



KWIB Executive Committee Meeting

DRAFT MINUTES

April 25, 2023; 9:30 – 11am EST

In-person 500 Mero Street; and Via zoom

Attending in person: Amy Luttrell, Lori Ulrich, Deputy Secretary Beth Brinly **Attending virtually:** Beth Davisson, Heidi Margulis, Scott Pierce, Others present: Alisher Burikhanov, Sam Keathley, Sarah Ortkiese, Scotty McFarlan, Elishah Taylor, Sara Jagers, Debbie Dennison

Call to Order / Welcome - 9:31am EST - Lori Ulrich, KWIB Vice-Chair welcomed the members and called the meeting to order. She asked Beth Brinly, Deputy Secretary of the Education and Labor Cabinet (ELC) to share cabinet updates.

Education and Labor Cabinet updates

Deputy Secretary Brinly shared that cabinet leadership and the Governor have been rethinking the *Statewide Reserve Fund* strategy and aligning it with key administrative goals and objectives. There will be three (3) main buckets for distribution as follow: innovation to local areas, competitive procurement (ex: youth transition ideas), and dollars that will support state initiatives (ex: consultant for service delivery review, recommendations). Discussion was had around the dollars available and the process for review of applications. Approximately \$4.6 million is available annually and the review team, made up of cabinet staff, will meet on the first Wednesday of each month to review applications. **Alisher Burikhanov, KWIB Executive Director**, will provide updates to the board.

Alisher shared a draft of the **pipeline graphic** that illustrates the various populations available to work in Kentucky. Members made recommendations that included adding youth as a pipeline, being consistent among data points (ex. College populations either entrance or graduate numbers, not both), sharing details within a population (ex. Vocational Rehabilitation populations include deaf and hard of hearing, disabled individuals in addition to others). The goal and use of this graphic ultimately identifies workforce participants available to employers. KWIB staff and KYSTATS will continue to refine the graphic and will share again with this group prior to making the graphic public. As a sidenote but related to underserved populations, Deputy Secretary announced the creation of the Cabinet's Digital Equity Office that will serve Kentuckians with an aim to promote meaningful adoption and use of high-speed internet services. Information about this newly created office can be found at <https://digitalequity.ky.gov/Pages/About-Us.aspx>.

Deputy Secretary shared updates from the [Education and Workforce Development Collaborative \(Collaborative\)](#) meeting held on April 20, 2023. The KWIB continues facilitating meetings with the Justice and Public Safety Cabinet (JPSC) and partners around the *Jobs on Day One* focus that begin in the January 26 Collaborative meeting. Partners in the workgroup continue to build out the proven reentry model first started in the Cumberland and South Central local workforce development areas. The Department for Workforce Development (DWD) submitted a grant for \$4 million to continue expanding this effort statewide. Also at the *Collaborative* meeting, discussions with *Work-Based Learning (WBL)* partners were had. Deputy Secretary asked the attendees what current programs were and who primary partners are. In attendance were employers (Logan Aluminum and Toyota Manufacturing), partners from education, workforce and non-profit entities. For more information on the meeting please review the [Collaborative meeting notes](#). Deputy Secretary said the goal of this conversation is to lift up and streamline offerings and resources, and discuss how we can make resources more widely known to jobseekers and employers. She asked Dr. Beth Hargis, Associate Commissioner of the Kentucky Department of Education (KDE) if she and

her staff would mind leading this effort. Dr. Hargis accepted and shared that the Council on Postsecondary Education (CPE) may co-lead the efforts with their work being done with the [Launch program](#). Leslie Slaughter (CPE) and Regan Satterwhite with Career and Technical Education (CTE) will be creating a working group and interested participants should reach out to KWIB staff for more information. Recommendations to incorporate members from the Education attainment and Employer engagement committee into this working group was made.

Deputy Secretary Brinly concluded the *Collaborative* meeting discussion by promoting next quarters focus continuing with different underserved populations and creating meaningful and intentional pathways for them to enter the workforce. Attendees lifted up of interest youth, veterans and persons with disabilities for upcoming partner discussions and work groups.

Discussion by the committee members was had about weaving the *Collaborative* work into existing committee and work group structure within the KWIB. Deputy Secretary Brinly confirmed that the KWIB committees ultimately own the supervision of the work being conducted within the membership (state leadership) of the *Collaborative*.

Quarterly board meeting topics

Alisher provided an update that Kentucky was chosen to participate in the Jobs Quality Academy that will take place in summer. He shared the participants names and the focus of promoting [Good Job Principles](#) to employers. This endeavor lays the foundation for the future of employment in Kentucky. He will continue to update the committee and the board of the progress in this national initiative.

Debbie Dennison, Deputy Executive Director, KWIB shared updates around the **benefit cliffs analysis** and recommendations being completed by Bank Street / National Center for Children in Poverty (NCCP). Information provided can be reviewed in the meeting packet. Work continues into summer when a final analysis and recommendations will be provided to the Board. Debbie asked if members had questions or recommendations to lift to the consultants as they continue their work. Deputy Secretary Brinly requested that in the final product, we request a measurement of asset review for consistency and to ask the consultants to provide definitions on their product and how often policy should be reviewed for greatest effectiveness. Discussion was also had around the strength of advocacy by the KWIB for initiatives such as these. KWIB staff will follow up with the **Office of Legislative and Legal Services (OLLS) team**.

Scotty McFarlan, Deputy Executive Director, OLLS shared policy recommendations to move to KWIB for vote. There are five policies that were shared as follows:

22-010	Guidance RE: Rapid Response, Rapid Response Additional Assistance, and Layoff Aversion Strategies	Ready for Approval	Revisions included combining two previously separate policies (i.e., Rapid Response Additional Assistance Requests and Layoff Aversion) into one and including the Rapid Response Manual as an Attachment; additional revisions following recirculation include removing the Statewide Reserve Review Team from the Rapid Response Additional Assistance (RRAA) request and review process and having OEAS staff review and make recommendations regarding RRAA requests within 3 to 5 business days of receipt of properly submitted applications
22-011	Guidance RE: Federal Bonding Program	Ready for Approval	Following a meeting between Amy Glasscock and Michelle DeJohn, this Guidance was revised for clarity and to include three Attachments for reference
22-012	Data Validation Policy	Ready for Approval	Revisions included clarifying language and to state that data validation will occur on an annual basis (not quarterly); additional revisions following recirculation include clarification that data validation is encouraged on a quarterly basis for all relevant programs, that annual training will be open to local staff who participate in data validation, clarify the “Quarterly Performance Reports” item on page 4, and add the Checklist for Document Uploads in KEE Suite as an attachment

22-013	Conditions and Sanctions for Failure to Meet Federal and State Standards Policy	Ready for Approval	Revisions included clarifying language and to remove any role of the KWIB in the corrective action / sanctions process.
22-014	Monitoring Policy	Ready for Approval	Revision included clarifying language and mention of annual onsite review visit, new footnote on page 2 to clarify the Program Year subject to the annual reporting requirement for local areas, and language on page 4 re providing notice of any determinations arising from additional monitoring

After he shared the updates, Heidi Margulis motioned to recommend adopting. Scott Pierce seconded the motion. Motion passed unanimously.

Lori Ulrich, KWIB Vice-Chair and Chair of the Work Ready Communities committee shared that the work of reviewing criteria continues within the Work Ready Communities committee. She and Alisher recently attended the State Economic Development Summit where they had conversations with economic development personnel about criteria important to industry considering coming to Kentucky. This effort is in response to analyzing the strength of the Work Ready Communities program. Meetings with local stakeholders and state personnel will continue and updates will be provided.

Alisher shared that the **2024 State Plan** meetings are being scheduled and that KYSTATS will provide a pulse on labor supply and offer an overview of workforce data at the upcoming quarterly meeting and reminded the committee that the in-person quarterly board meeting will be held at Fleming-Mason Energy Cooperative Inc., 1449 Elizaville Road, Flemingsburg KY 41041. He thanked Lori for facilitating the location of the meeting.

Beth Davisson, Sr. Vice-President, Kentucky Chamber Foundation (Chamber), shared that at the last Education attainment and Employer engagement committee meeting discussions were had around splitting the large group into one focused on employers needs and the other on education pathways. Discussion continued that each committee has overlapping goals was discussed and conversation was had that the Executive Committee needs to continue to be the place where goals are shared and “dots are connected” in the coordination of efforts. Discussions around committee work was shared including aligning initiatives and engaging employers. Diversity, Equity, Inclusion and Accessibility (DEIA) was discussed and including goals and objectives into the *Strategic Plan* was lifted. KWIB staff will review the State Plan modification language provided in the 2022 State Plan modification regarding DEIA language to build upon. Alisher added the importance of diversity as we engage employers within board discussions.

KWIB staff will share newly identified goals lifted in upcoming committee and workgroup meetings and while visiting local workforce development areas, while gathering information for the 2024 State Plan.

New Business included the discussion around how to lift best practices happening within the local workforce development areas. KWIB staff will work on a list of recommendations to share with the Executive Committee. Other new business included identifying a representative from the KWIB to be a member of the Employment First Council. Amy Luttrell asked for a conversation with Alisher about the opportunity and shared interest. Final business shared by Alisher included the creation of support letters to Goodwill in the recent Pathway Home 4 Grant. Two (2) grant applications from Kentucky were submitted and hopes are both are funded.

ADJOURNMENT 11:00AM

Lori asked for any additional items; as none, *motioned* for the meeting to be adjourned. Beth Davisson *seconded* the motion to adjourn.

AGENDA
April 25, 2023
9:30 am – 11:00 am EST

Hybrid – Zoom or in-person at 500 Mero Street Frankfort KY 40601

JOIN ZOOM MEETING

[HTTPS://US06WEB.ZOOM.US/J/85353410801?PWD=A01WY2FINDJSb0FiMzZJAeFCVgXADZ09](https://us06web.zoom.us/j/85353410801?pwd=A01WY2FINDJSb0FiMzZJAeFCVgXADZ09)

MEETING ID: 853 5341 0801 / PASSCODE: 665279

-
- 9:30 am Call Meeting to Order / Welcome

Kim Menke, Chair
Toyota Motors of North America (TMNA)

 - 9:35 am Education & Labor Cabinet / Workforce Updates
 - Statewide Reserve

Beth Brinly, Deputy Secretary
Education and Labor Cabinet (ELC)

 - Workforce Pipeline

Alisher Burikhanov
Executive Director, KWIB

 - Education and Workforce Collaborative Updates

Beth Brinly, Deputy Secretary

 - 9:50am KWIB Quarterly Board Meeting Discussion
 - Job Quality Academy

Alisher Burikhanov, KWIB
 - Benefit Cliff Updates

Debbie Dennison, KWIB
 - Policy Recommendations

Scotty McFarland, Office of Legal Services
 - Work Ready Communities Revamp

Lori Ulrich, Vice-Chair, KWIB
Fleming-Mason Energy Cooperative, Inc.

 - State Plan Update

Alisher Burikhanov, KWIB
 - Committee Work

Alisher Burikhanov, KWIB

 - 10:10am Employer/ Business Engagement

Alisher Burikhanov, KWIB

 - Discussion around further engaging employers/business into our committees and work groups

 - 10:45am New Business

Kim Menke, Chair

 - Recommendation on highlighting KCC Certifications

Lori Ulrich, Vice-Chair, KWIB
 - Employment First Council (needs KWIB representative)

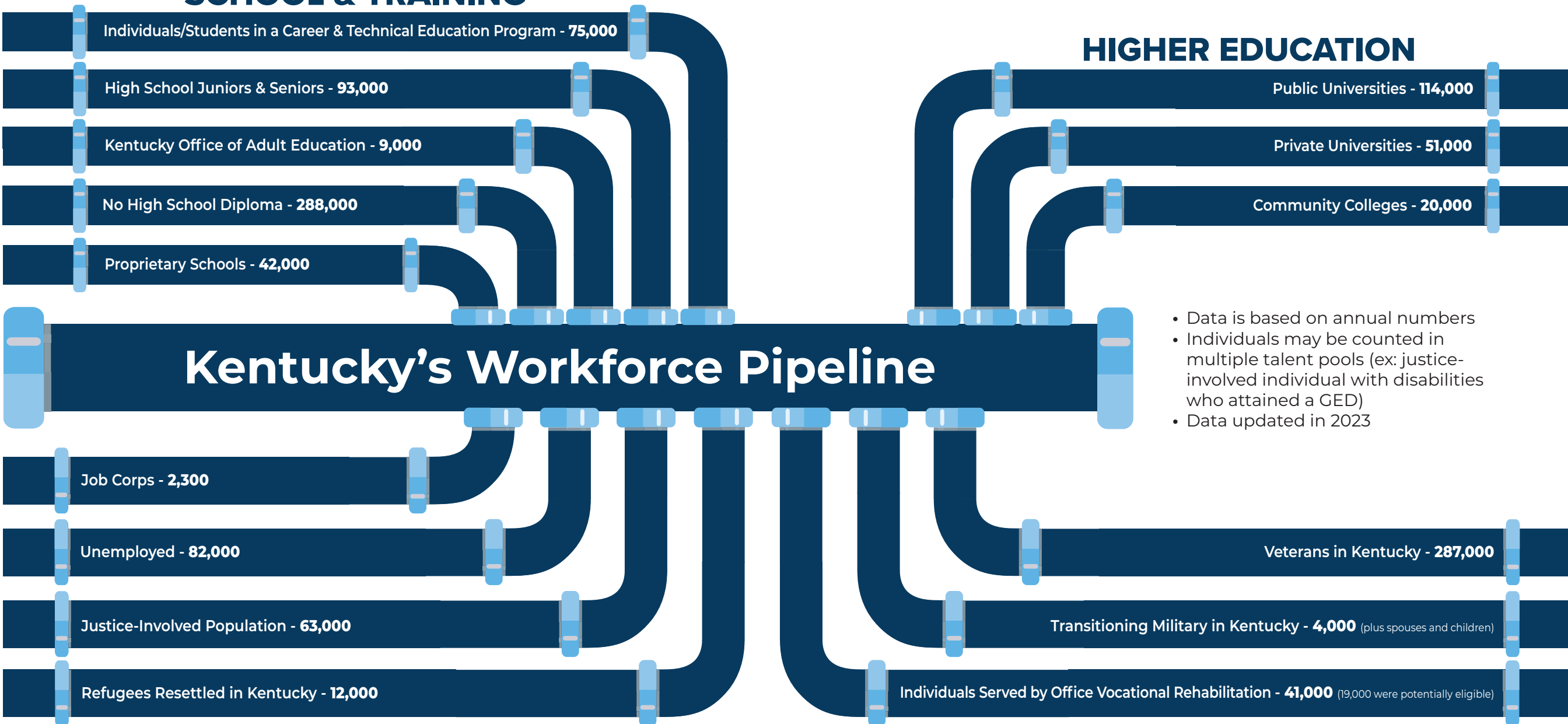
Alisher Burikhanov, KWIB
 - Latest Support Letters from KWIB

Alisher Burikhanov, KWIB

 - Adjournment

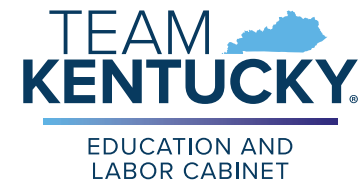
SCHOOL & TRAINING

HIGHER EDUCATION



- Data is based on annual numbers
- Individuals may be counted in multiple talent pools (ex: justice-involved individual with disabilities who attained a GED)
- Data updated in 2023

UNTAPPED TALENT



Source: KYSTATS, Education & Labor Cabinet agencies, Department of Corrections, Job Corps & KY Office for Refugees

Current WBL / Partners involved

- W. KY WIB – students in paid internships; Business Service teams working with employers
- KCTCS – paid work-based learning; “Education First”
- Employers/ Businesses - FAME – employer, education collaboration
- CPE – LAUNCH (Leslie Slaughter work group)
- KentuckianaWorks – work n’ Learn; Summer Youth program; want to expand to year round
- Chamber – Bus to Business; Talent Hub; TPM
- Bluegrass WIB – WBL vs ITAs – have 170 master agreements with employers
- KDE – Manual; Resources
- State – Everybody Counts
- Community Based Organizations (churches, non-profits, etc.)
- American Job Corps – training, summer programming, hiring, equity, etc.
- OAE - Jobs for America’s Graduates (JAG)

