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Thank you



## **INTEGRATED WORKFORCE PLAN**

### **Utah Department of Workforce Services**

Workforce Investment Act & Wagner Peyser Act  
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# **INTEGRATED WORKFORCE PLAN**

## **Utah Department of Workforce Services**

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## Section I. State Workforce Strategic Plan

### A. Governor's Vision

**This portion of the Integrated Workforce Plan must describe the governor's strategic vision for the state's economy and overarching goals for the state's workforce system. This vision should provide the strategic direction for the state workforce system and guide investments in workforce preparation, skill development, education and training, and major initiatives supporting the governor's vision. The plan also must specifically address the governor's vision for aligning efforts among workforce development partners to achieve accessible, seamless, integrated, and comprehensive service, and how programs and activities described in the plan will support the state's economic development needs and the employment and training needs of all working-age youth and adults in the state. The plan must include a description of the methods used for joint planning, and coordination of the programs and activities included in the plan. (WIA Section 111(d)(2), WIA Section 112(a)-(b), and W-P Section 8(c).)**

Utah Governor Gary R. Herbert's vision is that, —Utah will lead the nation as the best performing economy and be recognized as a premier global business destination” (Herbert, 2012). In order to move the vision into a reality, the Governor detailed four priorities. —Education, energy, jobs, and self-determination are at the heart of what has made America great. And they are the four cornerstones of Utah's strengths” (Herbert, 2012).

#### Education

In regards to the Education component, the Governor's goal is that 66 percent of working-age Utahns will have a postsecondary degree or professional certification by 2020. Based upon research conducted by the Georgetown University Center on Education and the Workforce (2009), 62 percent of jobs will require college education by 2018, and more than half of those will require at least a bachelor's degree. As such, a number of initiatives were cultivated and are discussed in further detail in Section I. C. State Strategies. Those initiatives include HigherEd2020, Vision2020, and Prosperity2020. Further supporting the Education priority are projects and programs which are being enhanced and expanded, including UtahFutures and the Utah Cluster Acceleration Partnership (see Section I. C. State Strategies).

#### Energy

Energy is a global priority and Utah plans to be a leader in energy production. The Governor set forth a Call to Action, —Ensure access to affordable, reliable, and sustainable energy by producing 25 percent more electrical energy than we consume by 2020” (Herbert, 2012). Given Utah's unique ability to produce energy from a multitude of sources, including wind, solar, oil and gas, and coal, Utah has an opportunity to grow its energy-related workforce and business base. The State Energy Sector Partnership, of which DWS is a partner, compliments this priority and is discussed in detail later in the Plan (see Section I. C. State Strategies).

## Jobs

—Accelerate private sector job creation of 100,000 jobs in 1,000 days” (Herbert, 2012). The Governor through the Governor’s Office of Economic Development set forth four objectives to achieve this goal as detailed in Utah’s Economic Development Plan.

- Objective 1: Strengthen and grow existing Utah businesses, both rural and urban.
- Objective 2: Increase innovation, entrepreneurship, and investment.
- Objective 3: Increase national and international business.
- Objective 4: Prioritize education to develop the workforce of the future (Herbert, 2012).

DWS is supporting these objectives in numerous ways, including the administration of Job Growth Funds, coordination and collaboration of premier youth programs, incorporation of a new executive level position focused solely on employer initiatives, and skills gap analysis provided by DWS’ Workforce Research and Analysis Division. These initiatives are discussed in detail within this Plan.

## Self-Determination

The Governor’s final priority is that of Self-Determination. A healthy and sustainable workforce is key to economic success. Under this heading, the Governor detailed objectives in cultivating solutions for health care reform, public lands, and immigration. The broad scope of programs administered by DWS includes Medicaid eligibility.

## Overarching Goals for the State’s Workforce System

As noted, Governor Herbert has created specific, attainable goals that are relevant to the economy of today and tomorrow. In doing so, he created objectives and action items to guide and challenge his Cabinet. The DWS Executive Director and the State Workforce Investment Board (SWIB) are taking leading roles in this call to action. Collaboration and partnership are keys to achieve these goals, and SWIB interactions as well as DWS executives, agency staff, and SWIB members serve on various boards, committees, and workgroups targeted at achieving the Governor’s goals (see Section I. C. State Strategies). DWS also partners and contributes in the Utah Economic Summit, Rural [Economic] Summit, and quarterly economic meetings. Beyond high level coordination, the efforts of DWS’ employment counselors and workforce development specialists in meeting the needs of employers and job seekers will also help create a growing, vibrant economy.

Through efforts described in this plan as well as future initiatives, DWS will meet the needs of an ever growing and changing economy. Governor Herbert emphasized, —The four cornerstones I have outlined are straightforward. But none are easy. All will require strength and discipline, adherence to principles of frugality and common sense, and a spirit of collaboration, partnership, and leadership. We are Utahns and we are up to the challenge” (Herbert, 2012).

## **B. Economic and Workforce Information Analysis**

The Integrated Workforce Plan must describe the labor market and economic context in which the state's workforce system (including all the programs in the Integrated Workforce Plan) is operating, based on accurate and timely labor-market, demographic, and economic information, with particular attention given to high-need, under-served, under-employed, and/or low skilled subpopulations. (WIA Sections 112(b)(4), 112(b)(17)(A)(iv), 112(b)(18) and W-P Sections 8(b) and 15.) This description should include an assessment of the needs of constituents within the state who will become, or currently comprise, the state's workforce, particularly those needs which can be addressed by the programs included in the Integrated Workforce Plan.

The state's analysis of the current economy and future trends of the economy forms the foundation for strategic planning. For its analysis, the state may use the workforce information produced by the state workforce agency as well as other data available from federal, state, and private sector sources, and informed by the business representatives of the State Workforce Investment Board (SWIB). The Integrated Workforce Plan must include the following specific information, consistent with WIA Section 112(b)(4):

- An assessment of the current situation and projected trends of the state's economy, industries and occupations, including major economic regions and industrial and occupational sectors.
- An assessment of the workforce skills and knowledge individuals need to find current and future employment in the state, particularly those skills and knowledge identified by employers as necessary for economic growth in the state.
- A description of the characteristics and employment-related needs of the state's population, and diverse sub-populations, including those from racial, ethnic, linguistic groups, older persons, and individuals with disabilities.
- Based on the assessments above, an analysis of the skill and education gaps for all individuals within the state, particularly for those individuals targeted by the programs included in the Integrated Workforce Plan.
- An analysis of the challenges associated with the state's population attaining the education, skills, and training needed to obtain employment.
- A discussion of the ability of Integrated Workforce Plan programs to meet the skill needs of employers in the state and close any skill gaps.

The Utah economy is currently recovering from the recent housing bubble-driven recession. Showing great strength, the employment gain percentages are almost double the national average while the unemployment rate is below the national average by roughly two percentage points. In addition, job counts are growing and appear to have momentum.

The employment expansion continues even with the lingering federal deficit and consequences of the recession. Approximately 80,000 Utah jobs were lost during the recession, as evidenced in mid-2010 during Utah's recession low point (down 7.0 percent). The state has since recovered around 60,000 jobs.

The state's labor force also expanded across the entire scope of the four-year recession interval. Utah's population composition is heavily skewed toward younger cohorts. As such, the recession's negative impact of just more than 80,000 lost jobs does not include the non-employment of the labor force that came of age across that period, approximately another 80,000 potential workers. Many of these potential workers have sidestepped into the higher education system, but they will eventually come into the labor force when their education concludes. This labor underutilization hangs over the economy and will remain to varying degrees across the next several years. The Utah economy will eventually absorb these workers given time and further economic growth.

It is anticipated that the Utah economy will grow by 2.5 percent in 2012, adding approximately 30,000 jobs, only a few thousand jobs more than the yearly net labor force growth of around 25,000 workers. In employment counts, the Utah economy should surpass its previous peak employment by the start of 2013. However, as mentioned above, there was also significant labor force growth in Utah during the recession timeframe that must still be absorbed. Not only does the economy have to grow back the original 80,000 lost jobs, it must also increase enough to absorb the labor force expansion.

This type of economic growth may take years to accomplish. Not only must it recover the 160,000 jobs potentially lost during the recession, but it must also grow to accommodate another 40,000 to 50,000 potential workers who come of age within the next two years. The labor force-deficit is shrinking and full recovery will take multiple years.

Utah's long-term yearly employment growth rate averages 3.1 percent. As of mid-2012, the economy was expanding around 2.5 percent. This rate of employment growth is currently better than most states and is one that can be sustained and even built upon moving across the next two years. At the same time, this growth remains below Utah's potential and is only enough to absorb additional labor force growth for one year—not enough to rebuild and re-employ both job losses and the non-creation of jobs across the recession. Utah's current job growth also appears to be bumping against a ceiling. To break through and beyond Utah's 3.1-percent long-term yearly average, which is what Utah needs to get ahead of labor force growth and put a dent in the recessionary re-employment, the housing market must recover and home building once again become a vibrant piece of Utah's economy. That is not expected to occur in 2012, although the seeds of rebound are beginning to sprout and the prospect is better for its return in 2013.

Given the recession-impacted economic data, it appears that the labor force will be underutilized for years to come. The unemployment rate and the not-employed rate will remain higher than desired. In addition, there appears to be a possible structural change that deepens this picture. The rapid economic transformation from an industrial emphasis toward a technological tendency has rapidly displaced workers and exposed many as holding skills that the evolving economy finds of little or replaceable value (e.g., using cheaper overseas labor). Even when the economy still finds value in a diminishing skill set, it may demand that skill in lesser quantities. Therefore, an economy that is growing and advancing with technological developments can actually face a shortage of properly-skilled labor while the number of

people unemployed and holding expiring job skills can be in excess. The economy is changing its skill demands faster than the labor force can respond. Employers may find it challenging to obtain properly skilled labor even with lingering high unemployment rates. Workers with expiring skills face formidable economic and practical hurdles as they attempt to re-skill.

There is a silver lining that comes along with the recession and Utah's labor force growth: young workers are opting to stay in the education system longer. College enrollments have risen aggressively during the recession period. In the long run, this should make for an enhanced, better educated workforce than might not otherwise have developed without a recession. Prior to the recession, the business community spoke of difficulties in finding workers with the advanced math and science skills the new technology economy is demanding. A positive consequence of the recession is that it may have fostered an environment where the labor force is better preparing itself to step into this void.

Prior to the recession, Utah's labor force participation rate was slightly above 72 percent. It had fallen to only 66 percent at its recession nadir. This six percentage-point decline in labor force participation was one of the largest in the nation and speaks to the amount of labor that has gone off to the " sidelines" and is currently not active in a search of employment. This phenomenon is due to the high number of young people in Utah's labor force. It is assumed young workers can pause as members of the labor force easier than older workers. This large decline in labor force participation is one of the driving factors as to why Utah's unemployment rate is below the national average and has been throughout the recession period. But if this reduction is more cyclical than structural—as most economists believe—and most idle workers are anticipated to return to active work, then Utah's labor and job deficit is more than what might be implied from a casual glance at Utah's unemployment rate.

As of mid-2012, all of Utah's major industrial super-sectors are growing their employment base. However, only three of the 11 have grown their employment base back to and beyond their pre-recession employment levels. These rebounding industries include education (private sector), health services, leisure and hospitality, and government (driven by public education). The remaining eight have not increased their employment levels back to their pre-recession peak, even though they are all currently growing. (See SCSEP Plan, Page 57-59 for additional information.)

Construction lags the furthest, being 38,000 jobs below its late-2007 peak. However, construction does not need all of these jobs to return to be considered a " healthy" industry. The building industry peaked in a " bubble" environment and became overstocked with labor. Fortunately, a sizeable quantity of that labor was transitory and those workers have since left the state. As such, not all of these jobs need to return. In actuality the number is more along the lines of 15,000 to bring the industry back to its historical employment distribution.

Manufacturing is another industry far below its pre-recession employment rate. It has recovered 2,600 jobs since the recession's low point, but it remains 14,000 jobs below the pre-recession peak. In the pre-recession economic environment, Utah manufacturing grew even while it contracted nationally. So it is anticipated that a return to a vibrant Utah economy will translate into a sustainably growing manufacturing sector.

Other industries are also experiencing growth. The large trade, transportation, and utilities sector has added 4,200 new jobs since its recession low but remains 12,400 below its pre-recession peak. Professional and business services has also recovered nearly 10,000 jobs since the recession low point, but needs an additional 1,600 to match its pre-recession peak. The leisure and hospitality sector is the only sector to gain back the 750 jobs lost during the recession and grow beyond its pre-recession peak by 2,200 additional jobs. Education (private), health services, and government (largely driven by public education gains) are the only two sectors to not lose jobs during the recession. Both have added employment since the recession's onset in late-2007. The education and health services industry has added nearly 20,000 jobs, and government shows an increase of 14,000 jobs. For several industries, their pre-recession employment deficits are anticipated to persist through the end of 2013. These include construction, manufacturing, information, and financial services.

During the recession, all economic regions within Utah were negatively impacted by job loss. Currently, not all regions are contributing to Utah's economic rebound, with rural areas distanced from the metropolitan corridor falling slightly behind. The majority of Utah's current gains are occurring along the compacted metropolitan Wasatch Front stretching the 80-mile corridor from Ogden on the north through Salt Lake City to the Provo-Orem area on the south. Additionally, the St. George metropolitan area, though hard hit by the recession, is once again adding jobs to its payrolls, though still much below its pre-recession employment count. The most robust region in the state is the multi-county Uintah Basin in northeastern Utah. Known for its energy drilling and production activities driven by the high demand for energy, the Uintah Basin continues to see economic increases due to the implementation of new technologies that allow for additional drilling and production by mature oil fields as well as the additional land opened for drilling by the U.S. Department of the Interior.

While many of the economic regions within Utah are rebounding, the Salt Lake City Metropolitan Statistical Area (MSA) is the foundation district for Utah economy's - accounting for half of all employment in Utah. The Salt Lake City MSA has seen employment growth over the past year of around 3.0 percent—it's highest since the recession began—but its total employment counts remain 16,000 below the pre-recession high.

Just north of the Salt Lake City MSA is the Ogden-Clearfield MSA. It is growing at an estimated 1.0 percent pace and is an area poised for higher growth rates than the current estimates. Its employment count is only 2,000 jobs lower than its pre-recession peak—a noticeable improvement given it was down 10,000 jobs at its recession nadir.

South of the Salt Lake City MSA is the Provo-Orem MSA. It has grown at a 2.5 percent pace over the past 12 months. It too is poised for higher growth rates, as the population mass in Salt Lake County will continue to spill southward in search of available and affordable land. Current employment counts are roughly 3,000 below its pre-recession peak. This MSA was down 12,000 jobs at its recession nadir.

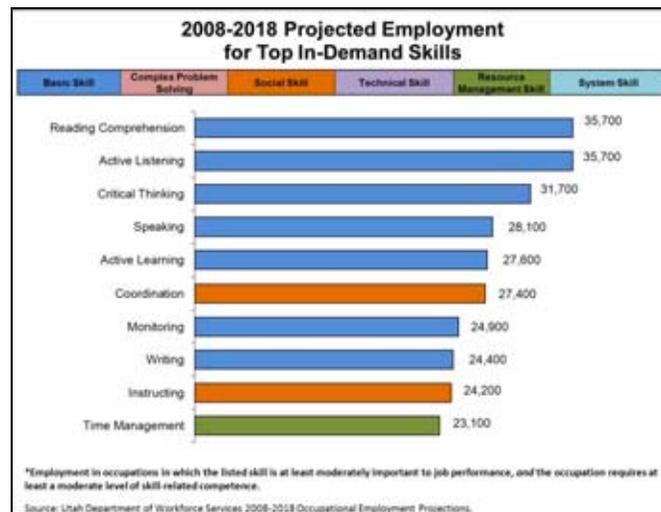
The St. George MSA in Utah's southwest corner is a sun-belt economy more akin to its Las Vegas, Nevada neighbor than to any region elsewhere in Utah, and its housing market and economy were impacted to the same degree as the Las Vegas economy. Employment counts fell by nearly 20 percent from pre-recession to its recession nadir. The area is currently starting to see an employment rebound,

with recent 12-month Quarterly Census of Employment and Wages (QCEW) growth estimates over 3.0 percent. Yet employment counts remain 6,600 positions below its pre-recession peak. The region is still dependent on its sun-belt draw and in-migration. This, in turn, dictates to and drives the St. George housing market.

Straddling Utah’s northern boundary with Idaho lies the Logan MSA. It is an economy dominated by Utah State University and food production activities, including growing and manufacturing. This MSA fared better in the recessionary environment than any other Utah MSA. From recession peak to nadir, the area lost only 300 jobs out of a total of around 50,000 jobs. Its current employment growth estimates are around 2.0 percent, and current job counts exceed its pre-recession peak.

Regional considerations are pertinent to efficient allocation of WIA resources, as the populations, skills, and labor markets of the various regions of Utah are unique. Given this individuality, understanding the impact of each consideration is imperative. Skills can be defined as a developed aptitude, capacity, or ability. By matching the projected demand for occupations (in this case through 2018) to ONET’s information about job requirements, DWS has generated an overall picture of the skill and knowledge needs of Utah’s economy now and in the future. For this analysis, a particular knowledge or skill descriptor is assigned to an occupation when it is at least moderately important to the occupation and when at least a moderate level of competence is required for the occupation. Then, projected employment levels are calculated for each skill and knowledge area.

—Basic” skills dominate the top-ten in-demand skills in Utah. In other words, the most important skills in the labor market, regardless of education or occupation, are basic skills. These foundational skills are important as they prepare workers to acquire other skills, particularly reading comprehension, active listening, critical thinking, and active learning. Other skills that are in-demand include coordination and instructing in the social skill category and time management, a resource management skill.

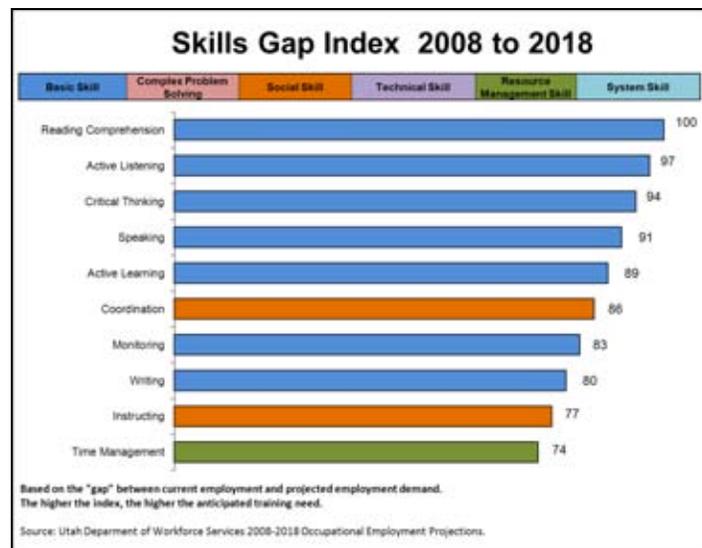


In Utah, high-demand skills for occupations requiring post-secondary training and the skills for jobs requiring on-the-job training are very similar. Even though many jobs require a higher-level of education, basic skills are those identified as most in demand for both post-secondary training and on-the-job

training occupations. Basic skills attainment is critical for Utah’s workforce in the long-term as a basic-skills deficiency may preclude obtaining highly coveted technical skills in the short-term. A strong underpinning in basic skills provides workers with the resources to learn new technical skills and quickly switch occupations as labor force demand changes.

The ability to acquire and maintain technical skills is also important to Utah’s workforce. Utah’s current occupational projections show that computer and healthcare-related occupations are expected to show some of the most rapid employment expansion. Healthcare was the only industry in Utah to continue to add employment throughout the most recent recession. This downturn-resistant industry should continue to provide many occupational opportunities. In addition, in this occupational group, there is also some of the most rapid change as the healthcare industries align in order to become more cost efficient.

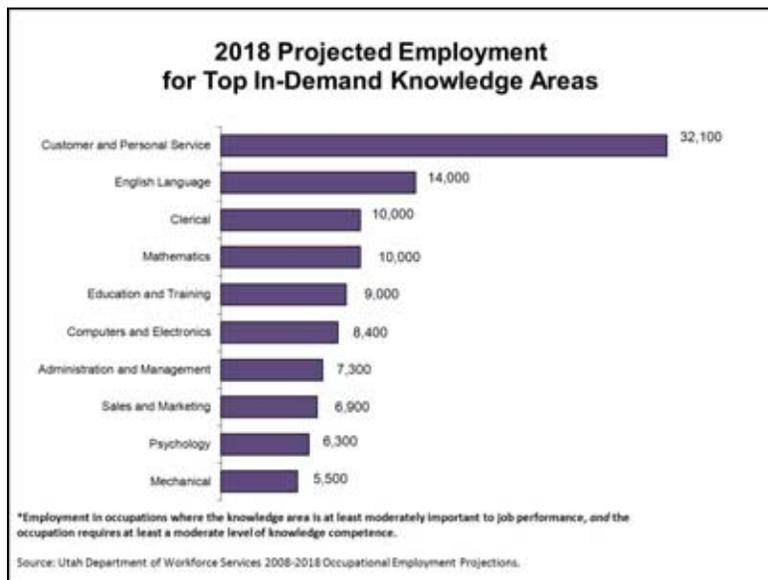
Along with the increased demand for healthcare occupations, trends show higher-than-average growth rates for computer-related occupations, including designing, coding (software), and repairing. As technology improves and computers take over an ever-increasing number of tasks, jobs will be required to build and repair them. In addition, projections more subtly reflect the need for technical, computer-related skills in a multitude of occupational categories. The automobile mechanic of the past is now an automobile technician because the level of technical, computer-related skills required for this occupation has increased dramatically. Another trend entrenched in projections data is the increasing education/skill levels required by jobs in general. Each year, the share of jobs that require some type of college degree increases. While jobs that require short-term, on-the-job training may dominate the current labor market, their share of the market continues to shrink.



The skills gap index compares current levels of employment-related skills to the skills of the anticipated occupational levels of 2018. The closer a skills index is to 100, the higher the possibility of a skills gap. Those skills with high gap indices could be considered critical for the future. Skills with the highest projected demand are the same skills that are most likely to experience a critical skills gap. Again, basic skills dominate the top-ten skills with the highest skills gap index.

Utah is once again a national leader in analyzing skills gap data. The skills gap analysis allows DWS and its partners to determine areas where additional funding and resources may be needed. Most recently, DWS completed a skills gap analysis of the nursing industry. This skills gap data is very valuable. For instance, standard flow statistics can indicate that a nursing shortage is persistently imminent due to steady growth in healthcare and staffing pattern changes. Also, statistics such as the Job Vacancy Survey indicate there may be some instances where nursing positions remain unfilled. However, the overall picture using the skills gap methodology shows that supply meets demand on an average annual basis. Additional information regarding future studies of various industries and/or occupations will be available within the coming months.

If adequately prepared with in-demand basic skills, Utah workers will be able to gain knowledge in high-demand areas. These top knowledge areas provide guidance for training emphasis. Those areas with the highest knowledge requirements are customer and personal service, which far outrank any other knowledge requirement area. Additionally, knowledge of the English language also ranks high on the list. English knowledge may be an area particularly at risk for a generation that has grown up doing more texting than academic or technical writing. Within the in-demand knowledge areas, the need for technical training is also apparent. Other important knowledge areas include clerical, mathematics, education/training, and computers.



Beyond the in-demand skills and knowledge areas, employers surveyed throughout the nation also indicate the need for workers to have basic and soft skills now and in the future. For almost a decade, the National Association of Colleges and Employers has surveyed employers in order to glean the most-wanted skills. Employers surveyed identified transferable soft skills as those that are most important—

regardless of the job's pay or rank. These employer-needed skills dovetail nicely with the skills and knowledge areas the projections data indicate will be in the utmost demand.



Customers entering DWS are encouraged to consider moving into occupational areas in demand as well as areas where skills gaps are apparent. Career ladders are developed and presented to assist these customers not only in seeing the short-term benefits of furthering their own skills, but also the possible rewards over the long-term of advancement and increased earnings. These individual efforts will have an impact upon the skills gap identified above.

As detailed within this Plan, DWS works with partners in education and business in order to establish plans to mitigate skill shortages. DWS participates in partnerships with education and economic development as detailed in Section I. C. State Strategies.

In summary, Utah's economy fared well during the recent recession and is continuing to rebound. Each region within the state has unique economic building blocks to assist Utah's economy in growing and remaining one of the most robust in the nation. Additionally, a thorough understanding of in-demand occupations, knowledge, and skills will assist Utahns in meeting the labor force demands of the future.

#### Skills Gaps, Educational Gaps, and Labor Market Outcomes for WIA Sub-Populations

As of late, Utah has experienced slow yet steady recovery from the recession and currently ranks among the top ten U.S. states and territories for lowest seasonally adjusted unemployment rates (September 2012, preliminary). Utah's above-average recovery speed is driven by several factors of the economic foundation, including a young and fairly well educated population working in an industrially diverse economy. Because of this, Utah is fortunate to not be struggling with a systematic skills or education gaps in the labor market and thus no major barriers to realizing the full economic recovery potential. Almost a full 40 percent of the Utah population over the age of 25 holds an Associate degree or higher, and another 30 percent have had some college (which may include holding a certificate).

However, while Utah does not feel the crunch of macroeconomic gaps, it is clear there are some very specific gaps at the microeconomic level which Utah must address to ensure that no sub-population of individuals or any particular economic sector is left behind on the economic road to recovery. A deeper analysis of the Utah economy reveals existing or potential gaps that WIA programs will be designed to address.

Taken as a whole, the veteran population of Utah experiences an unemployment rate essentially equal to that of the state as a whole. Educational attainment is also distributed similarly between the civilian and non-civilian populations. What does stand out, however, is the much higher than average unemployment rate among veterans who served in the 2001 Gulf War (8.3 percent for 2011) or in both gulf wars (9.8 percent for 2011). Thus, Utah has and will continue to tailor veteran employment programs to that sub-population of service men and women to ensure that they are able to take full advantage of the services available to them via WIA and other workforce programs. Utah will continue to monitor the veteran population as we anticipate an influx of returning military personnel in the coming years.

Educational attainment is clearly a problem amongst the low-income population in Utah. For those in poverty, the rate of postsecondary degree attainment is less than half of that of the non-impovertised (18.7 percent versus 41.5 percent in 2011). Additionally, it comes as no surprise that the unemployment rate of those in poverty is nearly quadruple that of the rest of the labor force (23.6 percent versus 6.5 percent in 2011). Participation in the labor force is a full 7 percentage points lower for those in poverty. All of these labor market statistics describe how social and economic barriers play out in the broader labor market.

Utah's population of individuals for whom English is not their primary language tends to fair quite well in the labor market, likely due to the significant cultural dynamic of dual language mastery. However, Utah has a large and growing population of non-native speakers who do not speak English well or at all, approximately 65,000 who are age 16 or older (according to the American Community Survey, PUMS data, 2011). If growth continues, this factor could disrupt the positive labor outcomes in the future, should capacity in jobs for which communication skills are less in demand be outstripped by supply. Therefore, Utah will proactively serve this sub-population as a preventative measure for future labor market conditions.

While unemployment may not seem like a significant challenge for Utah compared to other states, further analysis of the unemployment measures reveals some points of concern that serve to guide effective use of WIA programs. One such measure is educational attainment amongst the long-term unemployed. For 2011, Utah had approximately 18,900 individuals experiencing long-term unemployment (27 or more weeks). For those individuals, educational attainment was much lower than the general Utah population. While about 8.2 percent of the population of Utahns age 25 or older did not have a high school diploma, for the long-term unemployed that rate was just under 13 percent. Those experiencing 27 or more weeks of unemployment also had a much lower rate of postsecondary degree attainment (33 percent versus 41 percent). Clearly, it is imperative that Utah direct WIA program funding to the population of individuals suffering from long term unemployment.

Underemployment is also straining the Utah economy. While Utah's unemployment rate is only about 4.5 percentage points off from the low point in 2007, the underemployment rate (U-6) is off by more than 8 points. Wages during the recovery have been stagnant as well, signaling the possibility that unemployment is falling, but only at the cost of increased underemployment. To that end, Utah will work to provide training, employment, and job matching opportunities that allow underemployed individuals to find employment that allows full realization of their labor market potential.

An additional source of potential labor market gaps besides those coming from human capital deficiencies is skill mismatches. Again, while Utah clearly does not suffer from a wide-spread labor market gap, it has become evident that some gaps exist in a few specific labor market skills and occupations. Utah's SWA will continue over the short run to partner with its LMI staff to identify and measure those gaps. Thus far, some key occupations have been identified through real time LMI (the SWA's labor exchange tool) and/or Utah's most recent Job Vacancy Survey, and will be targeted through this Plan. Those occupations include CNC machinists (4.5 percent vacancy rate and 330 openings), computer support specialists (160 vacancies and 779 openings), computer applications software developers (3.4 percent vacancy rate and 309 openings), and truck drivers (13.0 percent vacancy rate and 1,423 openings). Coupling the results from the survey with real-time LMI provides a well-supported argument for targeting these occupations as having a real (or potential) labor market gap that could adversely affect the robustness of the economic recovery in the long run.

As noted above, DWS is developing programs and services targeting the need of Utah's at-risk sub-populations. (See Section I. C. State Strategies.)

## **C. State Strategies**

The Integrated Workforce Plan must describe the key strategies the state intends to implement, based on its economic analysis, to achieve the governor’s vision and goals.

- ***Cross Program Strategies:*** The plan must discuss integrated cross-program strategies for specific populations and sub-populations identified in the state’s economic analysis, strategies for meeting the workforce needs of the state’s employers, and regional and sector strategies tailored to the state’s economy.
- ***Partnerships:*** The plan must include a discussion of key strategic partnerships that are necessary to successfully implement the strategies, specific roles of specific state entities and programs, and discuss how the strategies will meet the needs of employers and of each sub-population. (WIA Section 111(d)(2), WIA Section 112(b)(8), and W-P Section 8(c).)
- ***Leveraging Resources:*** The plan must discuss how the state will coordinate discretionary and formula-based investments across programs and in support of the governor’s vision. The state’s planned commitment of federal and non-federal funds to these investments must be included. The plan must also describe how the state will use program funds to leverage other federal, state, local, and private resources, in order effectively and efficiently provide services. (WIA Section 112(b)(10).)
- ***Policy Alignment:*** The plan must discuss how the state will align policies, operations, administrative systems, and other procedures to assure coordination and avoid duplication of workforce programs and activities outlined in WIA Section 121(b). (WIA Sections 111(d)(2)(A), 112(b)(8)(A), 121(b), and 20 CFR 661.205(b)(1).)

### ***Cross Program Strategies:***

Utah utilizes a number of strategies in order to serve various populations, leverage funds, and maximize resources. These strategies include program integration, the creation and use of Training Occupations List (also known as Occupations in Demand), and the development of specialized grants and programs customized to meet the needs of Utah’s specific populations and sub-populations.

One of the most innovative and cost-effective strategies implemented was the determination in 1997 to fold multiple agencies and programs into one: the Department of Workforce Services. As such, DWS is uniquely organized to include a number of agencies and services. This organization allows for streamlined services to customers and employers that avoid duplication. DWS includes the Children’s Health Insurance Program, Food Stamp Employment & Training, Housing and Community Development, Medicaid, Office of Child Care, Office of Refugee Resettlement, Temporary Assistance for Needy Families (TANF), Trade Act, Unemployment Insurance and Contributions, Veterans Employment and Training, Wagner-Peyser, WIA, and Workforce Research and Analysis, as well as various grants and special projects. This comprehensive service design allows customers to receive services in a true one-stop manner.

Beyond this overarching cross-program strategy, DWS also has established a number of strategies specific to the population and sub-populations within Utah. These projects were developed specifically to meet the workforce needs of employers and to bolster the state's economy.

### Digital Arts Partnership

DWS collaborates closely with Salt Lake Community College (SLCC) to implement SLCC's Department of Labor (DOL) funded Community Based Job Training Grant and provide digital arts training to disadvantaged youth, incumbent workers, and dislocated workers. Leveraging funds from both SLCC and DWS funds, SLCC offers digital arts training at no tuition cost to the participants while DWS leverages WIA and other funds to provide supportive services as appropriate. Both partners are combining efforts to network with industries and employers to connect workers to internships and employment opportunities. The Digital Arts initiative expects to serve 570 customers statewide through June 30, 2013.

### Education and Training Voucher / Transition to Adult Living

Through the Transition to Adult Living (TAL) initiative, Utah has created the framework for improved services for youth who are at risk of failure, as they become adults. The focus of this initiative is youth in foster care, those aging out of foster care, and youth involved in the Juvenile Justice System. The WIA service delivery system has increased efforts to identify and inform these populations of education and training services available to them. The *Just for Youth* website was developed in a partnership with the Department of Human Services, State Office of Education, and DWS, for access by all of Utah's youth. Further development and promotion of this site is an ongoing effort.

Utah organized a cross-agency collaborative team to work on continuous improvement for Utah's high-risk youth. Utah's Youth Vision Team (YVT) has been working together since December 2004. The YVT plans coordinates and integrates services for the juvenile parolee population by expanding the model created by the TAL initiative. Given this new joint focus, when TAL is referenced, it includes Utah's YVT.

TAL is an initiative designed to improve the lives of youth in foster care, youth aging out of foster care, and youth offenders focusing on coordination between the Division of Child and Family Services, Juvenile Justice System, public, adult and higher education, Vocational Rehabilitation, Job Corps and DWS. Efforts spent on TAL to date have expanded beyond the population touched by the foster care system by building upon the model for the juvenile parolee population, and other high-risk groups.

TAL will further streamline integrated services by continuing to align policy, procedure, and promising practices across agencies. The result of this effort will be reduced duplication and increased leveraging of human and financial resources. TAL will gather support from various partner agencies and identify current funding that can be focused toward the target high-risk populations. This effort will result in strengthening an already sustainable model. When Utah finds policy that presents a barrier or other issues that need the attention of federal partners, DWS will inquire of the federal Shared Youth Vision Solutions Desk, apply for waivers, or ask for exceptions thereby improving services and outcomes for the target populations.

During Program Year 2011, the State Youth Council added six new members who represent the business community. Their input has been, and will continue to be, valuable in focusing the WIA youth program helping of Utah's at-risk youth plan for careers in demand occupations.

### Ex-Offender Program

In collaboration with the Utah Department of Corrections and community-based organizations, DWS has developed and launched targeted initiatives to assist ex-offenders re-enter the workforce. Partnerships have outlined comprehensive pre- and post-release programs to assist these customers in obtaining their high school diploma or GED, vocational skills development, and successful re-integration into Utah's communities. Job Growth Funds have also been used to develop internships and on-the-job training programs, designed specifically for ex-offenders' needs.

### GED Program

DWS continues to work with multiple school districts, educational providers, and the Utah State Office of Education Adult Education Program to develop strategies to assist individuals in obtaining their high school diplomas or GEDs and slow the drop-out rate of current students. Specialized programs have been developed for specific sub-populations such as financial assistance customers and ex-felons.

### Governor's Education 2020 Plan

Based upon the Governor's call to action, three collaborating projects were created in order to meet the 66 percent education certification goal for 2020. Vision2020, HigherEd2020, and Prosperity2020 all focus on achievement of this goal with key stakeholders joining forces. A Job Symposium was held in early 2012 that brought leaders from education, workforce, and economic development together as a means of coordinating efforts.

#### *Vision2020:*

Vision2020 is the program initiated by the Governor's Educational Excellence Committee. As part of a ten-year action plan, the Governor championed a number of proposals: 1) Extended-Day Kindergarten, 2) Reading and Literacy for K-3, 3) Common Core State Standards, 4) Assessment Improvements to allow secondary students to be college- and career-ready, 5) Mission-Based Funding for Utah's institutions of higher learning, 6) Internal Alignments of education and economic development objectives, 7) External Alignments expanding private industry and public education partnerships (such as UCAP), and 8) Online Early College for high school students.

A specialized task force was also recreated as an off-shoot of the Governor's Educational Excellence Committee focused specifically on women. At present, —Utahwomen's attainment of bachelor degrees is behind that of men and women nationwide.” The Utah Women's College Task Force recognizes the importance of increasing the number of women who complete post-secondary education degrees. The goal of this task force is —to raise the aspiration level of young women to complete postsecondary degrees and to help parents, families, and the general

community understand how important it is to support and encourage Utah women to complete” ([UWCTE](#), 2012).

#### *HigherEd2020:*

Based upon the Governor’s call to action, the Board of Regents and Commissioner of Higher Education created the HigherEd2020 plan as a way to achieve the Governor’s 66 percent goal. This separate yet coordinating task force has a strong partnership with DWS. The plan outlines how Utah colleges and universities will meet the needs of students as well as the talent demands of employers in the 21<sup>st</sup> century (HigherEdUtah2020, 2010). In order to meet Utah’s education and workforce needs, the plan includes goals stating that 55 percent of Utah’s workforce will earn an associate’s degree or higher and 11 percent will earn a postsecondary certificate leading to a sustainable wage.

Public and private partners of higher education anticipate enrolling approximately 109,000 more students over the next decade. Of these, about 33,000 are projected natural growth while Utah System of Higher Education (USHE) estimates that 120,000 new students will enter Utah’s schools over the next 10 years. Utah’s youth are certainly one of the state’s greatest assets. As such, the state must provide these youth with the very best education it can afford.

Five key points were outlined as a means of achieving the goals outlined in the *HigherEdUtah2020* plan. They are:

- Expand the pipeline of college or career-ready and college-inclined high school graduates.
- Stop “leakages in the higher education pipeline” by increasing the number who persist and complete their education once they enter college.
- Expand the ability of colleges and universities to provide quality opportunities for more students.
- Transform higher education in order to provide quality opportunities for more students and increase efficiencies.
- Better leverage higher education in growing Utah’s economy as a way to extend prosperity and grow the tax base of the state.

Successful implementation of the goals outlined in *HigherEdUtah2020* will require combined cooperative efforts by numerous entities, including the Governor, DWS, USHE, State Board of Education, and Utah’s Legislature.

#### *Prosperity2020:*

Also responding proactively to the goal is the Prosperity2020 initiative. Initially formed by the Salt Lake City Area Chamber of Commerce it has since branched out to include a network of

chambers, including 25 other groups statewide. Prosperity2020 is Utah's largest ever business led education initiative. Through Prosperity2020, Utah businesses, Utah's Parent Teacher Association, and community leaders are organizing a movement to advance educational investment and innovation. Goals set forth include 90 percent of elementary students achieving math and reading proficiency, two-thirds of Utahns achieving postsecondary training by 2020, and metropolitan areas ranking in the top 20 as far as concentration of science and engineering occupations.

#### New American Academic Network

Through a partnership with the University of Utah, University Neighborhood Partners, the International Center, Resettlement Organizations of Utah, and DWS, individuals with refugee or immigrant backgrounds are connected with higher education. The goal of the partnership is to create opportunities for individuals to return to school or employment. —Many new arriving populations resettle in Utah with education and training from their native country; however, due to the circumstances that preceded resettlement, many individuals arrive without the proper credentials to enter higher education or a professional level of employment” (NAAN, 2010). Funding is coordinated in order to offer —tuition assistance, stipends, internship opportunities, training, testing, research, teaching assistantships, and other experiences and opportunities that assist participants with gaining education and the professional skill needed to reenter their profession or begin new ones” (NAAN, 2010).

#### National Emergency Grant

DWS is a recipient of a National Emergency Grant (NEG). These funds provide training, re-employment services, and/or support services to customers dislocated from Alliant Techsystems (ATK) from April 2009 through August 2010. ATK has laid-off approximately 2,500 employees within this timeframe, and DWS expects to provide services to 10 percent of these individuals.

#### Refugee Services Office

The Refugee Services Office (RSO) is a unit of DWS. The office focuses on services to the growing refugee population in Utah. DWS' Deputy Director chairs the advisory board that oversees the refugee program. Services offered to this population include case management, cash assistance, and Medicaid to name just a few. ROS leverages funds with resettlement agencies, religious organizations, other DWS funding sources, and the United States Department of Health and Human Services. For example, case management services are available to refugees via TANF program funds. The office facilitates mini-grants awarded to refugee community organizations that provide workshops and conduct home visits in an effort to assist this population in assimilating. Additionally, religious organizations team with TANF dollars by offering English as a Second Language courses for four hours per day and employment activities for the remaining four hours per day. Participants are paid wages to participate for up to one year. This is a cutting edge program offering exceptional service to the refugee population.

### Small Business Bridge Grant Pilot Program

An exciting new project developed to leverage Job Growth Funds is the Small Business Bridge Grant Pilot Program (Bridge Program). The Bridge Program will provide a limited reimbursement for small businesses that are willing to add new jobs to their workforce and, in so doing, bolster the economy. This program also provides funding for a recruitment program that will work in conjunction with GOED programs. Recruitment funds will target small businesses that are considering locating to Utah or expanding their current business within Utah. The pilot will also provide funding for retention of existing jobs that are threatened by closure or relocation.

### State Energy Sector Partnership

Given the ever-growing green job market, DWS has encouraged and supported workforce and economic development in renewable energy and energy efficiency. As such, DWS sought and was awarded the State Energy Sector Partnership (SESP) Grant. This \$4.6 million grant focuses upon developing the workforce and creating jobs for green construction, alternative fuels, energy management and efficiency, and renewable energy. DWS expects to serve 1,400 individuals using SESP funds.

### TAA CCCT 2011 Grant

DWS is also partnering in a Trade Adjustment Assistance Community College and Career Training (TAA CCCT) consortium project led by SLCC. Consortium partners include Dixie State College, Snow College, Weber State University, University of Utah, and Utah College of Applied Technology. These partners intend to address employer workforce needs in healthcare, defense and homeland security, software development and information technology, energy and natural resources, and competitive accelerators like advanced manufacturing.

### Utah Career Acceleration Partnership

DWS has partnered with USHE and GOED on the Utah Cluster Acceleration Partnership (UCAP). The focus of UCAP is to align higher education with industry to meet workforce needs. Additional information regarding UCAP is available on its [website](#).

