitable and available on the Eligible Training Provider List (ETPL), if applicable?** Suitable means the customer met criteria above. The training must be listed on the ETPL, if applicable, and be a viable option for the customer in obtaining employment. Interview is defined as, at a minimum, a conversation with a customer to collect information regarding income, living situation, education level and reason for contacting the Kentucky Career Center. The interview must be documented in the Career planning System of Record case notes and the IEP. Activities such as Orientation and Career Planning must be, at a minimum, selected in the Case Management System of Record to record such process. Evaluation/Assessment is defined as a way to identify a customer's interest, skill levels, abilities, barriers and service needs. Assessments may be

formal or informal and may include special diagnostic testing with an analysis of the testing documented in the Case Management System of Record cases notes and the IEP. Activities such as Initial Assessment, Career Assessment, and Interest Inventory must be, at a minimum, selected in the Case Management System of Record to record such process. Career Planning includes the development of the IEP based on interview(s) and evaluation/assessment(s). The IEP should identify employment goals, appropriate achievement objectives and the place of action for the customer to achieve employment. Activities such as Received Career planning Services and IEP must be, at a minimum, selected in the Case Management System of Record to record such process.

Interview is defined as, at a minimum, a conversation with a customer to collect information regarding income, living situation, education level and reason for visiting the Kentucky Career Center. The interview must be documented in the Case Management System of Record case notes and the IEP. Activities such as Orientation and Career Planning must be, at a minimum, selected in Case Management System of Record to record such process.

Evaluation/Assessment is defined as a way to identify a customer's interest, skill levels, abilities, barriers and service needs. Assessments may be formal or informal and may include special diagnostic testing with an analysis of the testing documented in Case Management System of Record cases notes and the IEP. Activities such as Initial Assessment, Career Assessment, and Interest Inventory must be, at a minimum, selected in Case Management System of Record to record such process.

Case Management includes the development of the IEP based on interview(s) and evaluation/assessment(s). The IEP should identify employment goals, appropriate achievement objectives and the place of action for the customer to achieve employment. Activities such as Received Case Management Services and IEP must be, at a minimum, selected in Case Management System of Record to record such process.

PROCEDURAL GUIDANCE: 20 CFR Section 680.220(b) requires that the case files for individuals must document the participant eligibility for training services and explain how this determination was made—by interview, evaluation or assessment, career planning, or other career service, such as an individual employment plan. It is important that the career center gather enough information, by whatever means, through an interview or through career services, to justify the need for training services.

The justification for “NEED TO TRAIN” needs to be thoroughly documented in the IEP and case notes in order to display a course of action that will lead to an Industry Recognized Credential. There is no requirement that career services be provided as a condition to receipt of training services; however, if career services are not provided before training, the Local Board must document the circumstances that justified its determination to provide training without first providing the services described in 20 CFR Section 680.220(a) of this section.

REQUIRED ACTION: LWDA's and their contractors, as well as KCC staff should distribute this guidance broadly throughout the system to ensure that workforce development system staff is familiar with its content and requirements.

REFERENCES:

- Workforce Innovation and Opportunity Act Section 134 (29 USC Section 3174)
 - 20 CFR Section 680.210(b).
 - <https://kystats.ky.gov>
 - 20 CFR Section 680.220(a) and (b).
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