(Above are listed partners in meeting; other partners exist and we will continue to add to this list)

Foundational pieces / components

- WBL at Secondary levels
- Employers Intentionally partnering in local high schools
- Career coaches in high schools
- Exploration of careers in middle school
- Consistent conversations
- WBL development support
- Advising through lens of data
- Identifying key credentials
- Employers needs for workers requires changing hiring requirements
- Paid work-based learning
- Students need ROI on time spent in development
- Help students understand the importance of their branding
- Provide opportunities for career exploration
- Plot the Infrastructure from school to work
- Streamline resources
- Provide easy button for Business
- Employers adaptation of Good Jobs Principles
- Basic skills – conflict resolution in front line employment
- Small business opportunities (TPM partnerships)
- Scalability
- Collaboration with academic programs
- Employers comments: struggles hiring under 18.
- Project-based learning

- Employer incentives – tax credits, etc.
- Employer / Business involvement with Education pathways *understanding and building out programs
- Is current model of Apprenticeship (and other “ships) effective
- Intentionally paid internships
- Training pathways
- Economic Development discussions
- Align experience to credit

Next steps /FOCUS

***KDE to lead a work group to discuss:**

1. Menu of Offerings easy for Businesses

2. Central resource HUB

- WBL development support
- Plot the Infrastructure from school to work
- Streamline resources
- Provide easy button for Business

MULTI-PRONGED APPROACH

PRE RELEASE: EMPLOYMENT SERVICES

1

EDUCATION & SKILLS DEVELOPMENT

- Technical Education
- GED & English-Language
- Soft Skills/Digital Skills/Financial Literacy
- Entrepreneurship
- Post Secondary Education (ex: through Pell Grants)

2

ACQUIRING STATE/LEGAL ID

- Must attain state ID prior to release
- Must attain a social security card

3

LIFE SKILLS AND EXPECTATIONS

- Paying restitutions plan
- Visiting Probation Office
- Child Care Options
- Housing Options

4

EMPLOYMENT CONNECTION

- Meeting with potential employers
- Accessing work-based programs - such as Registered Apprenticeship & Work-Experience

5

SPECIFIC POPULATION EMPLOYMENT SERVICES

- Services to veterans
- Individuals with Substance Use Disorder (SUD)
- Services to individuals with disabilities
- Services to deaf and hard-of-hearing

MULTI-PRONGED APPROACH

RELEASE: EMPLOYMENT

1

EMPLOYER INTEREST

- From high demand industries (manufacturing, construction, healthcare, business/IT, and transportation)
- From emerging industries
- From opportunity industries (hospitality, restaurant)

2

EMPLOYER CONDUITS

- Government (Dept. of Corrections, KY Career Center Network)
- State & local chambers of commerce
- Industry Associations
- Community Based Organizations

3

CONTINUED WORK & LEARN

- On the job learning models
- Registered Apprenticeships
- WIOA Work Experience
- Work Ready Scholarships
- Work-Based Learning (ex: FAME for manufacturing)

4

IMMEDIATE SUPPORT SERVICES

- Identified transportation
- Identified housing
- Identified childcare
- Network of community organizations

5

EMPLOYER INCENTIVES

- Work Opportunity Tax Credit
- KY Fair Chance Bond, a Federal Bonding Program
- WIOA On-the-Job Training

MULTI-PRONGED APPROACH

POST RELEASE: SUPPORT SERVICES FOR RETENTION

1

NETWORK OF SUPPORT FOR JOB RETENTION

- Government Agencies (KY Career Center Network)
- Community Based Organizations
- Addressing matters of: transportation, housing, childcare, food, etc.
- Specialized talent pool services: veterans, individuals with disabilities

2

COLLECTIVE IMPACT APPROACH

- To provide proactive intervention and ongoing monitoring
- Addressing mental/behavioral health & substance use

3

STIGMA REDUCTION

- Ongoing stigma reduction and community/employer engagement to reduce barriers associated with societal stigmas
- Building confidence in individuals

4

EMPLOYER SUPPORT NETWORKS

- Local employer-to-employer networks to address ongoing issues, mitigation strategies, and collective support

5

CAREER COACHING FOR ADVANCEMENT

- Collaboration from employers, education, and government to find opportunities for continued education and skills to grow and advance in employment
- Employer Resource Networks

Job Quality Academy

DOL's Good Jobs Initiative outlines 8 Principles of a Good Job:

1. Equitable recruitment and hiring
2. Benefits
3. Diversity, equity, inclusion, and accessibility (DEIA) as a key employer priority
4. Empowerment and representation
5. Job security and working conditions
6. Organizational culture
7. Pay
8. Skills and career advancement

Academy Benefits

- Intensive professional development for four to five months on cutting-edge job quality practices tailored to a workforce audience.
- One-on-one technical assistance and coaching from national subject matter experts to support strategic planning around job quality.
- Community engagement with like-minded, leading-edge organizations committed to creating good jobs in their communities.
- Support in developing strategic plans focusing on job quality.
- Travel expenses to DC paid for five team members for both Academy summits.

Team Kentucky

LEAD: Alisher Burikhanov/ Executive Director, Kentucky Workforce Innovation Board

TEAM MEMBER 1: Aleece Smith/ KentuckianaWorks

TEAM MEMBER 2: Chad Mills/ Kentucky State Building and Construction Trades Council

TEAM MEMBER 3: Vijay Kamineni/ Metals Innovation Initiative

TEAM MEMBER 4: Amy Walker/ Blue Oval SK

More information:

- Fact Sheet: <https://www.dol.gov/sites/dolgov/files/goodjobs/Good-Jobs-Summit-Principles-Factsheet.pdf>
- DOL's Employment & Training Administration Guidance on Good Jobs (Jan 2023): <https://www.dol.gov/sites/dolgov/files/ETA/advisories/TEGL/2022/TEGL%2007-22/TEGL%2007-22%20%28Complete%20PDF%29.pdf>
- Job Quality Academy: <https://www.jff.org/job-quality-academy/>

Families Impacted by Benefit Cliffs in Kentucky: Preliminary Findings

Presentation for Kentucky Benefit Cliffs Analysis - Working group
Tuesday, April 4, 1pm - 2pm EST



National Center for Children in Poverty

Bank Street Graduate School of Education

Agenda

Background/project overview
Research questions & methodology
Results
Policy recommendations
Next steps



National Center for Children in Poverty

Bank Street Graduate School of Education

Outline of Final Report

Section I – Preliminary Findings

- I. Benefit Cliffs that Affect Families in Selected Counties in Kentucky
 - i. Graphical Representations of Benefit Cliffs for Selected Counties in Kentucky
- II. Quantifying Benefit Cliffs Using Kentucky Longitudinal Data System (KLDS)
- III. Areas of Expansion for the Analytical Model

Section II – Areas of Expansion

- I. Outline updates to the Kentucky Family Resource Simulator
- II. Potential Remedies for Reducing the Impact of Benefit Cliffs

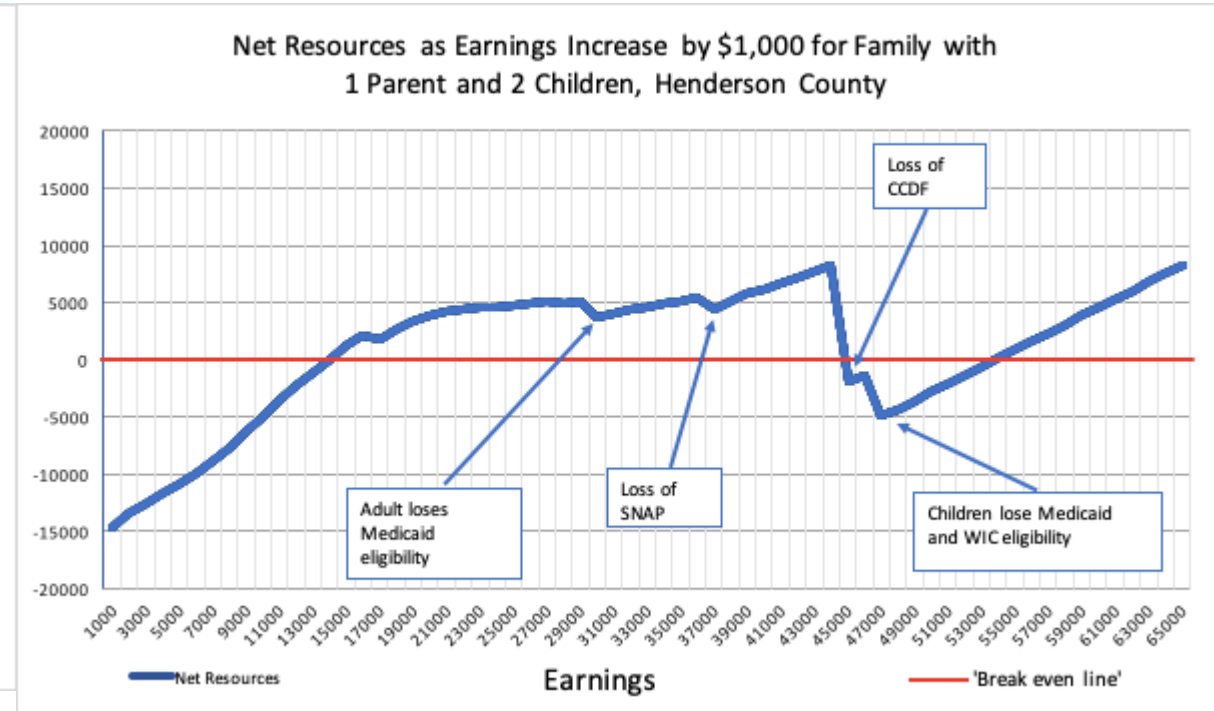
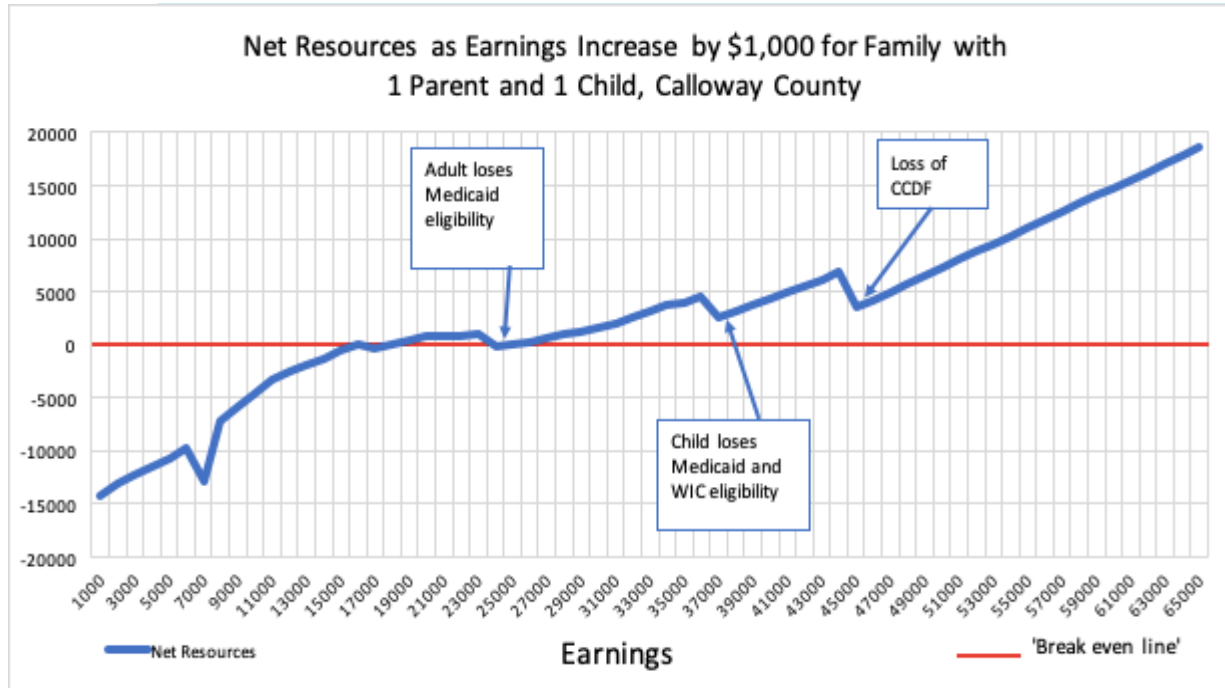
Section III – Economic Analysis and Policy Recommendations

- I. Outline of updates to the Kentucky Family Resource Simulator
- II. Measure the impacts on Kentucky GDP of Benefit Cliffs
- III. Final Policy Remedies for Reducing the Impact of Benefit Cliffs

Phase I - Research Questions & Methodology

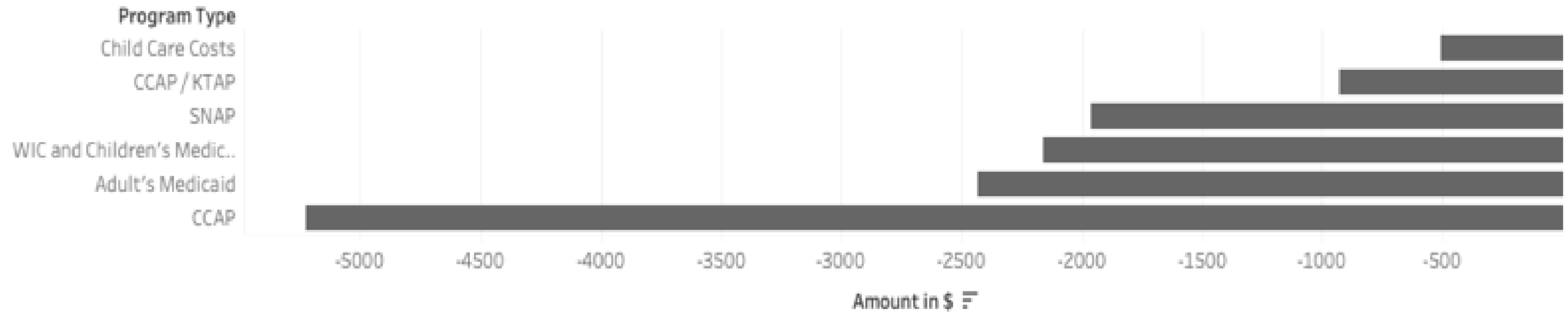
1. **What are the most common benefit cliffs in Kentucky?**
 - a. Request Data from KYSTATS and identify the cliffs that affect different families.
 - b. Use the FRS tool to build graphs showing benefit cliffs for different programs taking into consideration the family scenarios listed above.
2. **How many families are impacted by benefit cliffs in Kentucky?**
 - a. For all of the counties in the given jurisdiction, identify all of the families with one to three kids who live in a single parent or two parent household. Record the number of families that meet this criteria and use KLSDS data/Census data to identify where net recourses start to fall.
3. **What are some policy recommendations that could address these benefit cliffs?**

What are the most common benefit cliffs?



What are 6 largest cliff effects

Weighted average cliff effect across family type



Sum of Amount in \$ for each Program Type.

Cliffs are dependent on family types and location

Not all families in a county may experience a cliff effect.

Not all cliff effects happen at the same yearly income.