While Utah clearly does not suffer from a wide-spread labor market gap, it has become evident that some gaps exist in a few specific labor market skills and occupations. Utah's SWA will continue over the short run to partner with its LMI staff to identify and measure those gaps. Thus far, some key occupations have been identified through real time LMI (the SWA's labor exchange tool) and/or Utah's most recent Job Vacancy Survey, and will be targeted through this Plan. Those occupations include CNC machinists (4.5 percent vacancy rate and 330 openings), computer support specialists (160 vacancies and 779 openings), computer applications software developers (3.4 percent vacancy rate and 309 openings), and truck drivers (13.0 percent vacancy rate and 1,423 openings). Coupling the results from the survey with real-time LMI provides a well-supported argument for targeting these occupations as having a real (or potential) labor market gap that could adversely affect the robustness of the economic recovery in the long run.

After analyzing LMI data as well as data from other sources, UCAP projects are convened by one of the colleges or universities in the state and in some instances are co-convened. Current projects around economic clusters include aerospace, healthcare, life science, energy and digital media. Other projects in the early phases or that have been proposed include manufacturing, entrepreneurship and Chinese business focus.

### Utah Science Technology and Research

The Utah Science Technology and Research initiative (USTAR), —“Linking Utah’s Innovation Community,” is a consortium of agencies and employers focused on bringing new technologies to market and expanding and growing Utah’s high-tech business. Contributing entities include GOED, higher education, and high-tech employers. USTAR is a legislated investment activity that provided funding for —strategic investments at the University of Utah and Utah State University to recruit world-class researchers and build state-of-the-art interdisciplinary research and development facilities and to form first-rate science, innovation, and commercialization teams across the state. This initiative focuses on leveraging the proven success of Utah’s research universities in creating and commercializing innovative technologies to generate more technology-based start-up firms, higher paying jobs, and additional business activity leading to a statewide expansion of the Utah tax base” (USTAR, 2008). USTAR is focused on creating technologies that will lead to business expansion, generating economic growth that includes high-paying jobs creating sufficient tax revenue to support education. DWS supports this initiative by providing valuable labor market information and serving as a resource during advisory meetings.

### Utah Futures

UtahFutures is Utah’s premier career information system for students, job seekers, employment service providers, educational institutions, and more. It is provided free of charge to all Utah residents and features cutting-edge career planning tools, leading labor market information, job search success skills, education and training options, and direct links to Utah employment opportunities. One exciting component of the system is that it is available anytime, anywhere with new applications available for iPhone, iPad, and Android.

UtahFutures is utilized in all Utah public schools and is offered to private and charter schools. Portfolios within the system continue to be available to students as they transition to post-secondary education or the workforce. DWS, Adult Education, USHE, and Vocational Rehabilitation also utilize UtahFutures as an employment counseling tool.

An Executive Steering Committee, appointed by the Governor, oversees the project. Members of this committee include: DWS, Utah Higher Education Assistance Authority, Utah State Office of Rehabilitation, Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP), and Utah State Office of Education. DWS has taken the lead on this initiative and is currently working on system enhancements, including the addition of a user profile driven concept and service oriented architecture with many of the major components being purchased from external vendors. The release of the new system is scheduled for August 2013. Until that time, UtahFutures will continue to utilize the intoCareers system, maintained by a non-profit company at the University of Oregon.

## Overview

DWS excels in its ability to leverage funds, develop partnerships, and provide programs and services to all Utahns, including the many diverse sub-populations that reside within the state. As such, state level DWS policy and procedure is integrated in a way that allows customers to participate in multiple programs and services depending upon the customer need. Through the State Workforce Investment Board as well as various cross-agency committees and workgroups in which DWS participates, DWS is able to quickly adapt and develop programs based upon population and sub-population needs and employer needs. This unique ability is evident in the various programs and services listed above.

### ***Partnerships:***

In support of the Governor's top priorities as detailed in Section I. A. Governor's Vision, DWS continues to build new and enhance existing partnerships. Partnerships are formed with business and industry, economic development, education and rehabilitation, and community and faith-based organizations through ongoing memorandums of understanding, as well as innovative regional projects and grant collaborations. As noted above, DWS works closely with a number of entities, including education, economic development, and employers. It is the vision of DWS to render comprehensive services that will assist all customers in obtaining basic literacy, postsecondary education and industry-recognized credentials, and in securing employment in demand-driven occupations and industries. These services are designed to connect unemployed, under-employed, and dislocated workers to jobs commensurate with their demonstrated level of education or skill achievement. DWS further collaborates with employers and civic leaders to develop a workforce system that serves the neediest youth, such as youth aging out of foster care, those involved with the juvenile justice system, children of incarcerated parents, migrant youth, refugee youth, Native American youth, and youth with disabilities.

DWS is working towards enhancing one of its most important partnerships that of GOED. Through an executive level position, DWS will work closely with GOED to assist in identifying skills gaps, business recruiting, and educating companies as to the current skills available in Utah. Providing valuable data and collaborating closely with GOED, DWS hopes to serve as an integral team member in growing Utah's economy.

DWS understands the important contribution of Faith Based and Community Organizations (FBCO) to the success of many workers and their families, especially when a family is in need of support and direction. The interaction of FBCOs with employment centers throughout the state enhances the ability of DWS to communicate available services and support demand driven opportunities.

Further collaboration with education, human services, and juvenile justice is evidenced through the State Youth Council (SYC) and partnerships projects like Transition to Adult Living. Various resettlement organizations are also partnered with DWS to provide comprehensive services to the refugee and immigrant populations.

The Utah State Office of Rehabilitation and DWS also coordinate services to customers, leveraging funds to offer the highest level of individual service to customers while creating broader program efficiencies. These collaborative efforts benefit Vocational Rehabilitation, DWS, and the customer.

Promoting additional collaboration between other elements of the workforce system, DWS coordinates with Job Corps, 4-H, Boys & Girls Clubs, AmeriCorps, and Juvenile Justice.

Finally, one of the most effective and functional partnership tools available to and used by DWS is the umbrella Memorandum of Understanding (MOU) that allows for streamlining of services and information sharing among partners (see Attachment B). This MOU allows for program coordination. The MOU includes data sharing provisions that restrict access to or grant the sharing of wage data. An additional Collaborative Coordinated Services MOU (CCS MOU) is specific to family-focused services. One of the outcomes of the CCS MOU is the coordination of policies relating to high-risk youth across various state agencies.

### ***Leverage Resources:***

#### Discretionary and Formula-Based Investments:

As Utah is a Single Service Delivery Area, a local distribution is not required. The current methodology treats the 30 percent discretionary funds the same as the 70 percent formula funds. Wagner-Peyser, WIA Adult, and WIA Dislocated Worker funds support core services. Funds for intensive and training services are allocated using a weighted formula based upon caseload, level of service, and the rural factor. WIA Youth funds provide services as outlined in WIA Section 129. Staffing cost distribution is based on the attached *Cost Allocation Plan*, as approved by the United States Department of Health and Human Services. All allocated costs adhere to the *Cost Allocation Plan*. (See Attachment J.)

#### Fund Leveraging

Through a number of strategic partnerships and programs, including those addressed previously, DWS leverages funds to better serve the various constituencies of Utah. In addition, DWS collaborates with GOED to coordinate services and leverage funds as a means to incentivize companies to expand or maintain their businesses in Utah. As part of this partnership, DWS provides funds for training which leads to job retention or job creation. DWS and GOED jointly review each project prior to approving funding. Funds used to support this initiative are collected through state Unemployment Insurance penalties and interest fees and are appropriated by the Utah Legislature. These funds are called Job Growth Funds. DWS also allots a portion of the Job Growth Fund to form partnerships with other entities such as cities, counties, and educational providers specific to economic and training needs.

### ***Policy Alignment:***

#### Operational Excellence

DWS has been recognized nationally for its use of Operational Excellence in refining business practices and streamlining government. Using the Theory of Constraints (TOC) model, DWS identifies levers to DWS success as well as potential constraints within the process in order to refine and improve services. The goal of the TOC model is to increase through-put, reduce cost, and improve quality.

DWS uses the Theory of Constraints as a management tool to determine the initiatives on which to focus. DWS has established several key levers and, in turn, the projects on which the agency will concentrate:

- *Identify Employer and Workforce Need (both current and future):* Develop employer demand reports and an employer microsite.
- *Connect Employers with Qualified Job Seekers:* Using the Workforce Innovation Grant, DWS will expand its employer and labor exchange services. This project is called Next Generation Labor Exchange (See Section II. B. below).
- *Provide World-Class Economic Data and Tools to Support Workforce, Education, and Job Creation Activities:* Redesign the DWS Internet site ([jobs.utah.gov](http://jobs.utah.gov)).
- *Close Skills Gap:* Focusing on programs and initiatives that will close the skills gap, including UtahFutures, Skills Gap Reporting, the Veteran’s ACE program, and UCAP.

### DWS Program Organization

As mentioned above, DWS offers comprehensive, one-stop services through a number of programs. Service delivery design brings together program, policy, technology, and operational work processes so that the focus is on customer success and appropriate outcomes rather than the customer seeking services from multiple agencies. This approach also provides for efficiencies so that the cost of administration is reduced and funds available for services are increased. (See [Workforce Development Division policy](#).)

## **D. Desired Outcomes**

**The Integrated Workforce Plan must describe and provide specific quantitative targets for the desired outcomes and results of the programs included in the plan. Table 1 may be used for WIA / W-P programs. The plan should also describe any additional established indicators and system measures, beyond those required by programs' authorizing statutes. (WIA Sections 112(b)(3), 136(b)(1)(A)(ii), (b)(2)(C), 20 CFR 666.110, 20 CFR 666.120(g), and 20 CFR 666.300.)**

**In addition to the state's program performance goals, the state may also discuss the other goals it intends to achieve. Does the state examine broader economic and social indicators? For example, is the state attempting to increase the percentage of workers employed in family wage jobs; increase earnings to support a better quality of life; increase the number of employers with job opportunities; or increase high school and college graduation rates as metrics? In sum, the state should describe its desired results for the state workforce investment system and the metrics it is using to measure those results.**

As a Single Service Delivery Area, Utah does not maintain separate performance goals at a local level. Nevertheless, service area staff provide input to negotiated levels of performance. Negotiation of outcome measures with the Department of Labor regional office takes into account income potential and career opportunities, among other customer characteristics. Unemployment rates and national averages for each outcome measure are variables used to estimate targets of performance. Additionally, Utah's own historical levels of performance factor into the process.

Performance targets apply to all employment centers and service areas as well as a statewide cumulative figure. Monthly and quarterly reports are available to assist service area and state staff in monitoring outcomes.

Supplemental employment outcomes apply methodologies currently proposed by Common Measures (per TEG 15-03). Other measures are consistent with techniques specified by various federal programs or were developed locally with service area and state staff input. Generally speaking, these measures supplement existing Wagner-Peyser and WIA measures. Close monitoring of all measures helps to ensure DWS will see continuous improvement over the timeframe covered by this Plan. The use of supplemental measures detailed above, assist in maximizing future outcomes.

All measures described are accessible in an Intranet-based reporting system. The process used to track and report these outcomes is similar to the process used to track and report federal outcomes. A web-based reporting tool calculates and formats outcomes then display the data for printing and/or analysis.

## Utah Department of Workforce Services

### Negotiated and Actual Performance Measures

*Revised 11/06/12*

	PY 2006		PY 2007		PY 2008		PY 2009		PY 2010		PY 2011		PY 2012
	Negotiated	Actual	Negotiated										
<b>Workforce Investment Act</b>													
Adult Entered Employment	66.0%	66.6%	68.0%	72.4%	69.0%	68.9%	69.0%	56.4%	69.0%	56.1%	63.0%	56.9%	60.0%
Adult Employment Retention	83.0%	82.4%	85.0%	83.1%	86.0%	83.5%	85.0%	78.6%	86.0%	80.3%	86.0%	81.0%	85.0%
Adult Earnings Increase	\$9,300	\$12,094	\$12,200	\$12,108	\$12,300	\$13,320	\$12,300	\$13,049	\$12,300	\$12,940	\$12,300	\$13,328	\$1,300
DW Entered Employment	80.0%	8560.0%	86.0%	85.7%	87.0%	83.3%	87.0%	80.5%	87.0%	79.5%	87.0%	80.6%	81.0%
DW Employment Retention	89.9%	92.0%	91.0%	92.9%	92.0%	92.9%	92.0%	85.5%	92.0%	89.0%	92.0%	90.3%	90.0%
DW Earnings Increase	\$14,200	\$15,611	\$15,600	\$14,457	\$15,700	\$15,554	\$15,700	\$14,401	\$15,700	\$14,873	\$15,700	\$15,153	\$14,750
Youth Placement in Employment or Education	59.0%	63.0%	65.0%	69.5%	66.0%	70.7%	66.0%	55.3%	66.0%	59.1%	66.0%	61.8%	60.0%
Youth Attainment of Degree or Certificate	32.0%	34.3%	37.0%	46.7%	38.0%	61.3%	38.0%	64.8%	38.0%	59.4%	38.0%	60.7%	48.0%
Youth Literacy or Numeracy Gain	N/A	N/A	24.0%	29.1%	27.0%	39.7%	27.0%	31.6%	27.0%	34.2%	27.0%	36.6%	33.0%
<b>Wagner Peyser Act</b>													
Entered Employment	71.0%	72.0%	71.0%	74.0%	72.0%	70.0%	72.0%	59.0%	72.0%	56.0%	66.0%	59.0%	60.0%
Employment Retention	81.0%	78.0%	83.0%	86.0%	84.0%	85.0%	84.0%	81.0%	84.0%	79.0%	84.0%	85.0%	85.0%
Average Six-Month Earnings	\$10,000	\$12,588	\$12,300	\$12,837	\$12,400	\$13,735	\$12,400	\$13,686	\$12,400	\$13,724	\$12,400	\$14,011	\$13,000

## Section II. State Operational Plan

### A. Overview of the Workforce System

The State Operational Plan must present an overview of the workforce system in the state.

- ***Organization:***

The overview must describe organization and delivery systems at the state and local levels for the programs covered in the plan, particularly how this organization effectively supports the coordination and alignment of the state's workforce programs and supports integrated service delivery. The overview must include a description of the key state administrative personnel of the programs described in Section I of the Integrated Workforce Plan, and the organizational structure and members' roster of SWIB members and their organizational affiliation.

- ***State Board:***

The State Operational Plan must describe how the SWIB effectively coordinates and aligns the resources and policies of all the programs included in the plan, and specifically, must include the following items related to the SWIB:

- How the board collaborated in the development of the plan, and how it will collaborate in carrying out the functions described in WIA Section 111(d). (WIA Sections 111(a), (b), (d), 112(b)(1), and 20 CFR 661.205.)
- How the SWIB member who represents Vocational Rehabilitation (VR) will effectively represent the interests, needs, and priorities of the VR program and how the employment needs of individuals with disabilities in the state will be addressed. (Only applicable to states which: (1) do not have the state VR agency director on its SWIB; or (2) in cases where the state uses an alternative entity as its SWIB, that entity does not provide for representative membership by individuals in these categories as required by WIA Section 111(b). (WIA Sections 111(b)(1), 111(e), 112(b)(8)(A)(iii), W-P Section 8(b), Rehabilitation Act Section 101(a)(2)(B), 20 CFR 661.200(i)(3), 20 CFR 661.205(b)(1), and 20 CFR 661.210(c).)

- ***Local Areas:***

The State Operational Plan must also describe the WIA Title I local workforce investment areas in the state, including:

- An identification of local workforce investment areas designated to the state, and the process used for designating local areas (WIA Sections 111(d)(4), 112(b)(5), and 116(a), 20 CFR 661.205(d), and 20 CFR 661.250-.270).

- **The designation of intrastate regions and interstate regions, as defined in 20 CFR 661.290, and their respective governors, and state and local workforce investment boards (WIA Section 116(c)). States may also discuss other types of regional structures here.**

### ***Organization:***

DWS offers a multitude of services through its integrated department organization. DWS includes not only the programs covered within this Plan but also the Office of Child Care, Food Stamps, Medicaid, Refugee Services Office, TANF, Unemployment Insurance, and the Workforce Research and Analysis Division. DWS is able to offer a wide array of services to customers in a seamless fashion. Policy, procedure, and statewide technical assistance support this delivery system. DWS policies and procedures are available to staff and the general public via the [DWS website](#).

The funding streams consolidated into DWS promote seamless one-stop services to all customers, regardless of population or sub-population. Centrally administered funding streams and administrative technical supports provide employment center staff with easily accessible data and information. Beyond mediated staff-assisted services, DWS has a multitude of services available to all customers online at [jobs.utah.gov](http://jobs.utah.gov).

Enhancing Utah's ability to grow the economy, the Governor and Legislature functionally organized DWS into Economic Service Areas (service areas). In order to provide input to the SWIB on local issues, these service areas intensely collaborate with the SWIB via local service area advisory groups. This interaction allows DWS to work closely with employers and educational institutions, thereby enhancing targeted occupations and industries.

See Attachment A for a description of the key state administrative personnel of the programs described in this Plan.

### **State Workforce Investment Board Organization**

The SWIB organizational structure consists of both large and small employers from rural and metropolitan areas as well as non-profit, community based organizations, representatives from service areas, education, employee organizations, and representatives of other entities. The Utah State Office of Rehabilitation Executive Director also serves as a voting member. A representative from the Utah State Legislature, GOED, Utah Department of Health, and Utah Department of Human Services are serve as non-voting, ex-officio members. For details, see the [SWIB Roster](#). In order to ensure that each of the required entities is involved in the planning and implementation of the state workforce investment system, the DWS Executive Director serves as the Governor's representative.

### ***State Board:***

The SWIB oversees DWS in achieving DWS' WIA and Wagner-Peyser goals and has authority and responsibility for Utah's workforce investment system. Specifically, the responsibilities of the SWIB include assisting the Governor in the following:

- Development and oversight of the WIA and Wagner-Peyser State Plan, as drafted by state DWS program staff.
- Development and continuous improvement of a statewide one-stop system, providing linkages for coordination of services and reduction of duplication.
- Reviewing and commenting on the Carl D. Perkins Vocational and Applied Technology Education Act.
- WIA funded youth employment and training activities.
- Development and continuous improvement of comprehensive state performance measures, including state-adjusted levels of performance and assessing the effectiveness of the state workforce investment activities.
- Preparation of the annual report to the Secretary of Labor.
- Development of the statewide employment statistics system described in the Wagner-Peyser Act.
- Development of an application for incentive grants, under WIA Section 503, if applicable.

As stated above, the Utah State Office of Rehabilitation Executive Director also serves as a voting member per WIA Section 111(b).

***Local Areas:***

In 1999, the Governor designated the State of Utah as a Single Service Delivery Area.

## **B. Operating Systems and Policies Supporting the State’s Strategies**

The State Operational Plan must describe:

- State operating systems that support coordinated implementation of state strategies (e.g., labor market information systems, data systems, communication systems, etc.) (WIA Section 112(b)(8)(A).)
- State policies that support the coordinated implementation of the state’s strategies (WIA Section 112(b)(8)(A)).
- How the delivery of services to job seeker customers and employer customers, including Registered Apprenticeship sponsors, will be aligned across programs (WIA Section 111(d)(2) and 112(b)(8)).
- How the state will provide WIA rapid response activities to dislocated workers from funds reserved under Section 133(a)(2), including designating a state rapid response unit (WIA Sections 112(b)(17)(A)(ii), 133(a)(2), and 134(a)(2)(A)).
- Common data-collection and reporting processes used for all programs and activities present in One-Stop Career Centers (WIA Section 112(b)(8)).
- State performance accountability system developed for workforce investment activities to be carried out through the statewide workforce investment system (WIA Sections 111(d)(2), (d)(6)-(8), 112(b)(3), 136; W-P Section 15; and, 20 CFR 666.205(f)-(h), 661.220(c), and 20 CFR Part 666).
- State strategies for using quarterly wage record information to measure the progress on state and local performance measures, including identification of which entities may have access to wage record information (WIA Section 136(f)(2) and 20 CFR 666.150).

### ***Operating Systems:***

#### **Labor Market Information**

The Economic Data Collection and Analysis Unit (EDCA Unit) gathers data regarding the economy and labor market. The mission of the EDCA Unit is to, “generate accurate, timely, and understandable data and analyses to provide knowledge of ever-changing workforce environments that inform sound planning and decision-making.” EDCA collects information describing the Utah labor market, including wages; employment projections by industry, occupation, and area; cost of living; employment and unemployment; labor force characteristics; career trends; and, industry trends. DWS, the SWIB, and outside entities utilize the workforce information collected in planning and decision-making to determine job growth areas, skills gap, income and wage data, migration, demographics, cost of living, and career exploration opportunities. This information is critical in determining what industries and occupations to target while working with partners in business and education to ensure skills training availability.

Additionally, information collected is also used while assisting customers while providing core, intensive, and training services allowing the customer to make informed career choices. DWS also delivers this high-quality employment statistical information to customers through the workforce information page located on the [DWS website](#). Analysis of data collected and published for the Bureau of Labor Statistics state and federal cooperative statistical program is in demand-driven formats. DWS works closely with customers, employers, and partners to make the information meaningful and practical for end-users. DWS publishes a [directory](#) describing the various workforce information products available.

### Data Collection Systems

- *UWORKS* – DWS’ integrated case management system. UWORKS includes a web-based system that supports self-service customers by providing access to information and services that will help them obtain employment. UWORKS also tracks mediated staff-services allowing employment counselors to easily manage cases and assist customers in reaching their individual employment goals. This system captures funding source requirements, training provider details, and WIA Youth provider information allowing for program accountability and resource scheduling. The system supports both self-service and mediated job seekers and employers in a manner that is beneficial to all. Because of the different types of users supported, the system accommodates multiple system entry points, multiple levels of security, and the ability to seamlessly transfer job seekers or employers from self-directed to staff-assisted.

Recently, DWS and the Montana Department of Labor and Industry were awarded one of 26 DOL grants under the Workforce Innovation Fund initiative. The GenLEX project is designed to: 1) mitigate mediated (staff-assisted) services use and make self-service labor exchange more successful; 2) provide labor exchange services at a lower cost per participant; 3) address the capacity and access issues with physical One-Stop Centers; 4) assist job seekers and students with better connections to career pathways and related educational opportunities; and, 5) improve Common Measures outcomes and introduce new, innovative outcomes that more accurately measure labor exchange services success. GenLEX partners plan to retool and improve service delivery by enhancing technology and using it in innovative ways. The target is to improve labor market outcomes for all employers and job seekers, placing special emphasis on low-wage and lesser-skilled populations.

- *eRep* – Electronic Resource and Eligibility Product for determining supportive service program eligibility for TANF, Food Stamps, Medicaid, etc.
- *eShare* – A data repository system that collects information from several systems and allows for one central location for service providers who are determining intensive/training service eligibility through UWORKS to gather required customer information.
- *eFind* – A data repository system that collects information from several systems and allows for one central location for service providers who are determining supportive service program eligibility through eREP to gather required customer information.
- *eClient* – An electronic imaging system used to hold and view documents for all customer types.

- *eReports* – An online DWS data warehouse system that collects aggregate detailed information about customer activities and outcomes providing administrators, managers, front-line staff, and program staff with supplemental tools to ensure performance outcome attainment.
- *myCase* – An Internet-based system that allows customers to ascertain the status of their case.
- *CATS and CUBS* – Interactive self-service and mediated-service systems used to collect data and process all services offered by the Unemployment Insurance Division.

### Communication Systems

Under a newly formed division of DWS, communications pathways and procedures have been streamlined to ensure consistency in information disseminated to employers, job seekers, and other stakeholders. This division deals directly with the media in distributing press releases, answering questions, and providing data. Responsible for branding and marketing of DWS, the Communications Division has determined that, at this time, DWS will not incorporate the new American Job Centers brand.

### ***State Policies:***

As mentioned above, DWS has incorporated an Operational Excellence philosophy into all divisions and services. This is based on the Theory of Constraints (TOC) concepts, which takes a systems view of DWS' employment system and specifies key outcomes for customers. TOC identifies what constraints limit DWS customers and then systematically removes those bottlenecks to employment. This process focuses on getting more people jobs that support employer needs, reducing administrative and program costs, and improving service quality. DWS has established key “levers” that drive statewide projects:

- *Identify Employer and Workforce Needs (both current and future):* Developed employer demand reports and an employer microsite.
- *Connect Employers with Qualified Job Seekers:* Using the Workforce Innovation Grant, DWS will expand its employer and labor exchange services. This project is called Next Generation Labor Exchange (see Section II. B.).
- *Provide World-Class Economic Data and Tools to Support Workforce, Education, and Job Creation Activities:* The redesign of DWS Internet site ([jobs.utah.gov](http://jobs.utah.gov)).
- *Close Skills Gap:* Focusing on programs and initiatives that will close the skills gap, including UtahFutures, Skills Gap Reporting, ACE, and UCAP.

This overall dedication to Operational Excellence is also illustrated within individual service areas, through staff training, and in the development of policies and procedures. Statewide, staff and management participate in workgroups tasked at identifying local employment center constraints that may be reduced or eliminated in order to support statewide goals. Results of these workgroups are then funneled to state level staff. These interactions provide staff the tools and opportunities to focus on

solving problems at the local level and ability to feed the lessons learned to other parts of the organization.

Staff training is also offered specific to Operational Excellence, and this focus permeates training of all types. Quality is an important aspect of DWS service. Through program and services training, staff are given examples of “what quality looks like” when offering services directly to customers and employers. Additionally, core curriculum is offered by function and program to ensure that staff understand and adhere to federal, state, and DWS policy and procedure. The Career Management System (CMS) is a tool used to assist in professional development for all DWS staff. CMS offers the ability to register for mandatory DWS classroom training and complete online courses while tracking attendance and completion.

The final component supporting DWS’ overall strategy is to ensure that policy and procedure are easily accessible to staff and can be assimilated quickly. DWS understands that customers may be receiving more than one type of service. DWS promotes organizational structures and pathways, which promote individual service that is responsive, professional, and compassionate as well as focused on quality principles. Each service area manages staff and technical resources to minimize customer wait, provide maximum service on the initial visit, and minimize customer handoffs. Eligibility, employment counseling, and employment exchange services are provided concurrently to meet the needs of customers.

To support this strategy, DWS policy and procedure is integrated to include all programs and services offered. DWS [Workforce Development Division Policy](#) provides guidelines regarding how employment counselors provide service to and interact with their respective customers. Policy is aligned based on integrated funding streams and programs.

### ***Delivery of Services:***

Service delivery across all DWS programs is seamless to employers and job seekers. DWS uses UWORKS to measure core and intensive services, including the tracking and management of customers and common measures reporting. Additionally, the Workforce Development Division policy is integrated allowing DWS to more easily align federal and state programs.

### ***Apprenticeship:***

The United States Department of Labor Office of Apprenticeship (Office of Apprenticeship) and DWS work together to ensure integrated apprenticeship opportunities. Marketing brochures are available to both employers and job seekers for education and referral to the Office of Apprenticeship. Select DWS staff receive specialized training in order to serve as Certified Apprenticeship Representatives. State level and employment center staff represent DWS on the State Apprenticeship Steering Committee. DWS collaborates with Office of Apprenticeship to establish employer apprenticeship sponsors, work with public education, and recruit applicants for apprenticeship opportunities. Within the State of Utah, the Office of Apprenticeship recently hired a new State Director who is eager to implement expanded partnerships. The DWS State Program Specialist has met with the new State Director and both see increased opportunities. Given the newness of the State Director, he has requested an opportunity to learn

his job functions. Within the next few months it is anticipated that the two agencies will meet again as they are committed to strategic planning and collaboration.

### ***Rapid Response:***

DWS coordinates rapid response (RR) services through the State Dislocated Worker Rapid Response Unit (DWU) and in coordination with the nine economic service areas to customers identified through WARN and other layoff/closure notifications, as well as companies certified under the Trade Act. State RR services are provided to companies experiencing permanent layoffs affecting 15 or more workers due to plant closures, mass layoffs, or natural disasters. For layoffs affecting less than 15 workers, the DWU defers to the impacted economic service area to determine the type of services offered.

Each economic service area has a RR coordinator who works directly with the State DWU to ensure the delivery of RR services within their area. Trained RR specialists in each economic service area provide layoff intervention workshops to the impacted dislocated workers.

The State DWU consists of the State DWU/RR Coordinator, State WIA Dislocated Worker Program Specialist, and Trade Act Program Specialist. The State RR Team consists of the DWU/RR Coordinator, economic service area RR coordinators, and trained RR specialists who conduct RR intervention workshops. This integrated state delivery design ensures timely, consistent, and accurate delivery of services assisting customers in reentering the workforce. Customer information gathered during the RR process and entered into UWORKS is used to deliver continued services including determining WIA Dislocated Worker services and Trade Act services, as applicable.

### ***Data Collection and Reporting:***

Individual customers and their corresponding employment counselors input data into the UWORKS system. UWORKS then combines and matches data from other computer systems to measure employment outcomes. Quarterly reports based upon statewide, service area, and employment center data are generated providing managers and advisory groups with results of program and service delivery. Supplemental measures track customer volume and employment outcomes to ensure achievement of strategic goals. Service area directors use the automated tracking and reporting system data to adjust pathways and improve customer service as necessary.

Reports of funding and performance data collected in UWORKS are disseminated on a regular basis to service areas, program staff, executive management, and DOL. Additionally, data can be reported by DWS Workforce Research and Analysis Unit based on select custom parameters as needed. This information is used by service area and state level staff in a multitude of manners, including performance accountability as well as funding levels and targets.

UWORKS automatically tracks core services provided to customers through self-directed or staff-assisted modalities. Intensive and training services are also captured within UWORKS in a seamless manner allowing staff to focus on providing quality services and meeting the needs of both customers and employers without the added burden of tracking services provided.

DWS subscribes to the Data Analysis and Reporting Tool (DART). DART performs thousands of calculations to render all federally required Wagner-Peyser and WIA reports. This system uses wage matching from the Utah Employer-Reported Unemployment Insurance Wages, Wage Record Interchange System (WRIS), and Federal Employment Data Exchange System (FEDES) for calculating WIA, Wagner-Peyser, and Trade Act performance outcomes. Only approved staff who have signed the appropriate data sharing and information disclosure agreements have access to the WRIS and FEDES.

Utah will transition from DART to become a Workforce Investment Streamlined Program Reporting (WISPR) pilot state beginning January 1, 2013. Because Utah will be joining the WISPR pilot in the middle of a Program Year (PY) 2012, the state will be required to follow the current requirements and methodology for validating PY 2011 data for the WIA, Wagner-Peyser, and Trade Act programs. However, the current data validation requirements and methodology cannot be applied to the WISPR system.

Beginning with PY 2012 annual reports and fourth quarter record submissions and until such time as the ETA issues revised policy that specifically addresses data validation requirements for the WISPR system, Utah will implement a mutually agreed on process and methodology for validating WISPR data.

### ***Performance Accountability System:***

DWS formed a statewide team responsible for editing files and monitoring programs. This team, the Performance Review Team (PRT) is charged with providing rapid feedback to employment counselors, prevention of errors and disallowed costs, and alignment of federal program audits and case management reviews. The PRT developed Compliance Review Tools that are program specific to adult or youth customers. From there, the tool is refined to address various programs and services, including requirements for WIA Adult, WIA Dislocated Worker, WIA Youth, TANF, Trade Act, etc. PRT provides quarterly reports based on case review results that are available to management and staff at all levels. Program staff then analyze the data to determine potential staff training needs or policy enhancements. Additionally, individual employment counselors receive their respective edit results in order to review and correct inconsistencies creating a more standardized case management process statewide. The PRT works in conjunction with the annual Single State Audit in an effort to ensure consistency in compliance review.

The Utah State Auditor performs annual reviews of all DWS programs, including WIA. After performing a review of a select number of cases statewide, the State Auditor meets with state level program staff and a PRT representative to review the audit results. Process, pathway, and policy modifications are discussed as well as potential system enhancements to avoid similar errors in the future. The State Auditor works in with the DWS Division of Internal Audit to prepare the final report to the appropriate federal agencies.

Within the Division of Internal Audit is a contract monitoring team whose role is to assist DWS in fulfilling its responsibilities as a pass-through entity of federal awards and to provide feedback to various contract management teams based on the contractors' fiscal and programmatic contract requirements.

***Wage Record Information:***

DWS uses the combined wage files from Utah Employer-Reported UI Wages, the Wage Record Interchange System (WRIS) and the Federal Employment Data Exchange System (FEDES) for calculating WIA, Wagner-Peyser, and Trade Act performance outcomes. Only approved staff who have signed the appropriate data sharing agreements have access to the WRIS and FEDES data. Agency coordination of wage data is also detailed in the One-Stop Partner MOU (see Attachment B).

## **C. Services to State Target Populations**

The State Operational Plan must describe how all the programs described in the plan will work together to ensure that customers who need a broad range of services receive them. This is an opportunity for the state to describe how One-Stop Career Center services will address more specific needs of targeted sub-populations identified in the economic analysis. The State Operational Plan must describe how the state will:

- **Serve employment, re-employment, and training needs of unemployment compensation claimants; the long-term unemployed; the under-employed; dislocated workers (including Trade-impacted dislocated workers and displaced homemakers); low-income individuals (including recipients of public assistance); migrant and seasonal farmworkers; veterans; individuals with limited English proficiency; homeless individuals; ex-offenders; older workers; individuals training for nontraditional employment; and individuals with multiple challenges to employment. (WIA Sections 112(b)(17)(A), (b)(17)(B), (b)(8)(A), 20 CFR 652.207, 20 CFR 663.600-.640, and 29 CFR Part 37.)**
- **Serve the employment and training needs of individuals with disabilities. The discussion must include the state's long-term strategy to improve services to and employment outcomes of individuals with disabilities, including plans for the promotion and development of employment opportunities, job counseling, and placement for individuals with disabilities. (W-P Section 8(b); WIA Section 112(b)(17)(A)(iv); and, 20 CFR 663.230, 20 CFR 663.640, 20 CFR 667.275(a).)**
- **Deliver comprehensive services for eligible youth, particularly youth with significant barriers to employment (WIA Section 112(b)(18)(A)). The discussion must include how the state coordinates youth activities, including coordination of WIA Youth activities with the services provided by the Job Corps program in the state. Job Corps services include outreach and admissions include outreach and admissions, center operations, and career placement and transition services. (WIA Section 112(b)(18)(C) and WIA Section 129.)**

### ***Serve Targeted Populations:***

DWS integrates WDD policies, procedures, and resources to provide equal access and comparable services to all customers, including the following distinctive groups: customers interested in non-traditional training, older workers, low-income individuals, disabled individuals, and other individuals with multiple barriers to employment and training.

In order to provide seamless service to all customers, policy is not divided by program, service, or customer type. Rather, WDD policy is fully integrated to serve all customers regardless of program or service. Through eligibility and assessment, the level of service for these populations is determined; and customers are empowered to work through their identified barriers to achieve employment and career advancement.

## Reemployment Support System and Reemployment Eligibility Assessment

Workers filing for Unemployment Insurance (UI) are required to register for services with DWS, including providing a complete resumé or job match profile in UWORKS. This process initiates an immediate labor exchange connection to current job postings. During the initial claims process, the UI system identifies claimants who are most likely to exhaust their UI compensation, matching claimants with reemployment services to aid in the rapid return to employment.

Claimants identified as most likely to exhaust are required to complete an online orientation and assessment. Depending on claimant-identified needs, workers are linked to appropriate resources and may be referred for additional assistance at a local employment center, which may include a formal assessment and development of an employment plan to achieve reemployment. Services available include in-person staff assisted services, reemployment assessment, work readiness evaluation, job search and placement, occupational and transferable skills review, employment counseling, labor market or career resource information, workshops, and other intensive or training services.

All UI Claimants receiving Emergency Unemployment Compensation (EUC) are required to meet with an employment counselor for reemployment services. Reemployment services include a review of the customer's UI job search activities, assessment of skills, review of labor market information, employment counseling, and an orientation of services available through DWS employment centers.

An automated Reemployment Support System (RSS) allows DWS to select UI claimants from a selection pool in UWORKS to participate in required job search assistance workshops. Based on selection criteria in UWORKS, employment centers can determine the type of workshops and services that best match the customer's needs.

DWS operates a DOL-funded Reemployment Eligibility Assessment (REA) grant within offices along the Wasatch Front. The REA grant serves UI claimants who have a high likelihood of UI exhaustion and potential for long UI benefit duration. These specific customers are required to meet with a REA employment specialist who will work directly with the customer in order to assist them in reentering the workforce and minimizing their UI duration. These REA services are also available to all UI customers throughout the State of Utah.

### Long-Term Unemployed

The TANF program also funds additional occupational training slots and employer incentives, as funding permits, to eligible unemployed families seeking employment. All TANF cash assistance customers use the One Stop employment services to prepare and find work as documented through self-service system screens. TANF is considered a One Stop partner, and the services funded by TANF are fully integrated into the functions of the One Stop.

Beyond TANF funding, the long-term unemployed are also served using both Wagner-Peyser and WIA funds through core and intensive services. DWS Connection Team members provide comprehensive work readiness evaluations and employment services for all customers, including this sub-population. The work readiness process consists of reviewing a customer's skills and education, job search techniques, resume

and master application, interview skills, communication skills, and professional image. By identifying related strengths and weaknesses in each area, Connection Team members are able to refer the customer to other resources, including workshops, training, or partner programs.

Educational attainment amongst the long-term unemployed is shown to be a concern. In 2011, Utah had approximately 18,900 individuals experiencing long-term unemployment. Of those individuals, educational attainment was much lower than the general Utah population. While about 8.2 percent of the population of Utahns age 25 or older did not have a high school diploma, for the long-term unemployed that rate was just under 13 percent. Those experiencing 27 or more weeks of unemployment also had a much lower rate of postsecondary degree attainment (33 percent versus 41 percent). Clearly, it is imperative that Utah direct WIA program funding to the population of individuals suffering from long term unemployment. DWS' holistic approach to customer service allows long-term unemployed customers to be quickly identified and referred to appropriate services. Using the variety of program funding available to DWS, staff are able to provide a wide array of services to the customer in a One-Stop approach.

#### Dislocated Workers, including Trade and Displaced Homemaker

Through efforts at the local and statewide level, dislocated workers, including Trade Act and Displaced Homemaker customers are potentially identified and offered appropriate services. Rapid Response and the Dislocated Worker Unit assist in this activity. Staff receive training regarding the varying level of services available to each sub-population as well as the criteria that are required to be met in order to be considered a Dislocated Worker.

#### Low Income Individuals

DWS offers three programs to low-income individuals. These programs are TANF, Temporary Assistance for Needy Families Non-Family Employment Program (TANF Non-FEP), and Temporary Assistance for Needy Families / Needy Families (TANF Needy Family).

The purpose of the TANF program is to empower families to increase their income and become self-sufficient through employment, child support, and/or disability benefits. Within Utah, the TANF program is called Family Employment Program (FEP) and serves parents with dependent children residing in their own home. FEP consists of the availability of financial assistance, employment counseling, child care in order to participate, social work services as needed, training services, and potential medical assistance. Financial assistance is time limited for most families. Parents can only receive cash payments for up to 36 months over their lifetime. Approval of additional months occurs if the parent meets specific criteria for extension.

The purpose of TANF Non-FEP is to assist customers with dependent minor children residing in the home gain skills or education that increases their capacity to obtain, maintain, and enhance employment that will lead to increased income and a higher level of self-sufficiency. Services offered include employment counseling, assessment, limited supportive services, funds to support basic education and post-secondary education, and funds to support worksite learning experiences. The term "TANF Needy Family" describes a population that can be served using TANF funds. These services are provided via a

contractual agreement with an external provider and are available to families with dependent minor children living in the home. Services provided to this population may include case management, English as a Second Language, and skills training.

Educational attainment is clearly an issue amongst the low-income population in Utah. For those in poverty, the rate of postsecondary degree attainment is less than half of that of the non-impooverished while the unemployment rate of those in poverty is nearly quadruple that of the rest of the labor force. Participation in the labor force is a full 7 percentage points lower for those in poverty. All of these labor market statistics describe how social and economic barriers play out in the broader labor market. As such, DWS has developed programs, as shown above, that specifically target this population and work toward assisting individuals in completing education, whether basic or postsecondary, and obtaining employment.

### Migrant Seasonal Farmworkers

The Migrant and Seasonal Farmworkers (MSFW) activity is overseen by the State Monitor Advocate. The State Monitor Advocate provides training, information, technical assistance, and support to DWS to ensure compliance with equity of service and minimum service standards established by federal regulations. Migrant youth are one of the high-risk categories who receive priority for WIA Youth services.

DWS also has a relationship with Futures Through Training (FTT) who is the provider of the WIA 167 Farm Worker Jobs Program, referred to as —Utah Farm Worker Program.” This coordination allows documented migrants an opportunity to access One-Stop Services.

Outreach to the MSFW population in Utah is coordinated with the Utah Migrant and Seasonal Farm Worker Coalition (Coalition). The Coalition is comprised of government, non-profit, and private entities that provide services to MSFW. The Monitor Advocate attends the monthly Coalition meeting and actively participates with Coalition activities.

### Veterans

Job seeking military service members, veterans, and eligible spouses (hereafter referred to as —veterans”) are identified at the initial point of contact and routed to appropriate internal or external resources based on each veteran’s needs. This includes identifying various veteran groups recognized as requiring special consideration, such as service-connected disability veterans, transitioning service member veterans, economically disadvantaged, and educationally disadvantaged veterans. DWS provides priority of service to all identified military service members.

While the majority of veteran job seekers receive core services provided by employment counselors within each employment center, all DWS staff members have a thorough understanding of the programs and services available to veterans and their spouses as well as the importance of providing priority of service to those individuals. An extensive multi-year effort has been undertaken to train employment counselors regarding veteran services. This effort includes monthly provision of information regarding the extensive number of resources and services available to veterans.

A recent internal and external marketing campaign included the release of the Accelerated Credentialing to Employment (ACE) program.

ACE is a state-funded initiative aimed assisting Utah veterans, active military service members, and actively drilling service members of National Guard and Reserve, and their spouses obtain employment by receiving educational or vocational degrees or certificates.. With the winding down of Operation Enduring Freedom and Operation Iraqi Freedom, Utah has recognized the need for additional services to returning UNG/R service members.

ACE Specialists conduct outreach to veteran populations by attending all 30/60/90-day Yellow Ribbon Events and by developing relationships with UNG/R leadership. Targeted efforts have been undertaken to connect the UNG/R members with Utah Higher Education institutions and other certification and licensing entities to expedite obtaining certificates, credentials, or licenses that can aid the veteran in obtaining employment.

Veteran job seekers in need of intensive services are referred to the DVOPs or to one of the ACE specialists. DVOPs provide case management services as well as intensive services to veterans requiring more than core services. DVOPs also conduct outreach to veterans, targeting disabled veterans, and market DWS veteran services.

Local Veteran Employment Representatives (LVERs) ensure the connection between veteran job seekers and employers throughout the state. In an effort to maximize services and leverage funds, DWS coordinates the efforts of LVERs with the Utah Patriot Partnership (UPP) program to draw employer attention to veterans within the workplace. UPP allows an employer to make a pledge that, when possible, they will hire a qualified veteran for their vacancies. Participating employers receive a framed certificated from the Governor, a window decal for display at their place of business, and are identified within UWORKS as a UPP employer.

Beyond the UPP program, DWS is a participating partner in the Utah Veterans and Military Employment Coalition (Coalition). The Coalition consists of private, non-profit, and government organizations offering employment services within Utah. The primary goal of the Coalition is to coordinate the provision of employment assistance services to veterans. The Coalition hosts the annual Hiring Our Heroes Job Fairs and offers various workshops to veterans on employment assistance topics.

It is important to note that both DVOPs and LVERs are funded through the U.S. Department of Labor Veteran Employment & Training Administration's Job for Veterans State Grant. This requires coordinating services among the DVOPs, LVERs, DWS Workforce Development Specialists, and ACE Specialists.

As noted above, the veteran population of Utah experiences an unemployment rate essentially equal to that of the state as a whole; however, there is higher than average unemployment rate among veterans who served in the 2001 Gulf War or in both gulf wars. As such, DWS created the ACE and UPP programs in an effort to target these returning service military members. Utah will continue to monitor the veteran population and develop programs using WIA and other workforce funds as we anticipate an influx of returning military personnel in the coming years.

## English as a Second Language

To ensure services are accessible to limited English speaking customers the following publications are available and distributed to employment centers throughout the state as well as to interested community-based programs:

- Interpretive Services Poster and Flyers in DWS employment centers contain the following information in 14 languages: —If you do not speak English, or if you are deaf, hard of hearing, or blind, you can have interpretation services provided to you at no charge. Tell the person helping you that you need an interpreter.”
- —Speak” cards are available to community agencies to identify what language a customer speaks when they visit an employment center.
- The Utah Cares website is available in Spanish.

In addition, Spanish translation of the most utilized DWS publications and forms is available. The translation of publications and forms is an ongoing project within DWS.

Online training is available to all employment counselors and is a required course for new DWS employees. Training includes definitions of Limited English Proficiency (LEP); DWS Administrative Policy, specifically Americans with Disability Act and LEP requirements; DWS interpretive services pathway; interpretation contracted resources; Equal Opportunity contacts; and, a review of the translated forms and publications available.

An Interpretive Services page exists on DWS’ Intranet and contains interpretive service pathways as well as translation lists and a glossary of Spanish terms. This allows DWS employees to quickly locate the tools they need to serve LEP or English as a Second Language customers. DWS’ unemployment insurance and support service eligibility call centers have Spanish options available for their phone systems.

As stated above, Utah’s population of individuals for whom English is not their primary language tends to fair quite well in the labor market. However, Utah has a large and growing population of non-native speakers who do not speak English well or at all, approximately 65,000 who are age 16 or older (according to the American Community Survey, PUMS data, 2011). If growth continues, this factor could disrupt the positive labor outcomes in the future, should capacity in jobs for which communication skills are less in demand be outstripped by supply. Therefore, Utah will proactively serve this sub-population as a preventative measure for future labor market conditions. DWS offers a full-range of services to this sub-population, including Basic Education, English as a Second Language course funding, and postsecondary training funds.

## Homeless and Underemployed Customers

All DWS employment centers provide emergency assistance to homeless families with children. Additionally, DWS contracts with Emergency Rental Assistance to help in administering these services. All emergency assistance services have the provision of obtaining and maintaining employment as a

longer-term solution to the emergency. Core services are available to assist in addressing the customer's unemployed or under-employed status.

The largest emergency shelter in Utah has DWS staff available onsite to create a connection for shelter residents with DWS services. The Palmer Court apartment complex houses former chronically homeless individuals and families. DWS staff are available onsite at Palmer Court to facilitate access to jobs and services. Additionally, DWS staff have informal and formal relationships with domestic violence shelters statewide to assist in connecting the domestic violence victim to DWS services.

Underemployment is straining the Utah economy. While Utah's unemployment rate is only about 4.5 percentage points off from the low point in 2007, the underemployment rate is off by more than 8 points. Wages during the recovery have been stagnant as well, signaling the possibility that unemployment is falling, but only at the cost of increased underemployment. To that end, Utah will work to provide training, employment, and job matching opportunities that allow underemployed individuals to find employment that allows full realization of their labor market potential. Core services are available to underemployed customers just as they are for unemployed and employed customers. DWS identifies customers using various government funded services and offers core services that include work readiness activities in hopes of assisting in income advancement to reduce the customer's dependence on government assistance.

#### Ex-Offenders

In collaboration with the Utah Department of Corrections and community-based organizations, DWS has developed and launched targeted initiatives geared to assisting ex-offenders re-enter the workforce. Partnerships have outlined comprehensive pre- and post-release programs to assist these customers in obtaining their high school diploma or GED, vocational skills development, and successful re-integration into Utah's communities. Job Growth Funds have also been used to develop internships and on-the-job training programs designed specifically for ex-offenders needs.

#### Older Workers:

DWS coordinates closely with the Senior Community Service Employment Program (SCSEP). State-level program staff serve as a member of the Older Worker Coordinating Committee that meets on a quarterly basis to discuss issues and opportunities specific to this sub-population. SCSEP and DWS integrated plans (see below). Additionally, older workers are given priority of service when reviewing eligibility for WIA programs.

#### Individuals Training in Nontraditional Employment:

Employment counselors and customers negotiate appropriate employment plans based on the following:

- Customer preferences, to include non-traditional employment and targeted industry information.
- Available program resources.
- Customer supportive service needs.
- Customer skill level and aptitudes, including previous employment and educational experience.

- Labor market information.
- Customer work readiness.

### Individuals with Multiple Barriers to Employment

Through a thorough assessment offered to intensive and training service customers, DWS staff are able to assist customers in identifying potential barriers to employment. DWS staff are focused on assisting the customer in mitigating barriers, as appropriate, and becoming work ready.

### ***Individuals with Disabilities:***

Further coordination efforts of DWS include a partnership with the Utah State Office of Rehabilitation (USOR) to ensure that employment counselors have the capability of providing effective employment services to people with disabilities. The Choose to Work (CTW) program is designed to provide individualized job development and placement services to customers with disabilities who have not been successful in obtaining employment through traditional services provided by DWS or USOR. The CTW program supports DWS employment counselors and USOR counselors in assisting disabled customers who may not otherwise obtain employment without intervention. A combined DWS and USOR service delivery pathway integrates CTW services.

DWS and USOR continue to collaborate in administering the CTW program. Both DWS employment counselors and USOR counselors make referrals to designated CTW employment counselors. USOR and DWS fund CTW employment counselors who provide services to both DWS and USOR referrals. When employment counselors serve a customer from both entities, they develop a single employment plan through a collaborative-coordinated service effort. All parties participate in case staffing meetings.

The Cooperative Agreement between USOR and DWS outlines the goal to provide Utah job seekers with disabilities equal and effective access to services offered through Utah’s workforce development system. The partnership between these two agencies helps develop a bridge for customer referrals.

### ***Youth Services:***

The State Youth Council on Workforce Services (SYC) is the primary organization responsible to guide and inform an integrated vision for serving high-risk youth. In addition, the Transition to Adult Living initiative created solid partnerships among the Division of Child and Family Services (DCFS), Juvenile Justice Services, DWS, WIA Youth contract providers, and the Utah State Office of Education to coordinate education, job training, employment, and other support for high-risk youth. DWS defines progress on these partnerships through the following:

#### Priority for Service

The SYC discusses service priority characteristics for the “sixt barrier” and adjusts them as necessary in compliance with instruction from DOL.

### Economic Service Area Coordination

The state-level Transition to Adult Living Program Manager from DCFS is a member of the SYC. Local DCFS Independent Living Coordinators are also members of service area youth advisory groups. WIA partners in Utah have successfully launched an Internet-based resource called *Just for Youth*. Further development and promotion of this site is in process.

### Education Training Vouchers (ETV)

DWS and Utah Department of Human Services (DHS) entered into an agreement during program year 2004 that continues today. The contract transfers Education Training Voucher (ETV) funding from DHS to DWS for delivery to youth who have aged out of foster care. Youth are co-enrolled in WIA youth and ETV funding. ETV provides financial resources for post-secondary education and vocational training and support. WIA youth funding provides resources for case management staff and additional services such as leadership development opportunities, internships, mentors, comprehensive guidance and counseling and incentives to recognize achievement. This partnership reduces administrative duplication and eliminates the need for DCFS to develop a separate payment system, while providing a link for former foster care youth to ongoing employment and training opportunities.

### ETV Navigators

DWS uses some of the funding in the ETV contract to hire youth who were formerly in foster care as ETV Navigators. Their purpose is to assist ETV participants statewide with finding resources to promote successful college and post-secondary education completion. The Navigators also work statewide as liaisons between DWS and DCFS to identify potentially eligible young people and assist them with obtaining resources they need. The goal is to increase the number of youth receiving ETV funding, and the percentage of ETV participants who obtain post-secondary certification or degrees.

### Healthcare Coverage

The TAL partnership worked closely with the Utah Legislature to extend Medicaid coverage to youth who age out of foster care until they reach age 21. DCFS caseworkers and DWS eligibility staff work together to ensure enrollment of foster youth in Medicaid before leaving care, then continue this support to eligible youth until they turn 21.

### Shared Youth Vision

Utah's TAL partnership provides coordination with education, job training, employment, and other support for high-risk youth. TAL initiative improvements resulted in the following enhancements for Juvenile Justice Service youth:

- Broader community support for youth leaving secure care and re-entering the communities from which they came.
- Increased access to resources for training from WIA and USOR.

- Partnered with Ogden/Weber Applied Technology College in delivering a YouthBuild grant in Program Year 2011.
- Shifted career-planning emphasis for incarcerated youth from occurring at the end of their incarceration to the beginning. Creating a laser-focus on youth within 90 days of exiting secure care so each youth has a community re-entry plan that addresses continuing academic and career planning needs.
- Redesigned Utah's reentry service delivery system to provide for wrap around reentry and community integration services to young offenders having high risks of re-offense.
- Developed an integrated transitional plan for all young offenders.
- Increased numbers of parolees who obtain and hold jobs through fine-tuned employment/training and career development activities.
- Reduced criminal activity.
- Increased participation in health care resources, both physical and mental.
- Identified and established supportive and enduring relationships.
- Assisted youth in locating secure, safe, stable, and affordable housing.
- Provided opportunities for meaningful leadership development and community service projects.
- Expanded opportunities for youth to acquire a Utah driver's license or access to public transportation.

Improving collaboration within the workforce system is a renewed emphasis. The MOU between Job Corps and DWS ensures that Job Corps resources are available to youth statewide. Representatives from both Utah Job Corps Centers and Management Training Corporation (MTC) are on the State Youth Council on Workforce Services also sit on service area youth advisory committees in northern Utah, where Job Corps Centers are located. MTC contracts with Utah Job Corps Centers for outreach, recruitment, and placement activities. Job Corps staff participate as members of statewide and local youth committees intended to meet the needs of WIA target populations. Data sharing is important to this partnership. Through this MOU, both DWS and Job Corps are able to achieve positive outcomes for youth customers in common (see Attachment M).

## **D. Wagner-Peyser Agricultural Outreach**

**Each state workforce agency shall operate an outreach program in order to local and to contact migrant and seasonal farmworkers (MSFWs) who are not being reached by the normal intake activities conducted by the local offices. To this end, each state agency must include in its State Operational Plan an annual agricultural outreach plan, setting forth numerical goals, policies, and objectives. Regulations at 20 CFR 653.107 require that the outreach plan include the following elements:**

- **Assessment of Need**
- **Proposed Outreach Activities**
- **Services Provided to Agricultural Employers and MSFWs Through the One-Stop Delivery System**
- **Numerical Goals**
- **Data Analysis**

In January 2010, Utah State University released a report entitled the “Economic Impact of Agriculture on the State of Utah”<sup>1</sup>. This report showed that the agriculture industry in Utah had an economic impact of \$16.3 billion and accounted for 14.8 percent of the total Utah economy.

Recognizing this significant segment of the Utah economy, DWS provides services to both agricultural employers and agricultural job seekers, including migrant and seasonal farm workers (MSFWs). Below is a detailed plan of the services provided to these populations.

### ***Assessment of Need:***

#### **2011 Agricultural Activity Review**

The Utah agriculture industry continues to trend upward. The three industry subsectors of Crop Production, Animal Production, and Agricultural Support Activities reflect that growth<sup>2</sup>.

The Crop Production subsector showed the slowest growth with an increase of average covered employment from 1,608 in 2010 to 1,630 in 2011. While recognizing this is a slight increase, this changes the direction of the previous five year downward trend. This economic growth can be attributed to the excess moisture received during the 2011 growing season. This subsector paid \$36,789,177 in covered wages during 2011.

The Animal Production subsector is the best performing subsector of the agricultural industry. The 2011 year continues a decade-long pattern of covered employment growth in employment and wages. This sustained pattern of growth is better understood by recognizing the large percentage of Utah land that is federally owned and available to lease for livestock rather than crop production. This subsector paid \$65,151,443 in covered wages in 2011.

Finally, the Agriculture Support Activity subsector continues its sixth year of growth increases. Though the smallest of the three subsectors, covered employment grew from 415 in 2010 to 463 in 2011 while paying \$14,037,386 in covered wages.

The Utah Field Office of the National Agricultural Statistics Service of the U.S. Department of Agriculture reports that Utah has 16,000 farms, unchanged from the 2010 report. Farmland is gauged at 11,100,000 acres with average acres per farm at 669, also unchanged from the previous year. Farms with less than \$10,000 in annual sales account for 61 percent with an average of 83 acres. Farms with \$500,000 or more annual sales make up only three percent of all farms and show average acres of 12,133, an increase of two percent.

The United States Department of Agriculture reports that the top five agricultural commodities for Utah in 2010 were dairy products, cattle and calves, hogs, hay, and greenhouse/nursery. The top five Utah agricultural exports for 2010 were wheat and products, hides and skins, live animals and meat, feeds and fodder, and other. The top five agricultural sales counties in 2007 were Beaver County, Utah County, Box Elder County, Millard County, and Cache County.

### 2011 MSFW Activity Review

Futures Through Training, the Utah WIA Section 167 Provider, reports that there are an estimated 18,000 MSFWs in Utah. DWS reports there is an average of 1,400 MSFWs actively looking for employment.

DWS gathers this data through job seeker self-declaration. During a 2010 review by DWS of job seekers self-identifying as MSFW, it was discovered that the number of job seekers reporting as MSFWs was significantly higher than the number of job seekers who actually met the MSFW definition. The following steps were taken to ensure that MSFWs were correctly identified:

- A review of all DWS registrations was completed where customers self-reported their MSFW status. All job seeker registrations that were misreported were corrected.
- The MSFW definitions were published in the DWS policy manual for reference by DWS employees.
- An expected proficiency to “understand the definitions of MSFWs” was added to the Skills Checklist and performance expectations for all DWS front line staff.

These actions resulted in a significant decline in the number of job seekers reporting to be MSFWs. Prior to the 2010 review there were approximately 3,000 registered MSFWs in total. After the implementation of these steps and continuing to the present DWS has averaged 300 registered MSFWs per month.

Some outreach activities were conducted to contact potential MSFWs job seekers through participation in other MSFW service provider events. One potential new area for focused attention is refugee populations that have relocated to Utah and whose occupational background is agriculture. During 2011, the placement of some of these refugee job seekers in agricultural positions was seen as more productive than job placement in service or manufacturing positions with which the job seeker was less familiar, or experienced.

### Projected Agriculture Activity

Overall it is expected that the Agriculture industry will continue its growth throughout 2012. While the Animal Products and Agriculture Support Activities subsectors are also projected to continue their growth, the Crop Products subsector is projected to again contract. The cause would be the lack of moisture during this past winter and early spring that has already impacted much of this year's crop growth.

### Projected MSFW Activity

Futures Through Training is reporting that the 2012 census of agriculture puts the number of MSFWs at 19,748 for Utah. With the stabilization of DWS reporting of MSFW job seeker numbers, all outreach efforts should reflect an increase in the number of registered MSFW job seekers. It is projected that 10 percent of Utah MSFWs or 1,974 should receive employment-related services through DWS.

### Consideration of the Utah Monitor Advocate 2011 Annual Report

A 2011 Annual Report was not published by the Utah Monitor Advocate. However, the Utah Monitor Advocate, as an employee of DWS, was responsible for the compilation of this Plan.

### ***Outreach Activities:***

DWS conducts outreach activities through two avenues – first, in partnership with the Utah Migrant and Seasonal Farm Worker Coalition (Coalition) activities, and second, through the efforts of DWS Housing Inspectors for the H-2A Foreign Labor Certification Program.

### Coalition

The Coalition's objective is to improve the lives of Utah MSFWs through a multi-prong approach consisting of fostering partnerships, hosting —"Appreciation" events, and connecting MSFWs with education, employment, housing, and health needs. The Coalition holds monthly meeting to coordinate activities and efforts.

The Coalition is composed of agencies and organizations that provide services to MSFWs. Members include Futures Through Training DWS Utah Monitor Advocate (Note: the Utah Monitor Advocate currently serves as Vice-Chair for the Coalition), Utah Migrant Education, Utah Legal Services, Mexican Consulate, a Chilean H-2A sheep and goat herders representative, Farm Bureau, Utah State University Extension Services, USDA National Agriculture Statistical Survey Utah Field Office, and Utah Valley University.

The Coalition annually conducts three types of outreach events: Farmworker Appreciation Days, Farmworker Appreciation Dinners, and Outreach Activities. Coalition members are invited to participate in each of the outreach events and can assist by posting and distributing marketing materials and onsite staff assistance with the event.

DWS is increasing participation efforts by being actively involved in Farmworker Appreciation Days and Dinners. DWS service areas included active involvement within their service area plans to include the Coalition Outreach Events Calendar, a commitment of DWS staff to attend and participate in the events. The calendars of events are as follows:

<b>Farm Worker Appreciation Days Schedule</b>		
<b>Date</b>	<b>Location</b>	<b>Economic Service Area</b>
07/05/12	Payson	Mountainland
07/19/12	Tremonton / Honeyville / Corinne	Bear River
08/02/12	Provo / Alpine / Lindon / American Fork	Mountainland
08/16/12	Ogden	Wasatch Front North
08/30/12	Milford	Southwest
09/13/12	Gunnison / Richfield	Central Utah
09/20/12	Green River	Castle Country
09/27/12	Delta	Central Utah

<b>Farm Worker Appreciation Dinner Schedule</b>		
<b>Date</b>	<b>Location</b>	<b>Economic Service Area</b>
TBD*	Blanding	Southeast
TBD*	Beryl	Southwest
TBD*	Logan	Bear River
TBD*	Mount Pleasant / Fountain Green	Central Utah
<i>*To be determined.</i>		

It is estimated that 2,000 MSFWs are contacted through the outreach activities each year. Additionally, approximately 750 to 1,000 MSFWs will be reached through the Farm Worker Appreciation Day and Farm Worker Appreciation Dinner events.

As noted above, during Program Year 2011 twelve formal outreach events were scheduled. A total of nine were completed as three events were canceled. The Coalition collaborates in planning and staffing each event. During each event, at least one DWS staff member from the local employment center and the State Monitor Advocate (as available) were present and served approximately 225 MSFWs per event. It is anticipated that this same level of service will be offered to MSFWs during outreach events over the next program year. The Coalition is currently in the process of scheduling future outreach events.

Funding used to support staff costs while participating in MSFW activities and outreach is handled via DWS' Cost Allocation Plan, as approved by US DOL (see Attachment J). Additionally, the State Monitor Advocate is funded completely by Wagner Peyser. As MSFW activities and outreach vary based upon the needs of the MSFW population (i.e., employment center location, outreach event, crops planted, weather conditions, and other elements), it is difficult to anticipate a specific percentage of time that staff are dedicated to this program. DWS is highly responsive in meeting the varying needs of this specific population as all staff have received training regarding services and resources available to the MSFW population.

## Housing Inspections

As H-2A employees meet the MSFW definition, DWS conducts housing inspections for units that are used to house these individuals. The H-2A employers make several assurances regarding the working and living conditions of these employees, including assuring that the housing meets federal and local housing requirements. Six DWS employees are responsible to conduct these housing inspections. DWS staff complete housing inspections and also provide information regarding other DWS services. It is estimated that 100 to 150 H-2A employees are contacted through the housing inspection outreach efforts.

### ***Services Provided to MSFWs:***

DWS offers a myriad of core services to all job seekers, including MSFWs, such as work readiness activities, resumé preparation and printing, access to email accounts, employment exchange activities, review and referrals to job orders, workshops, and career counseling. MSFWs who are unable to obtain employment through core services are referred to an employment counselor for intensive services that include assessments, employment plans, and career counseling. As Weber and Utah Counties have the highest populations of MSFWs, Futures Through Training and DWS have collaborated in an effort to streamline services and coordinate funds to best serve customers. Services are reviewed quarterly and reports are prepared by the Utah Monitor Advocate at the state and economic service area levels to ensure that services provided to MSFWs are “qualitatively equivalent and quantitatively proportionate” compared to non-MSFW job seekers.

DWS is also committed to offering translation and interpreter services to non-English speaking customers. A list of DWS employees who speak foreign languages is maintained and a contract is secured with an interpretation provider.

### ***Services Provided to Agricultural Employers:***

Agricultural employers are provided the same level of service as other employers, including the listing of job recruitments, labor market information, interview space at local employment centers, and assistance from local workforce development specialists.

For those agricultural employers who are unable to fill their labor needs through the recruitment of United States citizens and other eligible non-citizens, DWS is the H-2A contractor. As such, DWS assists H-2A employers with employee recruitment and in meeting the H-2A program requirements. This H-2A recruitment is handled through DWS statewide Services to Employers Team.

### ***Other Requirements:***

The Utah Monitor Advocate, as an employee of DWS, was responsible for the compilation of this 2012 Utah Agricultural Outreach Plan. Consequently this Outreach Plan has been reviewed and approved by the Monitor Advocate. DWS has afforded the SWIB and all Coalition members the opportunity to review and comment on this Plan as required.

## ***References:***

*“Economic Impact of Agriculture on the State of Utah”* by Ruby A. Ward, Paul M. Jakus, and Dillon Feuz; Utah State University, Dept. of Applied Economics, USU Economic Research Institute Report #2010-02, January 25, 2010.

Information collected from the Utah Quarterly Census of Employment and Wages as reported by the Utah Department of Workforce Services on [www.jobs.utah.gov](http://www.jobs.utah.gov). The direct website link is <https://jobs.utah.gov/jsp/wi/utalmis/gotoIndustry.do;jsessionid=2DF9066FB623E22D677F8B539057FB06>

News Release USDA/NASS/Utah Field Office 2/17/12.

–State Fact Sheet – Utah”, prepared by Economic Research Service, USDA, Washington DC.

## **E. Services to Employers**

**The State Operational Plan must describe how the state will coordinate efforts of the multiple programs included in the plan to meet the needs of business customers of the One-Stop system in an integrated fashion, such as hiring plans, training needs, skill development, or other identified needs. The State Operational Plan should also describe how the state will use program funds to expand the participation of business in the statewide workforce investment system. (WIA Sections 111(d)(2), 112(a), 112(b)(8), 112(b)(10); W-P Section 8; and, 20 CFR 661.205(b)(1).)**

DWS is committed to Utah employers by offering a wide range of tools and resources to assist with their workforce needs. Businesses have access to DWS' website 24-hours per day, seven days per week. DWS' website is a comprehensive, online job connection system that guides employers through posting current job openings, reviewing resumés, and contacting qualified applicants. Employers can access current labor market information, unemployment tools and resources, business law, federal regulations, and incentive programs offered to employers for hiring. They can also file quarterly taxes and new hire reports. DWS has a centralized job order unit that mediates employer job orders and local employment centers are available for recruitment and interviewing.

Each service area has knowledgeable Workforce Development Specialists who work directly with employers to provide industry specific labor market information and occupational wage information to ensure employers stay competitive. These Workforce Development Specialists are the focal point in building relationships with employers, education, and training partners. With these partners, the Workforce Development Specialists identify and resolve issues that impede the development of an adequate supply of qualified workers for identified industries and occupations. Strategies include increasing training opportunities, developing OJT or worksite learning opportunities, and promoting DWS employment exchange services based on the needs and demands of the employer.

The Workforce Development Specialists share employer demand information with the service area director, employment counselors, job developers, workforce development specialists, and connection team staff. This sharing of information influences customer training, career counseling, job development, worksite learning, labor market information publications, and service area projects to enhance the economy and shape workforce development efforts. Each service area has an economist assigned to provide consultative support for strategic planning, partnerships, and SWIB initiatives. Targeting specific occupations and industries that are relevant to service areas provides the greatest opportunity for job seekers. Jobs are created by businesses, and the best way to support job seekers is by connecting them with and preparing them for the jobs businesses demand.

## **F. WIA Single-Area States Only – Additional WIA Title I Requirements**

**In states where there is only one local workforce investment area, the governor serves as both the state and local chief elected official. In such cases, the state must submit with its State Operational Plan any information required in the local plan. Therefore, states with a single workforce area should also include in their State Operational Plan:**

- **Any comments from the public comment period that represent disagreement with the Plan (WIA Section 118(c)(3), WIA Section 112(b)(9), 20 CFR 661.220(d), and 20 CFR 661.350(a)(8)).**
- **The entity responsible for the disbursement of grant funds, as determined by the governor, if different from that for the state (WIA Section 118(b)(8) and 20 CFR 661.350(a)(9)).**
- **The type and availability of WIA Title I Youth activities, including an identification of successful providers of such activities (WIA Section 118(b)(6) and 20 CFR 661.350(a)(7)).**

### ***Public Comment Period:***

See Attachment C.

### ***Governor's Designation:***

See Attachment D.

### ***Youth Providers:***

DWS follows Utah Procurement Code and associated Utah Administrative Rules in the selection of WIA Youth providers. These documents are available on the state [Procurement Code](#) and state [Administrative Rules](#) websites.

WIA allows DWS as the grant recipient to deliver the design framework for WIA Youth and Summer Youth Employment Opportunities. Utah was granted a waiver from the DOL allowing DWS to use Individual Training Accounts (ITAs) for youth 18 and older. DWS requests continuation of the waiver with this State Plan submission (see Attachment E). Utah received a waiver from DOL for three of the required youth service elements, including supportive services, follow-up services, and work experience, and requests continuation of the waiver with this Plan submission (see Attachment F). One of the elements partially waived by DOL is the requirement in WIA Section 123 that requires providers of youth program elements be selected by competitive bid. Under the waiver, DWS is permitted to directly deliver supportive services, work experience in the form of paid and unpaid internships, and follow-up services. DWS announces a Request for Proposal (RFP) for required elements based on the DOL granted waiver every five years, per the Utah State Procurement Code.

The State Youth Council on Workforce Services (SYC) and service area youth advisory committees provide input regarding framework services and the service delivery models throughout the state. Service

area youth advisory committees conduct resource-mapping activities to identify to what extent the youth program elements are available in communities within their respective areas.

A RFP process was completed during Program Year 2011 as DWS moved from a reimbursement contract model to a fee-for-service model. The intent of this transition was a desire to increase program efficiency and serve additional youth. DWS estimated that the change would result in the ability to serve 20 percent more eligible youth. The process resulted in three providers being selected and a net increase of youth participants of 50percent over the previous year.

A RFP Committee composed of SYC members and DWS staff create a WIA Youth Services RFP Boilerplate (Boilerplate). It is the responsibility of the service area youth advisory committees to create an RFP evaluation review panel consisting of DWS staff and advisory committee members. This panel customizes the Boilerplate to meet service area needs and is the RFP evaluation panel that reviews responses to the RFP and recommends providers.

The State Procurement Office announces a RFP for WIA Youth Services in each DWS service area based on strategies recommended by the service area youth advisory committees. Utah Procurement Code guides the process of identifying qualified respondents and selecting providers. The RFP process complies with WIA Section 123, 20 CFR Part 652 et al., WIA Final Rules, and Utah procurement policy. The following is a summary of the RFP process:

- Service area youth advisory committees' evaluation review panel is established to customize the Boilerplate. This panel is also responsible for evaluating proposals and recommending providers.
- RFP development.
- RFP release.
- Pre-proposal conference, optional.
- Proposals due.
- Service area youth advisory committees' evaluation review panel reviews responses to RFP and recommends provider(s) to state purchasing.
- State purchasing reviews and potentially approves recommendations.
- Service area youth advisory committees then reviews and potentially approves the recommendation(s).
- Approved service area youth advisory committees recommendations are forwarded to SYC for review approval, then forwarded to the SWIB.
- SWIB reviews the recommendation and potentially grants final endorsement of recommended provider(s).

- Contract negotiations facilitated by DWS finance staff.
- Submit contract for formal approval to DWS and then state contracting.
- Formal execution of contract.
- Start date of service delivery.

In an effort to foster competition and identify potential service providers, announcing RFPs occurs in the following modes:

- Public notice in local newspapers and standard Wasatch Front daily newspapers.
- Utah Procurement Office maintains a list of parties interested in replying to RFPs; organizations on the list receive notice.
- DWS web page.
- State purchasing web page.
- Other means, as appropriate.

The RFP committee may determine weighting factor percentages, except the cost factor. Awarding of the contract is in accordance with the State of Utah RFP Instructions and General Provisions. Selection may result in a multiple award. Unless the RFP committee alters the weight criteria for Operations and/or Management and Administration, award(s) are based on the following criteria: 45 percent Operations, 25 percent Management and Administration, and 30 percent Budget. These weighted criteria are detailed as follows:

<b>RFP Weight Criteria Elements</b>				
<b>Operations</b> <i>45 points</i>		<b>Management and Administration</b> <i>45 points</i>		<b>Budget</b> <i>30 points</i>
<b>Element</b>	<b>Max Points</b>	<b>Element</b>	<b>Max Points</b>	
Customer Identification	5	Data Systems	5	
Description of Services	35	Fiscal Operations	5	
Program Evaluation	5	Documentation of Previous Experience	15	

In the event the RFP process does not result in a qualified provider in a given service area, DWS will assume responsibility for delivering WIA Youth services or will follow Utah Procurement Code when otherwise arranging for providers to deliver services. The lifetime of DWS service delivery will correspond with the cycle for contract providers, a maximum five-year period. Contracts are awarded on a

one-year basis. Awarded contracts have the possibility of four additional one-year extensions based on successful monitoring.

WIA Youth service delivery is monitored in a consistent manner, including fiscal and program compliance. The DWS Performance Review Team (PRT) completes annual monitoring of the contract recipients to identify effective and ineffective youth activities. Monitoring results must not exceed an overall error rate of 10 percent. Results are reviewed at the service area youth advisory committees level. In the event of provider non-compliance, the monitoring team cannot recommend extension; however, the decision to terminate or not extend the contract lies with the service area director. Non-compliant providers must submit a corrective action plan and have one year to meet compliance requirements. The DWS Workforce Development Division and the youth state program specialist will provide technical assistance during the corrective action period. DWS, as the DOL WIA Grant Recipient, has responsibility for contract termination.

## **G. WIA Waiver Requests**

States wanting to request waivers as part of their Operational Plan submission must attach a waiver plan, as required by 20 CFR 661.420(c), that includes the following information for each waiver requested:

- **Statutory and/or regulatory requirements for which a waiver is requested.**
- **A description of the action the state or local area has undertaken to remove state or local statutory or regulatory barriers.**
- **A description of the goals of the waiver, how those goals relate to Integrated Workforce Plan goals, and expected programmatic outcomes if the waiver is granted.**
- **A description of individuals impacted by the waiver.**
- **A description of the processes used to monitor implementation, provide notice to any local workforce investment board affected by the waiver, provide affected local workforce investment boards an opportunity to comment on the waiver request, and ensure meaningful public comment, including comment from business and labor.**

See waiver extension requests attached to this Plan.

## **H. Trade Adjustment Assistance (TAA)**

States must describe how TAA will coordinate with WIA / W-P to provide seamless services to participants and address how the state:

- Provides early intervention (e.g., rapid response) to worker groups on whose behalf a TAA petition has been filed (WIA Section 112(b)(17)(A)(ii), WIA Section 134(a)(2)(A), and 20 CFR 665.300-.340).
- Provides core and intensive services to TAA participants, as indicated in the encouragement of co-enrollment policies provided in TEGL 21-00. The description should provide detailed information on how assessments are utilized to identify participants' service needs, including whether participants need training according to the six criteria for TAA-approved training (20 CFR 617.21(c) and 20 CFR 617.22(a)).
- Has developed and managed resources (including electronic case management systems) to integrate data provided through different agencies administering benefits and services (TAA, Trade Readjustment Allowances, Unemployment Insurance, Employment Security, WIA, etc.) in order to ensure consistent program administration and fiscal integrity, as well as reliable fiscal and performance reporting. (May alternatively be discussed in "operating systems and policies" section of Operational Plan.) (WIA Section 112(b)(8)(A) and 112(b)(8)(B).)

### ***Rapid Response Workshops:***

Rapid response workshops are offered via the State Dislocated Worker Unit (DWU) and in coordination with service areas to customers identified through WARN and other notifications, as well as those companies certified under the Trade Act.

During the initial employer contact, potential Trade Act impact is determined and, as appropriate, the petitioning process is initiated. If Trade Act certification occurs after the layoff, a rapid response Trade Act specific workshop is scheduled and customers are notified using the Trade Act impact list.

Rapid response workshops instruct customers regarding WIA, Trade Act, and all other DWS services. Additionally, impacted customers are referred to employment centers where a variety of services are available.

Once the impacted customer contacts an employment center, seamless services are provided by employment counselors, as all training services are available at each employment center. Employment counselors are organized based on function, so those employment counselors assigned to a training services team are equipped with the knowledge and resources needed to provide training services under WIA, Trade, and TANF.

### ***Core and Intensive Services:***

DWS policy encourages co-enrollment in multiple funding streams where appropriate. If the customer is enrolled in Trade Act, policy highly recommends co-enrollment in WIA Dislocated Worker to ensure the customer can access supportive services as needed.

A complete assessment is conducted on all Trade Act customers and includes addressing the six criteria required for Trade Act approved training. The assessment also includes a review of the customer's employment experience, occupational skills, education history, financial resources, family situation, legal history, medical history (as appropriate), and potential employment barrier identification. The review of the customer's financial resources provides an opportunity to ensure that customers have the ability to support themselves while in training. If gaps are identified as a result of the complete assessment, the employment counselor provides information and referrals to other agencies or services that may benefit the customer.

All data is gathered via the UWORKS system. The system is programmed to require the employment counselor to address and narrate each of the six elements prior to enrolling a customer in a Trade Act support training program.

### ***Developed and Managed Resources:***

All case management services are conducted using the UWORKS system as a tracking mechanism. This includes Trade Act, ATAA/RTAA, WIA, TANF, and other DWS programs. UI and TRA are managed within the CUBS and CATS systems. All systems are programmed to share information and generate alerts as certain actions occur in order to ensure consistent program administration and maintain fiscal integrity. The Workforce Research and Analysis Division compiles the data from both systems for TAPR reporting purposes.

## **I. Senior Community Service Employment Program (SCSEP)**

States that include SCSEP in the Integrated Workforce Plan must include:

- **Long-term projections for jobs in industries and occupations in the state that may provide employment opportunities for older workers (20 CFR 641.302(d)). (May alternatively be discussed in the economic analysis section of the strategic plan.)**
- **A discussion of how the long-term job projections discussed in the economic analysis section of strategic plan relate to the types of unsubsidized jobs for which SCSEP participants will be trained and the types of skill training to be provided (20 CFR 641.302(d)).**
- **Current and projected employment opportunities in the state (such as by providing information available under W-P Section 15 (29 USC 491-2) by occupation), and the types of skills possessed by eligible individuals (20 CFR 641.325(c)).**
- **A description of the localities and populations for which projects of the type authorized by Title V are most needed (20 CFR 641.325(d)).**
- **A description of actions to coordinate SCSEP with other programs. This may alternatively be discussed in the state strategies section of the strategic plan, but regardless of placement in document, must include:**
  - **Planned actions to coordinate activities of SCSEP grantees with WIA Title I programs, including plans for using the WIA one-Stop delivery system and its partners to serve individuals aged 55 and older (20 CFR 641.302(g) and 20 CFR 641.325(e)).**
  - **Planned actions to coordinate activities of SCSEP grantees with the activities being carried out in the state under the other titles of the Older Americans Act (OAA) (20 CFR 641.302(h)).**
  - **Planned actions to coordinate SCSEP with other private and public entities and programs that provide services to older Americans, such as community and faith-based organizations, transportation programs, and programs for those with special needs or disabilities (20 CFR 641.302(i)).**
  - **Planned actions to coordinate SCSEP with other labor market and job training initiatives (20 CFR 641.302(j)).**
  - **Actions to ensure that SCSEP is an active partner in the One-Stop delivery system and the steps the state will take to encourage and improve coordination with One-Stop delivery system (20 CFR 641.335).**
- **The state's long-term strategy for engaging employers to develop and promote opportunities for the placement of SCSEP participants in unsubsidized employment (20**

**CFR 641.302(e).** (May alternatively be discussed in the state strategies section of the strategic plan.)

- **The state’s long-term strategy for achieving an equitable distribution of SCSEP positions within the state that:**
  - Moves positions from over-served to underserved locations within the state in compliance with 20 CFR 641.365.
  - Equitably serves rural and urban areas.
  - Serves individuals afforded priority for service under 20 CFR 641.520 (20 CFR 641.302(a), 20 CFR 641.365, and 20 CFR 641.520).
- **The ratio of eligible individuals in each service area to the total eligible population in the state (20 CFR 641.325(a)).**
- **The relative distribution of eligible individuals who:**
  - Reside in urban and rural areas within the state
  - Have the greatest economic need
  - Are minorities
  - Are limited English proficient
  - Have the greatest social need (20 CFR 641.325(b))
- **A description of the steps taken to avoid disruptions to the greatest extent possible, when positions are redistributed, as provided in 20 CFR 641.365; when new Census or other reliable data become available; or when there is over-enrollment for any other reason (20 CFR 641.325(i) and 20 CFR 641.302(b)).**
- **The state’s long-term strategy for serving minority older individuals under SCSEP (20 CFR 641.302(c)).**
- **A list of community services that are needed and the places where these services are most needed. Specifically, the plan must address the needs and location of those individuals most in need of community services and the groups working to meet their needs (20 CFR 641.330).**
- **The state’s long-term strategy to improve SCSEP services, including planned longer-term changes to the design of the program within the state, and planned changes in the use of SCSEP grantees and program operators to better achieve the goals of the program. This may include recommendations to the Department as appropriate (20 CFR 641.302(k)).**

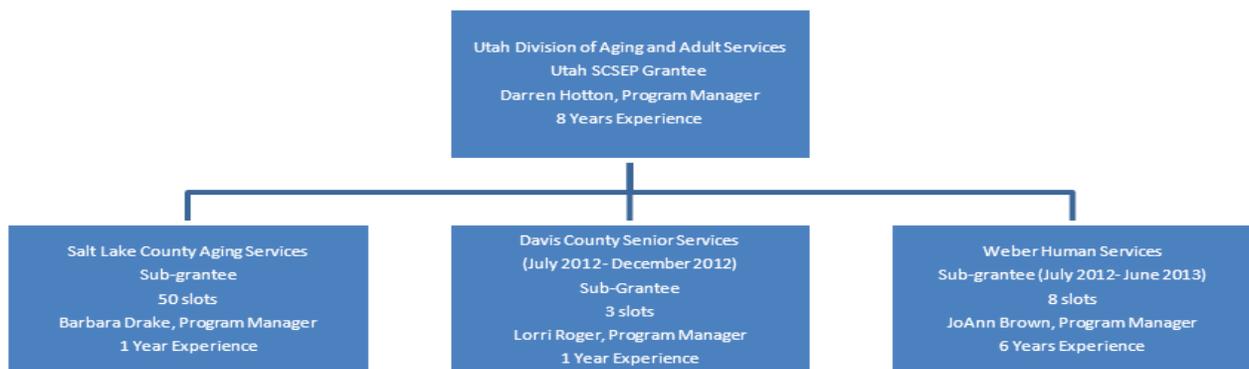
- **The state’s strategy for continuous improvement in the level of performance for SCSEP participants’ entry into unsubsidized employment, and to achieve, at a minimum, the levels specified in OAA Section 513(a)(2)(E)(ii) (20 CFR 641.302(f)).**

**Organization:**

The State Division of Aging and Adult Services (DAAS) will contract with three Area Agencies on Aging (AAA) who have expressed an interest and demonstrated the ability to place older individuals into meaningful community service assignments. In addition, these agencies have been successful in achieving the required 50 percent placement for unsubsidized employment. DAAS is striving to increase its placement rates.

At DAAS, the key grant staff member is Darren Hotton with 40 percent of his time assigned to SCSEP. DAAS contracts with Salt Lake County Area Agency on Aging for 52 slots, Weber/Morgan Area Agency on Aging for six slots, and Davis County Area Agency on Aging for three slots, for a total of 61 slots. Each AAA has in place a designated Title V program manager who oversees the program in their respective counties as follows: Salt Lake Aging Services - Barbara Drake, Davis County Senior Services - Lorri Rogers, and Weber Human Services - JoAnn Brown .