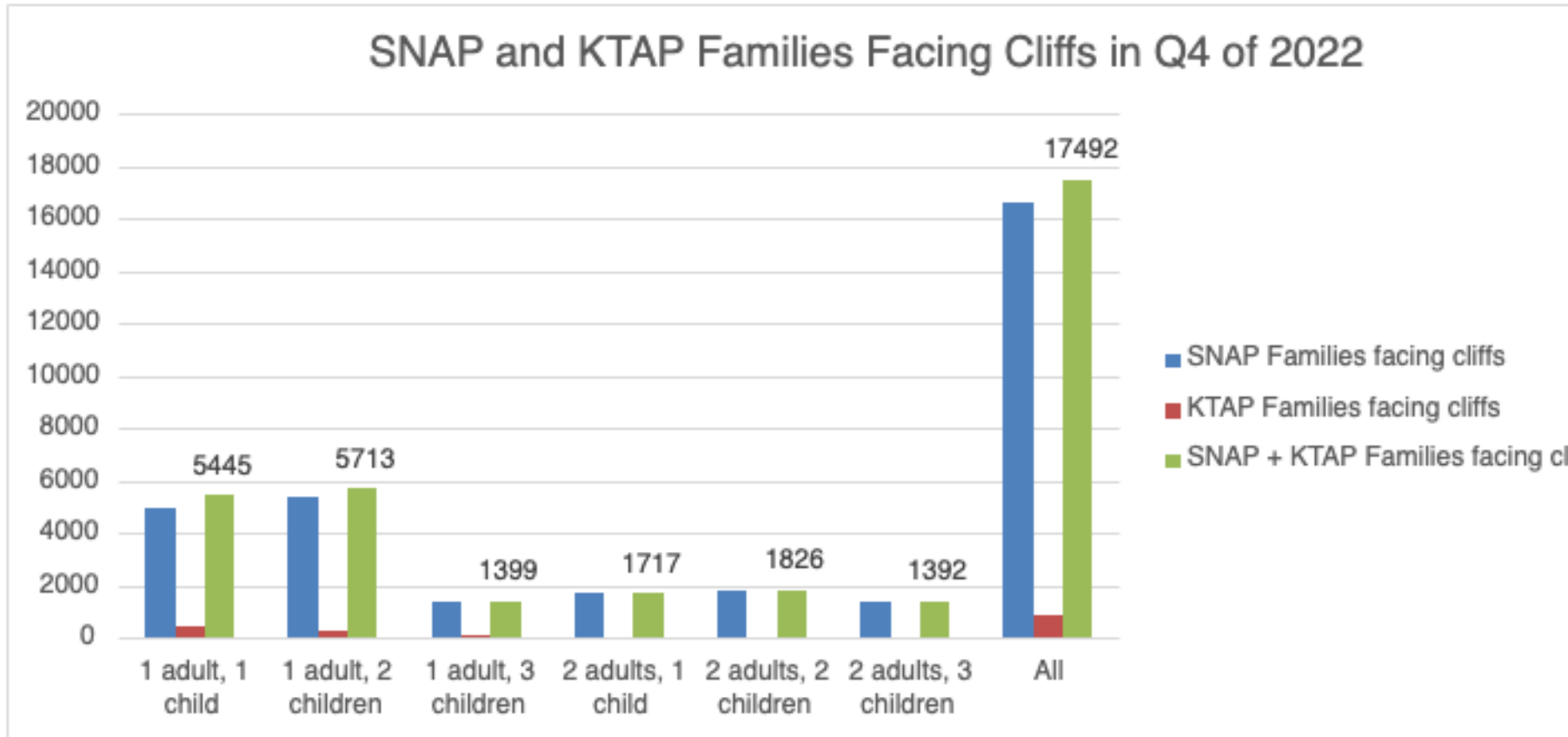
This is due to different costs of living and household sizes.



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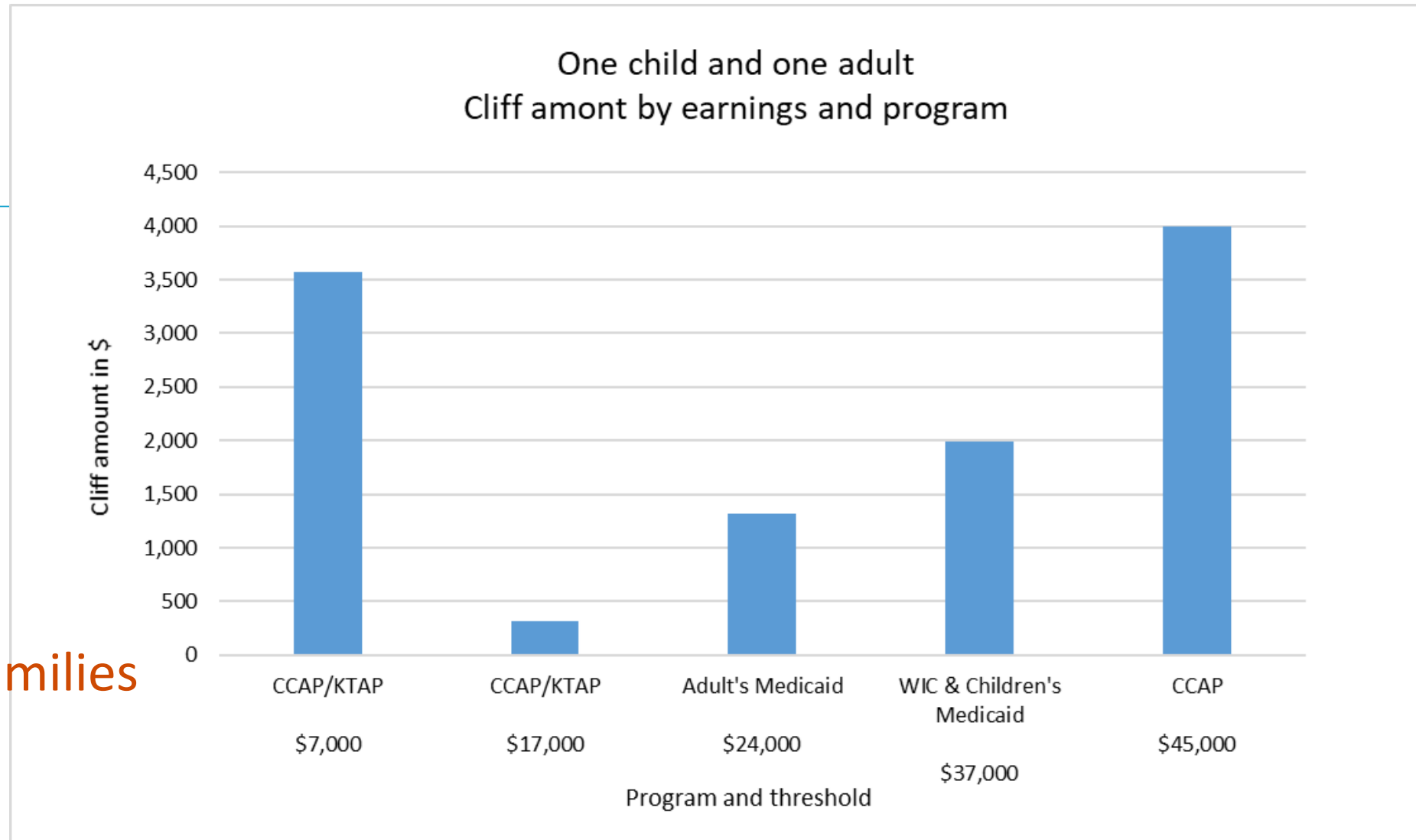
17,492 Families dealt with benefit cliffs in Q4 of 2022



Analysis of Kentucky Longitudinal Data System utilizing UI records and SNAP/KTAP enrollment

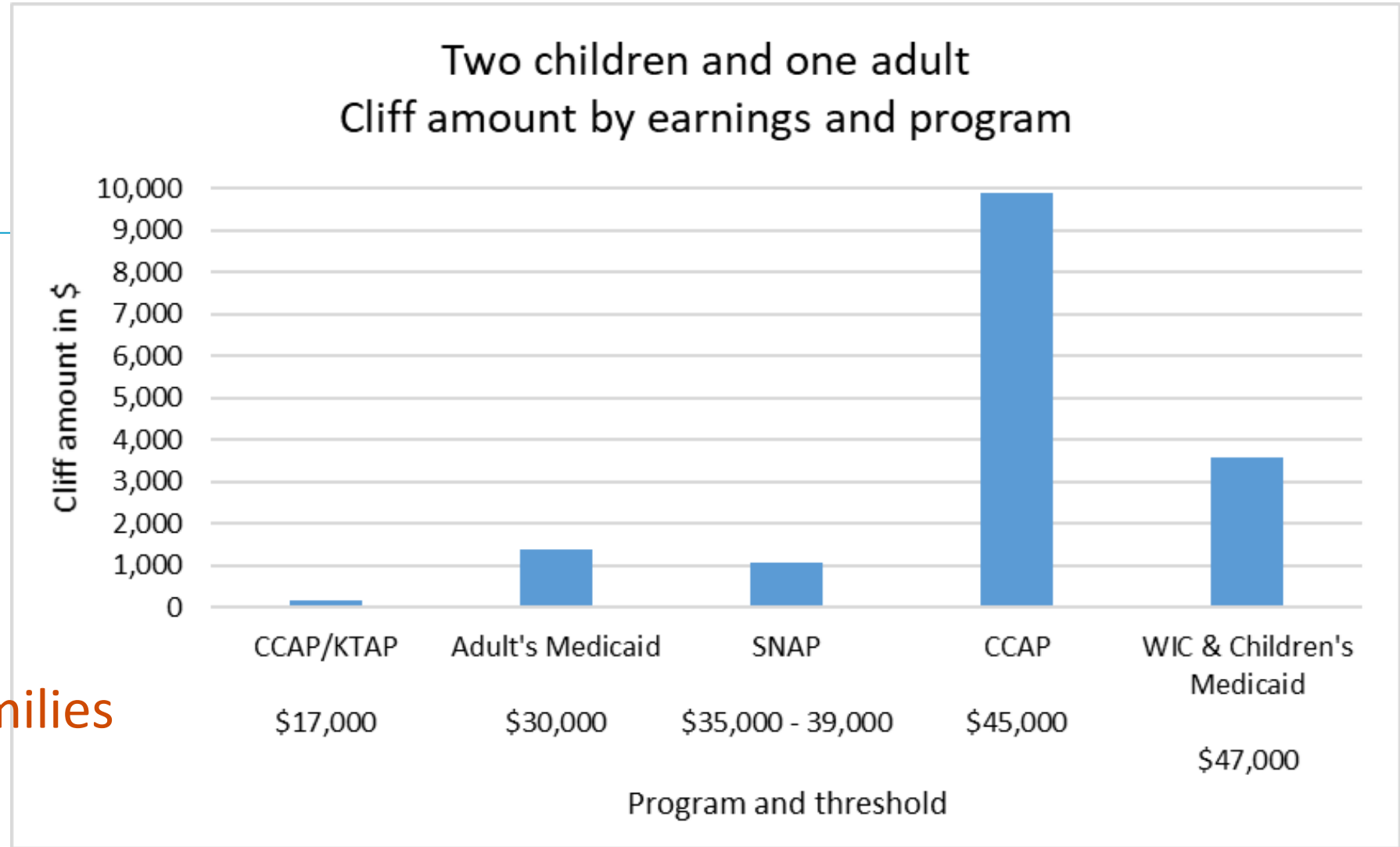
Largest cliffs facing 1 parent 1 child households

5,445 KTAP & SNAP families faced these cliffs



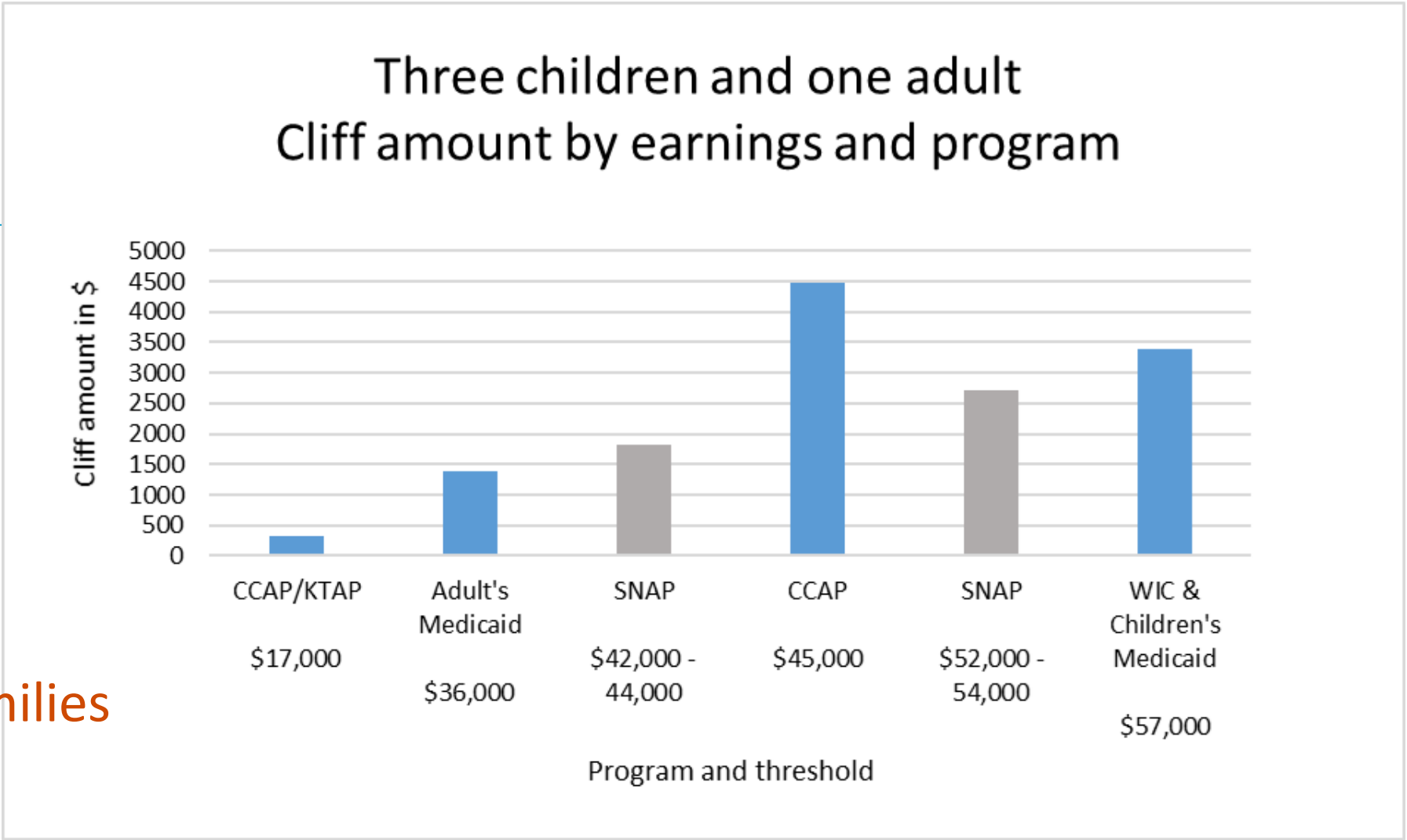
Largest cliffs facing 1 parent 2 children households