These individuals are responsible for training staff, recruiting enrollees, recruiting host sites, and locating employers. The AAAs also assist in providing core and intensive training activities to enable enrollees to become job ready. They partner with DWS employment centers in regards to co-enrolled customers. Unfortunately, based on current Department of Labor SCSEP Equal Distribution requirements, the Weber County SCSEP program (June 2013) and Davis County SCSEP program (December 2012) will phase out this year. The Utah SCSEP is saddened by the closure of these programs, as they have provided invaluable services to the low income seniors of these counties.



## ***Labor Market Information:***

### Short-Term Projection

The recent recession has noticeably lowered growth expectations for Utah's industries over the next two years. However, as the economic recovery ensues, three industries in the recession-resistant healthcare sector are expected to show some of the highest gains. These recession resistant sectors are ambulatory healthcare services (4,200 new jobs), hospitals (2,100 new jobs), and nursing/residential care (1,300 new jobs). Educational services should also supply a large number of new positions, particularly elementary/secondary education (1,700 new jobs) and colleges/universities (1,500 new jobs). Utah's large food service industry (1,800 new jobs) is also expected to generate a higher-than-average level of new positions. Social assistance businesses (1,500 new jobs), non-store retailers (1,600 new positions) and local government (1,300 new jobs) should also display employment growth of more than 1,000 jobs in the next two years.

A relatively large number of industries are expected to show employment declines, mostly in construction and manufacturing. These two sectors are usually hit hardest during a downturn. Transportation equipment manufacturing and specialty trade construction contractors are projected to lose more than 2,000 positions each. Other manufacturing industries expect to be hit with significant employment losses, including furniture manufacturing (down 900), nonmetallic mineral manufacturing (down 500), and machinery manufacturing (down 500). In addition, durable goods wholesalers are expected to lose roughly 800 positions. Short-term projections indicate Utah's fastest-growing industries (with at least 1,000 employed in the base year) include non-store retailers, "other" schools and instruction, technical/trade schools, information services, waste management and remediation services, and securities/commodities investments.

### Long-Term Projection

As in the short-term projections, the healthcare sector is expected to dominate employment growth in Utah over the next decade. Projections to 2018 indicate that ambulatory healthcare, hospitals, and nursing/residential care industries will grow by almost 48,000 positions total. The education sector should also be a prime creator of new employment. Colleges/universities and elementary/secondary schools are expected to generate approximately 26,000 net new jobs. Other industries with large employment bases such as food services (18,000 additional jobs), specialty trade contractors (12,000 new jobs), local government (11,000 new positions), and general merchandise stores (7,200 new jobs) should add significant numbers of new positions to the Utah economy over the next decade.

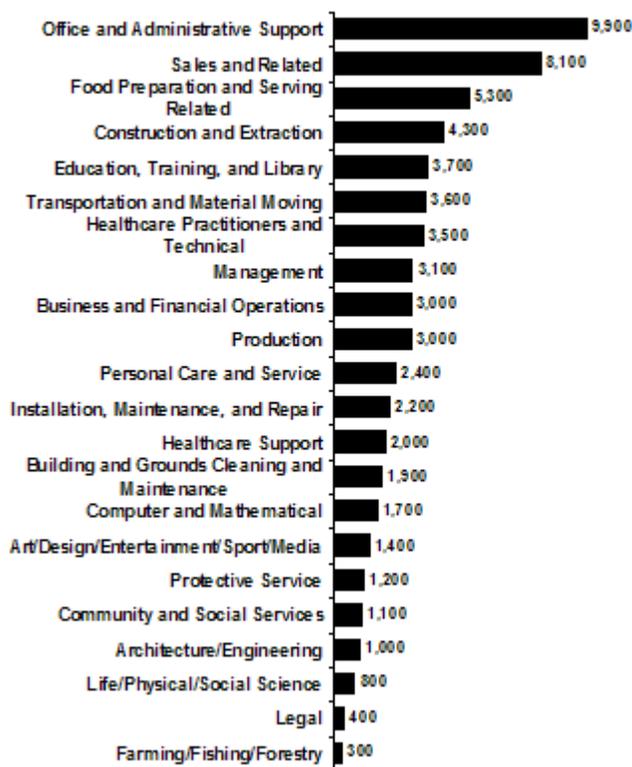
Long-term, Utah expects to experience employment declines in very few industries. Agriculture, a perennial job-loser, tops the list of industries with projected employment losses (an expected decline of 1,800 positions). Various manufacturing industries projected to show employment declines over the next decade include transportation equipment (down 1,400 jobs), printing (down 700 jobs), furniture manufacturing (down 600 jobs), textile mills (down 400 jobs), and apparel manufacturing (down 400 positions). The shift of manufacturing employment to lower cost labor outside the United States is evident in these shrinking manufacturing industries. In general, over the next decade, Utah industries expected to

show the most rapid annual growth rates can be categorized in just two categories—technical or healthcare. The following industries are projected to rank among the fastest growing through 2018: Management/scientific consulting (eight percent), scientific research services (five percent), computer systems design (four percent), chemical manufacturing (four percent), and internet service providers. On the healthcare side, ambulatory services (six percent) and nursing/residential care (five percent) are expected to show rapid expansion. In addition, social assistance services (five percent) and accounting/payroll services should see much faster-than-average change.

### Short-Term Occupational Growth

Following the industrial trend, a recovering Utah economy is expected to show limited occupational opportunities. Major occupational groups projected to show the highest level of new jobs include office and administrative support, healthcare practitioners/technical, education/training, sales, and food preparation. Most of these major occupational groups currently account for a high share of total employment and are related to industries generating the highest levels of new employment. Notably absent from the list are construction occupations, as that industry continues to struggle.

### Utah Major Occupational Groups Annual Average Openings, 2008 - 2018



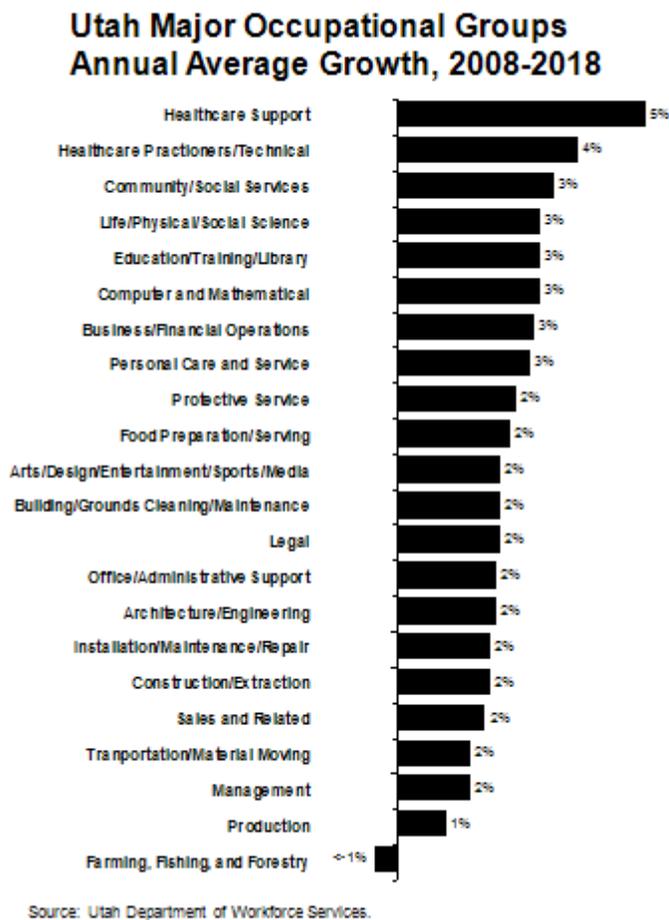
Source: Utah Department of Workforce Services.

In terms of growth rates, occupational groups with the fastest expansion are directly tied to rapidly growing industries. Healthcare support, healthcare practitioners/technical, personal care/service, and community/social services occupations are projected to show the fastest growth rates in the near-term.

At a detailed occupation level, occupations that account for a large share of current employment are also typically those with a high level of projected openings over the next two years. Cashiers, customer service representatives, retail salespersons, waiters/waitresses, registered nurses, and fast food workers rank at the top of the highest-openings list. Occupations with the fastest growth rates are almost entirely related to healthcare, including home care aides, home health aides, physical therapist aides, physician assistants, medical assistants, and dental assistants. Network systems analysts stands out as the one non-healthcare-related occupation on the fastest growing list.

## Long-Term Occupational Growth

Projections show office and administrative support (clerical) occupations should have the largest number of total annual openings between 2008 and 2018 in Utah. This situation is directly related to the fact that this occupational group currently maintains the largest employment level in the state. In other words, although technology has eliminated the need for many clerical workers, its current size dictates a large number of openings. Other groups with substantial numbers of annual openings include sales, food preparation and serving, construction and extraction, as well as education and training occupations. Ranking these major occupational groups by their growth rate paints a somewhat different picture. Healthcare support and healthcare practitioner occupations show the highest projected annual rates of expansion at four and five, compared with the average of two percent for all occupations. Community and social service, life and physical science, as well as education and training occupations should also show relatively high rates of growth. At a detailed level, occupations with the largest numbers of projected openings are again typically those with current high levels of employment and/or high replacement needs. These occupations include cashiers, customer service representative, retail sales workers, waiters/waitresses, registered nurses, and fast food workers.



The Utah SCSEP program is concerned for the participants in its program. According to DWS, the following industries are projected to rank among the fastest growing from 2008 to 2018: Management/scientific consulting (eight percent), scientific research services (five percent), computer systems design (four percent), chemical manufacturing (four percent), and internet service providers. On the healthcare side, ambulatory services (six percent) and nursing/residential care (five percent) are expected to show rapid expansion. These industries are not the common job skill training areas for SCSEP participants. The Utah SCSEP participants typically lack the education and experience to apply for these positions. However, the SCSEP participants can be trained for the Supportive Service positions within these industries. Attached is the —HighGrowth Industries for Ages 65-99.” These industries follow more closely the training provided to SCSEP participants.

**High Growth Industries**  
**Top 10 industries ranked on the greatest employment**  
**State=Utah, Statewide, Sex=Male and Female, Age=65-99**  
**Private Firms Only**

Rank	Industry	Average Quarterly Employment (2010Q2,2010Q3, 2010Q4,2011Q1)	Growth in Employment (%) (2010Q1,2011Q1)	Hiring Growth (2010Q1,2011Q1)	Hiring Growth (%) (2010Q1,2011Q1)	Hiring (2011Q1)	Hiring (2010Q1)	New Hire Earnings (\$) (2010Q2,2010Q3, 2010Q4,2011Q1)
	<b>All NAICS subsectors</b>	<b>30,006</b>	<b>1.8 %</b>	<b>68</b>	<b>6.5 %</b>	<b>1,065</b>	<b>997</b>	<b>\$1,912</b>
1	561 Administrative and Support Services	2,237	1.6 %	20	15.1 %	142	122	\$1,502
2	722 Food Services and Drinking Places	2,167	1.3 %	-31	-23.3 %	117	148	\$979
3	541 Professional, Scientific, and Technical Services	2,014	7.4 %	10	13.1 %	81	71	\$3,144
4	621 Ambulatory Health Care Services	1,273	9.3 %	5	16.3 %	33	28	\$3,669
5	238 Specialty Trade Contractors	1,191	-3.4 %	-2	-3.4 %	57	59	\$2,489
6	452 General Merchandise Stores	1,153	-3.5 %	3	9.5 %	33	30	\$1,123
7	611 Educational Services	1,122	6.7 %	-4	-11.4 %	33	37	\$1,799
8	721 Accommodation	889	-0.1 %	4	8.8 %	47	43	\$1,223
9	423 Merchant Wholesalers, Durable Goods	880	0.6 %	4	26.6 %	17	13	\$2,290
10	484 Truck Transportation	765	10.7 %	3	13.3 %	24	21	\$2,084

*Source: U.S. Census Bureau, Local Employment Dynamics*

### **Strategies:**

The following is an analysis of Utah’s SCSEP Strengths, Weaknesses, Threats, and Opportunities in employment opportunities for participants.

#### Strengths

- Most Host Agencies train the individual in skills needed to be employed in the Healthcare industry (Administration, Supportive Services, and Intake).
- Most Host Agencies train the individuals in skills needed to be employed in the Educational Infrastructure (Administration, Support Services, and Intake).
- Most Host Agencies train the individuals in skills needed to be employed in Social Assistance (Administration and Support Services).

- All Utah SCSEP program individuals have access to training in adjunct services for all growth industries (Janitors, Drivers, Kitchen help, etc.).
- All Utah SCSEP programs have partnered with community colleges and technology colleges for skill-specific training.
- Easter Seals – Goodwill Northern Rocky Mountain SCSEP uses monitoring and rotation of host agencies to ensure the participants are continually learning and acquiring skills that will aid them in finding and retaining employment when the community service training is completed. The monitoring visits are to educate the host agency supervisors about the goals of SCSEP. The monitoring offers the host agency and the participant the opportunity to share feedback about how the training is readying the participant for employment and what additional training the participant may need to become employable.

### Weaknesses

- Most Administrative and Support Services jobs lead to low pay.
- The education level for most high growth industries is out of reach for most SCSEP individuals. Currently over fifty percent of Utah’s SCSEP participants have a high school diploma or less.
- WIA training funds have reduced over the last three years.
- Utah SCSEP individuals may have trouble accessing WIA services.

### Threats

- Basic skills needed for employment defined by DWS (mentioned above).
- Fifty percent of Utah’s workforce is 35 years or younger. This allows employers to hire younger workers.
- Utah SCSEP individuals may have trouble accessing WIA services.

With the information received under the Strengths, Weaknesses, and Threats, the Utah SCSEP Program has decided to that following Opportunities will be used over the next four years to help improve our supporting employment opportunities for participants.

### Opportunities

- SCSEP is represented on the SWIB. The Utah SCSEP program sub-grantees (Salt Lake County Aging Services, Davis County Bureau of Health Promotion and Senior Services, and Weber Area Agency on Aging) are also interested in becoming members of the SWIB.
- The Utah SCSEP program with its partners will look for a cost-effective, useful assessment tool. A proper assessment tool helps the Utah SCSEP program more effectively serve the SCSEP participants. With an improved assessment process, training needs, learning abilities, and styles

will be better identified. With this, better training opportunities and placements will be recognized, and based on better placements, there should be an increased unsubsidized placement rate.

- The Utah SCSEP program will work with the SWIB to find easier ways for SCSEP individuals to access WIA services.
- Easter Seals – Goodwill Northern Rocky Mountain SCSEP will better utilize their Business Advisory Council (BAC) to assist in making assessments on participants’ resumes, interviewing skills, and additional skills needed to better prepare them for employment. Easter Seals is evaluating assessment tools to determine which one will be the best fit for the program, to provide better assessment of a participant’s skills when entering SCSEP and assess how they have improved upon exiting SCSEP.

### Project Employment Opportunities

See Section I. B. for specific information regarding current and projected employment opportunities in the state and the type of skills required.

### ***Localities and Populations:***

#### Easter Seals - Goodwill Northern Rocky Mountain (National Grantee)

In the current economy all areas allocated to Easter Seals-Goodwill are needed to provide SCSEP services. In the downtown areas of Salt Lake City and Ogden there is a high number of homeless individuals and individuals affected by the Justice System. Although Utah January 2012 unemployment figures were at 5.8 percent and 7.3 percent respectively, the population primarily served by the SCSEP is the most difficult to place in employment positions. These populations need a high level of supportive services before they are employment ready.

The SCSEP reaches out to the large refugee resettlement agencies for referrals. Through this strategy, Easter Seals-Goodwill SCSEP is serving a large number of refugees from diverse cultures. Rural areas in southeast and southwest Utah are facing unemployment rates from 8.3 percent in Washington County, 17.2 percent in Garfield County, 12.9 percent in San Juan County, and 16.4 percent in Grand County. SCSEP is vital to these communities as it provides training in new employment fields and also provides education to employers about hiring mature workers.

#### Salt Lake County Aging Services (State Sub-Grantee)

Salt Lake County Aging Services’ SCSEP program recruits and places Title V participants who reside within the county. The staff specifically target the Kearns, Glendale, Rose Park, West Valley, Taylorsville, Midvale, and South Salt Lake areas. These areas are home to a high percentage of low-income older individuals, minority seniors, and immigrant and refugee seniors. Salt Lake County Agingin Services recruits heavily in these areas through word of mouth, posters, and meeting with community

organizations serving these areas. This Aging Services makes every effort to place the SCSEP participants within their communities whenever possible.

#### Weber Human Services (State Sub-Grantee)

Weber/Morgan Title V recruits heavily from the Ogden Homeless Veterans shelter. The majority of SCSEP participants hale from the Ogden area as typically the most in need reside within this area. It is important to note that very few minority customers have applied SCSEP services in the past year.

#### Davis County Family Health and Senior Services Division (Sub-Grantee)

Those over the age of 55 in Davis County are located in every city of the county. There is a need for Title V Services county-wide.

### ***Actions to Coordinate:***

#### Easter Seals - Goodwill Northern Rocky Mountain (National Grantee)

The location of SCSEP offices inside DWS employment centers makes a natural referral pathway for clients of DWS who are over 55 and who have not found employment using DWS services. Easter Seals-Goodwill also has a strong partnership with Vocational Rehabilitation and the Veterans Administration. The Director of Easter Seals-Goodwill Utah Services and the Easter Seals-Goodwill Program Manager attend monthly Workability meetings as well as affiliate meetings of the National Rehabilitation Association; the Utah Non-Profit Association; Office of Child Care Advisory Board; United Way of Utah County; and, the State Department of Aging Senior Committee. Easter Seals employment counselors also attend the Governor's Council State Refugee Provider meetings.

#### Salt Lake County Aging Services (State Sub-Grantee)

All Salt Lake County Aging Services (SLCO) participants register with DWS and receive training regarding how to access and use the DWS website and assistance developing a resume. SLCO will strategize and troubleshoot with the DWS representative serving on the SCSEP Older Workers Council. SLCO staff meet with DWS employment counselors to ensure that both agencies understand the programs and services offered. Staff monitor shared customers and collaborate in the development of effective employment plans.

#### Weber Human Services (State Sub-Grantee)

All participants in Weber/Morgan Counties Title V are required to register with DWS. Training is regarding DWS website use and how to follow through with the job contacts received. Also, participants are assisted in locating and any other DWS service needed. Weber/Morgan Title V has attended the SWIB meetings to understand current issues and plans to continue attending until June 30<sup>th</sup>, 2013.

### Davis County Family Health and Senior Services Division (Sub-Grantee)

SCSEP in Davis County works with DWS to coordinate services. SCSEP participants are registered with DWS and use the DWS website to search for jobs. SCSEP in Davis County also coordinates with LDS Employment Services. Davis County SCSEP participants register with DWS and attend workshops related to job searching. DWS is aware of the Davis County SCSEP program and makes referrals of appropriate individuals.

### ***Planned Actions to Coordinate:***

### Easter Seals - Goodwill Northern Rocky Mountain (National Grantee)

Easter Seals –Goodwill uses its knowledge of community resources to carry out other titles of the Older Americans Act, including taking an active role in the Caregivers Coordinating Council; working closely with nutritional services; partnering with housing to ensure participants are aware of housing opportunities; partnering with agencies focused on assisting non-English speakers in gaining language proficiency; partnering with the community mental health centers in referring participants for drug and alcohol counseling; and, coordinating with the Division of Services for People with Disabilities to ensure assistive technology and services are obtained for participants. In several cases, poor vision has presented a barrier to employment. Funding is available to purchase eyeglasses for participants when good eyesight is required to reach their employment goals. SCSEP is investigating programs through the Health Department and Vocational Rehabilitation that assist in providing eyeglasses.

### Salt Lake County Aging Services (State Sub-Grantee)

Salt Lake County will ensure participants are aware of programs available through SLCO Aging Services, including Senior Centers, Information and Referral Assistance, Caregiver Support, Health Insurance Counseling, and the Transportation program. Additional information will be provided regarding community resources for housing assistance, home repair and modification, nutrition, personal care, adult day care, elder abuse prevention, respite care, legal assistance, and financial services. SLCO refers participants to Salt Lake County’s Information and Referral staff as necessary.

### Weber Human Services (State Sub-Grantee)

Weber/ Morgan Title V is connected to Low-Income Housing, HEAT program, DWS, and Weber Human Services. Participants in need of items such as eyeglasses or hearing aids have been assisted by the Weber Human Services Foundation.

### Davis County Family Health and Senior Services Division (Sub-Grantee)

Davis County coordinates with other services offered under the Older Americans Act. The Davis County Department of Health/Division of Family Health and Senior Services has resources available in relation to immunizations, health screenings, nutrition services, Medicaid/Medicare Part D education and assistance, Senior Service Case Management assistance, and Weatherization. Referrals are made to DWS, Utah State Department of Rehabilitation, Utah Services for the Blind, Food Banks, Davis County Applied Technology Center, Davis County Mental Health, and Davis County Housing Authority.

## ***Planned Action to Coordinate with Private & Public Entities:***

### Easter Seals - Goodwill Northern Rocky Mountain (National Grantee)

Easter Seals-Goodwill partners with several community agencies that provide services for people in need. Easter Seals-Goodwill has formed several partnership agreements to support participants in their search for employment. Participants are referred to the Community Action Program for assistance with HEAT and housing as well as in tax preparation. In Utah County Easter Seals-Goodwill has a strong partnership with HealthConnect, an agency that provides low-cost health solutions. Also in Utah County there is a strong partnership with the Centro Hispano, an agency that provides services to Spanish-speaking residents. In Washington County, a partnership with the LDS Employment Services has expanded employment opportunities for participants; the Utah Transit Authority provides half-price bus passes for those participants at risk of homelessness; Deseret Industries provides vouchers for clothing and household items; Junior League and Catholic Thrift also provide vouchers for clothing; the Family Health Centers in St. George and Cedar City offer physicals at a low rate; and, Granite Peaks Lifelong Learning Centers charges a reduced rate for ESL classes.

### Salt Lake County Aging Services (State Sub-Grantee)

Staff will work with LDS Employment Services (LDS ES) by registering participants on LDS ES site and assisting participants in completing job searches. LDS Employment Services also places information about the County's SCSEP program on its website with a link to the SLCO page. The Utah Food Bank assists participants with emergency food and St. Vincent de Paul helps with prescription costs. SLCO receives vouchers for clothing from Deseret Industries and the Junior League Thrift Store. St Vincent also donates winter clothing for participants. DWS will assist with funding post-secondary education as appropriate. Staff partner with Vocational Rehabilitation Services in order to obtain hearing aids, clothing, fuel vouchers for participants, payment for counseling, and for educational funding assistance. SLCO also assisted two homeless clients transition to senior subsidized housing.

### Weber Human Services (State Sub-Grantee)

Weber/Morgan Title V has connections with: Weber Housing Authority (low-income housing), Ogden Housing Authority (low-income housing), Catholic Community Services (food, medical), Midtown Clinic (medical), Weber Human Services (mental health), H E A T program (help with energy costs) LDS Employment Services (employment) OWATC (education), YCC (clothing, counseling), Weber Human Services Foundation (odds and ends needed to succeed).

### Davis County Family Health and Senior Services Division (Sub-Grantee)

LDS Employment Services is a large faith-based employment services that coordinates with Davis County. Utah Transit Authority (UTA) provides public transportation in the county with commuter rail and buses. Referrals are made to UTA's para-transit system for those with disabilities. Vocational Rehabilitation helps those with disabilities with employment assistance.

## ***Planned Action to Coordinate with Labor Market & Job Training Initiatives:***

### Easter Seals - Goodwill Northern Rocky Mountain (National Grantee)

Each employment counselor has information on in-demand industries and careers through workforce bulletins from DWS and the monthly Workforce Development Conference Calls presented by National Easter Seals. SCSEP provides additional training opportunities through partnerships with workforce development agencies. All SCSEP sites are housed within DWS employment centers. This allows for a referral pathway through DWS for those participants age 55 and older. Each DWS employment center offers an array of workshops, including topics like budgeting, skills identification, resume writing, interviewing skills, job searching with technology, networking strategies, personal branding, and employment success strategies. Each SCSEP participant is required to attend one or more classes based on their learning needs documented with the needs assessment and plan. Individual Employment Plan (IEP) goals for participants that have been on the program for over a year may indicate that it would be beneficial for them to repeat one or more classes. Easter Seals-Goodwill SCSEP is also partnering with LDS Employment Services, CAT computer classes provided in the recreation centers, Habitat for Humanity, Community Action Program, and other community resources to provide services to seniors. All seniors receiving SNAP assistance are referred to DWS' job exchange. In Salt Lake, Weber, Utah, and Tooele Counties, SCSEP partners with DWS to refer participants to the Job Exchange - a new program for job seekers who are considered work ready and matches them up jobs.

### Salt Lake County Aging Services (State Sub-Grantee)

Salt Lake County Aging Services refers SCSEP participants to workshops offered by DWS, including budgeting, skills identification, resume writing, interviewing skills, job searching with technology, networking strategies, personal branding, and employment success strategies. The County's SCSEP staff also regularly attend meetings and solidify partnerships with DWS, Retired and Senior Volunteer Program, Wasatch Employers Network, LDS Employment Resource Services, Veterans Civic Council, University of Utah, Foster Grandparents Program, Women's Business Center, Literacy Action Center, Service Corps of Retired Executives, Senior Companion Program, Utah Nonprofits Association, Inner City Project, Goodwill/Easter Seals, and area Chambers of Commerce in order to aggressively market the SCSEP program and increase the visibility of the program throughout the community.

### Weber Human Services (State Sub-Grantee)

Weber Morgan Title V is partnered with DWS in that all participants are required to register with DWS and all are encouraged to make use of DWS workshops. Weber Human Services also offer close connections to temporary agencies in this area (many large businesses in this area hire from temporary services), job referrals sent by MAX Outreach, and any and all job fairs that are offered in this area.

### Davis County Family Health and Senior Services Division (Sub-Grantee)

SCSEP in Davis County sends participants to DWS to attend job workshops or job fairs. Davis County also assists participants in using various job searching websites.

### ***Active Part in One-Stop Delivery:***

#### Easter Seals - Goodwill Northern Rocky Mountain (National Grantee)

Six Easter Seals-Goodwill SCSEP sites are located in DWS employment centers. At these sites Easter Seals staff work in close cooperation with DWS staff. Participants registered with DWS who are unable to find employment are referred directly to the Easter Seals SCSEP program. Due to a consolidation of offices, Easter Seals-Goodwill SCSEP was unable to find space within the Salt Lake Metro DWS employment center. However, the program still maintains its close partnership with DWS by co-locating in one of the administration offices just six blocks south of the Metro employment center. In order to continue with the flow of participants between the two agencies, an employment counselor remains in the employment center providing outreach information. Plans are underway to continue to provide outreach information at the Metro site on a regular basis. There was a concern that the participant count in Davis County was low. In order to build a presence in this county, a SCSEP office was opened located on the floor above the DWS employment center in the Division of Services for People with Disabilities. Plans are underway to hold a monthly outreach and information table in the DWS employment center to remind DWS staff of the SCSEP program opportunities for senior workers. This strategy will be replicated in DWS employment centers throughout the state that do not house SCSEP employees. The budget did allow for a new office to be opened in the Logan DWS employment center to strengthen the partnership in Cache County.

#### Salt Lake County Aging Services (State Sub-Grantee)

Salt Lake County attends meetings with DWS staff to ensure that Salt Lake County Aging Services remains knowledgeable of DWS programs and services. After assisting participants in registering with DWS, participants are trained to navigate the DWS website and information is provided for reference allowing the customer to easily return to the site. Collaboration occurs between the AAS agent and DWS staff. It is recommended that greater coordination could occur if DWS staff conducted outreach at the county's SCSEP office five to ten hours per week.

#### Weber Human Services (State Sub-Grantee)

Weber/Morgan Title V is focused upon ensuring that all participants are employed by June 30, 2013.

#### Davis County Family Health and Senior Services Division (Sub-Grantee)

SCSEP participants use the DWS delivery system to complete registration and participate in workshops regarding interviewing, resume preparation, and how to access the database of current job openings. Customers can attend job fairs and large hiring events at DWS employment centers.

### ***Long-Term Strategy for Engaging Employers:***

#### Easter Seals - Goodwill Northern Rocky Mountain (National Grantee)

Because this population needs integrated case management all employment counselors serve as job developers. This philosophy allows for consistent service provided to customers with minimal hand-offs.

Employment counselors reach out to employers that match the participant's skills and interest by informing them of tax incentives and other benefits of hiring mature workers. On-The-Job Employment is used successfully as an incentive for employers to hire SCSEP participants. Easter Seals Goodwill (ESGW) is a member of the Salt Lake City, Davis, and Weber Chamber of Commerce. This has proved extremely effective in both opening up employment opportunities as well as securing new host agency sites. In other counties employment counselors meet regularly with community groups to ensure community organizations are aware of the SCSEP.

#### Salt Lake County Aging Services (State Sub-Grantee)

PY2012 – Meet with Chambers of Commerce in three areas of the Salt Lake Valley to explain SCSEP and encourage members to recruit participants.

PY2013 - Meet with three new Chambers of Commerce; increase the number of host sites because many of participants are hired by the host site when the participant is successful.

PY2014 – Evaluate the effectiveness of meeting with Chambers of Commerce. Offer a round table meeting for businesses to get more information on SCSEP.

PY2015 – Evaluate effectiveness of round table for businesses.

#### Weber Human Services (State Sub-Grantee)

Weber/Morgan Title V will be consulting with present Host Agencies to determine hiring outcomes of participants.

#### Davis County Family Health and Senior Services Division (Sub-Grantee)

Davis County encourages host agencies to hire SCSEP participants. The benefits of hiring older workers are discussed with host agencies. There is no long-term plan in place in Davis County as the SCSEP will no longer be available through the county as of 12/31/2012.

### ***Long-Term Strategy for Achieving Equitable Distribution of Positions:***

#### Easter Seals - Goodwill Northern Rocky Mountain (National Grantee)

It will not be necessary to move positions from over-served to under-served. Natural attrition due to time limits and participants finding unsubsidized employment in the over-served areas will allow counselors to focus attention and outreach efforts on those under-served areas.

#### Salt Lake County Aging Services (State Sub-Grantee)

As participants exit the program, staff will recruit from the under-served areas.

### Weber Human Services (State Sub-Grantee)

Weber/Morgan Title V feels that Weber County is an under-served area and has a great need. As such, additional funding would be necessary in order to continue and expand present efforts.

### Davis County Family Health and Senior Services Division (Sub-Grantee)

SCSEP positions are distributed across Davis County. The county is under-served as there are only three openings allocated for SCSEP participants in this area.

### ***Equitably Serves Rural and Urban Areas:***

#### Easter Seals - Goodwill Northern Rocky Mountain (National Grantee)

Utah also has a large area of the state that is designated rural. Six employment counselors in the rural counties and two in urban counties reflect the participants they serve having secured jobs with SCSEP after training in the program as participants. Specifically:

- The ESGW SCSEP currently has eight locations in strategic areas throughout the state. Logan in the north serves the Bear River area including Cache, Rich, and Box Elder counties. The full time employment counselor in the Ogden office conducts all documentation and data entry for participants in the northern rural counties with assistance from a participant that was hired to provide supportive services to participants and host agencies. The Ogden office currently serves 29 participants and eight Host Agencies in Weber County. Davis County, to the north of Salt Lake, currently serves 16 participants with four Host Agencies with one part-time employment counselor.
- Salt Lake County, the most populous urban area in the state, currently serves 75 participants. One full-time and two part-time employment counselors provide employment services to the participants. The Program Manager also carries a small caseload. The host agencies in Salt Lake are numerous and offer a variety of training opportunities within easy access of public transportation. All host agency assignments are made with the participant's location and ability to travel in mind. The Salt Lake Metro office also serves participants in Tooele, Summit, Daggett, Duchesne and Uintah counties. The participants are placed in local Host Agencies and employment counselors travel regularly to complete IEP/PNAs and re-certifications. Recruitment is currently taking place in these counties and local Host Agencies assist with referrals.
- Utah County is home to Utah's second most populous urban area, Provo. There are currently 28 participants in Provo, with eight Host Agencies. Utah County is home to Habitat for Humanity, with several participants training there. Other Hosts include Provo City Schools, Utah State Hospital, DWS, and People for the Preservation of Peet N Neet.
- The Price office serves several Central and Southeastern counties: Carbon, Emery, Grand, Piute, Wayne, Sanpete, Sevier, and San Juan. There are two part-time employment counselors in this office who travel to meet participants at their local host agency sites. In July 2012, the Price

office added San Juan County to its jurisdiction. This is the closest location to the participants training in remote areas on the Navajo Reservation in San Juan County.

- The office in Cedar City serves participants in Iron, Beaver, Millard, and Garfield counties. Most of these counties are in rural areas. Host Agencies are limited. The Forest Service has been a valuable partner in these rural areas providing employment training for the rural participants. The local governments in these tourist areas have also extended training opportunities to participants with participants training as tour guides in various rural museums and parks. The employment counselor in Cedar City also travels to serve participants.
- In Washington County many participants live in and around the St. George area. Host agencies are accessible by public transportation if necessary. The Washington County office also serves rural Kane County.

#### Salt Lake County Aging Services (State Sub-Grantee)

Salt Lake County is an urban area.

#### Human Services (State Sub-Grantee)

Weber/Morgan Title V serves all major towns and outlying areas in Weber and Morgan Counties. The most-in-need and under-served area is Ogden City.

#### Davis County Family Health and Senior Services Division (Sub-Grantee)

Davis County is an urban area.

### ***Serve Individuals Afforded Priority for Service:***

#### Easter Seals - Goodwill Northern Rocky Mountain (National Grantee)

To assist employment counselors in prioritizing participants with significant barriers to employment, a preliminary intake form was developed. The form lists the barriers recognized by DOL. Participants are asked to check those that apply to them. This stimulates conversation and enables the employment counselor to find out more about the participant's circumstances. Employment counselors also attend conferences and job fairs that attract the most-in-need. One Program Manager speaks Spanish. It is hoped that this will increase the number of Spanish speaking participants. From 2007 to 2010, and in the fourth quarter of 2011, the Utah SCSEP program consistently exceeded the goal for service level. This supports the ability of the program to serve the greatest number of eligible participants. This ability is due to the high visibility of the SCSEP program within the DWS employment centers throughout the state. Utah also has a large presence of veterans with a Veterans Hospital and Air Force, Army and National Guard bases. The SCSEP has a strong partnership with the Veterans Administration through host agency agreements and sharing employment activities. Although there are still some rural counties that are not fully served according to the equitable distribution chart, plans to expand Easter Seals-Goodwill presence in these areas are underway. As stated above, an office in Davis County has been opened as well as an office in Logan. Plans are underway to conduct monthly outreach activities in Grand County by the

counselor situated in Southeastern Utah. The caseload for San Juan County has been allocated to this Counselor. Work has already begun, with positive results, to increase the number of Native American participants from this area.

#### Salt Lake County Aging Services (State Sub-Grantee)

Salt Lake County has developed strong partnerships with a number of organizations, including the Veterans Administration, DWS, St. Vincent de Paul (homeless), Vocation Rehabilitation Services (disability), the Asian Association (limited English proficiency), and Catholic Community Services (limited English). Salt Lake County Aging Services is developing an Aging and Disability Resource Center that will refer possible participants. SLCO will also publicize the SCSEP program in the 55Plus resource book and the Spanish Yellow Pages.

#### Weber Human Services (State Sub-Grantee)

Weber/Morgan Title V serves homeless veterans, the disabled, veterans, and individuals with multiple barriers to employment.

#### Davis County Family Health and Senior Services Division (Sub-Grantee)

The individuals with priority enrollment are served first or placed at the top of the waiting list.

### ***Ratio of Eligibility Individuals in Each Service Area to Eligible Population:***

#### Easter Seals-Goodwill Northern Rocky Mountain (National Grantee)

According to the Census 2012 American Community Survey, nine percent of the population of Utah is 65 and older and six percent of persons 65 and older are below poverty.

#### Salt Lake County Aging Services (State Sub-Grantee)

According to a study conducted by the University of Utah in 2006, Salt Lake County's minority population percentage is 19, which is higher than the state minority percentage which is 14.7 for the state as a whole and 11.8 for the state minus Salt Lake County. Salt Lake County has 38 percent of the state's population over 60; 42 percent of the state's over-55 disability population resides in the county and eight percent of the County's residents live below the poverty level. The state reports 355 homeless individuals over 55 with 261 (74 percent) in Salt Lake County.

#### Weber Human Services (State Sub-Grantee)

Weber County (per 2010 census) has 231,236 people, 10.1 percent who are over 65 years old; 13.5 percent are veterans; 23.5 percent are minorities and 11.5 percent are below poverty level.

#### Davis County Family Health and Senior Services Division (Sub-Grantee)

Less than ten percent of the population of Davis County meets the age requirement for SCSEP.

### ***Reside in Urban and Rural Areas within the State:***

#### Easter Seals - Goodwill Northern Rocky Mountain (National Grantee)

Every effort is being made to increase visibility of the SCSEP program by locating Easter Seals-Goodwill employment counselors within DWS employment centers to ensure equitable distribution.

#### Salt Lake County Aging Services (State Sub-Grantee)

Salt Lake County is entirely urban.

#### Weber Human Services (State Sub-Grantee)

Weber County houses the bulk of the participants.

#### Davis County Family Health and Senior Services Division (Sub-Grantee)

Davis County is entirely urban.

### ***Have the Greatest Economic Need:***

#### Easter Seals - Goodwill Northern Rocky Mountain (National Grantee)

For those participants facing the greatest economic need, Easter Seals-Goodwill SCSEP's partnership with local homeless shelters, food banks, and other community agencies serving economically depressed mature individuals has led to the SCSEP program being able to serve the majority of participants who are at or below 100 percent of the Federal Poverty Level at the time of enrollment. Greatest social need and individuals described in —priority of service.” The SCSEP reaches out to local minority communities through churches, schools and community networking to provide services to and engagement of disparate groups in all local service areas in an effort to increase the performance on the most-in-need measure. Training and tools have been given to employment counselors to assist them in identifying those who fall under —priority of service.”

#### Salt Lake County Aging Services (State Sub-Grantee)

Salt Lake County recruits in the following communities due to the high poverty rates: Kearns, Glendale, Rose Park, West Valley, Taylorsville, Midvale, and South Salt Lake.

#### Weber Human Services (State Sub-Grantee)

The greatest economic need is in Weber County. All current participants of the Weber Human Services program are from this area of great economic need.

#### Davis County Family Health and Senior Services Division (Sub-Grantee)

Sunset and Layton cities within Davis County have the greatest economic need.

## ***Minorities:***

### Easter Seals-Goodwill Northern Rocky Mountain (National Grantee)

In Salt Lake City the Easter Seals-Goodwill SCSEP employees have an understanding of cultural perspectives, concerns, and needs. A large number of refugees having limited English proficiency are served.

### Salt Lake County Aging Services (State Sub-Grantee)

Salt Lake County recruits in the following communities due to the high refugee and minority populations: Kearns, Glendale, Rose Park, West Valley, Taylorsville, Midvale, and South Salt Lake.

### Weber Human Services (State Sub-Grantee)

The Ogden City area has the greatest population of minorities.

### Davis County Family Health and Senior Services Division (Sub-Grantee)

Sunset and Clearfield cities have the greatest minority populations in the county.

## ***Are Limited English Proficient:***

### Easter Seals-Goodwill Northern Rocky Mountain (National Grantee)

The office in Salt Lake City is fortunate to have a multilingual employment counselor from the Horn of Africa. His ability to speak the language of many of the refugees located in Salt Lake City has proved extremely valuable in earning the trust of the new refugee agencies that now refer members for services. This counselor also serves on the refugee provider committee where he continually reminds other agencies of the Easter Seals-Goodwill SCSEP program. The program manager speaks Spanish, and a Spanish-speaking bi-lingual employment counselor has been hired in Davis County.

### Salt Lake County Aging Services (State Sub-Grantee)

Salt Lake County recruits in the following communities due to the high refugee and minority populations: Kearns, Glendale, Rose Park, West Valley, Taylorsville, Midvale, and South Salt Lake.

### Weber Human Services (State Sub-Grantee)

The Ogden and West Ogden area tend to have the highest population of limited English proficient customers.

### Davis County Family Health and Senior Services Division (Sub-Grantee)

Clearfield and Layton cities have the greatest number of individuals with limited English proficiency.

### ***Have the Greatest Social Need:***

#### Easter Seals - Goodwill Northern Rocky Mountain (National Grantee)

The four large urban areas, Salt Lake City, Ogden, Provo, and St. George, provide a refuge for the state's homeless population. The shelters located in these towns serve as host agencies for participants to train in a variety of social service and hospitality skills. The shelters are also a valuable source referring homeless participants who want to escape the cycle of poverty and find work. The Food Banks also assists in recruiting participants to SCSEP. Employment counselors in all areas of the state reach out to churches and schools and engage in community networking to ensure that all potentially eligible participants have the opportunity to apply for the program.

#### Salt Lake County Aging Services (State Sub-Grantee)

Salt Lake County recruits in the following communities due to the high number of residents with the greatest social needs: Kearns, Glendale, Rose Park, West Valley, Taylorsville, Midvale, and South Salt Lake. Referrals are also received from the Utah Food Bank, St. Vincent de Paul, and the Road Home.

#### Weber Human Services (State Sub-Grantee)

The greatest social need is in the Ogden area.

#### Davis County Family Health and Senior Services Division (Sub-Grantee)

Those with greatest social need are generally isolated, in poverty, or at risk of becoming or are homeless. The rate of homelessness is low in Davis County.

### ***Description of Steps to Avoid Disruptions:***

#### Easter Seals-Goodwill Northern Rocky Mountain (National Grantee)

As stated above, areas that are over-served will not bring new participants onto the program when participants leave for time limits, employment, or other reasons. Focus on outreach activities will be high in those areas that are under-served.

#### Salt Lake County Aging Services (State Sub-Grantee)

When redistribution occurs, Salt Lake County will meet with all participants to be transferred to explain the situation and provide them with contact information for the new agency. SLCO will also send a letter to participants explaining the situation and include the new contact information – all of which will be in the most understandable language for the participant. If Salt Lake County is receiving new participants, SLCO sends staff to any meeting offered by the current agency to meet new participants and provide them with written information. SLCO would then assign an employment specialist to meet individually and complete paperwork, review IEP's and work history, and decide on a new placement as needed. If the participant is staying in the same host agency, SLCO would meet with the participant's supervisor and provide them with contact information.

### Weber Human Services (State Sub-Grantee)

The goal of Weber Human Services is to have all participants employed by June 30, 2013. If not, the remaining participants will have information provided regarding the new SCSEP program in order to make a smooth transition to the new organization.

### Davis County Family Health and Senior Services Division (Sub-Grantee)

SCSEP in Davis County will end on 12/31/2012. The following steps will be taken to cause the least disruption to participants at that time. Davis County will notify each participant in person of the changes months prior to the transfer. In November 2012, Davis County will take a worker from the national grantee to meet each participant. Each participant will receive a letter with all new contact information.

### ***Long-term Strategy for Serving Minority Older Individuals:***

#### Easter Seals - Goodwill Northern Rocky Mountain (National Grantee)

The Easter Seals-Goodwill SCSEP will continue to provide waivers for people 75 and older who don't have social security. The SCSEP will continue to hire minorities that can relate to the population served both by making sure that the SCSEP employees reflect the cultures of the population served. Partnerships with local agencies serving minorities will continue by ensuring a strong representation on state committees that focus on working with minority and older individuals as well as partnering with all the grass roots and non-profit organizations in the community.

#### Salt Lake County Aging Services (State Sub-Grantee)

PY 2012 – Establish community partners who can assist with informing minority communities of SCSEP, that can serve as host sites or that can provide services to participants. Produce a list of service providers and give to minority participants. Our current partners are: African American Faith Initiative, Justice for All Community Legal Center, Asian Association Refugee Center, Catholic Community Services, Centro de la Familia de Utah, Columbus Community Center, Community Action Programs, Crossroads Urban Center, Crossroads Thrift Store, Granite Peaks – ESL, Guadalupe School, Horizonte School, Multicultural Legal Center, Salvation Army Family Services, Salvation Army Thrift Store, St. Vincent de Paul/Weigand Resource Center, The Road Home, and Utah Cultural Celebration Center.

PY 2013 – Work with partners to ensure that diverse minority groups have referral information.

PY 2014 – Work with partners to schedule two trainings that would be beneficial to minority participants. Evaluate training effectiveness.

PY 2015 – Revisit list of community partners and update service list to add new partners and offer additional trainings as needed.

### Weber Human Services (State Sub-Grantee)

Not applicable to Weber County.

Davis County Family Health and Senior Services Division (Sub-Grantee)

Not applicable to Davis County.

***List of Community Services Needed:***

Easter Seals-Goodwill Northern Rocky Mountain (National Grantee)

In Salt Lake and Weber Counties services are needed to support the homeless population. The housing authority is constantly engaging with entities to expand opportunities for transitional and subsidized housing. This population is also at risk for mental health conditions. More funding for supporting the mental health and substance abuse issues of this population would make a huge impact on the ability of this population to find employment. The other area of need in the urban areas is for those involved in the justice system. Partnerships are currently being developed or will be developed with programs targeting those individuals recently placed on probation or parole. Partnerships with these agencies will provide the participants with the added support they need to overcome the barriers that the stigma of incarceration leaves.

Salt Lake County Aging Services (State Sub-Grantee)

Services: subsidized housing, transitional housing, mental health services, assistance with getting food stamps, literacy, learning English, learning technology, and medical care.

Places where services are needed: Kearns, Glendale, West Valley, Taylorsville, Rose Park, and South Salt Lake.

Salt Lake County refers participants to: the Road Home (housing and information for homeless individuals), Literacy Action Center (tutoring for adults), Utah Food Bank (emergency and ongoing food assistance), ESL (Horizonte School, Aging Services ESL classes, Granite Peaks), myCase (DWS), Salt Lake City and County Housing Authorities (subsidized housing), Community Access to Technology Labs and Aging Services Employment Program (technology assistance), and Veterans Affairs (health benefits, information and referral).

Weber Human Services (State Sub-Grantee)

Better access to medical help for low-income individuals, dental assistance, and obtaining medicine when the participant can't raise the money for things like antibiotics, etc.

Davis County Family Health and Senior Services Division (Sub-Grantee)

Needed community services in Davis County are: housing, Meals on Wheels, transportation, food stamps, and services for the disabled. These services are needed across the county. The agencies providing services are: Davis County Housing, Davis County nutrition services, UTA, DWS, and Vocational Rehabilitation. Demand for services in the county often exceeds availability of services.

### ***Long-Term Strategy to Improve SCSEP:***

#### Easter Seals - Goodwill Northern Rocky Mountain (National Grantee)

A long-term change to the SCSEP would be to include participants interacting with the justice system to be identified as meeting the most-in-need factor as there are significant barriers that are presented to this population. Another improvement and support for the older worker would be to increase funding in order to serve more individuals and keep aside a small percentage of the total slots specifically for individuals who may not be able to find employment. In order to improve the relationships with businesses, it would be beneficial to require every grantee to have a business advisory council. In order to prevent duplication of effort, a written MOU with the State Office of Rehabilitation would be useful. Easter Seals-Goodwill also encourages DOL to continue to have services provided through both national and state agencies.

#### Salt Lake County Aging Services (State Sub-Grantee)

SLCO plans to develop a more participant-centered approach to the intake process. By taking more time to learn about the participant at the onset, SLCO can locate the best host site. SLCO plans to improve the type of host sites to include more variety in the types of training participants can receive. SLCO plans to develop training for participants that will involve human resource professionals from non-profit organizations and businesses that will include how to apply for a position at that specific organization, the types of jobs for which they hire and the skills needed to get those jobs, and what the company looks for in an interview. Additionally, SLCO plans to ask current host sites to assist with job placement by networking with similar agencies and encouraging hiring a participant. SLCO will provide a Discharge Plan and an Exit Packet as immediate supportive services, which include offering access to SCSEP computers, fax, and copy machines as well as referrals to other agencies when appropriate. Such referrals may include, but are not limited to, housing, transportation, counseling, money management, clothing, food pantries, eyeglasses, tax assistance, HEAT, telephone, social security, and legal assistance. These services are obtained at little to no cost to the program.

#### Weber Human Services (State Sub-Grantee)

Eliminating Weber/Morgan Title V from the state plan is a disservice to the individuals who live in that area and are in need of this program. It is not an improvement to the plan or statewide program.

#### Davis County Family Health and Senior Services Division (Sub-Grantee)

Davis County does not have a long-term strategy due to elimination of the program on 12/31/2012. Elimination of this portion of the program does not improve SCSEP services.

### ***Strategy for Continuous Improvement:***

#### Easter Seals-Goodwill Northern Rocky Mountain (National Grantee)

Currently the program exceeds targets in Community Service, Service Levels, and Services to Most-in-Need. The program is 0.7 percent below the target for Common Measures of Entered Employment and 0.2 percent below the target for Common Measures of Retention. Common Measures of Earnings are also

below the target. This is an area that Easter Seals-Goodwill will focus on as an area of improvement. In an effort to constantly improve performance, training will be given to all employment counselors using the National Easter Seals training modules on: case notes, needs assessments and IEP. Host Agency, Job Development and follow up modules will be available in the next program year. The program will also require each counselor to attend the State-Funded Job Development training that is required by the State Office of Rehabilitation.

#### Salt Lake County Aging Services (State Sub-Grantee)

During intake the staff will discover the familial support, living arrangements, and emotional stability of the participant. This will help in placement and give an idea of what resources are most needed. SLCO will develop host sites where participants can learn the skills needed to get higher paying jobs. Additionally, SLCO will develop training for participants during which volunteers from Human Resource backgrounds conduct mock interviews with the participants and give them feedback on the interview and resumes, present information regarding SCSEP to three Chambers of Commerce, and ask companies that have hired participants to speak about the quality of work performed by participants. SLCO will partner with the Wasatch Employers Network so SCSEP participants can attend job fairs. SLCO will host a round table discussion for potential employers regarding the SCSEP program and work closely with DWS to find additional ways to improve unsubsidized employment.

#### Weber Human Services (State Sub-Grantee)

Every effort will be made to find permanent employment for the participants.

#### Davis County Family Health and Senior Services Division (Sub-Grantee)

Davis County will work to assist participants in attaining unsubsidized employment through 2012. Those who remain on the SCSEP program will transition to the national grantee.

### **Section III. Integrated Workforce Plan Assurances and Attachments**

**This section provides a “check-the-box” table of assurance statements and a single signature sheet to certify that the information provided by the state, and submitted to the Department, in the following table is accurate, complete, and meets all legal and guidance requirements. The table below contains the assurances, the legal references that corresponds to each assurance, and a column for the state to provide a reference to the document(s) that it believes meets the stated assurance or where the statute requires documentation of a policy or procedure. Such a reference may be a hyperlink to an online document or it may be an attachment. Not all assurances require documents to be attached or referenced. Where an approved special exemption, waiver, or an approved alternate structure makes an assurance not applicable to your state, please insert the words “Not Applicable” in the reference column.**

**By checking each assurance, attaching the proper documentation or links, and signing the certification at the end of the document, the state is certifying it has met each of the legal planning requirements outlined in WIA law and regulations and in corresponding Departmental guidance. By checking each box and signing the certification, the state is also indicating that its supporting documentation meets all applicable federal and state laws and regulations and is available for review. Any deficiencies in the documentation attached to each assurance identified during the state plan review process may result in additional technical assistance and a written corrective action as part of the Department’s conditional approval of the state’s Integrated Workforce Plan. Assurances that are part of the state’s grant agreement are not duplicated here.**

## ASSURANCES

### Planning Process and Public Comments

	X	Statement	Reference	Documentation or Comments
1	X	The state established processes and timelines, consistent with WIA Section 111(g) – and, where appropriate, 20 CFR 641,325(g) – to obtain input into the development of the Integrated Workforce Plan and to give opportunity for comment by representatives of local elected officials, local workforce investment boards, business, labor organizations, other primary stakeholders, and the general public.	WIA Sections 112(b)(9), 111(g) 20 CFR 661,207 20CFR 661.220(d) 20 CFR 641.325(f), (g), (h)	See Attachment C.
2	X	The state afforded opportunities to those responsible for planning or administering programs and activities covered in the Integrated Workforce Plan to review and comment on the draft plan.	WIA Sections 112(b)(9), 111(g) 20 CFR 661.207 20 CFR 661.220(d)	
3	X	The final Integrated Workforce Plan and State Operational Plan are available and accessible to the general public.		
4	X	The state afforded the State Monitor Advocate an opportunity to approve and comment on the Agricultural Outreach Plan. The state solicited information and suggestions from WIA 167 National Farmworkers Jobs Program grantees, other appropriate MSFW groups, public agencies, agricultural employer organizations, and other interested organizations. At least 45 days before submitting its final outreach, the state provided a proposed plan to the organizations listed above and allowed at least 30 days for review and comment. The state considered any comments received in formulating its final proposed plan, informed all commenting parties in writing whether their comments have been incorporated and, if not, the reasons therefore, and included the comments and recommendations received and its responses with the submission of the plan.	WIA Sections 112(b)(9), 111(g) 20 CFR 661,207 20 CFR 661.220(d) 20 CFR 653.107(d) 20 CFR 653.108(f)	See Attachment C.
5	X	In the development of the plan, the state considered the recommendations submitted by the State Monitor Advocate in the annual summer of services to Migrant and Seasonal Farmworkers.	20 CFR 653.108(t)	

6	X	The state established a written policy and procedure to ensure public access (including people with disabilities) to board meetings and information regarding board activities, such as board membership and minutes.	WIA Sections 111(g), 112(b)(9), 117€ 20 CFR 661.207	<a href="#">Utah Meetings Act</a>  <a href="#">SWIB Profile</a>
7	X	Where SCSEP is included in the Integrated Workforce Plan, the state established a written policy and procedure to obtain advice and recommendations on the State Plan from representatives of the state and area agencies on aging; state and local boards under WIA; public and private nonprofit agencies and organizations providing employment services, including each grantee operating a SCSEP project within the state, except as provided under OAA Section 506(a)(3) and 20 CFR 641.320(b); social service organizations providing services to older individuals; grantees under OAA Title III, affected communities, unemployed older individuals, community-based organizations serving older individuals; business organizations; and, labor organizations.	20 CFR 641.315(a)(1)-(10) 20 CFR 641.325(f)-(h)	See Attachment C.
<b>Required Policies and Procedures</b>				
8	X	The state made available to the public state-imposed requirements, such as statewide policies or guidance, for the statewide public workforce system, including policy for the use of WIA Title I statewide funds.	WIA Sections 112(b)(2), 129, 134 20 CFR 665.100	<a href="#">Workforce Development Division Policy</a>
9	X	The state established a written policy and procedure that identifies circumstances that might present a conflict of interest for any state or local workforce investment board member or the entity that s/he represents, and provides for resolution of conflicts. The policy meets the requirements of WIA Sections 111(f) and 117(g).	WIA Sections 112(b)(13), 111(f), 117(g)	<a href="#">SWIB Profile</a>
10	X	The state has established a written policy and procedure that describes the state's appeals process available to units of local government or grant recipients that request, but are not granted, designation of an area as a local area under WIA Section 116.	WIA Sections 112(b)(15), 116(a)(5) 20 CFR 661.280 20 CFR 667.700	Not applicable.
11	X	The state established a written policy and procedures that describe the state's appeal process for requests not granted for automatic or temporary and subsequent designation as a local workforce investment area.	20 CFR 667.640 20 CFR 662.280	Not applicable.

12	X	The state established a written policy and procedure that set forth criteria to be used by chief elected officials for the appointment of local workforce investment board members.	WIA Sections 112(b)(6), 117(b) 20 CFR 661.300(a) 20 CFR 661.325	Not applicable.
13	X	The state established written policy and procedures to ensure local workforce investment boards are certified by the governor every two years.	WIA Section 117(c) 20 CFR 661.325	Not applicable.
14	X	Where an alternative entity takes the place of a SWIB, the state has written policy and procedure to ensure the alternative entity meets the definition under Section 111(e) and the legal requirements for membership.	WIA Sections 111(b), (e) 20 CFR 661.210	<a href="#">Utah Code Title 35A Executive Order Employer Rule</a>
15	X	Where the alternative entity does not provide membership of the categories of required SWIB membership, the state has a written policy or procedure to ensure an ongoing role for any unrepresented membership group in the workforce investment system. (Only applicable in cases where a state uses an alternative entity as its SWIB, and that entity does not provide for representative membership by individuals in the categories required by WIA Section 111(b).)	WIA Sections 111(b), (e) 20 CFR 661.210(c)	Not applicable.
16	X	When applicable, the state takes any action necessary to assist local areas in developing and implementing the One-Stop system.	WIA Sections 112(b)(14), 134(c) 20 CFR 661.210(c)	Not applicable.
17	X	The state established procedures for determining initial and subsequent eligibility of training providers.	WIA Sections 112(b)(117)(A)(iii), 112, 134(d)(4) 20 CFR 663.515 20 CFR 663.535	<a href="#">Workforce Development Division Policy Section 1020</a>
18	X	All partners in the workforce and education system described in this plan will ensure the physical, programmatic, and communications accessibility of facilities, programs, services, technology, and materials for individuals with disabilities in One-Stop Career Centers	WIA Section 188 W-P Section 8(b) 20 CFR Part 37 20 CFR 652.8(j)	<a href="#">DWS EO Policy</a>
19	X	The state ensures that outreach is provided to populations and subpopulations who can benefit from One-Stop Career Center services.	WIA Section 188 29 CFR 37.42	
20	X	The state implements universal access to programs and activities to all individuals through reasonable recruitment targeting, outreach efforts, assessments, service delivery, partnership development, and numeric goals.	WIA Section 188 29 CFR 37.42	

21	X	The state complies with the nondiscrimination provisions of WIA Section 188, including that Methods of Administration were developed and implemented.	WIA Section 188 29 CFR 37.20	
22	X	The state collects and maintains data necessary to show compliance with nondiscrimination provisions of WIA Section 188.	WIA Section 185	
23	X	For WIA Single-Area States only, the state has memorandums of understanding between the local workforce investment board and each of the One-Stop Partners concerning the operation of the One-Stop delivery system in the local area.	WIA Sections 112(b)(5), 116(b), 118(b)(2)(B) 20 CFR 661.350(a)(3)(ii)	See Attachment B.
24	X	The state established written policy and procedures that outline the methods and factors used in distributing funds, including WIA Adult, Dislocated Worker, and Youth formula and rapid response funds. The policy establishes a process for funds distribution to local areas for youth activities under WIA Section 128(b)(3)(B), and for Adult and training activities under WIA Section 133(b), to the level of detail required by WIA Section 112(b)(12)(a). In addition, the policy establishes a formula, prescribed by the governor under WIA Section 133(b)(2)(B), for the allocation of funds to local areas for Dislocated Worker employment and training activities.	WIA Sections 111(d)(5), 112(b)(12)(A), (C), 128(b)(3)(B), 133(b)(2)(B), 133(b)(3)(B) 20 CFR 661.205(e)	See Attachment J.
24a	X	For Dislocated Worker funding formulas, the state's policy and procedure includes the data used and weights assigned. If the state uses other information or choose to omit any of the information sources set forth in WIA when determining the Dislocated Worker formula, the states assures that written rationale exists to explain the decision.	WIA Section 133(b)(2)(B) 20 CFR 667.130(e)(2)(i)-(ii)	
25	X	The state established a written policy and procedure for how the individuals and entities represented on the SWIB help to determine the methods and factors of distribution, and how the state consults with chief elected officials in local workforce investment areas throughout the state in determining the distributions.	WIA Sections 111(d)(5), 112(b)(12)(A), 128(b)(3)(B), 133(b)(3)(B) 20 CFR 661.205(e)	<a href="#">SWIB Profile</a>  <a href="#">Utah Code</a>
26	X	The state established written policy and procedures for any distribution of funds to local workforce investment areas reserved for rapid response activities, including the timing and process for determining whether a distribution will take place.	WIA Sections 133(a)(2), 134(a)(2)(A) 20 CFR 667.130(b)(2) 20 CFR 667.130(e)(4)	See Attachment J.
27	X	The state established written policy and procedures to competitively award grants and contracts for WIA Title I activities.	WIA Section 112(b)(16)	<a href="#">Procurement Code</a>

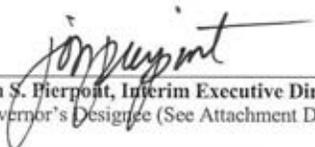
28	X	The state established written criteria to be used by local workforce investment boards in awarding grants for youth activities, including criteria that the governor and local workforce investment boards will use to identify effective and ineffective youth activities and providers of such activities.	WIA Sections 112(b)(18)(B), 123, 129	<a href="#">Procurement Code</a>
29	X	The state established written criteria for process to award a grant or contract on a competitive basis for Summer Youth Employment Opportunities element of the local youth program, where a provider is other than the grant recipient/fiscal agent.	WIA Sections 123, 129(c)(2)(C) 20 CFR 664.610	<a href="#">Procurement Code</a>  See Section II. F.
30	X	The state distributes Adult and Youth funds received under WIA equitably throughout the state, and no local areas suffer significant shifts in funding from year-to-year during the period covered by this plan.	WIA Section 112(b)(12)(B)	
31	X	The state established written fiscal-controls and fund-accounting procedures and ensures such procedures are followed to ensure the proper disbursement and accounting of funds paid to the state through funding allotments made for WIA Adult, Dislocated Worker, and Youth programs, and the Wagner-Peyser Act.	WIA Sections 112(b)(11), 127, 132, 184 W-P Sections 9(a), (c) 20 CFR 652.8(b) 20 CFR 652.8(c)	
32	X	The state ensures compliance with the uniform administrative requirements in WIA through annual, onsite monitoring of each local area.	WIA Sections 184(a)(3), (4)	Not applicable.
33	X	The state follows confidentiality requirements for wage and education records as required by the Family Educational Rights and Privacy Act of 1974, as amended, WIA, and applicable departmental regulations.	WIA Sections 136(f)(2), (f)(3), 122, 185(a)(4)(B) 20 USC 1232(g) 20 CFR 666.150 20 CFR Part 603	See Attachments K and L.
34	X	The state will not use funds received under WIA to assist, promote, or deter union organizing.	WIA Section 181(b)(7) 20 CFR 663.730	
<b>Eligibility</b>				
35	X	Where the SWIB chooses to establish them, the state established definitions and eligibility documentation requirements regarding the “deficient in basic literacy skills” criterion.	WIA Section 101(13)(C)(i) 20 CFR 664.205(b)	<a href="#">DWS WDD</a> <a href="#">Policy Section 605-3</a>

36	X	Where the SWIB chooses to establish them, the state established definitions and eligibility documentation requirements regarding —requires additional assistance to complete an educational program, or to secure and hold employment” criterion.	WIA Section 101(13)(C)(iv) 20 CFR 664.200(c)(6) 20 CFR 664.210	<a href="#">DWS WDD Policy Section 745</a>
37	X	The state established policies, procedures, and criteria for prioritizing Adult Title I employment and training funds for use by recipients of public assistance and other low-income individuals in the local area when funds are limited.	WIA Section 134(d)(4)(E) 20 CFR 663.600	<a href="#">DWS WDD Policy Section 755</a>
38	X	The state established policies for the delivery of priority of service for veterans and eligible spouses by the state workforce agency or agencies, local workforce investment boards, and One-Stop Career Centers for all qualified job training programs delivered through the state’s workforce system. The state policies: <ol style="list-style-type: none"> <li>1. Ensure that covered persons are identified at the point of entry and given an opportunity to take full advantage of priority of service.</li> <li>2. Ensure that covered persons are aware of: <ol style="list-style-type: none"> <li>a. Their entitlement to priority of service;</li> <li>b. The full array of employment, training, and placement services available under priority of service; and,</li> <li>c. Any applicable eligibility requirements for those programs and/or services.</li> </ol> </li> <li>3. Require local workforce investment boards to develop and include policies in their local plan to implement priority of service for the local One-Stop Career Centers and for service delivery by local workforce preparation and training providers.</li> </ol>	WIA Sections 112(b)(17)(B), 322 38 USC Chapter 41 20 CFR 1001.120-.125 Jobs for Veterans Act, P.L. 107-288 38 USC 4215 20 CFR 1010.230 20 CFR 1010.300-.310	<a href="#">DWS WDD Policy Section 130</a>
<b>Personnel and Representation</b>				
39	X	The state assures that Migrant and Seasonal Farmworker (MSFW) significant office requirements are met.  Note: The five states with the highest estimated year-round MSFW activities must assign full-time, year-round staff to outreach activities. The Employment and Training Administration designates these states each year. The remainder of the top 20 significant MSFW states must make maximum	WIA Sections 112(b)(8)(A)(iii), 112(b)(17)(A)(iv) W-P Sections 3(a), (c)(1)-(2) 20 CFR 653.107(a) 20 CFR 653.107(i)	<a href="#">DWS WDD Policy Section 131</a>

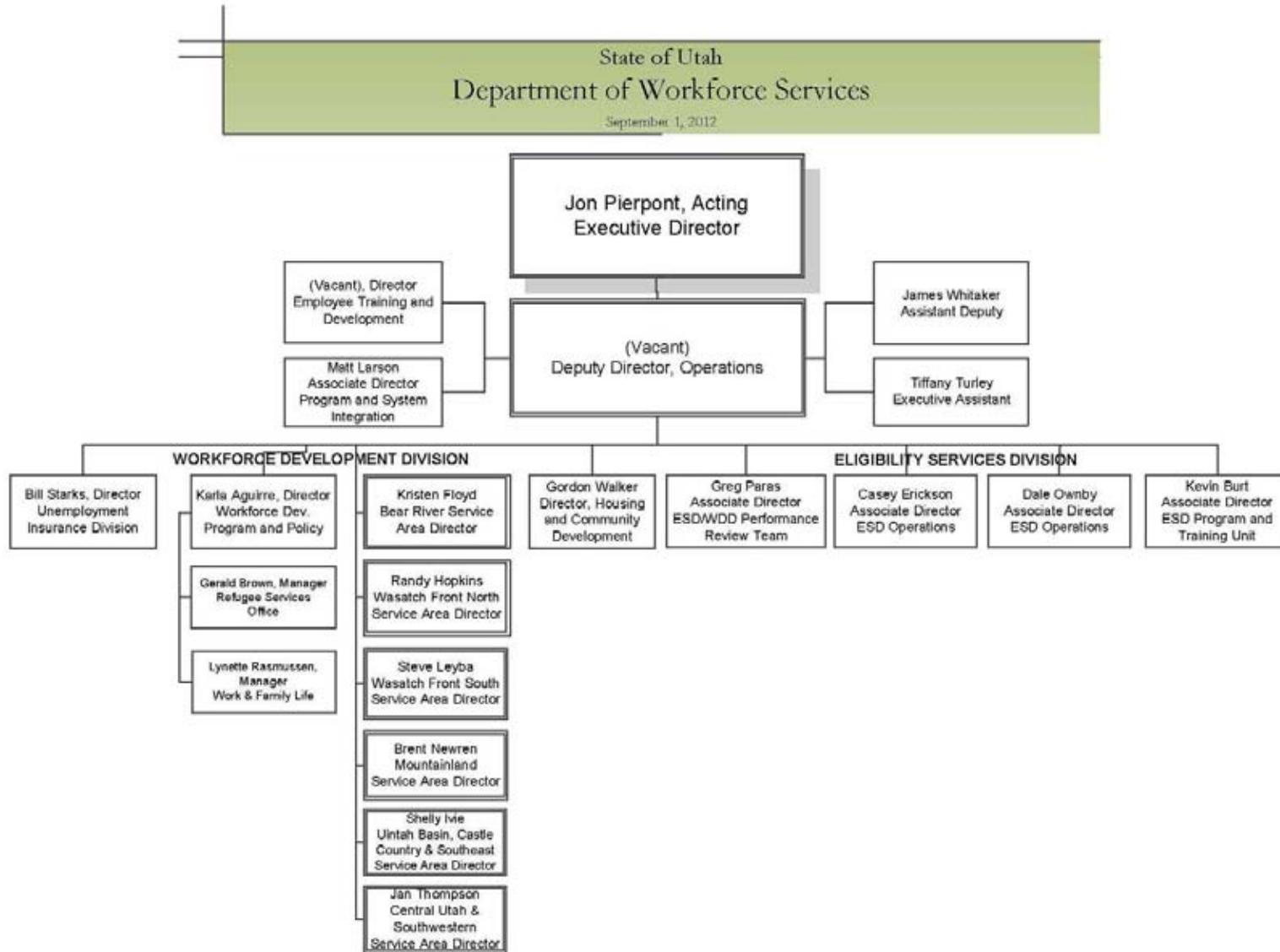
		efforts to hire outreach staff with MSFW experience for year-round positions and shall assign outreach staff to work full-time during the period of highest activity.  If a state proposes that its State Monitor Advocate work less than full-time, the state must submit, for approval by the Department, a plan for less than full-time work, demonstrating that the State MSFW Monitor Advocate function can be effectively performed with part-time staffing.	20 CFR 653.112(a) 20 CFR 653.108(d)(1)	
40	X	Merit-based public employees provide Wagner-Peyser Act-funded labor exchange activities in accordance with Departmental regulations.	W-P Sections 3(a), 5(b) 20 CFR 652.215 Intergov. Personnel Act 42 USC 4728(b)	
41	X	The state has designated at least one person in each state or federal employment office to promote and develop employment opportunities, job counseling, and placement for individuals with disabilities.	W-P Section 8(b) 20 CFR 652.211	
42	X	If a SWIB, department, or agency administers state laws for vocational rehabilitation of persons with disabilities, that board, department, or agency cooperates with the agency that administers Wagner-Peyser.	W-P Section 8(b) 20 CFR 652.211	

**Statement of Assurances Certification**

The State of Utah certifies on the 14 day of Sept. 2012 year that it complied with all required components of the Workforce Investment Act and Wagner-Peyser Act. The State of Utah also assures that funds will be spent in accordance with the Workforce Investment Act and the Wagner-Peyser Act and their regulations, written Department of Labor's guidance implementing these laws, and all other applicable federal and state laws and regulations.

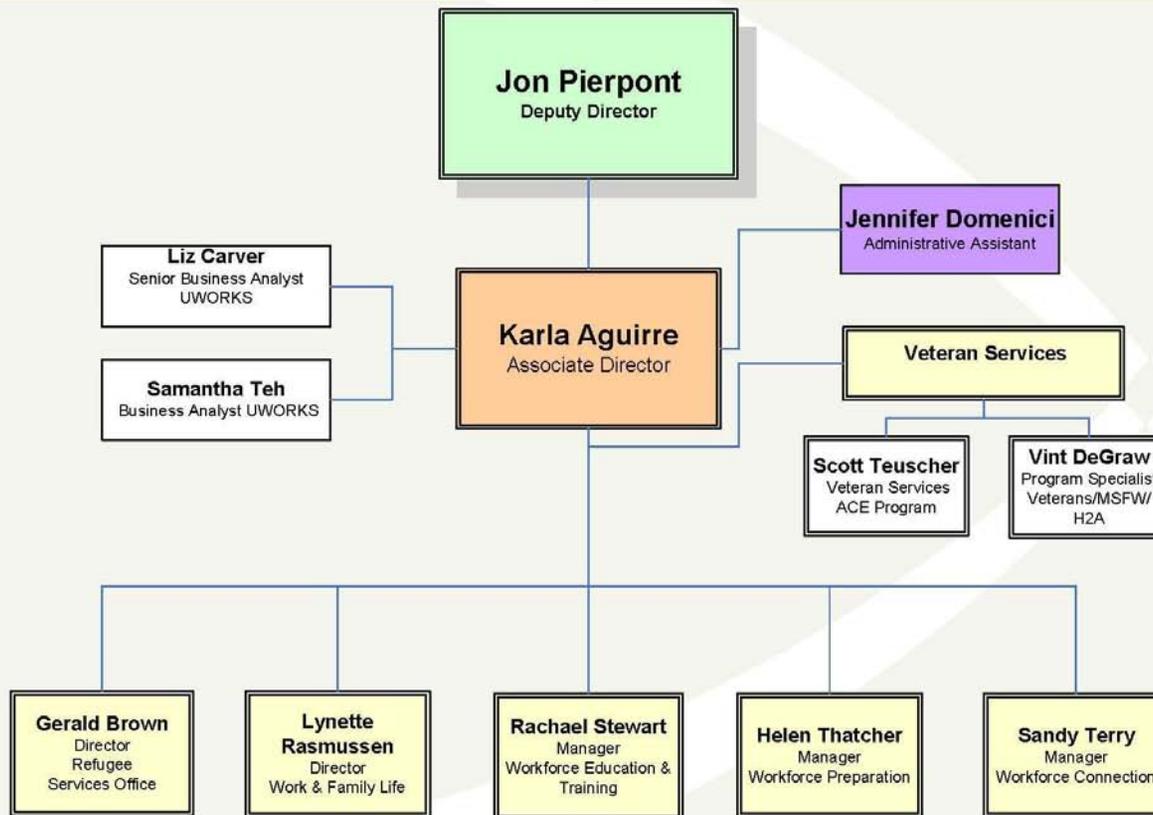
  
 \_\_\_\_\_  
 Jon S. Pierpont, Interim Executive Director  
 Governor's Designee (See Attachment D)

# ATTACHMENT A



# Workforce Development Division: Program and Training Unit

June 18, 2012



# ATTACHMENT B

MEMORANDUM OF UNDERSTANDING  
STATE OF UTAH  
ONE-STOP PARTNERS  
July 1, 2012 to June 30, 2017

## I. Introduction

A highly educated, skilled, and talented population will enable Utah to compete in the global economy. By working together, partners can identify current and future workforce skills, promote post-secondary education, develop lifelong learning strategies, and foster the entrepreneurship spirit for Utah citizens. The purpose of this Memorandum of Understanding (MOU) is to formalize cooperation and collaboration among partners. This MOU between Utah's State Workforce Investment Board (SWIB) and the One-Stop Partners is a requirement of the Workforce Investment Act of 1998. This MOU will establish guidelines for the One-Stop Operator and One-Stop Partners in creating and maintaining cooperative working relationships. The Department of Workforce Services is the designated One-Stop Operator.

## II. Strategic Vision and Goals

It is the vision of Utah's One-Stop Operator and the One-Stop Partners to render comprehensive services that will assist customers in obtaining basic literacy, postsecondary education and industry-recognized credentials and in securing employment in demand-driven occupations and industries. These services are designed to connect unemployed, under-employed and dislocated workers to good jobs commensurate with their demonstrated level of education and/or skill achievement. An important element is services to youth. The One-Stop Operator and One-Stop Partners will collaborate with employers and civic leaders to develop a workforce system that serves the neediest youth, such as youth aging out of foster care, those involved with the juvenile justice system, children of incarcerated parents, migrant youth, refugee youth, Native American youth, and youth with disabilities.

The goals of the One-Stop Operator and the One-Stop Partners are to:

- Identify and meet the needs of employers,
- Assist individuals to obtain or improve employment,
- Eliminate duplication of services,
- Reduce administrative costs,
- Enhance participation and performances of customers served through the system, and
- Improve customer satisfaction.

Achievement of these goals will allow Utah to continue building a workforce development system that prepares individuals for high demand, high growth employment in industry sectors and occupations that are vital for continued economic growth and that are essential for Utah and the Nation to compete in global markets.

### III. Authority

"The agreement is made pursuant to the authority granted under Utah Code Ann. 35A-4-312(5)(e) and (i) and Utah Admin. Code R986-100-109 and R986-100-110 (4)(g). All agencies, contractors, or third parties not specifically authorized to receive client information under the above referenced statutes and rules must obtain a signed release of information from the customer in accordance with R986-100-109 (3)."

### IV. Utah's One-Stop Partners Programs and Activities

**Department of Workforce Services:** (*One-Stop Operator*): Wagner-Peyser Act (29 U.S.C. 49 et seq.) Unemployment Insurance, Trade Act (19 U.S.C. 2271 et seq.), Workforce Investment Act, Veterans Services, Migrant and Seasonal Farm Workers, Child Care Resource and Referral, Child Care Development Fund, Refugee Programs, Temporary Assistance for Needy Families, and Food Stamp Employment and Training, Medicaid Eligibility, Social Security Act, (Title 42 Public Health & Welfare Chapter 7 Social Security), Work Opportunity Tax Credit Program (WOTC) under the Tax Relief and Health Care Act of 2006 (P.L. 109-432), Utah Cluster Acceleration Partnership, Low Income Home Energy Assistance Program, Community Services Block Grant, and Coordination with Housing Authorities in Utah

**Department of Heritage and Arts:** Indian Affairs and Multicultural Affairs for coordination purposes

**Governor's Office of Economic Development:** Utah Cluster Acceleration Partnership

**Utah State Office of Education:** Carl Perkins and Vocational and Technical Education Act (20 U.S.C. 2301 et seq.), Title II Adult Education and Family Literacy Act (20 U.S.C. 1201 et seq.)

**Utah State Office of Rehabilitation:** Programs under Title I of the Vocational Rehabilitation Act (29 U.S.C. 720 et seq.), Vocational Rehabilitation, and Client Assistance Program

**Utah System of Higher Education:** Higher Education Act, Utah Cluster Acceleration Partnership

**Utah College of Applied Technology:** Higher Education Act, Utah Cluster Acceleration Partnership

**Utah Department of Human Services:** Older Americans Act (42 U.S.C. 3056 et seq.)

**Senior Community Service Employment Program (SCSEP):** Older Americans Act (42 U.S.C. 3056 et seq.)

**Easter Seals-Goodwill Northern Rocky Mountain:** Older Americans Act (42 U.S.C. 3056 et seq.)

**Job Corps:** Workforce Investment Act

**Futures Through Training:** National Farmworker Jobs Program, Workforce Investment Act Section 167

### Memorandum of Understanding Provisions

#### **Services to be provided through the One-Stop Delivery System**

The Utah Department of Workforce Services, hereafter referred to as DWS, has been designated by the Governor to be the One-Stop Operator and the primary provider of services in the One-Stop Employment Centers. Currently, there are 33 One-Stop Employment Centers strategically located in the State of Utah. Each service area has at least one comprehensive employment center where customers can access the applicable core, intensive, and training services provided by the required One-Stop Partners. In addition to the One-Stop Employment Centers, job seekers and

employers can access required core services on-line at [www.jobs.utah.gov](http://www.jobs.utah.gov) twenty-four hours a day, seven days a week. Customers can also access information about One-Stop Partners' services by using the links to each One Stop Partner's web page that are available on [www.jobs.utah.gov](http://www.jobs.utah.gov). DWS and One-Stop Partners, through contractual agreement, will cross-train staff and co-locate staff as appropriate. Also, a network of affiliated sites will provide one or more of the programs, services, and activities of the One-Stop Partners, or these sites will at least provide information on the availability of core services in the local area and information regarding specialized centers that address specific needs.

DWS developed the UWORKS case management system to track core, intensive, and training services provided to customers and gather common measures data. DWS agrees to enter into individual MOU's with One-Stop Partners for limited information access to the UWORKS system. One-Stop Partners can gain access to the UWORKS system by completing a Third Party Request Form (Attachment C) and by being approved by the appropriate DWS authority. DWS agrees to provide access information and training on the appropriate UWORKS functions. All One-Stop Partners' staff, supervisors, and administrators will adhere to all Federal and State confidentiality rules. One-Stop Partners choosing to connect to the data system will be responsible for costs relating to purchasing and maintaining equipment and collecting data. Any costs incurred due to One-Stop Partners requesting additional development of the Client Tracking System will be borne by the requesting One Stop Partner. A feasibility study will be conducted to determine whether or not the cost incurred by additional development of the system is cost effective.

One-Stop Partners will be primarily responsible for providing those core services which they are authorized to deliver and for which they are provided funding. The applicable core services for each partner are identified in section 134(d)(2) of the WIA. DWS, as stipulated in the Wagner-Peyser Act, will provide Labor Exchange Services. Wagner-Peyser funds will be used to deliver core services. Temporary Assistance for Needy Families (TANF), Food Stamp Employment and Training, State, and WIA funds will be used by DWS to provide core, intensive, and training services. It is expected that the appropriate One-Stop Operator and One-Stop Partner staffs will be knowledgeable about all services provided at the One-Stop Employment Center and at affiliated sites. This will include cross-training of staff as appropriate. One-Stop Partners will be responsible for providing technical assistance and training to local One-Stop Employment Center staff as well to other One-Stop Partner staff not located in the Centers on referral processes and services related specifically to the respective One-Stop Partner. Customer pathways for obtaining core services from the One-Stop Partners will be developed locally.

One-Stop Partners will retain eligibility determination for their respective services whether co-located or connected through another method. Costs for core, intensive, and training services for customers who are determined to be best served by and eligible for a Partner's services or programs will be borne by the One-Stop Partner that is authorized and funded to deliver the service. If eligible, customers may receive non-duplicated services from multiple partners.

Additionally, pamphlets and other informational materials about One-Stop Partners' programs will be available to customers in every comprehensive One-Stop Center and affiliated sites. One-Stop Partners will be responsible for providing up-to-date materials about their programs and services.

The Department will provide workforce information (economic, wage, unemployment and employment statistics) in the One-Stop Employment Centers as well as through the DWS website. One-Stop Partners and the public will have access to the information. One-Stop Partners who request customized workforce information and reports will bear the cost.