5,713 KTAP & SNAP families faced these cliffs



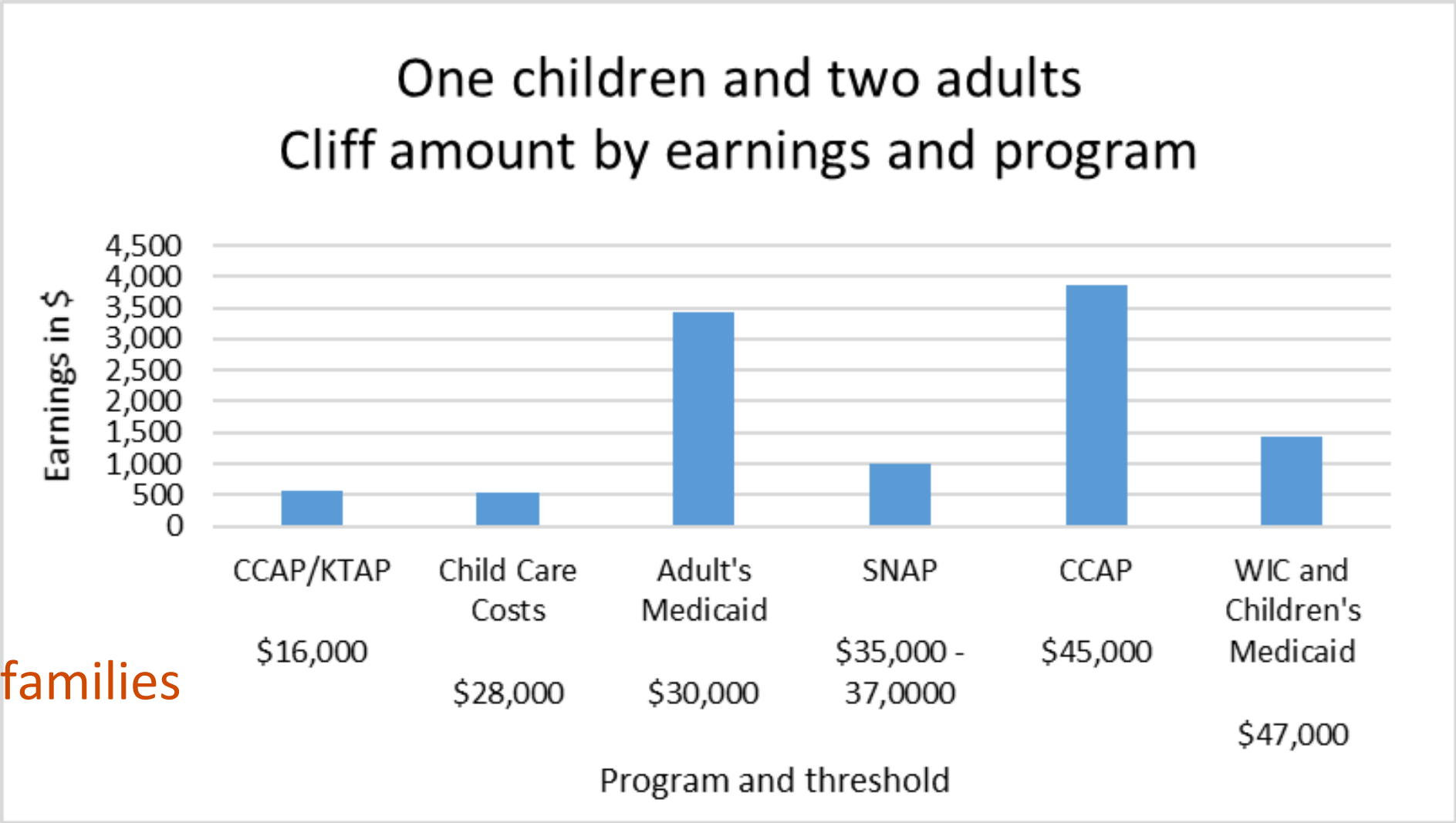
Largest cliffs facing 1 parent 3 children households

1,399 KTAP & SNAP families faced these cliffs



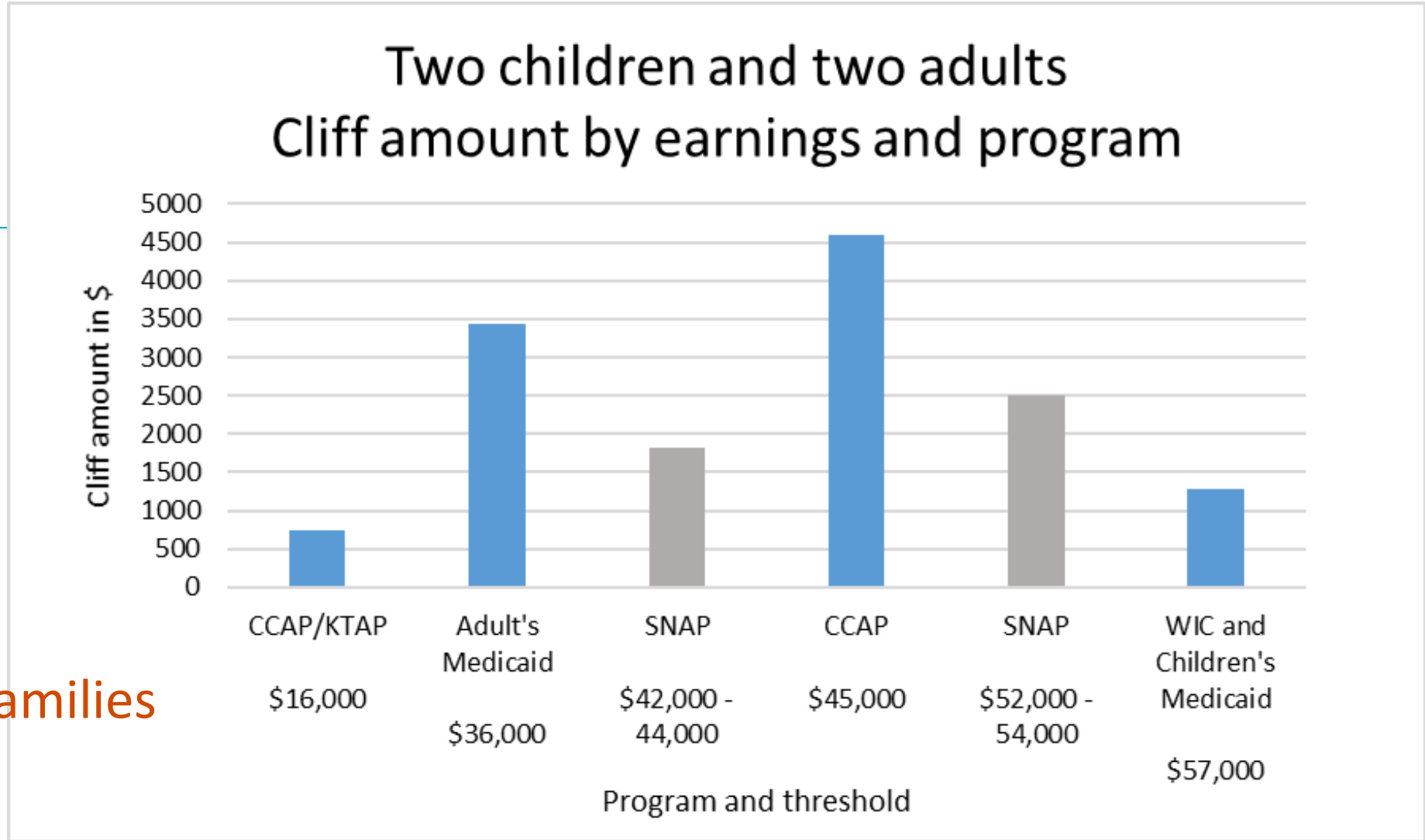
Largest cliffs facing 2 parent 1 children households

1,717 KTAP & SNAP families faced these cliffs



Largest cliffs facing 2 parent 2 children households

1,826 KTAP & SNAP families faced these cliffs



Ongoing policy recommendations in progress

Kentucky's updates:

1. Raise asset limit for KTAP to allow families to prepare for cliffs
2. Increase the Kentucky Standard of Need for determining KTAP income eligibility
3. Raising CCAP income limits to exceed the SNAP gross income limit

Next steps : Phase II

1. Making changes to the FRS:

- a. The FRS has been updated to include three policy changes that NCCP was going to recommend
- b. These policies were implemented in Kentucky after this project began
- c. Changes to the FRS will be made available to NCCP and will be tested for accuracy

1. Expectation:

- a. Double SNAP cliff effects for some families and KTAP cliff effects will be eliminated

1. Looking forward:

- a. Reporting the impact of these FRS changes
- b. Potential changes and additional policy recommendations

Ongoing policy recommendations

Administrative changes:

1. Update Kentucky's approved CCAP activities to include ESL and other KTAP activities
2. Guarantee subsidies for families receiving KTAP and allow eligibility for people who have received KTAP in recent years

Ongoing policy recommendations continued

Tax credits

1. Implement a Kentucky Child Tax Credit (CTC)
2. Implement a Kentucky Earned Income Tax Credit (EITC)
3. Expand the existing Kentucky Child and Dependent Care Credit (CDCC)

Phase III

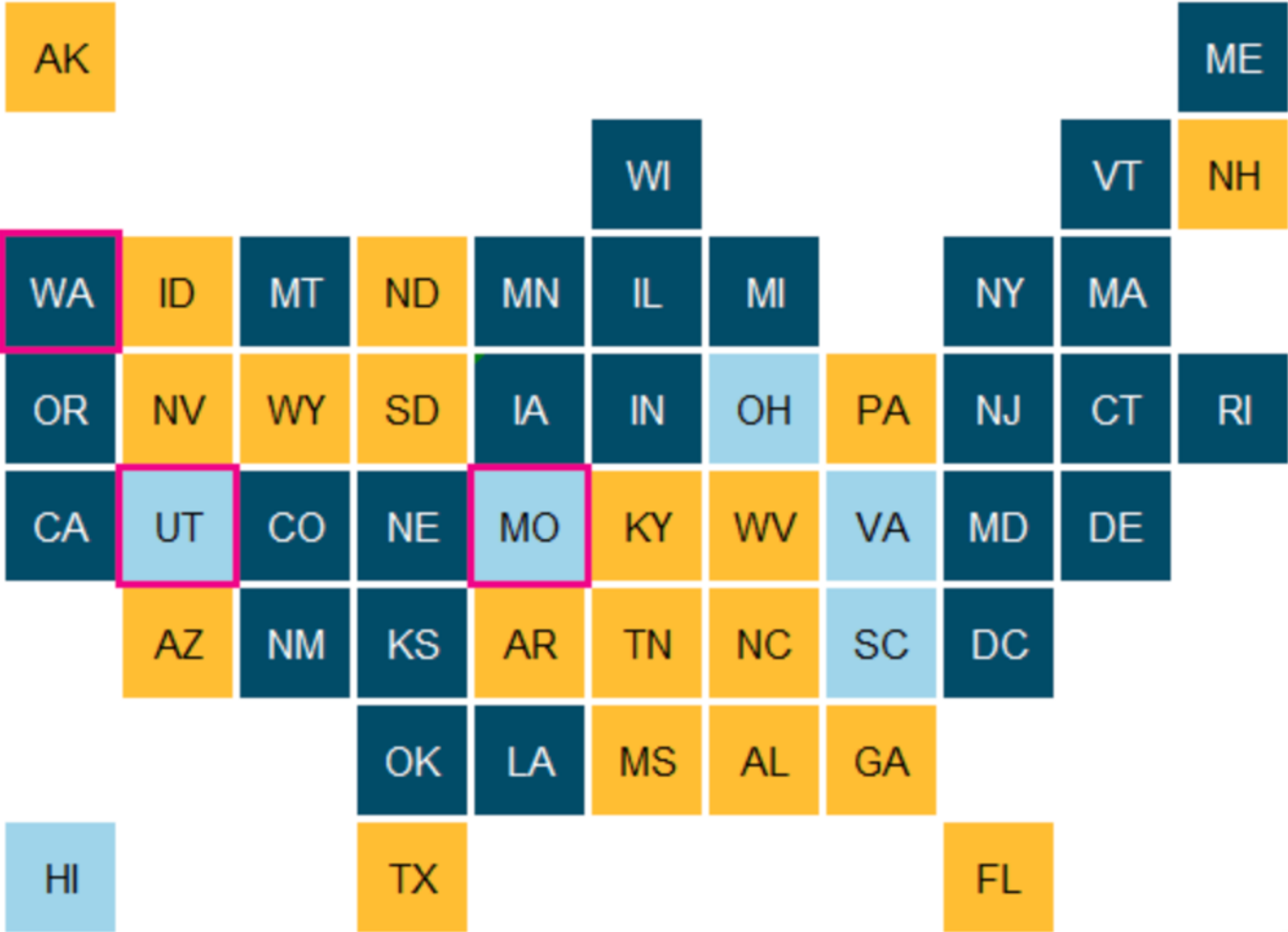
- 1. Using administrative data to measure economic impacts**
- 2. Develop a final report and present findings**



National Center for Children in Poverty

Bank Street Graduate School of Education

Policy recommendation: State EITC



State Earned Income Tax Credits, 2022



Sources: State tax codes and forms.
Note: In Delaware and Maryland, a filer can choose a refundable credit or a nonrefundable credit (at a higher match rate).

Preliminary Analysis Policy Recommendations

Policy recommendations that Kentucky has already started implementing:

1. Raise asset limit for KTAP to allow families to prepare for cliffs
2. Increase the Kentucky Standard of Need for determining KTAP income eligibility
3. Raising CCAP income limits to exceed the SNAP gross income limit

Administrative changes recommendations:

1. Update Kentucky's approved CCAP activities to include ESL and other KTAP activities
2. Guarantee subsidies for families receiving KTAP and allow eligibility for people who have received KTAP in recent years

Tax credits recommendations:

1. Implement a Kentucky Child Tax Credit (CTC)
2. Implement a Kentucky Earned Income Tax Credit (EITC)
3. Expand the existing Kentucky Child and Dependent Care Credit (CDCC)



GUIDANCE

COMMONWEALTH OF KENTUCKY
DEPARTMENT OF WORKFORCE DEVELOPMENT
AND
KENTUCKY WORKFORCE INNOVATION BOARD

GUIDANCE NAME: Rapid Response, Rapid Response Additional Assistance, and Layoff Aversion Strategies

GUIDANCE NUMBER: 23-010

DATE OF ISSUE: _____, 2023

EFFECTIVE DATE: _____, 2023

APPLIES/OF INTEREST TO: Kentucky Career Center Staff, Office of Employer and Apprenticeship Staff, and Local Workforce Development Area (LWDA) staff

POINT OF CONTACT: Office of Employer and Apprenticeship Services, Email: workforce@ky.gov

PURPOSE: The Workforce Innovation and Opportunity Act (WIOA) identifies, as a required statewide rapid response activity, the provision of additional assistance to local areas that experience disasters, mass layoffs, plant closings, or other events that precipitate substantial increases in the number of locally unemployed individuals. This guidance discusses Rapid Response generally and includes the Kentucky Career Center Rapid Response Manual as an attachment as well as describes the process to apply for Rapid Response Additional Assistance (RRAA) funds from the State.

This guidance also discusses layoff aversion strategies, which are designed to prevent or minimize the duration of unemployment resulting from layoffs.

BACKGROUND: Under 20 CFR 682.350, States can reserve up to 25 percent of WIOA Title I Dislocated Worker allotments to carry out statewide rapid response activities. Once the State has reserved funds sufficient for statewide rapid response activities, such as described in 20 CFR §§ 682.310, 682.320, and 682.330, remaining funds may be provided to local areas that have experienced increased unemployment due to natural disasters, mass layoffs, or other events. The funds are to be used to provide direct career services to participants if adequate local funds are not available to assist the dislocated workers. States may establish policies or procedures governing the provision of additional assistance as described in 20 CFR 682.340.

In Kentucky, the Office of Employer and Apprenticeship Services (OEAS) is the agency designated to work with local Rapid Response coordinators and the workforce development systems in the administration of WIOA and the business service team's layoff aversion/ Rapid

Response programs. OEAS jointly works with Kentucky's Business Service Teams Rapid Response programs to ensure compliance with federal and state requirements.

For more information about Rapid Response in Kentucky, please refer to the Kentucky Career Center Rapid Response Manual (Attachment A).

GUIDANCE:

I. PROCESS AND PROCEDURE FOR SUBMITTING A REQUEST FOR RAPID RESPONSE ADDITIONAL ASSISTANCE FUNDS

Local Workforce Development Areas (LWDA) may only request RRAA funds when they have insufficient resources to address events such as disasters, mass layoffs, plant closings, or other events that precipitate a substantial increase in the number of unemployed individuals. LWDAs may only request RRAA funds when WIOA Title I Dislocated Worker formula funds are insufficient to assist workers affected by a layoff event.

The Office for Employer and Apprenticeship Services needs the following data elements to review and approve RRAA funding requests:

- Local Workforce Development Area and contact;
- Funding Type:
 - Rapid Response Additional Assistance;
 - Rapid Response Local Activity;
 - Rapid Response/Trade Case Management for a Trade petition;
 - Rapid Response Layoff Aversion;
- Description of the need (i.e., Project summary – who, what, when, where, how), which must be inclusive of a line item and narrative budget;
- Description of the dislocation and summary of work done to date to support dislocation;
- Current Obligation Rates for the funding and calculation(s);
- The obligation rate for WIOA Title I Dislocated Worker formula funds;
- Estimated number of participants to be served with the requested funding;
- The average cost per participant for requested funding;
- Number of active participants currently enrolled in the requested funding stream;
- For trade funding requests, the number of Trade petitions actively pending; and
- Consequences if not funded.