One-Stop Partners are responsible for informing each other when or if the availability of a service may be affected by a funding shortfall or by program and policy changes. The following matrix identifies the agencies that will form the comprehensive One-Stop System, along with their various services and funding resources that each will bring to the operation:

SERVICES	AGENCIES	REVENUE SOURCE
<p><b>CORE</b></p> <ul style="list-style-type: none"> <li>• <b>INTAKE</b></li> </ul>	<p>Department of Workforce Services, Utah State Office of Rehabilitation, Department of Human Services, Senior Community Service Employment Program (SCSEP), Easter Seals-Goodwill Northern Rocky Mountain, Utah State Office of Education, Utah System of Higher Education, Utah College of Applied Technology, Futures Through Training Weber Basin/Clearfield Job Corp</p>	<p>TANF, Wagner-Peyser, WIA, Child Care Development Fund, Food Stamps, UI, Refugee &amp; Veterans, NAFTA/TAA, WOTC, Medicaid Eligibility, Rehabilitation Act, CSBG, HUD, Ethnic Offices, Low Income Home Energy Assistance. Title V - Older American's Act, Carl Perkins Applied Technology Education, WIA Title II Adult Education, Pell Grants, National Farmworker Jobs Program</p>
<ul style="list-style-type: none"> <li>• <b>ELIGIBILITY</b></li> </ul>	<p>Department of Workforce Services, Utah Office of Rehabilitation, Department of Human Services, Senior Community Service Employment Program (SCSEP) Easter Seals-Goodwill Northern Rocky Mountain, Utah State Office of Education, Utah System of Higher Education, Futures Through Training, Utah College of Applied Technology, Futures Through Training, Clearfield/Weber Basin Job Corp</p>	<p>TANF, Wagner-Peyser, WIA, Child Care Development Fund, Food Stamps, UI, Refugee &amp; Veterans, NAFTA/TAA, Medicaid Eligibility, Rehabilitation Act, CSBG, HUD, Ethnic Offices, Low Income Home Energy Assistance. Title V, Older American's Act, Carl Perkins Applied Technology Education, WIA Title II Adult Education, Pell Grants, National Farmworker Jobs Program</p>

SERVICES	AGENCIES	REVENUE SOURCE
<ul style="list-style-type: none"> <li>• INITIAL ASSESSMENT OF SKILL LEVELS, APTITUDES, ABILITIES, AND SUPPORTIVE SERVICE NEEDS</li>   <li>• EMPLOYMENT STATISTICS</li>   <li>• INFORMATION ON PERFORMANCE MEASURES</li>   <li>• SUPPORTIVE SERVICE INFORMATION</li> </ul>	<p>Department of Workforce Services, Utah State Office of Rehabilitation, Department of Human Services, Senior Community Service Employment Program (SCSEP), Easter Seals-Goodwill Northern Rocky Mountain, Utah State Office of Education, Utah System of Higher Education, Utah College of Applied Technology, Futures Through Training, Clearfield/Weber Basin Job Corp</p> <p>Department of Workforce Services</p> <p>Department of Workforce Services, with supporting data provided as appropriate by partners</p> <p>Department of Workforce Services</p>	<p>TANF, Wagner-Peyser, WIA, Child Care Development Fund, Food Stamps, UI, Refugee &amp; Veterans, NAFTA/TAA, Medicaid Eligibility, Rehabilitation Act, CSBG, HUD, Ethnic Offices, Low Income Home Energy Assistance. Title V, Older American's Act, Carl Perkins Applied Technology Education, WIA Title II Adult Education, Pell Grants, National Farmworker Jobs Program</p> <p>TANF, Wagner-Peyser, WIA, Child Care Development Fund, Food Stamps, UI, Refugee &amp; Veterans, NAFTA/TAA</p> <p>TANF, Wagner-Peyser, WIA, Child Care Development Fund, Food Stamps, UI, Refugee &amp; Veterans, NAFTA/TAA</p> <p>TANF, Wagner-Peyser, WIA, Child Care Development Fund, Food Stamps, UI, Refugee &amp; Veterans, NAFTA/TAA</p>
<ul style="list-style-type: none"> <li>• FOLLOW-UP SERVICES</li> </ul>	<p>Department of Workforce Services, Utah State Office of Rehabilitation, Department of Human Services, Senior Community Service Employment Program (SCSEP), Easter Seals-Goodwill Northern Rocky Mountain, Utah State Office of Education, Utah System of Higher Education, Utah College of Applied Technology, Futures Through Training, Clearfield/Weber Basin Job Corp</p>	<p>TANF, Wagner-Peyser, WIA, Child Care Development Fund, Food Stamps, UI, Refugee &amp; Veterans, NAFTA/TAA, WOTC, Medicaid Eligibility, Rehabilitation Act, CSBG, HUD, Ethnic Offices, Low Income Home Energy Assistance. Title V, Older American's Act, Carl Perkins Applied Technology Education, WIA Title II Adult Education, Pell Grants, National Farmworker Jobs Program</p>

SERVICES	AGENCIES	REVENUE SOURCE
<ul style="list-style-type: none"> <li>• <b>JOB SEARCH AND PLACEMENT ASSISTANCE AND CAREER COUNSELING</b></li> </ul>	<p>Department of Workforce Services, Utah State Office of Rehabilitation, Department of Human Services, Senior Community Service Employment Program (SCSEP), Easter Seals-Goodwill Northern Rocky Mountain, Utah State Office of Education, Utah College of Applied Technology, Futures Through Training, Clearfield/Weber Basin Job Corp</p>	<p>TANF, Wagner-Peyser, WIA, Child Care Development Fund, Food Stamps, UI, Refugee &amp; Veterans, NAFTA/TAA, WOTC, Medicaid Eligibility, Rehabilitation Act, CSBG, HUD, Ethnic Offices, Low Income Home Energy Assistance. Title V, Older American's Act, Carl Perkins Applied Technology Education, Pell Grants, National Farmworker Jobs Program</p>
<ul style="list-style-type: none"> <li>• <b>UNEMPLOYMENT INSURANCE INFORMATION</b></li> </ul>	<p>Department of Workforce Services</p>	<p>UI</p>
<p><b>INTENSIVE</b></p>		
<ul style="list-style-type: none"> <li>• <b>COMPREHENSIVE AND SPECIALIZED ASSESSMENT</b></li> </ul>	<p>Department of Workforce Services, Utah State Office of Rehabilitation, Department of Human Services, Senior Community Service Employment Program (SCSEP), Easter Seals-Goodwill Northern Rocky Mountain, Utah State Office of Education, Futures Through Training</p>	<p>TANF, Wagner-Peyser, WIA, Child Care Development Fund, Food Stamps, UI, Refugee &amp; Veterans, NAFTA/TAA, WOTC, Medicaid Eligibility, Rehabilitation Act, CSBG, HUD, Ethnic Offices, Low Income Home Energy Assistance. Title V, Older American's Act, Carl Perkins Applied Technology Education, WIA Title II Adult Education, Pell Grants, National Farmworker Jobs Program</p>
<ul style="list-style-type: none"> <li>• <b>DEVELOPMENT OF INDIVIDUAL EMPLOYMENT PLANS</b></li> </ul>	<p>Department of Workforce Services, Utah State Office of Rehabilitation, Department of Human Services, Senior Community Service Employment Program (SCSEP), Easter Seals-Goodwill Northern Rocky Mountain, Utah State Office of Education, Utah System of Higher Education, Futures Through Training, Clearfield/Weber Basin Job Corp</p>	<p>TANF, Wagner-Peyser, WIA, Child Care Development Fund, Food Stamps, UI, Refugee &amp; Veterans, NAFTA/TAA, Medicaid Eligibility, Rehabilitation Act, CSBG, HUD, Ethnic Offices, Low Income Home Energy Assistance. Title V, Older American's Act, Carl Perkins Applied Technology Education, WIA Title II Adult Education, Pell Grants, National Farmworker Jobs Program</p>

SERVICES	AGENCIES	REVENUE SOURCE
<ul style="list-style-type: none"> <li>• <b>GROUP COUNSELING</b></li> </ul>	Department of Workforce Services, Utah State Office of Rehabilitation, Department of Human Services, Senior Community Service Employment Program (SCSEP), Easter Seals-Goodwill Northern Rocky Mountain, Utah State Office of Education, Utah System of Higher Education	TANF, Wagner-Peyser, WIA, Child Care Development Fund, Food Stamps, UI, Refugee & Veterans, NAFTA/TAA, Rehabilitation Act, CSBG, HUD, Ethnic Offices, Low Income Home Energy Assistance. Title V, Older American's Act, Carl Perkins Applied Technology Education, WIA Title II Adult Education, Pell Grants
<ul style="list-style-type: none"> <li>• <b>INDIVIDUAL COUNSELING AND CAREER PLANNING</b></li> </ul>	Department of Workforce Services, Utah State Office of Rehabilitation, Department of Human Services, Senior Community Service Employment Program (SCSEP), Easter Seals-Goodwill Northern Rocky Mountain, Utah State Office of Education, Utah System of Higher Education, Utah College of Applied Technology, Futures Through Training, Clearfield/Weber Basin Job Corp	TANF, Wagner-Peyser, WIA, Child Care Development Fund, Food Stamps, UI, Refugee & Veterans, Medicaid Eligibility, NAFTA/TAA, WOTC, Rehabilitation Act, CSBG, HUD, Ethnic Offices, Low Income Home Energy Assistance. Title V, Older American's Act, Carl Perkins Applied Technology Education, WIA Title II Adult Education, Pell Grants, National Farmworker Jobs Program
<ul style="list-style-type: none"> <li>• <b>CASE MANAGEMENT</b></li> </ul>	Department of Workforce Services, Utah State Office of Rehabilitation, Department of Human Services, Senior Community Service Employment Program (SCSEP), Easter Seals-Goodwill Northern Rocky Mountain, Utah State Office of Education, Utah System of Higher Education, Utah College of Applied Technology, Futures Through Training, Clearfield/Weber Basin Job Corp	TANF, Wagner-Peyser, WIA, Child Care Development Fund, Food Stamps, UI, Refugee & Veterans, NAFTA/TAA, Medicaid Eligibility, Rehabilitation Act, CSBG, HUD, Ethnic Offices, Low Income Home Energy Assistance. Title V, Older American's Act, Carl Perkins Applied Technology Education, WIA Title II Adult Education, Pell Grants, National Farmworker Jobs Program

SERVICES	AGENCIES	REVENUE SOURCE
<ul style="list-style-type: none"> <li>• <b>SHORT-TERM PRE-VOCATIONAL SERVICES</b></li> </ul>	Department of Workforce Services, Utah State Office of Rehabilitation, Department of Human Services, Senior Community Service Employment Program (SCSEP), Easter Seals-Goodwill Northern Rocky Mountain, Utah State Office of Education, Utah System of Higher Education, Utah College of Applied Technology, Futures Through Training Clearfield/Weber Basin Job Corp	TANF, Wagner-Peyser, WIA, Child Care Development Fund, Food Stamps, UI, Refugee & Veterans, NAFTA/TAA, Medicaid Eligibility, Rehabilitation Act, CSBG, HUD, Ethnic Offices, Low Income Home Energy Assistance. Title V, Older American's Act, Carl Perkins Applied Technology Education, WIA Title II Adult Education, Pell Grants, National Farmworker Jobs Program
<b>TRAINING</b> <ul style="list-style-type: none"> <li>• <b>OCCUPATIONAL SKILLS TRAINING</b></li> </ul>	Department of Workforce Services, Utah State Office of Rehabilitation, Governor's Office of Economic Development, Department of Human Services, Senior Community Service Employment Program (SCSEP), Easter Seals-Goodwill Northern Rocky Mountain Utah State Office of Education, Utah System of Higher Education, Utah College of Applied Technology, Futures Through Training, Clearfield/Weber Basin Job Corp	TANF, Wagner-Peyser, WIA, Child Care Development Fund, Food Stamps, UI, Refugee & Veterans, NAFTA/TAA, Rehabilitation Act, CSBG, HUD, Ethnic Offices, Low Income Home Energy Assistance. Title V, Older American's Act, Carl Perkins Applied Technology Education, Pell Grants, National Farmworker Jobs Program

SERVICES	AGENCIES	REVENUE SOURCE
<ul style="list-style-type: none"> <li>• <b>WORKPLACE TRAINING WITH RELATED INSTRUCTION</b></li> </ul>	Department of Workforce Services, Utah State Office of Rehabilitation, Governor's Office of Economic Development, Department of Human Services, Senior Community Service Employment Program (SCSEP), Easter Seals of Utah, Utah State Office of Education, Utah System of Higher Education, Utah College of Applied Technology, Futures Through Training, Clearfield/Weber Basin Job Corp	TANF, Wagner-Peyser, WIA, Child Care Development Fund, Food Stamps, UI, Refugee & Veterans, NAFTA/TAA, WOTC, Rehabilitation Act, CSBG, HUD, Ethnic Offices, Low Income Home Energy Assistance. Title V, Older American's Act, Carl Perkins Applied Technology Education, WIA Title II Adult Education, Pell Grants, National Farmworker Jobs Program
<ul style="list-style-type: none"> <li>• <b>SKILL UPGRADING AND RETRAINING</b></li> </ul>	Department of Workforce Services, Utah State Office of Rehabilitation, Governor's Office of Economic Development, Department of Human Services, Senior Community Service Employment Program (SCSEP), Easter Seals-Goodwill Northern Rocky Mountain, Utah State Office of Education, Utah System of Higher Education, Utah College of Applied Technology, Futures Through Training, Clearfield/Weber Basin Job Corp	TANF, Wagner-Peyser, WIA, Child Care Development Fund, Food Stamps, UI, Refugee & Veterans, NAFTA/TAA, Rehabilitation Act, CSBG, HUD, Ethnic Offices, Low Income Home Energy Assistance. Title V, Older American's Act, Carl Perkins Applied Technology Education, Pell Grants, National Farmworker Jobs Program

SERVICES	AGENCIES	REVENUE SOURCE
<ul style="list-style-type: none"> <li>• <b>ENTREPRENEURIAL TRAINING</b></li> </ul>	Department of Workforce Services, Utah State Office of Rehabilitation, Governor's Office of Economic Development, Department of Human Services, Senior Community Service Employment Program (SCSEP), Easter Seals-Goodwill Northern Rocky Mountain, Utah State Office of Education, Utah System of Higher Education, Utah College of Applied Technology, Futures Through Training, Clearfield/Weber Basin Job Corp	TANF, Wagner-Peyser, WIA, Child Care Development Fund, Food Stamps, UI, Refugee & Veterans, NAFTA/TAA, Rehabilitation Act, CSBG, HUD, Ethnic Offices, Low Income Home Energy Assistance. Title V, Older American's Act, Carl Perkins Applied Technology Education, Pell Grants, National Farmworker Jobs Program
<ul style="list-style-type: none"> <li>• <b>ADULT EDUCATION AND LITERACY</b></li> </ul>	Department of Workforce Services, Utah State Office of Rehabilitation, Department of Human Services, Senior Community Service Employment Program (SCSEP), Easter Seals-Goodwill Northern Rocky Mountain, Utah State Office of Education,	TANF, Wagner-Peyser, WIA, Child Care Development Fund, Food Stamps, UI, Refugee & Veterans, NAFTA/TAA, Rehabilitation Act, CSBG, HUD, Ethnic Offices, Low Income Home Energy Assistance. Title V, Older American's Act, Carl Perkins Applied Technology Education, WIA Title II Adult Education, Pell Grants

### VI. Equal and Effective Access

The One-Stop Operator and One-Stop Partners agree to operate under the requirements of the Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified persons with disabilities. Additionally, all parties agree to comply with Section 188 of the Workforce Investment Act and Title VI of the Civil Rights Act as well as guidance regarding services and access for persons with limited English proficiency, to the extent they apply for coordinated services from all parties. Specific guidance is provided at Part IV, Department of Labor, Federal Register/Volume 68, No. 103, issued Thursday, May 29, 2003, and the Department of Health and Human Services Federal Register/Volume 65, No. 169, August 30, 2000. This agreement shall not be construed as an express or implied waiver of any immunity the State of Utah or One-Stop Operator and One-Stop Partners enjoys from lawsuits brought under the provisions of the ADA.

## **VII. Referral Process**

Initial assessments will be completed with customers by DWS or a One-Stop Partner's staff. Appropriate staff, in consultation with the customer, determines which one of the required Partners will provide the core, intensive, and training services that best meet the needs of the customer. If it is determined that a customer's needs can be better served by another required One-Stop Partner, a referral will be made to the appropriate Partner. Customers will be able to learn about core services provided by One-Stop Partners by accessing either DWS' or the One-Stop Partners' websites.

A variety of written and electronic methods will be utilized to ensure efficient and effective referrals between One-Stop Partners. Local relationships and pathways are in place to meet the needs of local service areas. Customers will sign a Release of Information when their information is to be shared between Partners. All parties will adhere to current Federal, State, and Department confidentiality rules and regulations.

## **VIII. One-Stop System Performance Criteria**

It is agreed that the One-Stop Service Delivery partners will strive to achieve the following standard of quality service for their customers, employees, and partners.

All customers will receive:

1. Prompt and courteous customer service, and
2. Appropriate services, education, and training that will help them to reach their employment goals.

All partners will:

1. Deliver high quality services through the One-Stop system, and
2. Obtain customer feedback to determine whether or not the services rendered meet their needs and to determine the level of customer satisfaction.

## **IX. Cost Allocation**

DWS will follow its cost allocation plan as approved by the Department of Health and Human Services. The cost allocation plan has also been approved by the Federal Departments of: Labor, Education, and Agriculture for core, intensive, and training services specifically provided by DWS. Costs of unique services provided by a One-Stop Partner that are not generally available to all customers in the One-Stop Employment Centers will be borne by that respective partner. In general, costs relating to this MOU will be allocated in compliance with the Office of Management and Budget Circular A-87, Education Department General Administrative Regulations (EDGAR) and Department of Health and Human Service (DHHS), Department of Labor (DOL) and Department of Education (DOE) interpretation letters and in accordance with the approved DWS cost allocation plans. Multiple funding streams will fund programs and services that are delivered by One-Stop Partners that are part of DWS. These consist of TANF, Food Stamp Employment and Training, WIA, and State funds. When appropriate, these funds will provide core, intensive, and training services. Wagner-Peyser funds will be used to fund

core services. The costs incurred by DWS in delivering DWS services will be allocated back to individual funding sources using the Random Moment Time Sampling (RMTS) cost allocation method.

One-Stop Partners will collaborate but will retain their own identity and control their own resources and remain autonomous while working with other Partner agencies to provide core services through the One-Stop system in accordance with 20 C.F.R. part 662. Each Partner will perform the functions and provide the services as mandated by state and federal statute. These Partners will continue to maintain their own individual program delivery, personnel, accounting, and other management systems. Each One-Stop Partner will pay for its own fixed and variable costs as direct charges.

#### **X. Conflict Resolution and Grievance Procedures**

The One-Stop Operator and/or the One-Stop Partner's management team will handle conflicts and grievances. All partners must have a current grievance procedure in accordance with 20 CFR Part 667 § 600 and 29 CFR Part 37.

#### **XI. Duration and Modification of Plan**

At any time, any One-Stop Partner may request amendments to the MOU in writing. However, the One-Stop Partners must agree upon the amendments before presenting them to the State Workforce Investment Board. All requests will be presented to the State Workforce Investment Board for final approval. The Memorandum of Understanding will be in effect July 1, 2012, and it will remain in effect until June 30, 2017, except as amended through the revision process. If a One-Stop Partner does not sign the MOU, the Chair of the State Workforce Investment Board will notify the Governor. If the impasse cannot be resolved between the Partners through negotiation or mediation, the Governor will notify the Secretary of Labor and the national office of the Partner who has not signed the MOU. The Governor can remove required One-Stop Partners who do not sign the MOU from the Board. Oversight of this MOU will be the responsibility of the SWIB.

#### **XII. Special Provisions**

Should Youth Opportunity grants be awarded in Utah, a separate MOU will be written, and the five-year State Plan will be modified.

The Utah State Office of Rehabilitation (USOR) and DWS have developed and funded a joint partnership (Choose to Work) to contact employers for the purpose of developing jobs for individuals with disabilities. In addition, a State cooperative agreement, as required under WIA Title IV, has been developed. This agreement provides specific guidelines for the coordination of services between the two agencies.

DWS will comply with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 701 et. seq., which prohibits discrimination on the basis of handicap; and the Americans with Disabilities Act,

42 U.S.C. 12101 et. seq., and 29 CFR 1630, which provides that no qualified individual with a disability, by reason of such disability, be denied employment, be excluded from participation in, or be denied the benefits of services, programs, or activities. This agreement shall not be construed as an expressed or implied waiver of any immunity the State of Utah or One-Stop Operator and One-Stop Partners enjoys from lawsuits brought under the provisions of the ADA.

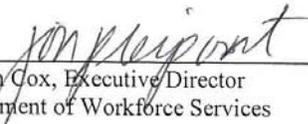
Utah has no formula Welfare to Work (WtW) grant at this time. However, should the state apply and be awarded a formula Welfare to Work grant, DWS will be the recipient

DWS has established a service delivery pathway that provides customers access to training services based on customer need, eligibility, and funding availability. Before customers can access training, DWS must provide core services, which include job search, initial assessment, eligibility, and supportive services. However, if the customer is unable to obtain employment through core services and he or she meets the eligibility requirements, then he or she can receive intensive services, such as comprehensive and specialized assessment, individualized employment planning, individual or group counseling and career planning, or case management services. If the customer remains unemployed after receiving intensive services, then the customer may be eligible to receive training funds to increase his/her skills so that he/she can obtain appropriate employment. DWS will assist customers who are underemployed to find employment that is consistent with the customers' demonstrated level of education and/or skill attainment. Local pathways must be integrated, efficient, and streamlined so that the customers can access the variety of services provided by all required partners and other resources in the community that will support and enhance the customers' attachment to appropriate employment. It is essential for Utah's economic growth and for remaining competitive in the global economy that the One-Stop Operator and One-Stop Partners collaborate to develop a talent bank of workers who have post-secondary credentials and high tech skills.

The philosophy of DWS regarding training in a work first environment is to develop a workforce investment system that encourages entrepreneurs, motivates customers to obtain postsecondary education credentials, promotes lifelong learning, attracts high technology businesses and creates economic security for workers and families. DWS's goal in providing training services to customers is to enable them to connect to the high growth; high demand occupations that will afford them the opportunity to increase employment, increase earnings, and increase job retention. In addition to WIA training funds, DWS has allocated TANF funds for customers who are determined eligible for and in need of training services. Training dollars are also available for eligible Dislocated.

DWS and the State Workforce Investment Board (SWIB) concluded that an "umbrella" Memorandum of Understanding (MOU), being more general in nature, would work best to set direction with enough flexibility so each Economic Service Area (ESA) Director could develop a Local Partnership Agreement (LPA) with each required partner set by the Workforce Investment Act. It is expected that each DWS ESA Director and partners will address the unique needs of their diverse populations. Using the directions in the State MOU, ESA Directors and Partners shall develop the unique aspects of the service pathways and referral processes for all customers. Shared costs for specific service delivery are to be negotiated at the local level and approved by DWS advisory groups and Applied Technology College and Service Region Governing Boards.

**SIGNATURE PAGE**

  
\_\_\_\_\_  
Kristen Cox, Executive Director  
Department of Workforce Services

Date: 7/6/12

  
\_\_\_\_\_  
Richard Thorn, Chair  
State Workforce Investment Board

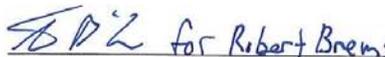
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Spencer Eccles, Executive Director  
Governor's Office of Economic Development

Date: \_\_\_\_\_

  
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William Sederburg, Commissioner  
Utah System of Higher Education

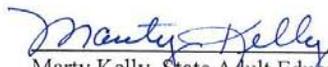
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Robert O. Brems, President  
Utah College of Applied Technology

Date: 6/20/12

  
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Larry Shumway, State Superintendent  
Utah Office of Education

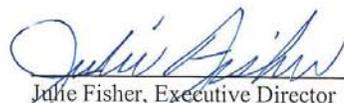
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Marty Kelly, State Adult Education Director  
Utah Office of Education

Date: 6/20/12

  
\_\_\_\_\_  
Don Uchida, Executive Director  
Utah State Office of Rehabilitation

Date: 6-20-12

  
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Julie Fisher, Executive Director  
Department of Heritage and Arts

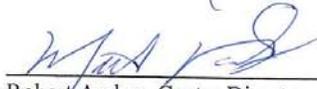
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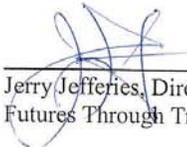
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Palmer DePaulis, Executive Director  
Department of Human Services

\_\_\_\_\_ Date: \_\_\_\_\_  
Janet Wade, Project Director  
Easter Seals-Goodwill Northern Rocky Mountain

  
\_\_\_\_\_ Date: JUNE 25 2012  
Darren Hottton, Program Director  
Senior Community Service Employment Program (SCSEP)

  
\_\_\_\_\_ Date: June 22 2012  
~~Robert Archer, Center Director~~ Matt Nielsen   
Weber Basin Job Corps

  
\_\_\_\_\_ Date: 6/25/12  
Jessica Joiner, Center Director  
Clearfield Job Corps

  
\_\_\_\_\_ Date: 6/22/12  
Jerry Jefferies, Director  
Futures Through Training, Inc.

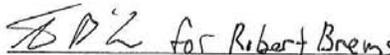
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Department of Workforce Services

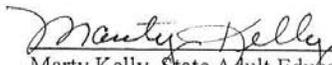
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 \_\_\_\_\_ Date: 6/20/12  
Julie Fisher, Executive Director  
Department of Heritage and Arts

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Palmer DePaulis, Executive Director  
Department of Human Services

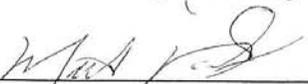
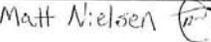
Date: 6/25/12

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Janet Wade, Project Director  
Easter Seals-Goodwill Northern Rocky Mountain

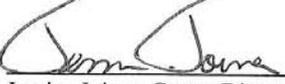
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Darren Hotton, Program Director  
Senior Community Service Employment Program (SCSEP)

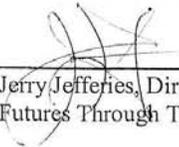
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~~Robert Archer~~, Center Director  Matt Nielsen   
Weber Basin Job Corps

Date: June 22 2012

  
\_\_\_\_\_  
Jessica Joiner, Center Director  
Clearfield Job Corps

Date: 6/25/12

  
\_\_\_\_\_  
Jerry Jefferies, Director  
Futures Through Training, Inc.

Date: 6/22/12

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\_\_\_\_\_ Date: \_\_\_\_\_  
Palmer DePaulis, Executive Director  
Department of Human Services

*Janet E Wade*  
\_\_\_\_\_ Date: *6/20/2012*  
Janet Wade, ~~Project Director~~ *Director of Utah Services SW*  
Easter Seals-Goodwill Northern Rocky Mountain  
*-Goodwill Northern Rocky Mountain SW*

\_\_\_\_\_ Date: \_\_\_\_\_  
Darren Hotton, Program Director  
Senior Community Service Employment Program (SCSEP)

\_\_\_\_\_ Date: \_\_\_\_\_  
Robert Archer, Center Director  
Weber Basin Job Corps

\_\_\_\_\_ Date: \_\_\_\_\_  
Jessica Joiner, Center Director  
Clearfield Job Corps

\_\_\_\_\_ Date: \_\_\_\_\_  
Jerry Jefferies, Director  
Futures Through Training, Inc.

**Attachment C**  
**State of Utah DWS Integrated State Plan**  
**Change and Public Comment Summary**  
*Public Comment Period: 07/25/12 to 08/24/12*

Section / Page	Comment / Question	Response
Overall	<p>—I jst found the integrated Workforce plan. I am a foster mom of five refugee teenage boys and I have been looking for ways to help them find jobs, internships and even volunteer places to help with jobs. I would like to help anyway I can. I just started reading the plan, but I wanted to offer my help. Thank you, Nicole”  Nicole Cropper</p>	<p>—Nicole, Thank you so much for your response. It appears that you are not only an asset to your sons but also to the community as a whole. We have a program available to eligible youth that assists with internships, completing high school/GED, and becoming work ready. I have included the link showing each of our offices. Please feel free to contact a youth employment counselor in your area. If you need additional assistance or I can be of further help, please let me know. Offices:  <a href="http://jobs.utah.gov/Regions/ec.html">http://jobs.utah.gov/Regions/ec.html</a>  Thanks, Sarah”  Sarah Tolbert</p>
SCSEP / Page 53	<p>—Hi, Sarah- I have reviewed the document and wonder about the partnership with Easter Seals. Can you explain how that came about? Easter Seals is not really an active player in the nonprofit community here in Utah and, until recently, they did not even have an office here. Their focus is on people with autism and people with disabilities. Whatever insight you could give me would be appreciated. Thanks. Deborah”  Deborah S. Bayle, President and CEO, United Way of Salt Lake</p>	<p>—Dar Deborah, The SCSEP Program requires two providers of service for SCSEP training (State and National grantees). The National grantee that won the contract was Easter Seals Rocky Mountain. They provide SCSEP services in 28 Utah counties and several states. Thank you, Darren H”  Darren Hotton, Program Manager, Division of Aging &amp; Adult Services</p>

# ATTACHMENT D



STATE OF UTAH  
OFFICE OF THE GOVERNOR  
SALT LAKE CITY, UTAH  
84114-2220

GARY R. HERBERT  
GOVERNOR

GREG BELL  
LIEUTENANT GOVERNOR

September 10, 2012

Ms. Kimberly Vitelli  
Division of Workforce System Support  
Employment and Training Administration  
U.S. Department of Labor  
200 Constitution Avenue, NW, room S-4231  
Washington, D.C. 20210

Dear Ms. Vitelli,

As Governor, I certify that, for the State of Utah, the agency and official listed on the attached document has been duly designated to represent the state in the capacities indicated for the Workforce Investment Act, Title I, and the Wagner-Peyser Act grant programs. Subsequent changes in the designations of officials will be provided to the U.S. Department of Labor as such changes occur.

I further certify that Utah will operate its Workforce Investment Act and Wagner-Peyser Act programs in accordance with this plan and the assurances therein.

Sincerely,

A handwritten signature in black ink that reads "Gary R. Herbert".

Gary R. Herbert  
Governor

**Program Administration Designee and Plan Signature**

Name of WIA Title I Grant Recipient Agency,  
Name of WIA Title I Administrative Agency,  
Name of WIA Title I Liaison,  
Name of Wagner-Peyser Act Grant Recipient/State Employment Security Agency, and  
Name of Title of State MEmployment Security Administrator (Signatory Official)

Jon Pierpont, Acting Executive Director  
Utah Department of Workforce Services  
140 East 300 South  
Salt Lake City, Utah 84111  
(801) 526-9210 office  
(801) 526-9211 fax  
jpierpo@utah.gov

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**Attachment E**  
**DEPARTMENT OF WORKFORCE SERVICES**  
**Workforce Investment Act and Wagner-Peyser Integrated State Plan PY 2012**

**Request for Waiver Extension**  
**Individual Training Accounts for WIA Eligible Youth**

Utah requests a waiver of the statutory exclusion and regulatory prohibition of using Individual Training Accounts (ITAs) for youth. The Department of Workforce Services (DWS), the administrative entity for the Workforce Investment Act (WIA), requests this waiver as an effort to create efficiency, and in consideration of precedents set by approval of similar waivers requested by Indiana, Kentucky, Georgia, Texas, and Pennsylvania.

Under WIA, the focus of youth programs has changed from the provision of short-term, stand alone programs to providing year-round, long-term services designed to assist both in-school and out-of-school youth in making the transition to post-secondary training and careers. DWS believes the intent of this regulation is viable; however, DWS does not feel that contracted year-round youth programs are the best and only training vehicle for certain individuals within Utah's youth population.

With the focus of Common Measures moving states toward serving out-of-school youth at an increased level, the use of ITAs for this population will provide more flexibility in service delivery. The real-life informed decision-making involved in using ITAs and the Eligible Training Provider list would provide eligible youth with the experience of responsibility that is necessary as they transition to adulthood.

WIA requires local areas to make available a menu of ten program elements to eligible youth, specified at 20 CFR 664.410. DWS feels the intent of this regulation is practical for successful outcomes for youth. Youth service providers will be required to comply with ITA policy and procedures. It is not DWS' intent to request this waiver to circumvent the requirements of WIA, but rather to bring service delivery for youth closer to the intent of WIA and to serve customers efficiently according to their individual need.

***Waiver Plan:***

The waiver request format follows WIA Section 189(i)(4)(B) and 20 CFR 661.420.

**1. Statutory regulations to be waived:**

WIA Sections 122, 123, and (c)(2)&(3)(A)(iii) as well as 20 CFR 664.510 detail the expected service delivery of youth programs. DWS requests waiver of these regulations allowing for increased flexibility in service delivery.

**2. Describe actions the state has undertaken to remove state or local statutory or regulatory barriers:**

Upon notification of approval of the original waiver request, state rules, policies and procedures were developed and implemented in order to comply with the terms of the waiver. Necessary mechanisms were instituted at the time of the original waiver approval that ensured effective use of ITAs for youth, including an outline of specific actions that the State Youth Council on Workforce Services and the SWIB take to ensure appropriate use of ITAs for youth.

**3. Waiver goals and measurable programmatic outcomes, if the waiver is granted:**

- Ensure the State has the flexibility to design and deliver programs based on the needs of customers in the service areas.
- Reduce the paperwork and tracking processes required with dual enrollment.
- Youth experience the impact of informed decision-making that has a direct impact on his or her life.
- Access to the Approved Training Provider list offers case managers the opportunity to discuss the process of decision-making (training provider, finances, etc.) and the results that ensue.
- Youth have access to a wide variety of training providers to assist them in becoming successful in the 21st Century Workforce.
- Provides for and promotes customer choice.
- Maximizes flexibility based on youth customers' assessed needs in terms of training that leads to self-sufficiency in high growth industries and occupations.
- Flexibility in service delivery
- Youth will have access to training providers which, in turn ensures their success in the changing economic conditions of the State

**4. Describe any individuals affected by the waiver:**

- Wider variety of providers for youth in pursuit of post-secondary education and training
- Flexibility of services offered by youth providers, and reduction of unnecessary paperwork
- Approved Training Providers will have the opportunity to serve eligible youth

**5. Describe the processes used to:**

**a. Monitor the progress in implementing the waiver:**

DWS is the State administrative entity for the Workforce Investment Act. The waiver enables Utah the flexibility to maintain seamless delivery of services and to customize the education and training programs for youth. Under the waiver extension, DWS will continue to monitor the impact of the waiver through a combination of local level reporting, State oversight, and State evaluation of financial data and performance measures.

The State has developed and continues to maintain appropriate policies and procedures relating to this waiver.

**b. Provide notice to any Local Board affected by the waiver:**

Consistent with the general waiver request, the State is adhering to publication requirements to insure the broadest participation possible, including appropriate partners and interested parties such as labor, community based organizations, and the SWIB.

Utah is a WIA single service delivery area governed by the SWIB. The SWIB has provided waiver development input and approval.

**c. Provide any Local Board affected by the waiver an opportunity to comment on the request:**

Utah is a WIA single service delivery area governed by the SWIB. The SWIB has provided waiver development input and approval.

**d. Ensure meaningful public comment, including comment by business and organized labor, on the waiver:**

Utah is a WIA single service delivery area governed by the SWIB. The SWIB has provided waiver development input and.

***Current Status:***

Given DWS' integrated service philosophy and complete implementation of the One-Stop system, youth customers receive a wide-array of targeted services just as other populations. As such, the continued use of an Individual Training Account for youth customers is imperative.

Allowing the use of ITAs with WIA Youth customers has allowed youth to make informed decisions regarding finances, training opportunities, and other services. DWS provides integrated services that include multiple programs through the One-Stop philosophy. By incorporating the WIA Youth program into the ITA system, DWS is able to offer seamless service regardless of the type of program or service in which a customer may be co-enrolled. Many other DWS services utilize the ITA philosophy thereby creating a vendor and educational institution awareness of the programs and services offered by DWS. The State Workforce Investment Board and DWS State Program Staff will monitor the implementation and progress of this waiver through monthly management meetings, state monitoring reviews, and through the provision of technical assistance.

Utah appreciates the flexibility afforded to State through the waiver process and anticipates the SWIB waiver extension plan provides adequate accountability and improved performance for DOL approval.

**Attachment F**  
**DEPARTMENT OF WORKFORCE SERVICES**  
**Workforce Investment Act and Wagner-Peyser State Plan PY 2012**

**Request for Waiver Extension**  
**Youth Procurement**

The Department of Workforce Services (DWS) requests the following waiver extension of the statutory exclusion and regulatory requirement for competitive procurement of service providers for all ten youth program elements.

***Waiver Plan:***

The waiver request format follows WIA Section 189(i)(4)(B) and 20 CFR 661.420.

**1. Statutory regulations to be waived:**

WIA Section 123 requirements to competitively select providers of youth program elements, which by association, apply to WIA Section 129(c)(2) and 20 CFR 664.410.

**2. Describe action the state has undertaken to remove state or local statutory or regulatory barriers:**

Utah DWS reviewed state statute and rules, including procurement rules, and DWS policies and procedures for contradictions. Research determined that there are no conflicting statutes, rules, policies, or procedures. The SWIB and DWS policies and procedures comply with current federal guidelines.

Utah's experience with the procurement of youth services indicates that few qualified providers exist and those with whom DWS has successfully contracted are government organizations. DWS has announced Request for Proposals (RFPs) for WIA Youth once every five years since 2000. Currently, state law and procurement code allow partner agencies to enter into non-competitive inter-governmental agreements. Waiver WIA Section 123 would not prevent DWS from striking such agreements when appropriate.

DWS is the WIA grant recipient and One-Stop Operator for the State of Utah and respectfully requests broader waiver authorization. DOL has allowed DWS the ability to deliver all WIA Youth services in the event a qualified provider is not available. DWS will announce a statewide Request for Information to establish a list of parties who are interested in delivering WIA Youth services.

Of the ten required WIA Youth service elements, DWS currently delivers or has the capacity to deliver the following:

- Tutoring/Drop-Out Prevention (through the Basic Education Approved Provider List)
- Paid and Unpaid Internships
- Summer Youth Employment Opportunities
- Occupational Skills Training (through the current ITA Waiver using the Occupational Skills Training Approved Provider List)
- Comprehensive Guidance and Counseling (through DWS Social Work Services by charging WIA Youth funding for the time spent with eligible WIA Youth)
- Mentoring

- Leadership Development
- Supportive Services
- Alternative School (Utah’s State Youth Council on Workforce Services includes representatives of Public and Adult Education. The Utah State Office of Education staff work with the DWS State Youth Program Specialist to draft policy and procedures for coordination of efforts across the state. Public Education is responsible to deliver alternative school activities and DWS works closely with local educational entities to ensure eligible WIA Youth receive appropriate services. Each service area youth advisory board includes representation from Public and Adult Education.)
- Follow-Up

Utah is committed to the federal shared youth vision partnership. Utah’s Youth Vision Team (YVT) ascribes to a shared vision: —Utah’s at-risk youth live successfully as adults.” The target population for YVT is youth involved with Juvenile Justice Services. This waiver assists in reaching YVT goals by:

- Increased consistency in tracking the target population resulting in increased access to employment and training resources
- Increased high school and/or GED completion rates
- Increased level of obtaining and maintaining employment
- Increased consistency in access to public assistance and other DWS supportive services

A significant benefit of allowing Utah to waive the competitive procurement requirement is a reduction in the administration costs of procurement. One of Utah’s waiver goals is directing funds DWS would typically use for procurement back toward services for eligible WIA Youth.

Economic Service Areas (service areas) would have the flexibility to follow existing Utah Procurement Code, which would provide the options to:

- Enter into inter-governmental agreements, as appropriate, with service areas
- Announce RFPs and select providers within or outside of government as appropriate by service area
- Deliver services within DWS

DWS will ensure service area youth advisory boards have input into decision-making processes by a member of the service area youth advisory board serving as a committee member on the evaluation panel (as outlined in Utah’s WIA Title I Wagner-Peyser PY 2007-2008 Strategic Plan, Section G).

### **3. Waiver goals and measurable programmatic outcomes, if the waiver is granted:**

The greater flexibility resulting from this waiver would allow DWS to improve the continuity of services to eligible WIA Youth, implement a more cost-effective and integrated service delivery system, and develop stronger ties with local employers in high growth and emerging industries. The waiver would further result in achieving efficiencies, reducing the cost of competitive procurement, and directing more funds to program activities that lead to performance outcome improvements.

### **4. Describe individuals affected by the waiver:**

Individuals affected by this waiver include eligible WIA Youth, service area advisory and youth advisory board members, and partner agencies. Impacts are as follows:

- *Eligible WIA Youth:* The efficiencies gained as a result of the waiver will assist a growing pool of disconnected, high-risk youth. The unemployment rates for youth 16 to 19 years of age grew from 8.7 percent in 2007 to 16.2 percent in 2009. For those ages 20 to 24 years, the rate grew from 5.4 percent in 2007 to 13.4 percent in 2009.
- *Service Area Advisory and Youth Advisory Boards:* Although Utah is a WIA Single Service Delivery Area, each service area is fitted with an advisory board and youth advisory board. In the past, procurement of youth services occurred independently in each service area based upon a five-year cycle with the process taking almost one year to complete. Granting this waiver would allow DWS at both the state and service area level to minimize administrative costs associated with procurement and redirect those funds to targeted program services, including but not limited to the following:
  - Concentrating on improvements to the Literacy/Numeracy Gain performance outcome
  - Providing increased opportunities for paid internships
  - Providing in-house resources for customers in need of mental health treatment or substance abuse prevention/treatment
- *Partner Agencies:* The efficiencies gained as a result of the waiver will assist the YVT in continuing to address the needs of high-risk youth in a way that individual organizations cannot solve independently.

**5. Describe the process used to:**

**a. Monitor the progress in implementing the waiver:**

- Reviewing performance outcomes data quarterly and comparing results with the levels for the previous year.
- Reviewing new enrollments monthly and comparing results with the levels for the previous year. This will provide information regarding increased number of youth served.
- Reviewing financial reports monthly. Increased funding available must be monitored on an ongoing basis to ensure service areas expend 70 percent of funds available by the end of each program year.
- DWS has a comprehensive compliance monitoring process in place to ensure program integrity and continuous improvement. Elements include:
  - DWS' Program Review Team monitoring 10 percent of WIA youth cases each month to ensure program and fiscal compliance.
  - The Office of Legislative Audit conducts an annual audit of all DWS administered programs reporting results to DOL ETA.
  - Each service area is responsible for monitoring of quality case management practices.
- The State Youth Council on Workforce Services (SYC) provides oversight to WIA Youth service delivery. In discussions about continuous improvements, SYC members agree that the current procurement process is futile and obtaining a waiver of the requirement will improve services and increase the number of participants. The SYC reviews performance outcome results and fiscal progress at each quarterly meeting. A representative of each service area is a member of the SYC. If DWS identifies a fiscal or programmatic outcome issue in any service areas, the local representatives relay the message to the service area youth advisory board and work directly with the provider. Likewise, the representative carries congratulations for excellence and shares promising practices as part of the continuous improvement effort.

**b. Provide notice to any Local Boards affected by the waiver:**

Consistent with the general waiver request, the State is adhering to publication requirements to insure the broadest participation possible, including appropriate partners and interested parties such as labor, community based organizations, and the SWIB.

Utah is a WIA single service delivery area governed by the SWIB. The SWIB has provided waiver development input and approval.

**c. Provide any Local Board affected by the waiver an opportunity to comment on the request:**

Utah is a WIA single service delivery area governed by the SWIB. The SWIB has provided waiver development input and approval.

**d. Ensure meaningful public comment, including comment by business and organized labor, on the waiver:**

Utah is a WIA single service delivery area governed by the SWIB. The SWIB has provided waiver development input and approval.

***Current Status:***

DWS completed its most recent youth element request for proposal in 2011. This process resulted in three providers being eligible to provide four elements in limited geographic areas. Elements provided by these successful contractors include leadership development, tutoring/dropout prevention, mentoring, and comprehensive guidance/counseling. As there was not a successful bid for framework services or the remaining elements within all geographic areas, DWS maintained or incorporated administration of those services. In doing so, DWS experienced a decrease in administrative costs with an increase in number of youth served. Continuing with this waiver will allow DWS to meet the needs of youth efficiently while ensuring a high-level of service is received by youth across the state. The use of this waiver continues to be an integral part of services to youth as qualified providers are not available in all elements in all geographical areas of the state.

**U.S. Department of Labor**

Employment and Training Administration  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210



JAN 24 2011

The Honorable Gary Herbert  
Governor of Utah  
State Capitol Building  
Salt Lake City, Utah 84114

Dear Governor Herbert:

We are pleased to be able to respond to your request for a waiver of statutory and regulatory requirements under the Workforce Investment Act (WIA) submitted on November 5, 2011. This request is written in the format identified in WIA section 189(i)(4)(B) and 20 CFR 661.420(c), and appears to meet the standard for approval at 20 CFR 661.420(e). The following is the disposition of the State's submission (copy enclosed). This action is taken under the Secretary's authority to waive certain requirements of WIA Title I, Subtitles B and E, and sections 8-10 of the Wagner-Peyser Act. This waiver applies to both WIA formula funds and funds made available under the American Recovery and Reinvestment Act of 2009.

Waiver of WIA Section 123 that requires that providers of Youth program elements be selected on a competitive basis.

The State is requesting a waiver of the requirement for competitive procurement of service providers for all ten youth program elements. The State is partially granted this waiver, effective January 1, 2011 through June 30, 2011. Under this waiver, the State is permitted to allow its One-Stop Career Centers or partner agencies to directly provide the youth program elements of supportive services, follow-up services, and work experience. In utilizing this waiver for these elements, the State and local areas must still meet Office of Management and Budget requirements (codified in 29 CFR 95.40-95.48 and 97.36) and all state and local procurement laws and policies. The Employment and Training Administration (ETA) denies this waiver for the other seven youth elements. Although we acknowledge that staff resources are necessary to procure these services competitively, this process only occurs every five years and serves an important purpose in ensuring regular competitive procurement, which is the most efficient and cost-effective way to ensure the development of high-quality service providers.

The approved waiver is incorporated by reference into the State's WIA Grant Agreement, as provided for under paragraph 3 of the executed Agreement, and it constitutes a modification of the State Plan. A copy of this letter should be filed with the State's WIA Grant Agreement and the approved State Plan. In addition, as described by TEGL No. 09-10, the State should address the impact its waivers have had on the State's performance in the WIA annual performance report, due on October 1 of each year.

We look forward to continuing our partnership with you and achieving better workforce outcomes. If you have any questions related to the issues discussed above, please contact Joseph Juarez, the Regional Administrator for the ETA Dallas Region, at 972-850-4600 or Juarez.Joseph@dol.gov.

Sincerely,



Jane Oates  
Assistant Secretary

Enclosure

## **Attachment G**

### **DEPARTMENT OF WORKFORCE SERVICES Workforce Investment Act and Wagner-Peyser State Plan PY 2012**

#### **Request for Waiver Extension Subsequent Eligibility Determination of Training Providers**

The Department of Workforce Services (DWS) provides the following waiver plan and requests an extension to postpone implementation of the subsequent eligibility determination process for training providers. The extension will provide an opportunity to design and build an online database and reporting system for training providers. Training providers and DWS customers will have access to the latest training information, eligibility status, online provider applications, and current performance reports required for subsequent eligibility. Implementation of the Utah online database and reporting system will improve and enhance access to statewide service provider information in a cost effective way.

Utah supports the goals of consumer choice and program accountability as directed in the Workforce Investment Act (WIA) and believes approval of the extension will substantially improve success in achieving this goal. Implementation of the subsequent eligibility determination process will continue.

#### ***Background:***

Utah markets the WIA concept of Eligible Training Providers (ETP) and has experienced some success. However, training providers have consistently indicated reporting requirements are not realistic, based on the limited number of enrollments and the cost of data maintenance. As subsequent eligibility determination approached, many training providers elected not to renew their eligibility with DWS. This has created a limited training choice for rural areas and threatened the Individual Training Account (ITA) System. The following synopsis presents these challenges and provides a solution that is the basis for the waiver.

Once the period of initial eligibility began, DWS coordinated with the SWIB and service area advisory boards to further educate training providers regarding data collection and the performance requirements of the subsequent eligibility process. Training providers consistently identified several concerns.

Creating and maintaining a system to collect required WIA data would be costly and burdensome, especially for smaller training providers. For many providers, the relatively small number of WIA-eligible participants accessing training services would not justify the resources necessary to collect required data. Many training providers do not have systems in place or staff available to produce required performance information in the specified timeframes. The majority of ETPs requested extensions primarily because production data was not available to meet subsequent eligibility requirements. There may be potential violations of data privacy especially related to the Family Educational Rights Privacy Act (FERPA).

WIA data requirements might present an additional burden to the amount of data already being collected from students at a time when most businesses, schools, and colleges are streamlining processes in order to be more customer friendly and cost efficient.

Potential training providers have acted upon their concerns by simply not completing the provider application while many current providers have declared that they are unable to comply with the requirements for subsequent eligibility certification. The loss of training providers, especially within the state's two-year college system, may have a negative impact in rural areas where the number of eligible training providers is already limited. The lack of eligible training options could virtually eliminate the ITA effort in many of DWS' rural employment centers. A waiver to extend the initial period of certification would maintain ETPs and provide customers with training options while ETP stakeholders have input in the design and implementation of an online system.

At present, the SWIB and service area advisory boards have insufficient data to make informed decisions about which training providers should be re-certified. Since information on employment and earnings come from the unemployment insurance wage system, there is a tremendous delay in obtaining wage information for the quarter after exit and three quarters after exit. A provider denied subsequent eligibility could consider any decisions made by local board regarding provider's eligibility arbitrary and open to a challenge.

Utah understands the need for accountability and supports efforts to ensure that customers are making informed decisions based on quality data. However, when the ability to effectively collect required data is severely limited, the resulting chaos could destroy customer choice and severely limit the use of ITAs. The primary goal of this extension is to ensure that DWS' adult and dislocated workers are able choose from a wide variety of effective and quality training opportunities.

### ***Waiver Plan:***

The waiver request format follows WIA Section 189(i)(4)(B) and WIA Regulation 661.420.

#### **1. Statutory regulations to be waived and goals:**

WIA Section 122(c)(5) and WIA Regulations Section 663.530 specifies the time limits for initial eligibility and/or subsequent eligibility. The goal of DWS is to design and implement an online database and reporting system to provide performance information, eligibility status, and service applications. The system will complement DWS' Plan and increase efficiency by providing users with up to date training performance information.

#### **2. Describe actions the state has undertaken to remove state or local statutory or regulatory barriers:**

DWS has implemented the Eligible Training Provider process as required under WIA through State Rule R986-600-652 and 653. No additional state requirements have been added to impede this process, but State Rules will be amended to reflect any federal waiver approved time frames. Therefore, there are no additional state regulatory barriers that need to be removed.

#### **3. Waiver goals and measurable programmatic outcomes, if the waiver is granted:**

- a. Develop and select an efficient and cost effective training provider performance data method that reasonably considers existing "substantially similar" performance data items**

**that may be substituted for required current data items. A solution will alleviate provider concerns involving the type and extent of performance information needed and maintenance cost by including stakeholder suggestions and approval. Developmental progress and stakeholder approval will be monitored. Outcomes will include pre- and post-comparisons.**

DWS' goal is to set criteria for performance data collection, which will ensure required data is obtained while easing the burden of data collection. The expected outcome is to retain current training providers while securing a user-friendly system that will increase the number of new providers to enhance customer choice.

- b. Continue to increase the number of Eligible Training Providers and retain those already approved to ensure maximum customer choice. A measurable outcome would be the monitoring of ETP numbers.**

DWS currently has over 100 approved training providers. Of those training providers, approximately 21 are based at a university, college, or center of applied technology. These providers have been the most vocal about the type, amount, and cost of data collection for subsequent eligibility. DWS providers have expressed concern by either choosing not to participate or by not re-applying for subsequent eligibility.

- c. Maintain the highest level of provider accountability and satisfaction in an error-minimum information system by developing and implementing a customer friendly system.**

Satisfaction level and error rate monitoring are measurable outcomes.

- d. Continue to develop an online initial eligibility application process that will incorporate stakeholder approval. Include the application process as an enhancement to the ETP Website, with the objective of creating a “one-stop” ETP site.**

Quantity of site enhancements may be monitored to provide measurable outcomes.

#### **4. Describe any individuals affected by the waiver:**

The waiver will impact either directly or indirectly all individual training customers, training service providers, the SWIB, service area advisory boards, and the general business community. The largest direct impact is anticipated to affect individual training customers and training providers with the former experiencing either the greatest cost or benefit.

#### **5. Describe the processes used to:**

- a. Monitor the progress in implementing the waiver:**

Progress will be monitored in two phases related to the system's design, development, and implementation. Progress will be measured by the quantity of approvals and completed software programs. Internet rollout will be monitored by observing the quantity of provider users and

DWS customer users. Satisfaction will be monitored to ensure that all users have a quality experience. ETP site enhancement features will be added and monitored.

**b. Provide notice to any Local Board affected by the waiver:**

Although Utah is a WIA single service delivery area, each of the service areas have local advisory boards that have provided waiver development input and approval to DWS' ETP waiver. Final waiver recommendations were provided to the SWIB and their approval has been presented to DOL. As evidenced above, the SWIB, service area advisory boards, and the training communities have been involved in the identification of concerns and solutions.

**c. Provide any Local Board affected by the waiver an opportunity to comment on the request:**

Although Utah is a WIA single service delivery area, each of the service areas have local advisory boards have provided waiver development input and approval to Utah's ETP waiver. Final waiver recommendations were provided to the SWIB and their approval has been presented to DOL. As evidenced above, the SWIB, service area advisory boards, and the training communities have been involved in the identification of concerns and solutions.

**d. Ensure meaningful public comment, including comment by business and organized labor, on the waiver:**

The SWIB and service area advisory boards have business and organized labor representatives who were provided an opportunity for involvement and comment. Additionally, a general public comment period was provided as of the date of original waiver request. Additional comments received will be immediately forwarded and if appropriate, will be included in the waiver.

Since its initial waiver approval in 2002, DWS has successfully maintained an Approved Training Provider list that is comprised of approximately 110 training providers. Non-Title IV training providers are required to recertify annually and must show program success by providing the following information:

- Program completion rates for all individuals enrolled.
- Program percentage of all individuals enrolled who obtain unsubsidized employment.
- Wages at placement for all individuals enrolled in the program.
- The percentage rate of Utah state or industry recognized certification, accreditation, degree, or equivalent attained by program graduates.

Additionally, these training providers may be required to provide a current letter of accreditation and documentation that the Utah Division of Occupational and Professional Licensing (DOPL) or other licensing agency reviewed and approved the provider's curriculum and that the instructors are licensed by DOPL or other licensing agency to practice the occupation or profession that is being taught.

Non-Title IV schools on the Approved Training Provider List must complete and submit an application requesting to add a new training program and the program must be approved prior to DWS funds being used to pay for occupational skills training costs.

Once approved, all training providers agree that their school will:

1. Provide DWS students with progress and attendance reports upon request.
2. Notify DWS of any changes, including addition or deletion of courses, programs, or locations, changes in program cost, accreditation, approval, certification, and/or license and relocation or change of ownership.
3. Provide services in a professional manner.
4. Have an adequate facility that abides with ADA guidelines.
5. Abide by the DWS Equal Opportunity Clause.
6. Not recruit on DWS premises without DWS Manager or Director approval.
7. Not rely solely on funds from DWS to remain in business.
8. Not advertise that they are an approved training provider with DWS.
9. Not expect or require a minimum number of DWS referred customers.

DWS notes that this waiver has provided an opportunity to ensure customer choice in relation to training providers, as noted as a requirement in WIA regulations. DWS utilizes an Occupations in Demand list to assist in providing detailed information to a customer regarding potential employment and training options.

In order to remain approved by DWS, a program or training provider must maintain approval, accreditation, licensing, or certification pertaining to a program or institution from any of the following entities:

- Utah Division of Consumer Protection
- Utah Division of Occupational and Professional Licensing
- Utah Office of Rehabilitation
- Or any other required approval, accrediting, licensing, or certification body

If the State Program Specialist determines that a training provider or program does not meet the recertification requirements, the provider or program will be notified via immediately. An appeals process is in place should there be a conflict. If a provider or program is removed, the provider must reapply and provide documentation that approval, accreditation, licensing, or certification has occurred.

For additional information, please see [WDD Policy Section 1020](#) and its related subsections. Utah appreciates the flexibility afforded to states through the waiver process and anticipates the SWIB waiver plan provides adequate accountability and improved performance for DOL approval.

# Attachment H

## DEPARTMENT OF WORKFORCE SERVICES Workforce Investment Act and Wagner-Peyser State Plan PY 2012

### Request for Waiver Extension Allow Up to 50 Percent Transferability of WIA Adult and WIA Dislocated Worker Funds

The Department of Workforce Services (DWS) provides the following waiver request extension of the statutory exclusion and regulatory prohibition of the transfer of no more than 20 percent of the Program Year (PY) allocation between the Workforce Investment Act (WIA) Adult and Dislocated Worker funding streams. The waiver would grant the State Workforce Investment Board (SWIB) the ability to transfer up to 50 percent of each PY allocation between the WIA Adult and Dislocated Worker funding streams.

DWS has found this additional transfer allowance to be beneficial in local planning and in meeting service needs. This proposed waiver extension, allowing up to 50 percent transfer, would further enhance DWS' ability to address workforce needs within the state.

The direction of the current national workforce development principles promotes crosscutting of separate programs and silos wherever possible in order to enhance effectiveness of service delivery, both in customers' receipt of services and in program costs. The SWIB strongly endorses these principles. Approval of this waiver extension would contribute to alignment of Utah's workforce development strategies with the Governor's vision for a more integrated and effective workforce system. In addition, waiver extension approval would enhance alignment of DWS' workforce development strategies with the Department of Labor's (DOL) national strategic priorities, including integration of workforce investment systems to better respond to the needs of customers and provide greater flexibility in structuring workforce investment systems.

#### ***Waiver Plan:***

The waiver request format follows WIA Section 189(i)(4)(B) and WIA Regulation 661.420.

#### **1. Statutory regulations to be waived:**

WIA Section 133(b)(4) and 20 CFR 667.140(a) provide that with the approval of the Governor, states may transfer up to 20 percent of a PY allocation for adult employment and training activities, between the two programs. Federal appropriations bills enacted for fiscal years 2003 and 2004 included a provision that allowed transfer up to 30 percent of funding between the Adult and Dislocated Worker programs.

#### **2. Describe actions the state has undertaken to remove state or local statutory or regulator barriers:**

Based upon the original approval of this waiver request, DWS instituted state rules, policies, and procedures to comply with the terms of this waiver. Upon notification of extension approval state rules, policies, and procedures will remain intact in order to comply with the terms of the waiver. Necessary mechanisms were instituted at the time of the original waiver approval that ensured effective use of the

transfer authority, including a specific outline of actions that the SWIB must take in requesting the approval to modify the current transfer percentage rate.

**3. Waiver goals and measurable programmatic outcomes, if the waiver is granted:**

- Maintain the current flexibility that allows the SWIB to quickly and efficiently respond to workforce and economic dynamics within the state.
- Ensure that Utah’s workforce investment system can support a 21st Century workforce by increasing program delivery flexibility; increasing DWS’ partnership with economic development in order to meet the needs of a demand driven workforce system, and ensuring better partnerships with educators and economic development in relation to high growth, high demand vital industries.
- Increase accountability at the state and service provider levels.
- Improve performance outcomes.
- Improve the ability of the SWIB to design programs and provide targeted assistance in response to customer needs.
- Ensure that the workforce investment system is responsive to the changing economic conditions of the state.
- Increase the number of customers served.

**4. Describe any individuals affected by the waiver:**

The SWIB and DWS will have the flexibility to design programs based on local needs and priorities while partner programs will be able to better align their services with those of the local WIA programs. Employers will be better served through participants that acquire skills specific to each employer’s needs and DWS employment counselors will be afforded additional flexibility in order to meet individual customer needs. WIA program participants will receive services appropriate to the participant group(s) needs as well as an increased utilization of funds resulting in more participants being served in the aggregate.

**5. Describe the process used to:**

**a. Monitor the progress in implementing the waiver:**

DWS is the State administrative entity for WIA. The waiver enables DWS to maintain the flexibility of designing seamless delivery of services. Further, DWS is able to customize the planning and service delivery for applicable programs. Under the waiver extension, DWS will continue to monitor the impact of the waiver through a combination of local level reporting, state oversight, and state evaluation of financial data and performance measures. DWS has developed and continues to maintain appropriate policies and procedures relating to this waiver.

**b. Provide notice to any Local Board affected by the waiver:**

Consistent with the general waiver request, the state adheres to publication requirements insuring the broadest participation possible, including appropriate partners and interested parties such as labor, community based organizations, and the SWIB. Utah is a WIA single service delivery area governed by the SWIB. The SWIB has provided waiver development input and approval.

**c. Provide any Local Board affected by the waiver an opportunity to comment on the request:**

Utah is a WIA single service delivery area governed by the SWIB. The SWIB has provided waiver development input and approval.

**d. Ensure meaningful public comment, including comment by business and organized labor, on the waiver:**

Utah is a WIA single service delivery area governed by the SWIB. The SWIB has provided waiver development input and approval.

Utah appreciates the flexibility afforded to state through the waiver process and anticipates the SWIB waiver extension plan provides adequate accountability and improved performance for DOL approval.

***Current Status:***

Given the national and statewide economic situation, DWS respectfully requests to continue the transferability of Dislocated Worker and Adult funds waiver. By allowing DWS to move funds between these two funding sources, funds can be apportioned based upon actual need. In Program Year 2011, DWS served using intensive and/or training services 4,455 customers under the WIA Adult. WIA Dislocated Worker served 2,593 customers. The State of Utah is currently experiencing a 6.5 percent seasonally adjusted unemployment rate; however, the rate varies from 4.6 percent to 11.4 percent depending upon the county. Based upon this data, Utah has and continues to experience a significant number of layoffs. Given the volatile nature of the economy incorporating the current recessionary flow, DWS anticipates the continued necessity of transferring funds between these two sources. In the past this waiver was found extremely useful due to the varied geographical nature and employment base of Utah. During the Program Year 2011, the eastern area of the state saw a need for additional WIA Adult funds. This need was predicated upon the fact that due to the economic base of energy within this area, the unemployment rate was significantly lower than other areas of the state. As such, this area did not encounter as many dislocated worker customers as originally planned. Given this fact, DWS transferred funds from WIA Dislocated Worker to the WIA Adult program in order to serve additional customers.

Subsequently, DWS has also used this waiver to transfer funds from WIA Adult to WIA Dislocated Worker. The Southwest Economic Service Area experienced two major layoffs and experienced an influx of dislocated worker customers. As such, funds were transferred from WIA Adult to WIA Dislocated Worker in order to meet the needs of the community. While these are only two examples of the transfer of funds, DWS appreciates this flexibility given its diverse economic and employment base. DWS continues to provide a number of Rapid Response events and notes variations in the unemployment rate statewide. Given the uniqueness of the state, DWS cannot anticipate changes in population mix. The flexibility afforded in this waiver allows DWS to adapt in order to meet the needs of customers and the community at large.

# Attachment I

## DEPARTMENT OF WORKFORCE SERVICES Workforce Investment Act and Wagner-Peyser State Plan PY 2012

### Waiver Request Extension Requirement for Reporting Performance Outcome Measures

The Department of Workforce Services (DWS) seeks to maintain its waiver of the seventeen indicators of performance, including 15 core and two customer satisfaction, employment, and training activities authorized under WIA Sections 129 and 134, the four Labor Exchange Performance Measures authorized under the Wagner-Peyser Act, the three Veterans Performance Measures authorized under USC Title 38 as amended by the Jobs for Veterans Act of 2002, and the Trade Act performance measures. This waiver request extension will enable Utah's workforce development partners to maintain the six common performance measures, three for adult and three for youth, as approved by the Department of Labor (DOL) and five other federal agencies.

These new measures focus on employment placement and retention, earnings, placement in education, attainment of degree or certificate, and literacy and numeracy gains. Utah's intent mirrors that of the WIA by simplifying and streamlining the performance accountability system that is an integral part of the workforce development system. This request is in keeping with the state's vision of a more knowledgeable, skilled, engaged, and flexible workforce. It has been DWS' experience, and is the consensus opinion of most workforce development professionals, that the current performance measurement system is too cumbersome to be a viable program management tool. A set of clear and understandable outcome measures will ensure accountability across all workforce development programs, while improving program management and performance.

Common performance measures and corresponding data outcomes will provide necessary information to help effectively oversee the workforce investment system. They will enhance the state's ability to assess the effectiveness and impact of workforce development efforts. Common measures will provide a more effective means of determining performance of the various programs, accomplishing this through a system-wide perspective. Such a cross-program strategy is consistent with the move toward integration of programs as embodied in WIA's one-stop system.

#### ***Waiver Plan:***

The waiver request format follows WIA Section 189(i)(4)(B) and WIA Regulation 661.420.

#### **1. Statutory regulations to be waived:**

WIA Sections 189(i)(4), 129, 134, and 168 as well as 20 CFR 652.3, 661.400, 661.410, 661.420, and 666.100. Additionally, Wagner-Peyser Act as amended, Section 10(c) and 3(c), Title 38 USC as amended by the Jobs for Veterans Act of 2002, and Trade Act performance measures.

#### **2. Describe actions the state has undertaken to remove state or local statutory or regulatory barriers:**

Based upon the original waiver approval, state rules, policies, and procedures were developed and implemented in order to comply with the terms of the waiver. These rules, policies, and procedures would be maintained under the waiver extension.

**3. Waiver goals and measurable programmatic outcomes, if the waiver is granted:**

- Maintain a simplified and streamlined performance measurement system.
- Maintain integrated system-wide performance accountability.
- Maintain commonality across workforce development programs.
- Maintain a reduction of paperwork and labor costs associated with performance data collection.
- Maintain clear and understandable information presented to Congressional and legislative leaders and the general public concerning the use of public funds and return on investment.
- Maintain a more useful program management tool.
- Maintain customer-driven instead of program-driven outcomes.
- Maintain better service coordination and information sharing among programs.
- Serve as a catalyst to begin the process of using the common performance measures across programs.
- Greater degree of efficiency in program delivery.
- Simplified and streamlined performance measurement system.
- Ability to provide clear and understandable information to stakeholders, including the SWIB.
- With an emphasis on furthering customer satisfaction through choice, individual opportunity, and continuity of services, DWS can ensure an efficient and quality delivery system. Customer satisfaction will continue to be an important factor measured by DWS in relation to services provided to all populations. By implementing and maintaining the waiver of the original 17 performance measures and focusing primarily on the services provided to customers, DWS and the SWIB maintain a high level of customer service as opposed to only focusing on program outcomes. This philosophy ensures a high-level of responsiveness and investment by staff in the success of customers and employers. DWS is currently developing a process to measure customer satisfaction for both employment and participant populations.

**4. Describe any individuals affected by the waiver:**

Approval of this waiver extension will positively impact all customers of the workforce investment system by maintaining accountability and high standards of program performance and management.

**5. Describe the processes used to:**

**a. Monitor the progress in implementing the waiver:**

DWS is the state administrative entity for WIA, the Wagner-Peyser Act, Veterans Programs, and the Trade Act. DWS monitors the impact of the waiver, as well as progress toward expected outcomes, through a combination of performance reporting and discussion with stakeholders. State oversight and evaluation will make effective use of these means to identify and address obstacles. Upon original waiver approval, the state reviewed and modified applicable rules, policies, and procedures.

**b. Provide notice to any Local Board affected by the waiver:**

Consistent with the general waiver request, the State adheres to publication requirements insuring the broadest participation possible, including appropriate partners and interested parties such as labor, community based organizations, and the SWIB. Utah is a WIA single service delivery area governed by the SWIB. The SWIB has provided waiver development input and approval.

- c. Provide any Local Board affected by the waiver an opportunity to comment on the request:**  
Utah is a WIA single service delivery area governed by the SWIB. The SWIB has provided waiver development input and approval.
  
- d. Ensure meaningful public comment, including comment by business and organized labor, on the waiver:**  
Utah is a WIA single service delivery area governed by the SWIB. The SWIB has provided waiver development input and approval.

Utah appreciates the flexibility afforded to states through the waiver process and anticipates the SWIB waiver plan provides adequate accountability and improved performance for DOL approval.

# Attachment J Cost Allocation Plan



DEPARTMENT OF HEALTH & HUMAN SERVICES

Program Support Center  
Financial Management Service  
Division of Cost Allocation

DCA Western Field Office  
90 7th Street, Suite 4-600  
San Francisco, CA 94103

AUG 18 2011



Kristen Cox, Executive Director  
Utah Department of Workforce Services  
140 East 300 South  
Salt Lake City, Utah 841411

Dear Ms. Cox:

This letter provides approval of the Utah Department of Workforce Services (DWS) Cost Allocation Plan (Plan) amendment which was submitted to us by email dated June 28, 2011, and subsequently revised on August 11, 2011. The effective date of the Plan amendment is July 1, 2011.

The approval covers all Title XIX and Title XXI program costs with the exception of the Title XIX costs for the Payment Error Prevention Unit. We are specifically excluding the costs for this Unit because the Centers for Medicare and Medicaid Services (CMS) has a concern with the allocation methodology. The State and CMS are in the process of resolving this issue.

Acceptance of actual costs in accordance with the approved Plan amendment is subject to the following conditions:

- 1) The information contained in the Plan and provided by the State in connection with our review of the Plan is complete and accurate in all material respects.
- 2) The actual costs claimed by the State are allowable under prevailing cost principles, program regulations and law.
- 3) The claims conform with the administrative and statutory limitations against which they are made.

This approval relates only to the methods of identifying and allocating costs to programs, and nothing contained herein should be construed as approving activities not otherwise authorized by approved program plans or Federal legislation and regulations.

Phone: (415) 437-7820 • Fax: (415) 437-7823 • E-mail: [dcasfa@psc.gov](mailto:dcasfa@psc.gov)

Kristen Cox, Executive Director

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Implementation of the approved Cost Allocation Plan may subsequently be reviewed by authorized Federal staff. The disclosure of inequities during such reviews may require changes to the Plan.

If you have any questions concerning the contents of this letter, please contact Cora Coleman of my staff at (415) 437-7821.

Sincerely,



Wallace Chan  
Director

cc: Ken Tota, ORR  
Jeff Newton, ACF  
Arthur Campbell, DOL  
Charles Okal, FNS  
Richard Allen, CMS

OR

On the same privacy screen, click on Sites and put this in the 'address of the web site to allow': [utah.gov](http://utah.gov) Click Allow

- Uncheck the box.

OR

- Hold the control key down at the same time you click yes you want to logoff

## **Part VIII Time and Effort/Timesheet Reporting**

The State of Utah is now using a WEB based electronic time sheet to collect time and effort data. The State calls this system Employee Self Service (ESS). Each employee as a unique time sheet set up in this system. For employees that charge their time to a single program activity or cost allocation pool, the appropriate financial coding is preloaded into the time sheet and the employee only enters the hours worked each day during the pay period. Employees that charge their time to multiple programs or program activities must enter the appropriate financial coding for each program or program activity and the number of hours worked each day during the payroll period.

Data from the ESS is downloaded directly into the payroll system. Incomplete or invalid coding must be corrected before the transaction will post to the accounting system.

Utah Department of Workforce Services

Cost Allocation Plan

Revised  
July 2011

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## COST ALLOCATION PLAN

### **Part I Introduction and Administration**

This document represents the latest revision of Utah's Department of Workforce Services Cost Allocation Plan. The format of this document will follow the original document and is divided into eight parts, an introduction and administration section, one section for each of the 3 organizational divisions of the Department, a section that describes the Random Moment Time Studies, a section that crosswalks programs with funding sources, a section on RMTS+, and a section that describes the electronic timesheet system. In addition, eight attachments are provided for additional information about how the plan will function.

We will continue, to the maximum extent feasible and consistent with the Federal cost principles set forth in OMB Circular A-87, to direct charge program costs. Time and effort reporting will be used to direct charge labor costs to programs.

Allocated costs will be based upon data collected through the random moment time studies. Where costs benefit all programs administered by the Department, random moment time study data will be combined with time and effort reporting data to produce the allocation statistic referred to as RMTS+.

## DEFINITIONS

<u>Item</u>	<u>Definition</u>
Cost Allocation Plan	A plan for identifying costs associated with programs. The plan describes the programs for which cost data is needed, the methodology for identifying program specific costs, and the techniques used to accumulate cost data.
Cognizant Federal Agency	The Federal agency that awards the preponderance of Federal funds to a recipient. At DWS, the cognizant Federal agency is the U.S. Department of Health and Human Services. The cognizant Federal agency is responsible for approving cost allocation plans and amendments to the plan.
Department Administration	All activities that provide department-wide administrative support. Costs associated with department administration are allocated to all programs based upon RMTS+ allocation methodology.
FINET	The State of Utah's automated accounting system.
Full-Time Equivalent (FTE)	A measurement of time paid to employees. One FTE = 2,090 hours of time paid (for FY 2011.)
Observation	A term used to describe the inquiry made of an employee as a part of RMTS to determine what program/administrative code he or she is currently performing.
Random Moment Time Study (RMTS)	A method for determining the profile of activities being performed by DWS Employment Counselors, team leaders and Employment Center (E.C.)/ESA first line supervisors. The method is based upon the laws of probability and statistical sampling techniques.
Reporting Category	A FINET code used to link expenses and revenues to Federal Aid Tables in FINET and to group expenses for cost accounting purposes.

RMTS+

A term used to describe the cumulative total of all direct labor expended at DWS during a specific time period. It is based upon the data collected through the time and effort reporting and random moment sampling studies.

Time and Effort Reporting

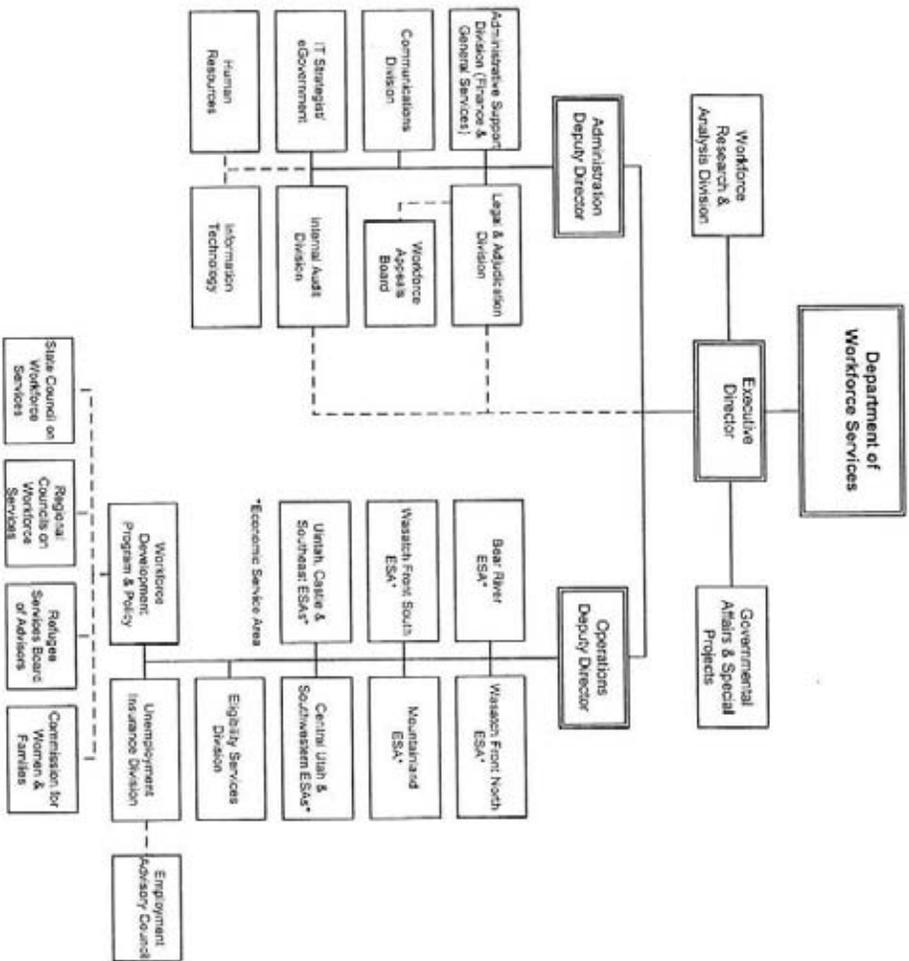
Time and effort reporting means employee reporting of the amount of time they expend on specific programs and activities. Reporting is accomplished through the Employee Self Service (ESS) WEB based electronic time and effort reporting system.

Time Sheet Reporting

Time sheet reporting is accomplished through daily maintenance of individual timesheets in the ESS. The ESS is a state wide WEB based time and effort reporting system. Employees must have time records completed and ready for supervisory approval by close of business on the last day of the pay period. Data from ESS is downloaded directly into the payroll system.

## ACRONYMS

CAP	Cost Allocation Plan
CCDF	Child Care and Development Fund
DCA	Division of Cost Allocation (DHHS)
DOL	U. S. Department of Labor
DHHS	U. S. Department of Health & Human Services
DVOP	Disabled Veteran=s Outreach Program
DWS	Department of Workforce Services
EBT	Electronic Benefit Transfer
E.C.	Employment Center
ES	Employment Service
ESD	Eligibility Services Division
FEP	Family Employment Program
FS	Food Stamp Program
GA	General Assistance
LMI	Labor Market Information
LVER	Local Veteran=s Employment Representative
MOE	Maintenance of Effort
OMB	Office of Management and Budget
PACMIS	Public Assistance Case Management Information System
RMTS	Random Moment Time Sampling
TANF	Temporary Assistance for Needy Families
SSI	Supplemental Security Income
SWCAP	State-Wide Cost Allocation Plan
UI	Unemployment Insurance
WIA	Workforce Investment Act
WIT	Workforce Information Technology
WDD	Workforce Development Division



**CERTIFICATION - COST ALLOCATION PLAN**

This is to certify that I have reviewed the cost allocation plan submitted herewith and to the best of my knowledge and belief:

All costs included in this proposal to establish cost allocations for the state fiscal year ending June 30, 2012 are allowable in accordance with the requirements of OMB Circular A-87, Cost Principles for State and Local Governments, and the Federal awards to which they apply. Unallowable costs have been adjusted for in allocating costs as indicated in the cost allocation plan.

All costs included in this proposal are properly allocable to Federal awards on the basis of a beneficial or causal relationship between the expenses incurred and the awards to which they are allocated in accordance with applicable requirements. Further, the same costs that have been treated as indirect costs have not been claimed as direct costs. Similar types of costs have been accounted for consistently through the application of generally accepted accounting principles appropriate to the circumstances.

An adequate accounting and statistical system exists to support the claims that are made under the cost allocation plan; and the information provided in support of the proposed cost allocation plan is accurate.

I declare the foregoing to be true and correct.

State Agency: Utah Department of Workforce Services

Signature:



Name of Official: Kristen Cox

Title:

Executive Director

Date:



**Part II**      **Executive Director's Office**

The Executive Director provides state-wide executive direction of the Department's programs.

Costs incurred by the Executive Director's Office will be allocated to all programs administered by the Department using the RMTS+ cost allocation methodology.

DWS has established a reporting category within the Executive Director's Office for recording allocated SWCAP costs. Consequently, allocated SWCAP costs will be charged to programs using the RMTS+ methodology. Billed SWCAP costs will be direct charged to the programs that benefit from the central service provided.

**Workforce Research and Analysis**

The Workforce Research and Analysis (WRA) includes BLS Programs, Management Information Systems (MIS), and Economist Products. Time and effort reporting will be used to direct charge the costs to specific programs. Activities that support the entire Department will be allocated based on RMTS+ methodology. Management and supervisory costs will be allocated to programs based upon the composite time and effort reporting data generated by the staff's activities.

**Part III**      **Deputy Director/CFO**

The Administrative Support Division, Communications Division, the Adjudication Division, and the Internal Audit Division report to this Deputy Director. Since costs incurred by the Deputy Director are in support of the entire department, they will be allocated using the RMTS+ methodology.

**Administrative Support Division**

The Administrative Support Division contains the Finance, Budget, Cost Allocation, Purchasing, Contracts, Facilities, General Services, functions. Since these functions are in support of the entire department, costs incurred by the Administrative Support Division will be allocated using the RMTS+ methodology. The functions and allocation methodologies used by each component of this Division are described below, by function.

### **Human Resources**

Costs incurred by the Office of Human Resources will be allocated to all programs using the RMTS+ allocation methodology.

### **Department of Technology Services**

The Department of Technology Services provides automation services to DWS for mainframe, personal computer services, Wide Area Network (WAN), and Local Area Network (LAN) support for voice and data transmission. This section concerns the costs billed to DWS for those services. Costs of the case management support systems including PACMIS, UWORKS, etc., consist of billings, costs from the State of Utah computer center and support personnel within DWS. Support personnel will use time and effort reporting to support their time charged to the specific case management support system on which they worked. The total cost of each case management support system operation will be accumulated and charged to programs based upon cases served (**UWORKS**) or **RMTS results for the programs involved in the particular support system (PACMIS, eREP, eFIND)**. The duplicate case count methodology will be used for multi-program households.

The allocation of major system development costs for new computer systems will be split based upon percentages negotiated with the benefiting programs/agencies. The allocation of the operational costs for new systems will be based upon program participation in the benefiting programs or direct charged if the new system has only one benefiting program/agency.

Other - The other category of IT costs consist of all direct activities other than PACMIS, UWORKS, etc. They may involve contracts with outside organizations (e.g., Bureau of Labor Statistics) or be dedicated activities to a single program such as UI. These costs will be direct charged based upon time and effort reporting and direct charge.

Technical support for the LAN, WAN, Personal Computers will be allocated based on RMTS+ methodology. The technical support staff, service all offices including the local offices. Support costs for the IT

office, including general administration, benefit all programs in the Department and will be allocated based upon RMTS+.

#### **Internal Audit**

Costs incurred by Internal Audit will be allocated to all programs using the RMTS+ allocation methodology.

#### **Adjudication**

Adjudication (Adjudication includes the Lower Appeals Adjudication Unit, the Workforce Appeals Board, and the Legal Services Adjudication Unit. Time and effort reporting will be used to direct charge the efforts of the Lower Appeals Unit, the Workforce Appeals Board, and the efforts of the Legal Services Unit that can be directly charged to specific programs. Part of the Legal Services Unit supports the Department in general, these costs will be allocated to all programs using the RMTS+ methodology. Management and supervisory costs will be allocated to programs based upon the composite time and effort reporting data generated by the staff' s activities.

#### **Communications Division**

The Communications Division includes the Department's constituent services staff and the public relations staff that handle customer and public complaints.

Costs incurred by the Communications Division will be allocated to all programs using the RMTS+ allocation methodology.

#### **Part IV Deputy Director Operations**

The Unemployment Division, Eligibility Services Division (ESD), the Payment Error Prevention Unit (as a part of ESD), and Workforce Development Division (WDD) report to this Deputy Director. The Deputy

Director's costs will be allocated to the reporting units based upon the composite time and effort reporting data generated by the staff activities.

#### **Unemployment Insurance Division**

Time and effort reporting will be used to direct charge the costs of the UI Program (a centralized service delivery operation). Management and supervisory costs will be allocated to programs based upon the composite time and effort reporting data generated by the staff's activities. A proportionate share (based on percentage of FTE's) of management costs will be allocated to the Public Assistance Overpayment Collections Unit (PAO) to be allocated to programs.

#### **Public Assistance Overpayment Collections**

The PAO has been administratively organized within the UI Division. Although located within the UI Division the PAO will not charge any costs to the UI program (UI has a separate UI Collections Unit). The Public Assistance Overpayment Collections unit's costs will be allocated to programs using the Public Assistance Overpayment collections caseload data.

#### **Eligibility Services Division**

The Eligibility Services Division (ESD) is organized with a division director and four associate directors. The four units are the Medical Eligibility Determination Unit, Eligibility Operations & Community Based Teams, the Program and Training Unit, and the Performance Review Unit. The Medical Eligibility Determination Unit and the Eligibility & Community Based Teams Units include the line workers, their supervisors and managers. The line workers will comprise the sampleable portion of the Eligibility RMTS pool and will have their costs allocated based on the results of the sample. The supervisors will have their costs allocated based the results of the RMTS but will not be sampled themselves. Also included in the Eligibility RMTS pool will be the fraud investigators from the Performance Review Unit. Program Specialists, Trainers and supervisors for the rest of the division will have their costs allocated based on the results of the RMTS study but will not be sampled. All units will also have certain individuals that will directly charge their time to a program or programs and will be excluded from the RMTS pool. Managers' and directors' costs will be allocated based upon the allocation of the costs of their staff.

### **WDD Program and Training**

WDD Program and Training contains the WDD Program and Training Director, the State Council, Workforce Preparation, Workforce Connection, Refugee Services, Work and Family Life, Workforce Education and Training, and Workforce Direct Services. Where possible these offices will direct charge their time to the program benefiting from their efforts. If the support provided is too broad to be able to identify a single program, the costs will be combined into a pool that will be allocated based on the results of the Employment RMTS study, but the employees will not be sampled. This is because the work in these areas that are not single program is directed by the workload of the frontline workers and their needs. Management costs for this organization will be allocated based upon the allocation of the costs of their staff.

#### **WDD – Economic Service Areas**

Most of the services the Department of Workforce Services provides, are delivered through a network of Employment Centers (EC's), organized into nine economic service areas. Four ESA's each have a management team, and two ESA Directors have multiple ESA's. Each ESA Director works with at least one local council. The Southeast area (3 ESA's) of the state has two local councils and the southwest area (2 ESA's) has one local council. The southeast area management teams costs will be allocated to the 3 ESA's as a percentage of FTE. The management teams costs for the southwest ESA's will be allocated to the 2 ESA's as a percentage of their FTE's. Local EC's have mixed occupancy of WDD staff and ESD staff. Employment Counselors' are the main delivery point of employment services to the customers of the Department, and it is usually employment counselors that staff the front counters at the local EC's. Some Employment Counselors are assigned to work on specific contracts or programs (such as DVOP and LVER) and charge their time directly to those programs. The majority of Employment Counselors work with a multitude of programs and would have extreme difficulty directly charging their time. These Employment Counselors and their immediate supervisors constitute the Employment Random Moment Time Sample (RMTS) pool (The immediate supervisors are included in the pool since they work directly with the customers).