The Office for Employer and Apprenticeship Services will confirm receipt of all requests for funds. Requests will then be reviewed by OEAS staff (“Review Team”), and recommendations will be forwarded to the Department of Workforce Development Commissioner or designee for final decision. All project activity for approved requests must be noted and tracked in the designated business services customer relationship system. A final project narrative report must be submitted after project completion.

Specifically:

1. SUBMISSION:

- a. Submit an Application and Budget, electronically or by paper, to the Office of Employer & Apprenticeship Services when making RRAA Funding Requests.
- b. Requests that are incomplete or missing information will be returned to the applicant for additional information and resubmission. Applicants will receive a NOTICE OF INCOMPLETE/MISSING INFORMATION that specifies areas missing.
- c. The applicant will receive a NOTICE OF RECEIPT via email.

2. REVIEW TEAM:

- a. Requests that pass the initial application review for completion will be processed and considered by the Review Team in the order received.
- b. Review Team Members will review all applications and provide feedback for approval/denial consideration. Members will consider the following:
 - i. Statewide Impact / Goals of the State Plan / Local Innovation Priorities;
 - ii. Administration Policy Goals;
 - iii. Amount of request versus available funding;
 - iv. The need for the funding; and
 - v. Total budget with no disallowed activities/costs.
- c. Within three to five business days of receiving a properly submitted application, the Review Team will discuss and make recommendations for approval/denial to the Commissioner or designee.

3. COMMISSIONER APPROVAL:

- a. Once the Review Team recommendations have been established, those recommendations will be transmitted to the Commissioner or designee for final review and approval of each item.
 - i. Applicants that are denied will be issued a NOTICE OF DECLINATION that will outline specific reasons for the denial, which may include:
 1. Availability of Funding;
 2. The Program includes Disallowed Activities or Costs;
 3. Similar Programs already exist within the Local Area;
 4. Insufficient Detail in Program Overview / Budget;
 5. Program/Project does not meet established sectors/priorities; or
 6. The Program does not further the goals of the Kentucky WIOA State Plan.

Note: The above list is not exhaustive, and Rapid Response Program Applications may be declined for reasons not specifically identified here.

- ii. Applicants who are denied can resubmit applications with corrections for consideration at a later date.
- b. If the Commissioner or designee chooses to APPROVE WITH ADJUSTMENTS OR CONDITIONS, OEAS will provide notice to the applicant with the requested adjustments or conditions.
 1. If the applicant accepts the adjustments and/or conditions, they will be directed to submit a revised Application and Budget for review by the Commissioner or designee and final approval.

4. AWARD PROCESS:

Upon approval, OEAS will process the grant request.

A NOTICE OF FUNDING AVAILABILITY ("NFA") will be produced by the Federal Program Specialist and submitted to the Commissioner or designee for signature.

The NFA will contain all the necessary details and contractual obligations including, but not limited to:

1. Amount of Funding;
2. Reporting Requirements;
3. Funding Expiration Date;
4. Invoice Submission Requirements;
5. The requirement that grant progress reports will be monitored per financial expense reports and, if applicable, a narrative report will be provided upon request; and
6. All awarded projects will submit an end-of-project narrative report.

II. WIOA LAYOFF AVERSION STRATEGIES

Layoff aversion is one of the early intervention business services that local area business services teams need to make available. Layoff aversion saves jobs, increases economic productivity, decreases the negative impacts of unemployment, and ensures more resources are available to provide comprehensive services to those individuals with greater needs.

Under WIOA, Rapid Response services are designed to be proactive layoff aversion services. Rapid Response benefits employers by helping them prepare for and manage the economic transition and related workforce challenges.

Layoff Aversion Strategies:

WIOA considers a layoff averted when:

1. A worker's job is saved with an existing employer that is at risk of downsizing or closing;

2. A worker at risk of dislocation transitions to a different job with the same employer;
3. A worker at risk of dislocation transitions to a new job with a different employer and experiences no or minimum period of unemployment.

A local Business Services Team coordinates with community partners in the local workforce and economic development area to identify at-risk companies and develop a customized plan to address each company's unique circumstances. Layoff aversion strategies are effective tools to assist employers in developing the skilled workforce necessary to adapt to the changing economy, stay in business, and retain employees.

These layoff aversion strategies, as outlined in 20 CFR 682.320, include but are not limited to:

1. Providing assistance to employers in managing reductions in workforce, which may include:
 - a. Early identification of employers at risk of layoffs (e.g., early warning networks or trend monitoring)
 - b. Assessment of the needs of and options for at-risk employers (e.g., asset mapping, employee buyouts, or succession planning); and
 - c. The delivery of services to address these needs.
2. Ongoing engagement, partnership, and relationship-building activities with businesses in the community, to create an environment for successful layoff aversion efforts and to enable the provision of assistance to dislocated workers in obtaining reemployment as soon as possible;
3. Funding feasibility studies to determine if a company's operations may be sustained through a buyout or other means to avoid or minimize layoffs;
4. Developing and managing rapid response incumbent worker training (RRIWT) programs or other worker skills upgrading approaches;
 - a. Employers may benefit from the following types of training for incumbent workers:
 - Skills upgrade training
 - Customized training
 - Occupational skills training
 - b. Local areas may apply for Rapid Response Additional Assistance Layoff Aversion funds to support an incumbent worker project as part of a layoff aversion strategy.
5. Connecting companies to:
 - a. A program such as On the Job Training (OJT), Work Experience, Incumbent Worker Training (IWT), or other programs designed to prevent layoffs or to reemploy dislocated workers quickly;
 - b. Financial incentive programs from the Kentucky Economic Development Finance Authority, such as the Kentucky Reinvestment Act (KRA). KRA provides tax credits to an existing Kentucky company engaged in manufacturing and related functions

- permanently for a reasonable period of time, investing in eligible equipment and related costs of at least \$2,500,000 while agreeing to maintain at least 85% of their full-time employment base (KRS 154.34). For more information, see <https://ced.ky.gov/kyedc/pdfs/KRAFactSheet.pdf?35>;
- c. Employer loan programs for employee skill upgrading; and
 - d. Other Federal, State, or local resources as necessary to address other business needs that cannot be funded with resources provided under WIOA.
6. Establishing linkages with economic development activities at the Federal, State, and local levels, including Federal Department of Commerce programs and available State and local business retention and expansion activities;
 7. Partnering or contracting with business-focused organizations to assess risks to companies, propose strategies to address those risks, implement services, and measure impacts of services delivered;
 8. Conducting analyses of the suppliers of an affected company to assess their risks and vulnerabilities from a potential closing or shift in production of their major customer;
 9. Engaging in proactive measures to identify opportunities for potential economic transition and training needs in growing industry sectors or expanding businesses;
 10. Connecting businesses and workers to short-term, on-the-job, or customized training programs and apprenticeships before or after layoff to help facilitate rapid reemployment; and
 11. Providing Rapid Response services thru the LWDA Rapid Response team per the Kentucky Career Center Rapid Response Manual.

Based upon a thorough needs assessment, it may be determined that an employer could be better served through a program not funded by WIOA. Therefore, gathering sufficient information and working with the Local Business Services teams and networks are important to determine the appropriate mix of services to meet the employer's needs.

Furthermore, WIOA funds for layoff aversion activities should be used to establish or develop layoff aversion strategies; the funds are not to be used to maintain such strategies. **The goal is to develop a layoff aversion strategy that will become self-sustaining.**

Reporting Requirements:

- Rapid Response should be tracked per the Kentucky Career Center Rapid Response Manual (*see* Attachment A).
- Each layoff aversion strategy should be entered and tracked on the employer customer management system. LWDA's may choose to collect more information to conduct successful programs.

- LWDAs can collect and document data over and above these requirements to ensure a holistic view of the affected company and/or services provided.

REFERENCES: **Re Rapid Response:** WIOA Sec. 3, Sec. 129, Sec. 134; CFR 200.405; 20 CFR 678.430, 680.180, 680.410, 681.500, 682.300 through 682.350; 29 CFR 95.2, 97.3; & TEGL 17-16

Re Layoff Aversion: 20 CFR §§682.300-682.370; TEGL 19-16

Kentucky Career Center Rapid Response Manual

Introduction

Per 20 CFR 682.310(b), States must establish and maintain a rapid response unit to carry out statewide rapid response activities and to oversee rapid response activities undertaken by a designated State entity, Local Workforce Development Board (WDB), or the chief elected officials for affected local areas, as provided under WIOA sec. 134(a)(2)(A)(i)(I). The Kentucky Education and Labor Cabinet, Department of Workforce Development (DWD), Office of Employer & Apprenticeship Services (OEAS) is the designated statewide unit for Kentucky to work with local Kentucky Career Center (KCC) Rapid Response teams to carry out the necessary services.

Rapid Response aims to promote economic recovery and vitality by developing an ongoing, comprehensive approach to identifying, planning for, and responding to layoffs and dislocations and preventing or minimizing their impacts on workers, businesses, and communities. Rapid Response is a primary gateway to the workforce system for both dislocated workers and employers and is a component of a demand-driven system.

Work-ready, work-first Rapid Response programs are flexible, agile, and focused on promptly delivering comprehensive solutions to businesses and workers in transition. Rapid Response, when operated successfully, delivers on the promises that the workforce system makes to businesses, workers, and communities — to provide economically valuable solutions to businesses and critically important services to workers at the time when needed.

To ensure high quality and maximum effectiveness, successful Rapid Response strategies must include the following:

- Layoff Aversion, such as:
 - Proactive, forward-thinking Business Services Teams.
 - Implementing strategies and activities designed to prevent or minimize the duration of unemployment resulting from layoffs.
 - Developing a comprehensive approach that allows an assessment of the economic situation in each area.
 - Adopting an approach that enables the development of a plan to intervene and manage the transition in the area.
 - Creating customizable, quickly deployable strategies informed by economic data, including multiple partners.
- Convening, Facilitating and Brokering Connections, Networks, and Partners within the business service teams and local Rapid Response participation partners.
 - Effective Rapid Response networks develop and maintain a comprehensive set of partnerships.
 - Effective Rapid Response and layoff aversion occur where strong, diverse partnerships exist with:

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- Kentucky Office of Unemployment Insurance
 - Kentucky Career Development Office
 - Kentucky Office of Adult Education
 - Kentucky Office of Vocational Rehabilitation
 - Kentucky Health Department
 - Kentucky Personnel Cabinet
 - Local Workforce Development Areas
 - Kentucky Cabinet for Economic Development
 - Education Providers, e.g., KCTCS, Workforce Solutions
 - U.S. Department of Labor, Employee Benefits Security Administration
 - Business Associations
 - Other State and Local Governmental Organizations
- Strategic Planning, Data Gathering, and Analysis Designed to Prepare for, Anticipate and Manage Economic Transition.
 - Effective Rapid Response networks have access to real-time information on layoffs and growth and information on available skilled workers for growing companies.
 - Effective Rapid Response networks develop early warning networks and systems to understand economic transition trends within industries, communities, or specific employers and plan strategies for intervention when necessary and appropriate.
 - Strategic planning, data gathering, and analysis are a function of Rapid Response and the local area's larger demand-driven system.
 - Information can be obtained from:
 - Office of Employer & Apprenticeship Services' Dun & Bradstreet Radius Search report of like employers; and
 - KYSTATS (<https://kystats.ky.gov/KYLM>)
 - Informational and Direct Reemployment Services for Workers.
 - Local areas should provide the widest array of services possible based on the needs of the workers and the employer.
 - Provision of information and access to unemployment compensation benefits and programs, comprehensive One-Stop services, and employment and training activities (including information on the Trade Adjustment Assistance Program, Pell Grants, the GI Bill, and other resources) should be present in strategies.
 - Solutions for Businesses in Transition; Growth and Decline.

Kentucky Career Center Rapid Response Manual

- Rapid Response is a business service that builds and maintains relationships with employers across the business cycle.
- Rapid Response is more than a single, on-site visit in response to a Worker Adjustment Retraining Notification (WARN) Act notice; it is a primary gateway to the workforce system for dislocated workers and employers and is a component of a demand-driven system.
- Kentucky Integrated Business Engagement System (KIBES) is an employer management system used by the staff as a tool. KIBES helps assist staff with engagement with businesses and monitor collected performance metrics.

Rapid Response in a Demand-Driven System

The planning and information gathering necessary for effective Rapid Response also establishes an awareness of and familiarity with the talent needs of a region. It allows the workforce system to meet the needs of hiring employers and those facing layoffs. Providing an environment to engage industry leadership on a broad range of workforce issues facilitates the identification of necessary resources. Convening employers and, when appropriate, partners and other resources allow comprehensive dialogue between employers and training institutions, resulting in collaborative problem-solving; creating unique approaches to career pathways; addressing curriculum strategies; creating customized training and incumbent worker training and ultimately enhancing competitiveness and reducing the potential for future layoffs.

In a demand-driven system, employer engagement results in the following:

- Employers identify industry demand and vacancies.
- Employers provide direct input into the design of educational program offerings that directly respond to industry-identified demand and curriculum that addresses occupational skill requirements (work-based learning).
- State and local services and programs align with the industry's need for workers and skills.
- The state's eligible training provider list includes programs representing high-demand occupations based on input from employers.
- KCTCS – Workforce Solutions will provide workforce education, deliver programs and services that address the full spectrum of needs faced by businesses and industry, and programs for individuals who want to upgrade their skills.

The overarching objective is to adapt the workforce system to help ensure that the pipeline of workers with skills and competencies aligns better with the industry, thus increasing employment and retention. Pre-existing relationships can build the trust needed to share information and create a dialogue with employers to encourage them to seek assistance before it is too late. Economic and market intelligence gathering is more robust if positive working relationships with business and industry groups are developed outside of specific dislocations. Employers should be comfortable approaching the workforce system when looking for new workers, seeking assistance to avert a layoff, and helping their workers transition to a new job if they have to end their local operation.

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Therefore, developing a long-term Business Outreach Plan is critical to engage employers and develop a relationship with them to earn their trust and ensure they understand the full range of business solutions offered through the local workforce system, including but not limited to Rapid Response.

Thus, the state's Kentucky Workforce Innovation Board (KWIB), which focuses on aligning efforts – initiatives, programs, and funding - around priority sectors for a demand-driven workforce system, helps facilitate such employer engagement. Through extensive labor market research, the KWIB has identified five primary targeted sectors (i.e., advanced manufacturing, information technology and business, healthcare, transportation and logistics, and construction trades) and is driving workforce development efforts toward meeting the skill needs within these sectors. This approach is in partnership with employers, the Kentucky Career Center system, and partners. A key activity of the KWIB is the convening of groups of employers to identify and develop solutions to address workforce needs along the entire business cycle continuum.

The KWIB seeks to:

- Implement an employer-based demand-driven system for workforce development using an industry sector approach
- Take the industry sector approach to a statewide scale
- Obtain accurate data on in-demand jobs and skill gaps
- Establish a strategic training fund to sustain the demand-driven workforce system to better address skill gaps

Reference

20 CFR Subpart C – Rapid Response Activities

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Office of Employer & Apprenticeship Services State Rapid Response Unit Responsibilities include:

- Receive and maintain all Worker Adjustment & Retraining Notification (WARN) notices in the Kentucky Integrated Business Engagement system (KIBES), as well as maintain dislocated worker and Rapid Response information on the Department of Workforce Development's websites and in KIBES
- Provide grant oversight of the Rapid Response program
- Recommend grants and contracts related to overall Rapid Response management to leadership
- Implement and maintain the necessary state partnerships related to dislocations (i.e., the U.S. Department of Labor, Employee Benefits Security Administration and the Kentucky Personnel Cabinet)
- Serve as the central point of communication for Rapid Response
- Provide technical assistance and training to the local areas
- Develop prospective strategies for addressing dislocation events that ensure rapid access to the broad range of allowable assistance in conjunction with other appropriate federal, state, and local service agencies and officials, employer associations, technical or other business councils, and labor organizations
- Compile information and distribute it to the Kentucky Workforce Innovation Board (KWIB), the US DOL, and others as needed
- Serve as a WARN contact; email WARN and layoff/closure notices to local rapid response coordinators and appropriate partners within 24 to 48 hours
- Maintain the WARN notices at www.kyworks.ky.gov
- Coordinate and track performance of outreach efforts with local workforce development areas regarding Rapid Response
- Monitor participation in all planned activities to ensure appropriate and meaningful activities and programs are provided for program compliance

Local Rapid Response Coordinator Responsibilities include the following:

Responding to WARN or Other Dislocation Event

WIOA holds states responsible for providing Rapid Response services pursuant to 20 CFR 682.310(b). OEAS maintains responsibility for ensuring compliance with federal and state

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requirements regarding Rapid Response, implementation of program initiatives, and providing support, guidance, technical assistance, and financial resources to the LWDA's. As such, OEAS will remain the state's designated recipient of WARNs to fulfill its statutory requirements. However, it is expected that the Kentucky Career Center and other key partners will coordinate during all layoffs in a particular region, regardless of the size of the event.

Each LWDA must identify a lead Rapid Response coordinator to ensure that all Rapid Response partners are included in the Rapid Response process. The local Rapid Response Coordinator must be an active, engaging member of the LWDA's Kentucky Career Center business services team. Because of the uniqueness of each event, OEAS recognizes that flexibility is key.

Receipt of Notification

Notifications (whether a WARN, a substantial layoff, or a smaller event) come through various channels to the KCC, the LWDA, and other partners. The important factors in the response process are ensuring all partners aware of the notice, immediately contacting the company, and gathering information to disseminate for the planning of services.

- When the OEAS Rapid Response staff or KCC staff receives information regarding the event, they should immediately contact the other thru the KIBES notification section to start the response process. Immediate contact must be made within 48 hours.
 - If OEAS is the first to be contacted, a response will be made via email and documented in KIBES or via a KIBES email, connecting the employer to the LWDA Rapid Response Coordinator.
 - Initial contact with the employer should attempt to secure the following information:
 - Company Name (including address and telephone number)
 - Company Contact Name and Title
 - Description of the business, including North American Industry Classification System code
 - Type of dislocation (e.g., Mass Layoff or Plant Closure)
 - Notification type (e.g., WARN, news article, letter, phone call, other)
 - Number of impacted workers and total workers at the facility
 - Note: Employer should be informed of all relevant assistance programs, including Trade Adjustment Assistance (TAA) and Trade Readjustment Act (TRA), and provided with the TAA application (www.doleta.gov/tradeact/), if appropriate, and advised on WARN (<https://doleta.gov/layoff/warn.cfm>) if the company needs assistance.

Employer Meeting/Contact

- When the KCC Rapid Response Coordinator meets with the employer, they should attempt to secure the following information:

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- Brief description of impacted employee skill sets and corresponding occupations that can be linked to a Standardized Occupational Classification code
- Identify potential days and times for a Rapid Response employer meeting and/or Rapid Response worker/employee service session.
- A determination should be made as to what other partners need to be notified and how they will participate in the process. Other partners may include:
 - The Office of Unemployment Insurance
 - The Cabinet for Economic Development
 - Local Economic Development
 - The U.S. Department of Health and Human Services
 - The United Way
 - A Union Official
- The lead KCC Rapid Response Coordinator will be responsible for the timely dissemination of information to other partners and key stakeholders to ensure accurate and up-to-date information is available and communicated
- When a meeting date is determined for Rapid Response, the KCC Rapid Response Coordinator will remain responsible for securing the requested agency representation
- The initial Rapid Response employer meeting should include the KCC Rapid Response coordinator, the KCC Rapid Response staff, other local partners as necessary, company officials, and employee representation (union or other). The meeting is to discuss business services and solutions that may avert or lessen the impact of the layoff. Each partner has a role in the meeting that adds value to the process as a whole. A Rapid Response meeting should include the following:
 - The opportunity to gather information regarding the layoff, timelines, demographic information, and skill sets of the affected workers; and
 - The dissemination of information to assist both the business and worker through the transition to reemployment.

Rapid Response Worker/Employee Services

These services provide information on available resources to the impacted employees. The services meet the specific needs of each unique group of affected workers.

Rapid Response Workers/Employee Services may include other partners from the local One-Stop service centers and community agencies listed below, presenting information and providing informational materials.

- Local Workforce Development Areas

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- Office of Employer and Apprenticeship Services
- Kentucky Career Centers
- WIOA Dislocated Worker Job Training
- Office of Unemployment Insurance
- Veterans Services
- Trade Adjustment Assistance Program (TAA)
- Office of Vocational Rehabilitation
- Cabinet for Economic Development
- Office of Adult Education
- Kentucky Personnel Cabinet
- Local Community Organizations
- Local Health and Human Services
- Consumer Credit Counseling
- U.S. Department of Labor, Employee Benefits Security Administration (DOL-EBSA)
- Federal financial assistance for students

All Rapid Response Employee services and/or meetings may feature presentations from appropriate partners in the local area. Workers attending a Rapid Response session should receive information and access to the following:

- Kentucky Career Center services (NOTE: Staff should encourage affected workers to self-register in Citizen Connect and Focus Career as soon as possible, even though not dislocated at that time.)
- Employment services
- WIOA training activities
- TAA; if a TAA petition has not been filed, petitioning information should be provided
- Unemployment Insurance benefits
- Websites that provide job search and preparation guidelines
- Resume and interview workshops
- Veterans Program assistance
- Financial counseling programs
- Federal financial assistance for students
- Local Health and Human Services programs
- Adult Education programs
- Cabinet for Economic Development information.

The meeting may not always follow a Rapid Response (leadership) meeting due to the timing of the layoff or lack of cooperation from an employer. The Business Services Staff will provide emergency assistance adapted to the closing, layoff, or disaster.

State Rapid Response staff assistance is available upon LWDA request.

Inability to Schedule a Rapid Response or Rapid Response Worker/Employee Sessions

Scheduling a meeting is not always feasible. Workers may be laid off before the Rapid Response Team is notified, the employer does not want a meeting, the timing of events does not allow the process to play out, or other reasons may come into play. Because information and data are always

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helpful in determining a strategy for the delivery of services, the appropriate KCC Rapid Response coordinator and local Business Services Teams (BST) should attempt to obtain the needed information and arrange a Rapid Response Worker/Employee community event. One-Stop and partner services information should be distributed to the impacted employees.

The data elements in KIBES should be collected when a business closes without prior notification. KCC Rapid Response staff should complete the entire data field to the best of their ability. The information from the Rapid Response program in KIBES is used for the following:

- Keep the Governor and leadership fully informed of dislocation events and their potential impact on local communities
- Respond to Legislative and other inquiries
- Enable the DWD to make informed budgetary decisions with respect to the allocation of National Dislocated Worker grants and the WIOA discretionary funding
- Comply with federal reporting requirements to include the maintenance of layoff information in the KIBES system
- Serve customers with transparency and accountability

The KCC Rapid Response Coordinator must have a local policy describing how the Local Workforce Development Board will coordinate Rapid Response activities with the Kentucky Career Center to address actual or potential dislocation events. The policy may be covered separately or included in the LWDA local plan. Layoff aversion strategies must be addressed as part of the policy. Layoff aversion may be part of the overall Rapid Response policy or under separate cover. In addition to the general Rapid Response elements, the policy must include the following actions, at a minimum:

- The name of the local Rapid Response coordinator primarily responsible for activities including scheduling and facilitating Rapid Response and Rapid Response Employee/Worker Sessions along with the title, mailing address, email address, and telephone number.
- A description of the coordination of business services which may include layoff aversion strategies.
- A listing of all agencies represented on the LWSA Rapid Response Team

Reporting Requirements

Rapid Response service activity is tracked in KIBES. All information requested, with weekly status updates, must be entered in the KIBES under the Rapid Response program tab. All final data must be entered within ten days of a Rapid Response session.

Below are the needed data elements, if applicable to the Rapid Response service provided:

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<p>Company American Greetings Corp-Bardstown /</p> <p>Program Type ⓘ Rapid Response/Downsizing Assistance /</p> <p>Program Type Sub-Category ⓘ Plan Layoff Resp/Delivery of Rapid Resp /</p> <p>CHFS Programs /</p> <p>CHFS Sub-services /</p> <p>Description Received WARN referred to LWDA for Rapid Response. /</p> <p>Job Title Zip /</p> <p>Employees Served(If applicable) ⓘ /</p> <p>Applicants Served ⓘ /</p> <p>Number Of KCC Customers Hired(If applica ⓘ /</p> <p>Target Group for Untapped Labor Pools /</p> <p>Case Number /</p>	<p>Approval Status Approved /</p> <p>Approval/Start Date 1/12/2018 /</p> <p>Completed/End Date 3/14/2018 /</p> <p>Related Notice /</p>
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▼ Rapid Response Requirements

<p>Date LWDA received WARN /</p> <p>RR Jobs Report Completed & Attached ⓘ <input type="checkbox"/> /</p> <p>Initial Visit/Contact Date 1/24/2018 /</p> <p>Num. of Employees Affected /</p> <p>Type of Rapid Response Action Provided Employee Meetings /</p> <p>Rapid Response Action Provided -Describe Rapid Response information sessions were provided to the employees on 3/14/18 at 10:00 pm and 11:00 pm at the company. /</p> <p>Refusal/Rejection Notes ⓘ /</p> <p>Num. of Employees Re-Employed /</p> <p>Num. referred to a KCC Partner /</p> <p>Agencies involved in providing services Employment Services;Kentucky Adult Education;LWDA;Unemployment Insurance;US DOL/Employee Benefits Security Admin /</p>	<p>RR Reportable Status Update -Week #1 /</p> <p>RR Reportable Status Update -Week #2 /</p> <p>RR Reportable Status Update -Week #3 /</p> <p>RR Reportable Status Update -Week #4 /</p> <p>RR Reportable Status Update -Week #5 /</p> <p>RR Reportable Status Update -Week #6 /</p> <p>RR Reportable Status Update -Week #7 /</p> <p>RR Reportable Status Update -Week #8 /</p>
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Different Layoff Count ⓘ	/
Secondary LWDA Impacted by this Layoff	/
Average Age of Workers	/
45+ years	/
Will/Has State or LWDA filed a NDWG? ⓘ	/
No	/
Average Education Level of Workers	/
HS graduate or equivalent	/
Has a trade petition been filed&certified	/
No	/
Average Length of Service	/
15-21 years	/
Describe affected work force ⓘ	/
Average Wage of Workers	/
\$16.00-\$20.99 per hour	/
Veterans Affected?	<input type="checkbox"/> /
Date of Employee Rapid Response Services	/
3/14/2018	/
Individual(s)with a disability affected?	<input type="checkbox"/> /
Where will the services be provided?	/
Onsite Business Location	/
Non-English speakers affected?	<input type="checkbox"/> /

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References

20 CFR Subpart C – Rapid Response Activities (20 CFR 682.300 - 682.370)
WIOA Section 134(a)(2)(A)
TEN 31-11 – The Rapid Response Framework
TEN 9-12 – Layoff Aversion in Rapid Response Systems
TEN 32-11 – Rapid Response Self-Assessment Tool
TEGL 19-16 - Operating Guidance for the WIOA

COMMONWEALTH OF KENTUCKY
DEPARTMENT OF WORKFORCE DEVELOPMENT
AND
KENTUCKY WORKFORCE INNOVATION BOARD

POLICY NAME: Data Validation

POLICY NUMBER: 23-011

DATE OF ISSUE: _____, 2023

EFFECTIVE DATE: _____, 2023

APPLIES/OF INTEREST TO: Education and Labor Cabinet staff and Local Workforce Development Boards and staff

FOR FURTHER INFORMATION CONTACT: workforce@ky.gov

PURPOSE:

Data validation is a series of internal controls — or quality assurance techniques — to verify the accuracy, validity, and reliability of data. Data validation framework requires a consistent review across programs to ensure that all data consistently and accurately reflect the performance of each grant recipient. Data validation procedures include:

- Verify that the performance data reported by grant recipients to the United States Department of Labor (USDOL) are valid, accurate, reliable, and comparable across programs;
 - Identify anomalies in the data and resolve issues that may cause inaccurate reporting;
 - Outline source documentation required for common data elements; and
 - Improve program performance accountability through the results of data validation efforts.
-

POLICY:

I. Applicable Programs for Data Validation:

All USDOL programs must be validated annually. The Kentucky Department of Workforce Development (DWD) also requires additional programs to undergo data validation. These programs include:

- Title I- Adult, Dislocated Worker, and Youth
- Title II- Adult Education and Family Literacy Act (AEFLA)
- Title III- Wagner-Peyser
- Trade Adjustment Assistance (TAA)
- Jobs for Veterans State Grants (JVSG)
- Apprenticeship Program Grants
- National Dislocated Worker Grants (NDWG)
- Reemployment Services and Eligibility Assessment (RESEA) Program

II. Frequency of Data Validation:

Data validation will be conducted by both DWD staff and each Local Workforce Development Board (LWDB). Data validation will occur on an annual basis, though the DWD recommends that data validation occur for relevant programs on a quarterly basis as well.

A. Annual Data Validation:

At the end of each program year after the submission of the certified annual report, annual data validation training classes shall be conducted. Staff members from each Local Workforce Development Area (LWDA) must attend these trainings. DWD will alert the LWDA to the minimum number of staff expected to participate in these training classes, though the LWDA is encouraged to send additional staff involved with data validation beyond the minimum requirement. These classes will serve as a method to train LWDB staff and their contractors on data validation, as well as conduct data validation exercises. For example, during the training classes, each LWDA will use samples from another LWDA to conduct data validation exercises.

Before annual data validation takes place, each LWDB staff member will have the opportunity to receive training on required performance reporting, as well as review applicable documentation for data validation along with a validation tool. Please note that the annual data validation process is anticipated to be a four (4) week process.

The submitted annual report will be utilized to pull samples for the training classes based on the established sample size for each program. The samples are organized into ten record sets. Each record will be sorted vertically within a Data Element Validation (DEV) sample tool established by DWD staff. The tool will include the data element number that

corresponds to the PIRL, a listing of appropriate documents, and a list of the applicable programs for each data element.

Local staff members who are participating in the DEV are to check each file in the Case Management System of Record to ensure that the appropriate documentation is present to support program eligibility, enrollment, and service provision. After validation, the data elements are evaluated to determine which elements had the highest incidence of error. Each LWDB will receive a report from DWD staff that identifies where the highest error rates occurred so they can perform an internal audit of their files and make necessary corrections.

III. Random Sampling Methodology:

Random sampling for the annual data validation review is conducted by first determining the proportionate number of enrollments in each program in a local area to the total number of enrollments in each program across the state. If a given area is responsible for 10 percent of the total enrollments for the state, then 10 percent of that area's total enrollments are counted. This is done to determine each local area's proportion of the total. When each local area's proportion is determined, those numbers are totaled, divided by ten (10), and rounded up to determine how many records will be sampled by each area.

To select the sample, DWD staff shall sort the PIRL first by area, next by program and then by active or exited status. The desired number of records are manually chosen in a nonsequential, random fashion from the sorted PIRL for each local area. For areas with programs that do not have enough participants to meet the sample size, one hundred percent of their files for that program will be included in the sample. The remaining number of files are then pulled from the local area that contributed the largest percentage of enrollments.

IV. Staff Training for Data Validation:

All staff that conducts data validation is required to attend training on how to validate each program's data. This training will be conducted, at a minimum, one (1) time per year by staff from the DWD's Division of Technical Assistance. DWD will determine whether this training is conducted virtually or in-person at the DWD Central Office.

V. Annual Report Validation:

The annual report must be validated before it is submitted to USDOL. The report is validated through two methods as described below:

A. Annual Data Validation

The annual data submitted by program and LWDB staff shall be used to create the Annual Report.

B. Ongoing Data Checks

LWDB staff must perform quarterly data checks in the case management system of record to ensure there are no data anomalies prior to DWD submitting quarterly performance reports. LWDB staff shall have ten (10) calendar days post performance quarter to fix any data issues. Data issues can be identified through report queries in the case management system and/or EBI.

VI. Documentation Process:

All data validation records that are conducted annually are maintained on internal servers by DWD. All reports are submitted to the DWD's Division of Technical Assistance to compile and maintain the data validation efforts.

As part of the data validation process, the Division of Technical Assistance has created a Checklist of Required Documentation to Upload to KEE Suite (or other identified case management system of record). *See Attachment A.*

VII. Corrective Action:

The data validation process is aligned with the overall monitoring process for DWD. Any issues identified through data validation may result in a finding on the annual monitoring report prepared by DWD's Division of Technical Assistance.

REFERENCES: TEGL 23-19 and TEGL 7-18

Checklist of Required Documentation to Upload to KEE Suite

- Social Security Number (A, DW and Youth)
- Date of Birth (A, DW and Youth) (A, DW and Youth)
- Individual with a Disability (A, DW and Youth)
- Eligible Veterans Status (A, DW)
- UI Eligible Status (A, DW)
- Long Term Unemployed at Program entry (A, DW)
- Date of Actual Dislocation (A, DW)
- TANF Recipient (A, DW)
- Exhausting TANF Within 2 Years (A, DW)
- SSI/SSDI (A, DW)
- Low Income Status at Program Entry (A, DW and Youth)
- Displaced Homemaker at Program Entry (A, DW)
- Participated in Postsecondary Education During Program Participation WIOA (A, DW and Youth)
- Enrolled in Secondary Education Program (A, DW and Youth)
- Date Enrolled in Post Exit Education or Training Program Leading to a Recognized Postsecondary Credential (A, DW and Youth)
- Type of Second Recognized Credential (A, DW and Youth)
- Date Second Attained Recognized Credential (A, DW and Youth)
- Type of Third Recognized Credential (A, DW and Youth)
- Date Third Attained Recognized Credential (A, DW and Youth)
- Date of Most Recent MSG: Postsecondary Transcript/Report Card (A, DW and Youth)
- Date of Most Recent MSG: Secondary Transcript/Report Card (A, DW and Youth)
- Date of Most Recent MSG: Training Milestone (A, DW and Youth)
- Date of Most Recent MSG: Skills Progression (A, DW and Youth)
- Date Enrolled During Program Participation in an Education or Training Program Leading to a Recognized Postsecondary Credential or Employment (A, DW and Youth)
- Date Completed, During Program Participation, an Education or Training Program Leading to a Recognized Postsecondary Credential or Employment (A, DW and Youth)
- Youth 2nd Quarter Placement Title 1 (Youth)
- Youth 4th Quarter Placement Title 1 (Youth)
- Category of Assessment (A, DW)
- Youth Barrier Documentation (Youth)
- Youth Eligibility Documentation (Youth)
- Citizenship (A, DW and Youth)
- Selective Service (A, DW and Youth)
- Priority of Service (A, DW and Youth)
 - Low Income
 - Basic Skills Deficient
 - Recipient of Public Assistance
- WIOA-2 (A, DW and Youth)
- Calculation of low-income (Adult and Youth)
- School cost comparison (Trade, ITA training; A, DW and Youth)

- COA - Cost of Attendance (A, DW and Youth)
- ITA (Individual Training Agreement)
- Vouchers / Invoices / Proof of Payment for training and supportive services unless generated within KEE Suite (A, DW and Youth)
- Worksite Training Agreement (A, DW and Youth)
- Amendments to agreement(s) (A, DW and Youth)
- Employment Agreement (A, DW and Youth)
- Timesheets (A, DW and Youth)
- Paystubs for WEX/OJT (A, DW and Youth)
- Transcripts (A, DW and Youth)
- Attained Credentials (A, DW and Youth)
- FAFSA / Financial Aid Award Notices (A, DW, Youth)
- Executed ITA Budgets (A, DW, Youth)
- School / Training Grades (A, DW, Youth)
- Attendance Forms (A, DW, Youth)
- School / Training Class Schedules (A, DW Youth)
- Any Additional Documentation Requested by the Division of Technical Assistance

NOTE: All documents must be legible to be considered verifiable.

COMMONWEALTH OF KENTUCKY
DEPARTMENT OF WORKFORCE DEVELOPMENT
AND
KENTUCKY WORKFORCE INNOVATION BOARD

POLICY NAME: Conditions and Sanctions for Failure to Meet Federal and State Standards

POLICY NUMBER: 23-007

DATE OF ISSUE: _____, 2023

EFFECTIVE DATE: _____, 2023

APPLIES/OF INTEREST TO: Local Workforce Development Boards and other subrecipients

FOR FURTHER INFORMATION CONTACT: workforce@ky.gov

PURPOSE: The purpose of this policy is to inform Local Workforce Development Boards (LWDBs) and other subrecipients utilizing Workforce Innovation and Opportunity Act (WIOA) Title I funds about the potential conditions and sanctions that the Department of Workforce Development (DWD) may impose on federal grant subrecipients who fail to meet the applicable fiscal standards and performance measures.

BACKGROUND: The DWD is charged with the oversight of expenditures of WIOA funds. Accordingly, subrecipients are required to comply with all WIOA regulatory standards and policies. In an effort to ensure program integrity at the local level, any subrecipient not meeting the regulatory standards may be subject to conditions and/or sanctions set forth in this policy.

POLICY:

Subrecipient infractions shall be categorized by severity as Category 1, 2, 3, or 4, with Category 1 being the least serious and Category 4 being the most serious. The Category shall be determined by the level of risk associated with observed deficiencies relative to the 2 CFR Part 200, Appendix XI Compliance Supplement (available on the OMB website, at <https://www.whitehouse.gov/omb/office-federal-financial-management/>). In the event a deficiency is identified as part of the DWD monitoring process, the risk categories will be assigned as follows: Category 1 (Low Risk); Category 2 (Moderate Risk); Category 3 (High

Risk); Category 4 (Pattern of Egregious Violations). Not satisfying Category 1 leads to a Category 2 and so forth through Category 4.

The following are examples of Category 1, 2, 3, and 4 infractions:

- **Category 1 (Low Risk)**
 - Untimely / Inaccurate reporting (e.g., monthly status reports, complaint logs, etc.)
- **Category 2 (Moderate Risk)**
 - A lack of internal controls which cause infractions leading to potential disallowed costs (e.g., eligibility issues, inaccurate cost classification, etc.)
- **Category 3 (High Risk)**
 - Inadequate use or non-utilization of State systems per agreements
 - Negligent use of funds leading to waste, fraud, or abuse
- **Category 4 (Pattern of Egregious Violations)**
 - Recurrent activity leading to lack of sustained program and/or fiscal integrity
 - Intentional acts that result in improper use of funds leading to waste, fraud, or abuse

Note: This is not an exhaustive list.

I. Additional Specific Award Conditions:

The DWD, as the federal award pass through agency, may impose additional specific award conditions as needed, especially in instances of noncompliance with Federal and State regulations.¹

A. Category 1 Infractions may result in the imposition of the following conditions:

1. Requiring the non-Federal entity to obtain technical or management assistance. This may be required through several means such as:
 - Webinars and Conference Calls
 - Required attendance at DWD central office training(s)

¹ 2 CFR 200.208(b) & (c)

- On-Site or virtual group technical assistance meetings and/or fiscal reviews
2. Requiring additional project monitoring.

B. Category 2 Infractions may result in the imposition of the following conditions:

1. Requiring additional, more detailed financial reports.
 - This may include providing invoices and additional support documentation / justification for expenditures detailed in the drawdowns.
 - Please note that this is in addition to the desktop monitoring. Depending upon the nature of the noncompliance, a greater sample may be pulled for all programs.
2. Establishing additional prior approvals. This may be achieved through various means, including but not limited to:
 - Requiring LWDB approval on a variety of actions as deemed necessary by DWD
 - Written approval and acknowledgment from the Chief Local Elected Official (CLEO) and LWDB Chair or other related personnel
3. Imposing additional conditions for reimbursement.
 - Subrecipients may be required to provide additional support documentation / justification for expenditures prior to the disbursement of federal funds.

Once in place, additional specific award conditions shall remain in effect until either expiration of the time period set forth in the notification of such condition(s) or until the specific conditions have been met and evidence of acceptable performance has been demonstrated, as determined by DWD.²

Once additional specific award conditions have been removed from the subrecipient, DWD reserves the right to continue to monitor the sub-recipient as necessary.

II. Sanctions:

If the severity of the subrecipient noncompliance cannot be remedied by imposing additional specific award conditions, as determined by DWD, then the following sanctions may apply.³

² 2 CFR 200.208(d) & (e)

³ 2 CFR 200.339

DWD, as the federal award pass-through agency, may impose sanctions when noncompliance cannot be remedied by imposing additional specific award conditions.⁴ The following is a non-exhaustive listing of potential actions that may be taken against a noncompliant subrecipient where additional specific award conditions have failed:

A. Category 3 Infractions may result in the following sanctions:

1. Recommend the LWDB reassess LWDB staff and their capacity to serve to ensure the LWDB functions are being carried out effectively and efficiently.
2. Additional on-site visits (in-person or virtual), including a full fiscal review of WIOA-related expenditures.
3. Deny additional funding requests.
4. Wholly or partly suspend the disbursement of federal funds until it has been demonstrated to the satisfaction of the DWD that corrective action has been implemented to prevent further infractions.

B. Category 4:

Failure to address Category 1 through 3 Infractions may result in the following sanctions:

1. Decertification of the LWDB.⁵
2. Any and all other legally available remedies.

Any action taken by the DWD against a subrecipient is not intended in any way to cause adverse effects to the delivery of services in the respective LWDB.

III. Provision of Notice of Corrective Action:

When imposing additional specific award conditions or sanctions, DWD shall issue a Notice of Corrective Action via electronic mail or certified mail to the subrecipient and all related parties. The Notice of Corrective Action shall contain the following:

- A. The reason why the additional conditions or sanctions are being imposed;
- B. The nature of the additional conditions or sanctions;
- C. The actions needed to remove the additional conditions, if applicable;
- D. The time allowed for completing the actions if applicable; and

⁴ 2 CFR 200.339

⁵ WIOA Section 107(c)(3)

E. The method for requesting reconsideration of the additional conditions or sanctions imposed.

IV. Process for Appealing Decisions to Impose Conditions or Sanctions:

A subrecipient seeking a review of the imposition of additional specific award conditions or sanctions that are not a revocation of all or part of the local plan or a reorganization may file an appeal with Secretary of the Education and Labor Cabinet in compliance with Section 9 of the Grievance, Complaint, and Appeal Procedures for Kentucky's Workforce Innovation and Opportunity Program.⁶ A PDF of the Grievance, Complaint, and Appeal Procedures for Kentucky's Workforce Innovation and Opportunity Program can be found at the link below:

https://kwib.ky.gov/WIOA%20Planning%20and%20Policy/WIOA%20Planning%20and%20Policy%20Documents/ELC_Grievance_Appeal_Procedures_WIOA_Program.pdf

REFERENCES: WIOA Sections 184, 107(c)(3); 2 CFR 200.208; 2 CFR Parts 200 and 225 2 CFR 200.339; 2 CFR 200.342; 20 CFR 677.220; 20 CFR 683.720; 20 CFR 683.600(d)(4); 20 CFR 683.650

⁶ Please refer to the Grievance, Complaint, and Appeal Procedures for Kentucky's Workforce Innovation and Opportunity Act Program for information about appeals related to revocation of all or part of the local plan or a reorganization.

COMMONWEALTH OF KENTUCKY
DEPARTMENT OF WORKFORCE DEVELOPMENT
AND
KENTUCKY WORKFORCE INNOVATION BOARD

GUIDANCE NAME: Kentucky Career Center and Partner Agency Federal Bonding Program

GUIDANCE NUMBER: 23-008

DATE OF ISSUE: _____, 2023

EFFECTIVE DATE: _____, 2023

APPLIES/OF INTEREST TO: Kentucky Career Center (KCC) Staff, Local Workforce Development Boards (LWDB) staff and Partner Agency Staff

POINT OF CONTACT: Office of Employer and Apprenticeship Services, Email: workforce@ky.gov

PURPOSE:

The Kentucky Career Center (KCC) and partner agencies, in cooperation and collaboration with the US Department of Labor (USDOL), is offering the Federal Bonding Program (FBP).

FBP provides fidelity bonds to employers, giving them access to job seekers and opening doors of opportunity. The FBP, a unique hiring incentive tool, targets individuals whose backgrounds can pose significant barriers to securing or retaining employment.

The fidelity bonds protect the employer from employee dishonesty including theft, forgery, larceny, and embezzlement. Employers receive the FBP bonds at no cost as an incentive to hire applicants with these barriers. Each fidelity bond has a \$5,000 limit with \$0 deductible and covers the first six months of a selected individual's employment. Please see the FBP employer and job seeker brochure at <http://bonds4jobs.com/wp-content/uploads/2018/06/FBP-Employers-Job-Seekers-Brochure.pdf>

GUIDANCE:

KCC staff guide, coach, and direct a job seeker to qualifying open job positions, assisting in the resume, job application, and interviewing processes.

1. If the job seeker has a potential qualifying employment opportunity and a background that can pose a barrier to securing employment, KCC staff may conditionally pre-approve the job seeker for a federal bond, for interview purposes, by issuing a Kentucky FBP Conditional Pre-Approval Letter. A sample Kentucky FBP Pre-Approval Letter is attached to this Guidance as Attachment A. Backgrounds that can pose a barrier to securing employment include:

- Ex-offender;
- Individual in recovery from substance use disorder;
- Individuals who are disabled;
- Public assistance recipient;
- Individual with poor credit record;
- Economically disadvantaged youth and adult who lack work histories;
- Individual dishonorably discharged from the military;
- Economically disadvantaged person who lack a stable work history; and
- Anyone already employed who needs bonding to prevent termination or secure a transfer or promotion.

To obtain a Conditional Pre-Approval Letter, the job seeker is not required to provide any specific documentation to KCC staff.

2. KCC staff will provide the job seeker with a Kentucky FBP Conditional Pre-Approval Letter, a Federal Bonding fact sheet, and a sample bond request form. The Federal Bonding Fact Sheet is attached to this guidance as Attachment B and the sample bond request form is Attachment C. The job seeker may provide these documents to the employer at his/her job interview, and if the employer has questions about the program, they can contact Kentucky's FBP Coordinator at the Office of Employer and Apprenticeship Services, 502-564-7456.
3. KCC staff will follow up on all issued Kentucky FBP Conditional Pre-Approval Letters within 5 business days by contacting the job seeker to confirm if he/she obtained employment. If the job seeker obtained employment and the employer desires a bond, KCC staff shall submit a Kentucky FBP Request for a Federal Bond form to Kentucky's FBP Coordinator through an online Google Docs submission form found at https://docs.google.com/forms/d/e/1FAIpQLSfKWGjvMch5mzXyD2tqisk1Je0xj_wazA-UVR1kMCdi0RMjA/viewform.
4. The employer does not to fill out or sign any paperwork concerning the bond request. The request for a Federal Bond form is to be completed only by KCC staff.
5. Kentucky's FBP coordinator shall complete the process of issuing a bond on the FBP website, <http://bonds4jobs.com/>. Kentucky's FBP coordinator shall communicate to KCC staff that the bond has been requested.
6. The bonding company will mail the bond to the employer within 15 days.
7. KCC staff shall inform the job seeker of the bond issuance and continue success coaching, while communicating to the new hires that anyone who is unsuccessful with a fidelity bond is not eligible for a second bond.
8. KCC staff with access to the Kentucky Integrated Business Engagement System (KIBES) shall document this service as "employer services" in KIBES. Kentucky's FBP Coordinator shall enter the service into KIBES for all staff who do not have access to KIBES.

Kentucky Fair Chance Bond Program Conditional Pre-Approval Letter

Dear Employer,

This letter serves to introduce _____, who has been determined eligible for participation in the Kentucky Fair Chance Bond, a Federal Bonding Program. The Kentucky Fair Chance Bond provides fidelity insurance bonds to assist employers in accessing untapped labor markets. The bond covers the first six months of employment. There is **NO COST** to the applicant or the employer.

The Kentucky Fair Chance Bond is designed to reimburse employers for any loss due to employee theft of money or property up to \$5,000 during the first six months of a bonded individual's employment. Higher amounts can be requested based on business necessity up to \$25,000. Bonds can be applied to any job and **ANY** full- or part-time employee paid wages with federal taxes automatically deducted, including those hired by temporary agencies for assignments six months or longer. **Self-employed or 1099 employees are not eligible.**

Accessing a Kentucky Fair Chance Bond is easy.

- **One-page** application that is scanned back to our staff.
- **NO** additional paperwork or cancelations needed when the bond expires, unless renewing for six months.
- **NO** deductibles if employee dishonesty occurs.
- **NO** age limits for bonded individuals (other than must be of legal working age.)

Once a job offer is made, **PRIOR** to the start day, contact your consultant listed below and a one-page form with the required bonding information will be sent to you to complete. The bond is issued and made effective on the employee's first day of work. Within 15 working days of the bonding request, CHUBB will send you a copy of the Fidelity bond.

Please see www.bonds4jobs.com, the enclosed program briefing sheet and sample bond for further information.

Our offices will be happy to assist you with this service. Contact us via email workforce@ky.gov or using the information below.

Pre-Approving Consultant: _____

Pre-Approving Consultant Email: _____

Pre-Approving Consultant Phone Number: _____

Pre-Approving Consultant Signature: _____



KENTUCKY FAIR CHANCE BOND

Creating a change in hiring Kentuckians

Part of the Federal Bonding Program

What is the Kentucky Fair Chance Bond program?

The U.S. Department of Labor established the Federal Bonding Program in 1966 to provide fidelity bonds to employers to insure their business if they hire at-risk, hard-to-place job seekers who cannot get private coverage. Many private bonding companies will not bond job applicants with criminal histories or questionable past behaviors, so they are not hired.

The Kentucky Fair Chance Bond is part of the Federal Bonding Program, and provides fidelity bonds that consist of a limited-liability insurance policy at no cost to the job applicant or employer. The federal fidelity bond from CHUBB Insurance insures employers against theft, forgery, larceny or embezzlement by the bonded employee for the first six months of employment. The bond does not cover liability due to poor workmanship, job injuries or work accidents. It does not provide bail, contract or performance bonds, or license bonds for self-employment.

Who is Eligible?

New hires in one of the following categories are eligible:

- Ex-offenders
- Individuals in recovery from substance use disorders
- Individuals who have a disability
- Public assistance recipients
- Individuals with poor credit records
- Economically disadvantaged youth and adults who lack work histories
- Individuals dishonorably discharged from the military
- Economically disadvantaged persons who lack a stable work history
- Anyone already employed who needs bonding to prevent termination or secure a transfer or promotion

The Kentucky Fair Chance Bond can be issued as soon as the applicant has a job and started working. Workers must be paid wages with federal taxes automatically deducted from pay; self-employed persons cannot be covered. Part-time and temporary workers are eligible.

More than 95 percent of bonds are issued for \$5,000 coverage for a six-month period and can be extended another 6 months at no-cost. Higher coverage is possible based on the situation.

**The Kentucky Fair Chance Bond is a no-cost benefit for employers
administered by the Kentucky Career Center.**



How to Apply

Contact your local Kentucky Career Center or KCC Federal Bonding Coordinator at:

Workforce@ky.gov

You may also visit the Federal Bonding Program website at www.bonds4jobs.com for more information.

Did you know that...

- Federal bonding has helped over 40,000 individuals become employed?
- Over 99 percent of those bonded have proven to be honest employees, resulting in only a 1 percent default rate?
- Employment is the #1 reason for successful re-entry of ex-offenders into society? Employed ex-offenders are twice more likely to stay OUT of prison than those who do not have jobs.



**Kentucky
Career Center**

Kentucky Fair Chance Bond Program Request

Name of Requestor		Submission Date:	
Title:		Phone:	
Agency:		Email:	
EMPLOYER RECEIVING BOND:			
Company Name:			
Contact Persons Name:			
Address One:			
Address Two:			
City:	State:	Zip Code:	
Phone Number:			
Employer Email:			
Amount of the Bond:			
Company Industry :			
Employer Type (Check)	<input type="checkbox"/> Private for-profit <input type="checkbox"/> Private non-profit <input type="checkbox"/> Public sector		
Num. of Employees(Check):	<input type="checkbox"/> Less than 20 <input type="checkbox"/> 21-50 <input type="checkbox"/> 51-100 <input type="checkbox"/> Over 100		
NEW POSITION INFORMATION:			
Position Title/Occupation:			
Bond Effective Date:			
Wage:			
Full Time or Part Time:	<input type="checkbox"/> Permanent or Temporary:		
Hours per week:			
WORKER TO BE COVERED BY THE BOND:			
Last Name:			
First Name:			
Address One:			
Address Two:			
City:	State:	Zip Code:	
Phone Number:	Email:		
Race:	<input type="checkbox"/> American Indian/Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black /African American <input type="checkbox"/> Native Hawaiian/Pacific Islander <input type="checkbox"/> White		
Date of Birth:	Last 4 Social Security Number:		
Gender:	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Did Not Self-Identify		
ELIGIBILITY CHARACTERISTICS (Check All that Apply)			
Ex-offender/Justice Involved		Individual in recovery from substance use disorder	
Individual who is disabled		Individual dishonorable discharged from the military	
Individual with poor credit record		Economically disadvantaged youth who lacks a stable work history	
Economically disadvantaged adult who lacks a stable work history		Anyone already employed who needs bonding to prevent termination or secure a transfer or promotion.	
Public Assistance Recipient			

COMMONWEALTH OF KENTUCKY
DEPARTMENT OF WORKFORCE DEVELOPMENT
AND
KENTUCKY WORKFORCE INNOVATION BOARD

POLICY NAME: Monitoring of WIOA Program

POLICY NUMBER: 23-009

DATE OF ISSUE: _____, 2023

EFFECTIVE DATE: _____, 2023

APPLIES/OF INTEREST TO: Local Workforce Development Boards and other sub-recipients

FOR FURTHER INFORMATION CONTACT: workforce@ky.gov

PURPOSE: To ensure Kentucky’s workforce system complies with federal monitoring requirements for the Workforce Innovation and Opportunity Act (WIOA) program, which will help determine the effectiveness of the workforce system and allow best practices to be identified and shared among stakeholders. Annual monitoring shall be used to ensure compliance with these requirements by Local Workforce Development Boards (LWDBs).¹

POLICY:

I. Establishment of Monitoring:

Federal law requires every state to monitor and maintain oversight of WIOA program performance and fiscal management.² The monitoring system must:

- Provide annual monitoring of local area compliance with 2 CFR Part 200³
- Ensure established policies meet objectives of WIOA⁴
- Determine if sub-recipients demonstrate substantial compliance⁵

¹ 20 CFR 683.410

² 2 CFR Part 200

³ 20 CFR 683.410 (b)(2)(i)

⁴ 20 CFR 683.410 (b)(2)(ii)

⁵ 20 CFR 683.410 (b)(2)(iii)

- Determine if a local plan is disapproved for failure to make progress in addressing deficiencies⁶
- Ensure compliance with WIOA Section 188⁷

Kentucky's monitoring system is largely a virtual process; however, the Kentucky Department of Workforce Development (DWD) reserves the right to conduct an onsite, in-person monitoring review at any time in addition to the annual onsite review visit.

II. Responsibilities for Monitoring:

A. Annual Reviews:

DWD staff shall conduct reviews of the local areas on an annual basis at a minimum, which will include fiscal monitoring. Monitoring allows DWD and subrecipients to identify potential compliance issues, track progress on initiatives, and alter strategies. The annual monitoring shall include:

1. Monitoring Activities and Submission of Annual Monitoring Report by LWDBs:

The LWDBs must conduct monitoring activities, including oversight of local youth workforce investment activities, local employment and training activities for adults and dislocated workers, and activities of the One-Stop Delivery System in the Local Workforce Development Area. The LWDBs must ensure the appropriate use and management of funds provided for these activities as well as ensuring appropriate use, management, and investment of funds to maximize performance outcomes under WIOA Section 116.

The LWDBs must submit an annual report that outlines the results of their monitoring activities. This report must be submitted via email to DWD's Division of Technical Assistance by the 25th calendar day following the end of program year,⁸ and DWD will provide guidance on how to structure the report. The report may include the following elements:

- LWDB Governance Requirements
- Complaints regarding Equal Opportunity violations
- Fiscal Analysis
- Current Key Performance Indicator (KPI) Data
- Business Engagement
- Copies of New/Amended LWDB policies
- Best Practices, New Initiatives, and Challenges

⁶ 20 CFR 683.410 (b)(2)(iv)

⁷ 20 CFR 683.410 (b)(2)(v)

⁸ Specifically, by July 25th of every year, the LWDB will submit a report for the program year that ended on June 30 (e.g., PY22 ends June 30, 2023; by July 25, 2023, a report covering PY22 will be sent to DWD).

- Update on Regional and Local Plan

B. Annual Responsibilities:

Below is a list of monitoring-related efforts that will be conducted annually.

1. Data Validation:

Data validation will be conducted annually by both DWD program staff and LWDB staff. Specific instructions on the process and responsibilities are established in the Data Validation Policy.

2. Fiscal Reviews:

As part of its annual reviews, the Division of Technical Assistance's Monitoring Team will provide fiscal management monitoring for each LWDB that is awarded federal funding pursuant to WIOA Title I.

3. Program and System Reviews:

Outside of case file reviews and fiscal monitoring, DWD staff will conduct annual monitoring for each LWDB on programmatic requirements and system effectiveness. This monitoring will be conducted by utilizing established DWD monitoring tools along with applicable program guidance or tools. The timeline for conducting this monitoring should be established by October 1st each year. The following process will be utilized to conduct this monitoring:

- A notification of monitoring will be sent to the LWDB thirty (30) days prior to the monitoring being conducted. The notification will include a timeline and request for documentation needed to conduct monitoring.
- An entrance conference will take place on the first day of monitoring. The entrance conference will take place virtually. The entrance conference will outline the expectations and process that will take place during the monitoring review.
- Monitoring will be conducted via virtual desktop reviews and/or other virtual reviews. DWD staff will reserve time with the sub-recipient to conduct staff interviews to determine programs are operated within compliance and are operating effectively.
- After a review is conducted, an exit conference will be scheduled with the sub-recipient to present the results. Any findings or observations will be presented and discussed during this time.

- Unless significant issues are identified during the monitoring process, an official report will be provided to the sub-recipient within thirty (30) days of the exit conference that contains all findings and observations discussed during the exit conference. After this report is submitted, the sub-recipient must follow the established corrective action process.

III. Collection of Monitoring Records:

Monitoring will be conducted by a range of staff from the LWDBs to DWD. However, all monitoring that is conducted will be submitted to the Division of Technical Assistance. The Division of Technical Assistance will collect all monitoring results conducted and maintain the records for a minimum of five (5) years.

IV. Technical Assistance:

The results of monitoring will indicate the efficiencies or deficiencies of a sub-recipient. The information obtained from collecting and analyzing all monitoring results will influence the need for technical assistance. Technical assistance will be scheduled by the Division of Technical Assistance, in consultation with DWD subject matter experts, with the applicable sub-recipient(s) to address any deficiencies or share best practices discovered through monitoring.

V. Corrective Action:

Monitoring may result in a corrective action process if the annual review results in a finding. After the monitoring review is conducted, an exit conference will be scheduled with the sub-recipient to discuss any findings or observations. An official written report will follow the exit conference to list out the findings and/or observations. This report will provide instruction on how, where, and when to submit a corrective action plan, if needed. The written report will be sent to the sub-recipient within thirty (30) days from the exit conference unless significant issues are identified during the monitoring process that delay issuance of the report.

VI. Additional Monitoring:

DWD staff reserve the right to conduct additional monitoring outside the established procedures in this policy. Additional monitoring will only take place when there is reason to suspect that there are non-compliant practices occurring. If additional monitoring is conducted, the sub-recipient will be notified in writing of the reason for the additional monitoring, the timeline for the additional monitoring, and any subsequent determinations that result from the additional monitoring.

VII. Local Policy Requirements:

Each LWDB must maintain a monitoring policy that describes the monitoring process at the local level.

REFERENCES: 2 CFR Part 200; 20 CFR 683.400-420; 2 CFR Part 2900; WIOA Section 188;
TEGL 23-19



Andy Beshear
GOVERNOR

EDUCATION AND LABOR CABINET

Office of Kentucky Workforce Innovation Board
500 Mero Street, 4th Floor
Frankfort, Kentucky 40601

Jamie Link
SECRETARY

4/20/2023

United States Department of Labor
200 Constitution Avenue NW
Washington, D.C. 20210

Re: Pathway Home 4 Funding Opportunity – FOA-ETA-23-04

Dear Secretary Su:

The Kentucky Workforce Innovation Board (KWIB), the Commonwealth's state workforce board, is happy to support and commit to work closely with Commonwealth of Kentucky's Education & Labor Cabinet Department of Workforce Development in the Pathway Home 4 Re-entry grant.

KWIB is business led and has four strategic key strategic goals: employer-led workforce system, education attainment across the lifelong continuum, increased workforce participation, and alignment of statewide workforce resources. The strategy set at the KWIB is implemented with the Education and Workforce Collaborative, where the notion of increased workforce participation and resource alignment culminated in a vision of supporting justice-involved Kentuckians through "Jobs on Day One" target.

The Commonwealth and the business community benefits when incarcerated Kentuckians are trained to meet in-demand occupations, immediately placed into employment, and supported thereafter with supportive services. That is why the KWIB commits to promoting opportunities for businesses to hire qualified justice-involved and to get involved in the process soon to engage incarcerated Kentuckians about the job opportunities that lead to lifelong careers.

We appreciate your consideration and the opportunity to align resources for this otherwise marginalized population.

Sincerely,

Alisher Burikhanov

Alisher Burikhanov, Executive Director, KWIB

CC: Kim Menke, Chair, KWIB



Andy Beshear
GOVERNOR

EDUCATION AND LABOR CABINET

Office of Kentucky Workforce Innovation Board
500 Mero Street, 4th Floor
Frankfort, Kentucky 40601

Jamie Link
SECRETARY

April 14th, 2023

The Honorable Julie A. Su
Acting Secretary of Labor, United States Department of Labor
200 Constitution Avenue NW
Washington, D.C. 20210

Re: Pathway Home 4 Funding Opportunity – FOA-ETA-23-04

Dear Secretary Su:

The Kentucky Workforce Innovation Board (KWIB), as advisory board for Governor Andy Beshear on workforce training and development issues, is pleased to provide this letter of commitment regarding Goodwill Industries of Kentucky's application for the Pathway Home 4 grant through the US Department of Labor Employment and Training Administration. The program will address the employment needs of 400 adults ages 18 and older who have been Justice involved returning to Louisville upon release. Goodwill has extensive experience dealing with this population and will provide pre- and post-release employment-focused services to train and connect these individuals to employment.

If funded, KWIB commits to partnering with Goodwill in the following ways during the program's service delivery period from January 1, 2024 and December 31, 2025:

- a. Promote the *Aspire* program and its participants benefiting from holistic support and industry-recognized credential attainment to our extensive network of employers, specifically manufacturers with a need to fill good paying positions.
- b. Designate one or more representatives to meet according to an established schedule with Goodwill representatives to review service needs, availability of services and other information that will help facilitate access to services by Kentuckians with current involvement in the criminal justice system;
- c. Provide local labor market information and reports to guide program activities including demand occupations as well as expertise and guidance regarding program development;

KWIB and Goodwill have a long partnership dating back more than 15 years. We believe *Aspire* offers an excellent chance for individuals that have been justice involved to begin a new life with new opportunities that would come from this program. KWIB looks forward to working with Goodwill Industries of Kentucky on the Pathway Home 4 program.

Sincerely, *Alisher Burikhanov*

Alisher Burikhanov, KWIB Executive Director

CC: Kim Menke, KWIB Chair