There are three cost allocation methodologies used in assigning economic service area costs: Direct charged, RMTS Pool, and ESA allocated costs. Direct charged costs are the costs associated with the employees

assigned to work on specific contracts or programs (such as DVOP and LVER). The RMTS Pool are the costs associated with the employment counselors and their immediate supervisors. The ESA allocated costs include such things as the personal service costs for the management teams in the ESA's and local EC's, clerical support, some facility costs, telecommunications, computers, office supplies, etc. The ESA allocated costs are allocated to the direct charge areas and the RMTS Pool as a percentage of FTE.

#### **Shared Costs between ESD and WDD**

ESD and WDD staff share space in most EC's. The shared costs for these facilities are combined in pools and are allocated to the benefiting programs using a modified RMTS+ methodology. The methodology combines the RMTS results from both RMTS studies, converts the results into FTE's, and adds the direct charge FTE's from both ESD and the ESA's. This produces a unique metric that is used to allocate these shared costs to the benefiting programs using the percentage of FTE from the results.

#### **Part V Random Moment Time Studies (RMTS)**

The results of the RMTS's will be used for assigning costs at various levels within the Department. At the lowest organizational level, the results will be used to allocate the costs of the employment counselors, team leaders, their first line supervisors and related costs (fringe benefits, supplies, etc.) to the respective programs or administrative activities that they worked on.

Two Random Moment Time Studies will be conducted each quarter. One study for the Eligibility Services Division and a second study for the Employment Services provided in the ESA's. Each study has been customized for the group of employees being sampled.

The on screen data entry drop down menus for the online RMTS response database will mimic the RMTS Strike Matrix in how it correlates the functions performed by staff with the programs benefiting from these functions. With the Matrix for each program, we determined the relevance of the associated function and either left the box open for a strike or closed (shaded) the box, indicating that no strike is allowed for this function in this program. For the on screen data entry data, only those programs that allow a particular activity will be available to select for each

activity from the drop down menus.

For the multi-program support strike, the costs assigned will be allocated to the involved programs using the RMTS observations.

In addition to the specific costs being allocated based on the percentages of effort by program as derived from the RMTS, the results of the RMTS will also be converted to an FTE base. This is being done because a significant portion of the direct program activity of the DWS is supported by time sheets (e.g., UI, DVOP, LVER) or some other time reporting system that is FTE related. To provide for the allocation of certain cost centers (e.g., accounting, general management.) on a comparable basis, a common allocation statistic was required. For this reason, it was decided to convert the RMTS results to an FTE figure for comparability to the time of staff being reported on another basis (RMTS+).

The following cost centers will be allocated on a state-wide basis on the RMTS to all the activities identified in the Study:

- Employment Centers
- ESA management offices
- Eligibility Service Division
- WDD Operations
- Local Councils

The following cost centers will be allocated on a state-wide basis based on the RMTS+ methodology:

- Executive Director's Office, the Deputy Director/CFO,
- Administrative Support, HR, Communications Division, Internal
- Audit, and the non-program specific costs in DTS, WRA.

## **Part VI Program Identification and Funding Basis**

This part of the CAP identifies the programs administered by the DWS and the funding basis being used to cost the program.

**Medicaid:** Costs associated with the full Medicaid eligibility determination will be identified by the RMTS.

The Primary Care Network is a Medicaid waiver program. Costs will be treated the same as all other medicaid costs. Costs will be shown separately for the convenience of the program managers in the State Department of Health.

The Children's Health Insurance Program is a separate medical program. Costs will be treated the same as all other medicaid costs. Costs will be shown separately for the convenience of the program managers in the State Department of Health.

Departmental administration costs will be allocated to Medicaid using the RMTS+ methodology. The sum of these costs will be billed to the Utah Department of Health.

**Child Care:** Cost charged to this activity are for child care services. The children served are from families receiving assistance as participants in the Family Employment Program (FEP), or from families not on FEP who meet an income-based eligibility test. The primary source of funding is the Child Care Development Fund (CCDF) along with the required State General Fund for maintenance of effort and matching. Additional funding comes from the Social Services Block Grant (SSBG) which is applied to each eligible child served allocated on a straight line basis throughout the year. Alternative funding may be allocated from the Temporary Assistance to Needy Families Grant (TANF), at the discretion of the Executive Director, for expenditures of FEP clients. Administration costs are collected in administrative organization codes and Program service costs are collected in service delivery organization codes. Administrative costs for the Child Care Program are allocated using the RMTS+ methodology. The costs to be allocated are determined by whom and where the costs are incurred. Administrative costs that are incurred in the support of a single program are direct charged to that program as administrative expense. Administrative costs that are incurred in support of the entire department are pooled and then allocated as administrative expense using the RMTS+ methodology.

**Child Care Quality Initiatives:** Payments will be charged directly to a specific charge center (Office of Work and Family Life) for expenditures related to improving the availability and quality of child care services for the citizens of Utah. These expenditures include licensing activities wherein the State trains providers and approves homes and facilities to be providers of child care services. Costs for this activity will be funded from the Child Care Development Fund (CCDF). This activity will be allocated a share of administrative costs required by the WDD Program & Training

Unit. Departmental administrative costs will be allocated to this center based on the RMTS+ methodology.

**Child Care Eligibility:** Cost of this activity are for the determination or re-determination of client eligibility to receive child care services and will be identified from the RMTS. The costs allocated to this activity will be funded from the Child Care Development Fund (CCDF) and applicable Maintenance of Effort and matching provided by State General Fund. An alternative source of funding may be from TANF, at the discretion of the Executive Director, for expenditures related to services delivered to families served in the FEP program. Department administrative costs will be allocated to this center based on the RMTS+ methodology.

**TANF:** Financial assistance and eligibility case/maintenance activities costs incurred in support of TANF eligible clients will be charged to this program. Other specifically identifiable services or activities will be direct charged to this program. Administration costs are collected in administrative organization codes and Program service costs are collected in service delivery organization codes. Administrative costs for the TANF Program are allocated using the RMTS+ methodology. The costs to be allocated are determined by whom and where the costs are incurred. Administrative costs that are incurred in the support of a single program are direct charged to that program as administrative expense. Administrative costs that are incurred in support of the entire department are pooled and then allocated as administrative expense using the RMTS+ methodology. Any costs in excess of the TANF limitations will be charged to the State General Fund.

**Food Stamp (SNAP) Eligibility/Case Maintenance:** Costs associated with the eligibility/case maintenance activities of the Food Stamp program will be identified from the results of the RMTS. Other specifically identifiable services or activities will be direct charged to this program. Department administration costs will be allocated to the Food Stamp Program using the RMTS+ methodology. Costs charged to this activity will be funded by the Food and Nutrition Service (FNS) at the appropriate match rate.

**Food Stamp (SNAP) Employment and Training:** Costs associated with the activities related to food stamp cases not receiving FEP (e.g., self-sufficiency services, food stamp job search, training and workshop activities) will be identified from the results of the RMTS. Other specifically identifiable services or activities will be direct charged to this

program. Department administration costs will be allocated to the Food Stamp Program using the RMTS+ methodology. Costs charged to this activity will be funded by the Food Stamp E&T program at the appropriate match rate.

**Food Stamp (SNAP) Issuance Operational Costs:** Costs charged to this activity will be allocated based on the cases served for each program as determined by the statistical report provided by the EBT processor.

**Refugee Assistance:** Cash assistance to FEP-eligible clients will be charged to FEP. Cash assistance to RCA eligible clients will be funded by the Refugee Cash Medical Assistance Grant (CMA). Charges for contracts servicing refugee needs will be reimbursed by Refugee Social Services Grant. Services include education and social services with the goal of assisting the clients to become self-sufficient and will be directly charged to the Refugee Social Services Grant. Refugee assistance to clients eligible for Medicaid will be charged to the Medicaid Program. Costs for non-Medicaid eligible clients will be charged to the Refugee CMA grant. Department administration costs will be allocated to these cost centers using the RMTS+ methodology.

**Refugee Programs Administration:** Costs associated with this activity will be identified from the results of the RMTS. Other specifically identifiable services or activities will be direct charged to the appropriate Refugee grant. Departmental administration costs will be allocated to these cost centers using the RMTS+ methodology. Costs charged to this activity will be funded by the appropriate Refugee Program grants.

**General Assistance:** Costs associated with this activity will be identified from the results of the RMTS. Other specifically identifiable services or activities will be direct charged to this program. Department administration costs will be allocated to this cost center using the RMTS+ methodology. Costs charged to this activity will generally be funded by the State General Fund. [Under special circumstances other federal or state funds may be used to support this program.]

**SSI Supplemental Assistance:** SSI Supplemental Assistance payments will be direct charged to this State-funded program. Little, if any, labor effort will be required to process these payments. If any labor costs are incurred, they will be reported by means of time and effort reporting and will be allocated as share of Department administration costs using the RMTS+ methodology. Costs charged to this activity will be funded by the

State General Fund.

**SSI Legal Services:** Costs for this activity will be directly charged based on time and effort reporting. Department administration costs will be allocated to this cost center using the RMTS+ methodology. Costs charged to this activity will be funded by State General Fund.

**Displaced Homemakers:** Costs associated with this activity will be identified through time and effort reporting. Department administration costs will be allocated to this cost center using the RMTS+ methodology. Costs charged to this activity will be funded by State funds as authorized by the Utah Displaced Homemaker Act or by State General Funds.

**Unemployment Insurance:** UI program costs will be identified through time and effort reporting and as charges from Information Technology services based upon UI's usage of computer and computer-related services. Departmental administration costs will be allocated to the UI program based on the RMTS+ methodology.

**Workforce Research and Analysis:** WRA labor costs will be identified through time and effort reporting. WRA program costs are mainly funded from: Employment Service Cost Reimbursable Grants; Bureau of Labor Statistics Cooperative Agreements; the Occupational Analysis Field Center Grant; and the Western Area Research Development Center Grant. Costs will be identified through time and effort reporting. Charges from Information Technology will be based upon time and effort reporting by that office and through WRA's usage of computer and computer related services. Cost incurred for WRA projects will be allocated WRA program administration costs and Department administration costs using RMTS+ methodology.

**Employment Services:** The cost necessary to perform the labor exchange functions (job search, job placement, etc.) will be accumulated from the following sources: RMTS will produce an allocation base for labor exchange services delivered by the Employment Centers and ESA Management Offices. Charges from Information Technology will be made based upon time and effort reporting by that office and through the ES usage of computer and computer related services. Department administration costs will be allocated to the employment services function using RMTS+ methodology. Costs incurred will be funded by the TANF, Food Stamp Administration (Certification), Workforce Investment Act, and

Wagner-Peyser grants, and by contracts.

**Disabled Veteran's Outreach Program (DVOP):** DVOP labor costs will be based on time and effort reporting. Departmental administration costs will be allocated to the DVOP program using the RMTS+ methodology.

**Local Veteran's Employment Representative:** LVER labor costs will be based on time and effort reporting. Departmental administration costs will be allocated to the LVER program using the RMTS+ methodology.

**NAFTA/TAA:** Costs associated with these activities will be accumulated from the following sources: RMTS will produce an allocation base for client services delivered by the EC's and ESA Management Offices. Labor costs incurred by the policy staff in support of NAFTA/TAA will be allocated to programs based upon the composite time and effort reporting. Department administration costs will be allocated to TAA/NAFTA functions using the RMTS+ methodology. Costs incurred will be funded by Federal TAA/NAFTA funds. Allocated costs will be split between TAA and NAFTA in proportion to prior quarter's client services paid for TAA and NAFTA.

#### **Utah Back To Work Pilot**

Back to Work (BTW) subsidized employment program began using Temporary Assistance for Need Family (TANF) dollars appropriated through the American Reinvestment and Recovery Act. Success in the program motivated Utah to continue the program using the TANF grant. BTW provides a set subsidy to an employer upon the hire of an Unemployment Insurance claimant eligible under Purpose 2 of the TANF principles (employment and training activities for a parent with dependent children) and Purpose 3 of the TANF principles (reduce out of wedlock pregnancies for Youth ages 18 through 24 without dependent children). Services are required to be of short term duration. A subsequent subsidy is provided to the employer at the end of 90 days of employment. TANF funds the entire cost of the program delivery for both UI Claimant parents and youth that includes eligibility, employer/ placement activities, and the actual subsidy to the employer. RMTS strikes will determine if the TANF funds are charged as an administrative cost (eligibility services) or a direct service cost (employer/UI Claimant placement activities). RMTS strikes: BTW Eligibility, BTW Placement, BTW Employer, and BTW Fair Hearings. Cost for this program will be allocated based upon the results of the Employment RMTS and direct charge.

**Workforce Investment Act Training:** Costs associated with this activity will be identified from the results of the RMTS. Costs identified through RMTS will be allocated to WIA Titles using caseload methodology. Other specifically identifiable services or activities will be direct charged to this program. Departmental administration costs will be allocated to this cost center using RMTS+ methodology.

## Part VII RMTS+

RMTS+ is the allocation methodology that will be used to allocate costs that benefit *all* programs administered by DWS.

RMTS+ is needed because RMTS data will not include all programs. Time and effort reporting will be used to identify, for example, labor costs for the UI, LMI, DVOP, and LVER programs. UI and LMI programs are being carried out on a centralized basis at DWS' headquarters. The DVOP and LVER programs are carried out, in accordance with mandates imposed by Congress, by dedicated staff. RMTS+ will include the time and effort reporting data collected for these programs as well as the data collected through RMTS. Direct labor time collected from the time and effort reporting as well as RMTS will be common sized to FTE's which will then serve as the allocation statistics for allocating costs to all programs administered by DWS.

Common sizing will be accomplished through the following steps. These steps are illustrated in the two attached schedules (These schedules are titled "Random Moment Time Sample Results" and "RMTS Distribution"):

1. Tabulate all RMTS observations by program/administrative strike code.
2. Distribute RMTS administrative observations (codes L-Q) back to the program codes (**codes 1A - 15K**) based on the percentage of total program strikes received by each program strike code ( 1<sup>st</sup> distribution).
3. Add the results of step 1 and 2 to obtain the total observations by program code.
4. Distribute the Multiple program support (code 8A-8K) back to the remaining program codes (codes 1A-7K and 9A - 15K) based on the percentage of total observations (less codes 8A-8K) received by each remaining program code (2<sup>nd</sup> distribution).
5. Add the results of steps 3 and 4 to obtain the adjusted observations by remaining program code.
6. Split Wagner/Peyser and WIA core costs using twice the

Intensive/Training ratio determined for the prior year, and split Wagner/Peyser costs into UI reemployment costs based upon annually adjusted statistic. Also at this time the strikes in the Support of Eligibility Services Division or the Support of the Employment Services strikes are allocated to the programs in relation to the percentage of programs strikes from the appropriate study (Eligibility study for support of Eligibility and Employment study for support of Employment ).

7. Add the results of steps 5 and 6 to obtain the adjusted observations by remaining program code.
8. Compute each program=s percentage of adjusted observations to the total adjusted program observations.
9. Apply the percentages arrived at in step 8 to the total FTEs in the RMTS universe to obtain FTEs associated with each program tracked by RMTS. FTEs associated with RMTS are based on hours extracted from the payroll system.
10. Add the UI, LMI, DVOP, LVER and other staff (e.g., ESA Operations, Division of Adjudication, etc. which benefit from Department-wide administrative costs and re-compute the percentage of staff associated with each program to the total staff. The results of this computation is referred to as the "RMTS+".
11. Apply the results in step 10 to the pool costs subject to the "RMTS+" methodology.

The concept of RMTS+ is illustrated by the following schematic, which illustrates allocating \$500,000 of costs that benefit all DWS programs:

	(a)	(b)	(a) + (b) =	Allocation of
Programs	RMTS FTE's	T&E FTE's	RMTS+	Costs
A	55.0		55.0	\$110,000
B	27.5		27.5	55,000
C	30.0		30.0	60,000
D		20.0	20.0	40,000
E		45.0	45.0	90,000
F	48.0		48.0	96,000
G	12.5	12.0	24.5	49,000
Total	173.0	77.0	250.0	\$500,000

# Attachment K

## Employee Code of Conduct

DWS Administrative Policy Manual

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**DWS ADMINISTRATIVE POLICY MANUAL / 1300 - HUMAN RESOURCES**

### 1301 Employee Code of Conduct

Effective: July 01, 2011	Replaces/Supersedes Policy dated: August 25, 2010
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#### 1301-1 Purpose/Background

The purpose of the Department of Workforce Services Employee Code of Conduct policy is to provide information to Department employees regarding their work environment and to highlight certain expectations that the Department has relative to the behavior of every employee. This policy provides guidance on the following topics:

<ul style="list-style-type: none"> <li>Conflict of Interest</li> <li>Dress and Appearance</li> <li>Ethical Behavior</li> <li>Information Technology Use</li> <li>Personal Use of Equipment</li> <li>Employment Termination with DWS</li> </ul>	<ul style="list-style-type: none"> <li>Political Participation</li> <li>Unlawful Harassment</li> <li>Workplace Violence</li> <li>Domestic Violence</li> <li>Random Drug Testing</li> </ul>
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#### 1301-2 References

This policy is written to comply with state and federal laws, rules, policies, and procedures. Specific references to either state or federal mandates are addressed in the body of each section of this policy.

#### 1301-3 General Policy

General - Department employees shall comply with all federal and state laws, rules, and procedures that pertain to any subject addressed in this policy. Any violation of those laws, rules, procedures or the content of this policy may result in disciplinary action. In the most general terms, it is the policy of the department to deal with misconduct and violations of law, rule or other policy through a measured approach, wherein more severe penalties are imposed for more serious violations. It is expected that honest mistakes and oversights will occur and in that regard, the department does not support a "zero-defects" philosophy. However, the department does maintain a "zero tolerance" attitude regarding violations of law, rule, or policy, as well as workplace violence and unethical behavior.

#### 1301-4 Conflict of Interest

A conflict of interest is a situation where an individual's private interests or outside economic interests interfere with, or has the appearance of interfering with his/her duties and responsibilities as an agent of the state, or raises a reasonable question about such interference. This section provides pertinent information and guidelines to ensure that employees do not become involved in situations wherein they have a conflict of interest. This policy is compliant with the provisions of the Public Officers and Employees Ethics Act, section 67-16-1 of the Utah Code, and the Department of Human Resource Management (DHRM) Rule 9-2 and 9-3.

- I. Employees should not become involved in a situation wherein they have a conflict of interest. DWS employees should always avoid the following conflicts:
  - a. Political and Business Conflicts.
    - i. Using or attempting to use one's official position to secure special privileges or exemptions for oneself or others.
    - ii. Engaging in a business venture or with an organization that is conducting business with the department.
    - iii. Representing clients from outside employment before any state agency, board, committee, etc.
    - iv. Having financial or other interests in the firms selected for award of state contracts.
    - v. Participating in outside volunteer service, including service on a policy-making or advisory board of an institution or agency which contracts with or provides services for the department.
  - b. Hatch Act Conflicts.
 

Department employees are subject to the provisions of the Hatch Act, which directs that during work time or during off time, when an employee's principal activity is directly related to a federally financed program, even if their salary is not paid by the federal program, the employee cannot:

    - i. Use their position and authority to influence or effect the outcome of an election or nomination;
    - ii. Coerce employees to make contributions for political purposes; or
    - iii. Be a candidate for a political office (see Hatch Act and Attorney General's opinion No. 92-18, dated July 27, 1995).
  - c. Related Party Conflicts.
    - i. Soliciting political contributions from employees during hours of employment.
    - ii. Supervising individuals with whom you have external relationships: Family, shared external investments, ties to your household.
    - iii. Looking at or in any way interfering with an Unemployment Insurance (UI) claim, public assistance, training or other case or record involving you, a relative or friend.
    - iv. Having personal investments in any business entity that creates a conflict between private interests and public duties.
  - d. Time Conflicts.
    - i. Engaging in work for outside interests during the hours scheduled to work for the department.
    - ii. Being incapable of performing at full capacity due to fatigue caused by outside interests.
    - iii. Using office work time for private benefit or gain.
    - iv. Performance of state duties used to obtain outside compensation, e.g., kickbacks, patents, etc.

[https://dws.utah.gov/Infosource/DWSAdminPolicy/DWS\\_Administrative\\_Policy\\_Manual.htm](https://dws.utah.gov/Infosource/DWSAdminPolicy/DWS_Administrative_Policy_Manual.htm)[7/21/2012 12:29:35 PM]

- v. Engaging in political activity during work time.
  - e. Personal Gain Conflicts.
    - i. Disclosing information acquired by reason of departmental position for personal or another's private gain or benefit.
    - ii. Using the department's resources and/or materials for personal financial gain.
    - iii. Developing non-professional relationships with customers or becoming overly or unnecessarily familiar with those being served.
    - iv. Accepting gifts with a value of over \$50, or family members of an employee accepting any gift, offer of travel, unusual hospitality or anything from any person or entity in connection with any business or transaction of the state with a value over \$50.
  - f. Employer Conflicts.
    - i. Accepting employment that actually or potentially interferes with the independence of judgment in the performance of public duties in a department position.
    - ii. Being employed with the State of Utah while contracting or performing as a vendor for the state.
    - iii. Being incapable of performing at full capacity due to fatigue caused by outside employment.
    - iv. Accepting employment which one might reasonably expect could require or induce to improperly disclose controlled information gained by one's position with the state.
    - v. Accepting other employment which one might expect could interfere with the ethical performance of one's public duties.
2. A department **Conflict Of Interest Form** shall be used for disclosing a potential or actual conflict of interest, and in seeking authorization to participate in an activity that may pose a conflict of interest situation, as defined in this policy or otherwise in law or rule. Declaring an event that poses a potential or actual conflict of interest does not give an employee a license to participate in such an event.
- a. Submission and Maintenance of Conflict-of Interest Form.
    - i. All employees that are presently engaged in outside employment or volunteer activities, or those desiring to do so, are required to submit a conflict of interest declaration form to their immediate supervisor. Employees are strongly encouraged to observe this process before entering into any outside activities that may pose a conflict of interest in order to avoid potential adverse situations.
    - ii. Employees shall submit updated forms whenever there is a change in the employment or volunteer activity status.
    - iii. Approved forms and forms denying a request for involvement in an outside activity will be filed in the employee's personnel folder.
  - b. Approval Procedures.
    - i. The employee's immediate supervisor will review and approve or deny all requests to participate in outside activity unless such activity meets one or more of the criteria listed below. Requests to participate in the following activities will be forwarded to the division or service area director for review as it is considered that these activities are more likely to be in conflict with DHRM R477-9-2 and 9-3.
      - a. The outside employment exceeds 20 hours per week.; (Supervisors will submit with the form an analysis of the impact the employment has upon the employee's ability to perform assigned work.)
      - b. The outside employment is with a contractor who currently provides services to customers of the department.
      - c. The outside work involves providing services to a current customer of the department, or one who has been a customer within the preceding six months, for a fee when such fees are paid directly to the employee, a relative of the employee, or a business owned wholly or in part by the employee.
      - d. The outside volunteer service includes service on a policymaking or advisory board of an institution or agency that does business with the department.
    - ii. When requests are forwarded to directors, the director will review the detail of the request and consider the following criteria in making the decision for approval.
      - a. Does the outside employment interfere with efficient performance of the employee's state position? (R477-9-2)
      - b. Does the outside employment conflict with the interests of the department or the state of Utah? (R477-9-2)
      - c. Is the employment the type that could reasonably give rise to criticism or suspicion of conflicting interests or duties? (R477-9-2)
      - d. Would the outside employment provide a proven benefit to the state?
      - e. Would failure to approve the outside employment prove an extreme hardship to the employee?
      - f. All declaration forms including both approvals from the supervisors and directors will be forwarded to the Manager of Human Resources for review and inclusion in the employee's personnel file.
      - g. Violations and Disciplinary Actions. Directors must recommend appropriate disciplinary action against any employee who fails to notify his supervisor of an outside activity that should have been reported under the provisions of this policy. The final disciplinary action will take into consideration all applicable statutory and administrative rule requirements.
3. Grievances. Employees who disagree with a supervisor's and or Director's denial of outside activities may appeal to the Department's Executive Director or designee.

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### **1301-5 Dress and Appearance**

DWS leadership constantly strives to project a professional business image in both appearance and behavior. This standard applies equally to DWS leadership and all employees. Employees' personal choices in clothing, hygiene and grooming should reflect cleanliness, modesty, professionalism and respect for other employees and DWS customers and stakeholders. An appearance that is sloppy, overly casual or revealing, or otherwise projects a non-professional image is not appropriate for DWS employees.

Men are generally not required to wear ties while working in a DWS office. However, there are some employees who, routinely or otherwise, meet with customers or other stakeholders outside of a DWS office. In such instances it is expected that both men and women will make the appropriate adjustments in their attire to suit the occasion. It is up to the discretion of the appropriate service area or divisional director as to when men shall be required to wear a tie when working outside of a DWS office.

On Fridays employees may wear jeans and athletic shoes when worn with a collared shirt with a DWS logo. T-shirts with or without a DWS logo are not acceptable attire for any work day.

Service area or divisional directors, or their designees, are responsible for ensuring appropriate dress standards are met. If an item of apparel is deemed inappropriate the employee may be sent home to change clothes and issued a verbal warning for the first offense. Disciplinary action may be taken for further dress code violations.

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**1301-6 Ethical Behavior**

The ethical conduct of public employees is a primary concern of state government. The citizens of Utah rightfully demand ethical and responsible behavior from their public servants. This policy section addresses areas of behavior both inside and outside the Department. This policy is compliant with the provisions of the Public Officers and Employees Ethics Act, §67-16-1 of the Utah Code, and DHRM Rule R477-9.

Ethical behavior incorporates and goes beyond specific laws and regulations, recognizing the obligation department employees have to protect the rights of customers, the public, and other employees while exhibiting exemplary behavior as a state employee. This Code of Ethics is applicable to all work related activities of department employees and is not intended to govern the private lives of department employees. However, when non-work related activities of an employee clearly affect the ability of the department to provide credible, professional services within the community, or cause the public to lose confidence in the department's ability to provide appropriate services, employees are expected to follow and will be held accountable for the standards of this policy. This policy section does not attempt to address specific situations that are unique to particular job functions nor is it intended to replace more specific direction provided by statute, rules, directives or supervisor instructions.

1. Department employees are expected to govern themselves according to the following principles of public service:
  - a. Being employed as a public officer is a position of trust that may be used only to advance public interests, not for personal gain.
  - b. Basing decisions and actions on facts free from partiality or prejudice and unimpeded by conflicts of interest.
  - c. Conducting business openly, efficiently, equitably and honorably.
  - d. Observing both the letter and the spirit of the laws.
  - e. Avoiding even the appearance of impropriety is paramount for safeguarding public confidence in the integrity of our department and our employees.
2. Communication of Policy. All employees will be instructed regarding the expectations under the ethics portion of the policy at the time of their hire and will sign a form acknowledging that they understand the policy. In addition, employees will be required to review the Employee Code of Conduct policy in its entirety annually and acknowledge that they have read it, understand it and will comply with the directives outlined in the policy.
3. Relationships with Customers and the Public. In personal relationships, employees shall:
  - a. Not exploit relationships with Department customers for personal advantage nor solicit Department customers for private practice.
  - b. Consider the potential consequences to the customer involved, the employee himself or herself, and the Department prior to engaging in any dating or sexual relationship with any customer or former customer of the Department. The Department specifically prohibits employees from dating or engaging in sexual activities with customers that the employee serves on a person-to-person basis through their normal course of work in the Department.
  - c. Not use their position or information acquired through their position to coerce or otherwise influence the public or customers for personal favors or personal gain for themselves or others.
  - d. Avoid relationships or commitments that would knowingly conflict with the best interests of customers or the Department.
  - e. Respect and protect civil and legal rights when providing services.
  - f. Portray a professional demeanor.
4. Managing Customer Records and Information. In managing customer records and information, employees shall:
  - a. Gain an understanding of the difference between confidential, private, protected, and public information as defined by state and/or federal laws and regulations that apply to the employees work.
  - b. Respect and protect the appropriate privacy of records and information concerning customers and will not access confidential information without a legitimate business purpose(s) or disclose such information to unauthorized personnel.
  - c. Obtain informed consent of customers before taping or recording customer activities.
  - d. Unless restricted by law, administrative policy or professional practice, allow customers reasonable access to official records of which they are the subject.
  - e. Follow department and other agency/department regulations when exchanging customer information with related agencies and departments.
5. Zero Tolerance for Inappropriately Accessing or Disclosing Confidential Information.

For the purposes of this policy, the term "confidential information" is defined as all records and information classified as private, protected or controlled under the Government Records Management Act or as otherwise restricted under applicable federal law, state law, Department rule or Department policy. Confidential Information includes but is not limited to economic data, wage data, employer data or information, personnel records, and records or other information regarding applicants or recipients of public assistance, unemployment insurance or any other program the department administers.

For the purposes of this policy, the term "worker(s)" is defined as Department employees, interns, volunteers, contracted workers, temporary workers, subcontractors, and others whose conduct is under the Department's direct control.

For the purposes of this policy, the term "legitimate business purpose" is defined as a need or reason that arises out of the official performance of a worker's assigned job duties or out of a directive from a supervisor, manager or higher levels of management. Acting outside of the scope of a worker's assigned duties or a specific, authorized directive, even if the activity is department business, is not considered a *legitimate* business purpose. For example, if a family member calls in with a legitimate business need, the worker does not have a "legitimate business purpose" to access the information. He or she is acting outside the scope of their assigned duties by accessing a family member's information. Workers are NOT allowed to work on family member's or close acquaintances cases or access their confidential information.

All DWS workers must comply with all State and Federal laws and regulations and Department policies governing confidential information.

The Department of Workforce Service has "zero tolerance" for inappropriate access, compilation, distribution or misuse of its confidential information. All department workers who are granted access to private, controlled, protected or otherwise confidential information may access the information only for legitimate business purposes and must guard against improper uses or disclosures of this information.

"Zero Tolerance" for Misuse of Confidential Information: The Department will discharge a worker who accesses, compiles, distributes or misuses confidential department information without a legitimate business purpose.

As part of this policy, DWS workers must comply with the following directives:

- a. Do not access any confidential information at any time or for any reason other than legitimate business purposes

or with appropriate authorization.

- b. Do not reproduce or remove confidential information from the Department's property or information systems or use confidential information for any purpose other than legitimate business purposes.
- c. Do not disclose confidential information to any person, agency or organization without prior authorization.
- d. Do not falsify or wrongfully destroy any record, report, or claim, or knowingly enter or cause to be entered any false or improper information in Department records.
- e. Immediately report any suspicion or knowledge of a worker's inappropriate access, misuse or disclosure of confidential information and fail to report it are subject to disciplinary action, which may include discharge.
- f. Do not access your own case file or private information. Workers who wish to obtain their own information must make the request in writing to their direct supervisor and have the request approved.
- g. Do not view or in any way interfere with, work in or otherwise alter an Unemployment Insurance claim, public assistance, training or other case involving a relative (i.e., son, daughter, stepchild, father, mother, sister, brother, aunt, uncle, niece, nephew, cousin, mother-in-law, father-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, grandchild, current or former spouse, friend or any person who creates or could be perceived to create a conflict of interest i.e., friends, neighbors, former or current business associates.)
- h. Do not access confidential information of relatives or family members or serve as the service provider or look at or interfere in any way in the case of relatives or close acquaintances or any other person who creates or could be perceived to create a conflict of interest. Workers may not access confidential information of relatives or close acquaintances or access department confidential information on behalf of a relative or close acquaintance even if they have permission or believe they have a legitimate business purpose. If workers are uncertain about the department's policy regarding providing service to a customer, they are obligated to immediately seek supervisor assistance and guidance.
- i. If a worker encounters information for a relative or close acquaintance while performing his or her duties, is requested to assist a family member or close acquaintance in any way whether legitimate or not, or is the only service provider available to provide assistance to a customer who is a relative or close acquaintance, the worker must immediately refer the case to his or her supervisor or manager. The worker's supervisor or manager shall refer the case to another office or act as the customer's service provider if moving the case to another office would be an unfair burden to the customer.
- j. Under no condition should a worker give his or her password to another person. Workers are obligated to guard against unauthorized access to their accounts. When workers are away from their desks, they are responsible to take precautions to protect their accounts.

This list is not intended to be exhaustive but it is binding. In general, workers should simply not access any department record, data or information unless they have a legitimate business purpose for doing so. Workers should resolve any doubt as to whether they have a legitimate business purpose by seeking immediate counsel from their supervisor.

Workers who have unintentionally or inadvertently accessed confidential information shall promptly report the situation to their supervisors.

6. **Communications with Customers and the Public.** In communications with the customers and the public, employees shall:
  - a. Exercise good sound, professional judgment in providing information to customers and in the timing and method in which information is provided.
  - b. Inform the public information officer and obtain advance approval before providing any statement or information in any form to the media on any department issue.
  - c. Not engage in verbal abuse of customers.
  - d. Provide customers with accurate and complete information regarding the extent and nature of the services available to them through the department.
7. **Relationships with Other Employees.**
  - a. **Position of Authority.** Supervisors or other administrators shall not use their position or authority to:
    - i. Exploit their position over other employees for personal favors or personal gain.
    - ii. Harass or become involved in sexual relationships with another employee. (For clarification of sexual harassment, see DHRM rules.)
    - iii. Unfairly impede employee's professional development.
  - b. **Peer Relationships.** In peer relationships employees shall:
    - i. Respect the personal and professional privacy of colleagues.
    - ii. Treat with respect the views, religious values, cultural differences, and everyday work activities of colleagues, use appropriate channels to express judgments on these matters and avoid derogatory or uncomplimentary gossip.
    - iii. Initiate or assist appropriate efforts to facilitate problem resolution between colleagues.
8. **Mission of the Department.** Adhering to the Mission of the Department, the employee shall:
  - a. Work through official channels to promote changes in Department policy when the employee feels policy is contrary to the best interests of employees or customers.
  - b. Not use official position, work time or Department resources to publicly protest or petition outside established channels against the Department or an official position taken by the Department. This does not inhibit an employees right to take any position publicly, or privately on their own time, using their own resources.
9. **Personal Work Ethics.**
  - a. **Laws, Rules and Regulations.** Employees will not knowingly violate any applicable civil or criminal law, regulation, rule or policy governing work or professional activities.
  - b. **Professional Competence.** To maintain and exercise professional competence, employees will:
    - i. Not engage in conduct on or off the job that compromises the ability of the individual or Department to fulfill professional responsibilities.
    - ii. Make no untrue representations to the Department, customers or prospective customers concerning professional credentials or licensure, education, training or experience.
    - iii. Report through appropriate channels any known or suspected action including improper employee or client treatment such as: abuse, discrimination, or sexual harassment by a colleague that compromises the individual or Department's ability to fulfill professional responsibilities.

- iv. Inform management of perceived problems in Department policy or procedures that affects or could affect the quality of services.
- 10. Performance of Duties. During the performance of duties, employees shall:
  - a. Not participate in, condone, conceal or be associated with dishonesty, fraud or misrepresentation.
  - b. Use Department resources frugally and only for the purpose for which intended.
  - c. Not knowingly falsify or remove any record, report, or claim, or enter or cause to be entered any inaccurate, false or improper information on the records of the Department.
  - d. Not consume alcohol, illegal substances, or other substances that could impair functioning in a proper and safe manner, nor be under the influence of alcohol, illegal substances, or other substances that could impair their functioning in a proper and safe manner while on duty, on standby, in a non call status, on state owned or leased property, while accessing any non-public IT resource, or in a state owned or state leased vehicle.
  - e. Maintain appropriate, approved work schedules.
  - f. Not engage in any activity that could be considered dereliction of duty, including, but not limited to, absence without leave, abuse of leave, neglect of standard performance, reluctance or negligence to perform assigned duties, inattention to duty, neglect of responsibilities, and leaving the work area unattended or inappropriately attended.
  - g. Not serve as the service provider or look at or interfere in any way in the case of immediate relatives (i.e., son, daughter, stepchild, father, mother, sister, brother, aunt, uncle, niece, nephew, cousin, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, grandparent, grandchild, current or former spouse) or close acquaintances (e.g., friends, neighbors, former or current business associates). If the employee has doubts about Department policy regarding providing service to a customer, the employee has the obligation to seek supervisor assistance and guidance. If an employee encounters information for an immediate relative or close acquaintance while performing their duties, or is the only service provider available to provide assistance to a customer, the employee must immediately refer the case to their supervisor or manager. The employee's supervisor or manager shall refer the case to another office or act as the customer's service provider if moving the case to another office would be an unfair burden to the customer.
  - h. Be familiar with and follow Department policies and all applicable administrative rules.
- 11. Violations of Policy. In the event that a violation of policy results in personal gain or harm, or loss to another employee, the state, or a customer, disciplinary action must be taken or reasons for not taking action must be documented.
- 12. Reporting Violations. All violations of this policy are to be reported to the Executive Director. The Department's human resources manager shall be consulted in determining any disciplinary or administrative action to be taken. If potential liability exists, State Risk Management shall be consulted for advice or assistance. Violations and any resulting disciplinary or administrative action shall be detailed in the employee's official personnel file. All disciplinary actions will follow Department of Human Resource Management rules.
- 13. IRS income match policy. The IRS prescribes a criminal fine of \$5000 and/or imprisonment of not more than 5 years for Federal and State employees and other persons who illegally disclose information from Federal tax returns. Upon discovering a possible improper inspection or disclosure of FTI, including breaches and security incidents, by a federal employee, a state employee, or any other person, the individual making the observation of receiving information should contact the office of the appropriate Special Agent-in-Charge, Treasury Inspector General for Tax Administration (TIGTA) and the IRS (section 10.2). This information can be obtained from DWS Internal Audit Division at (801) 526-9953.

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### **1301-7 Information Technology Equipment**

The purpose of state-provided information technology (IT) equipment and resources (e.g., computers, Email, electronic voice and video communication, facsimile, the Internet, and future technologies) is to support state agencies in achieving their mission and goals, and to improve state government in general. These resources are intended to assist in the efficient and effective day-to-day operations of state agencies, including collaboration and exchange of information within and between state agencies, other branches of government, and others. These resources also provide public access to public information.

1. Department employees shall review and be familiar with the content of *DWS Policy #1701 - Information Technology Resources Acceptable Use Policy*.
2. Acceptable Use Standards. State employees shall comply with the policies and standards established by the Chief Information Officer (CIO) of the State of Utah, regarding acceptable use of state-owned IT resources.
3. Effective use of state-provided IT resources is important to the State of Utah. To help improve the effectiveness of your use of these resources, incidental and occasional personal use is permitted, as such use does not:
  - a. Interfere with existing rules or policies pertaining to the agency.
  - b. Disrupt or distract the conduct of state business (e.g., due to volume or frequency).
  - c. Involve solicitation.
  - d. Involve a for-profit personal business activity.
  - e. Have the potential to harm the state.
  - f. Involve illegal and/or unethical activities.
4. Any resources used for personal use that result in a cost to the state must be reimbursed.
5. Use of Online streaming services is prohibited. This prohibition does not apply to professional or duty-related situations or occurrences where online streaming is essential or appropriate for the functioning of the Department or activities within the Department.
  - a. Online streaming services may include, but are not limited to, Internet music, web shots, precision time, date manager, and Internet radio players.
  - b. Online streaming services do not include actions like accessing a website, using a desktop computer to listen to CDs, or setting a screen saver to access photos from internal or attached storage devices.
  - c. Local LAN technicians should be consulted if in doubt as to what constitutes an online streaming service.
6. Installing or using privacy software for purposes of deception or to otherwise conceal any unacceptable use(s) of IT resources is prohibited. Such privacy software includes, but is not limited to, software that removes, hides, erases, or alters files.

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### **1301-8 Personal Use of Equipment**

This policy section establishes guidelines for personal use of department equipment and services.

1. Personal use of department equipment and services must be kept to a minimum.
2. Personal use must not interfere with regular business duties or alter department equipment.

3. Department equipment shall not be used for profit-making business activities.
4. Required Reimbursements:
  - a. Telephones. Long-distance personal phone calls must be reimbursed at actual cost. All personal calls on cellular phones must be reimbursed in accordance with Department Policy 1217 Cellular Phone and Pager Policy.
  - b. Copy Machines. Non-color personal copies must be reimbursed at 5 cents per copy.
  - c. Fax Machines. Out-going personal long-distance faxes must be reimbursed at 25 cents per page.
  - d. Information Technology Equipment. Personal use of Departmental Information technology equipment must be in compliance with Department Policy # 1701 and State of Utah Information Technology Resources Acceptable Use Policies.
5. Restrictions:
  - a. Telephones. Office phone numbers may not be published for personal activities.
  - b. Copy Machines. Personal use of color copiers is not permitted.
  - c. Postage Meter. Personal use of the postage meter is not permitted.
  - d. Office Supplies. Personal use of office supplies is not permitted.

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The intent of this policy section is to clarify activities that are appropriate for state employees to be involved in the state legislature and to clarify separation of personal and work related legislative activities.

1. DWS employees are prohibited from contacting legislators on matters of personal interest during paid working hours or using work equipment.
2. DWS employees are prohibited from lobbying during paid business hours unless approved by the Executive Director or the Director of Communication and Public Relations for state-related business.
3. If a legislator inquires as to the official position of the Department on an issue, that employee must defer the request to the Government Affairs Director (GAD).
  - a. Unless otherwise specified the Government Affairs Director is the designated legislative liaison.
  - b. An employee that is designated to represent the Department must accurately represent any stated position of the Department to the best of their ability and not interject personal opinions.
4. When making a legislative contact for personal purposes, an employee must make the legislator aware that the comments offered represent the employee's personal opinion and that the employee is not acting in an official capacity on behalf of the Department.

**Back-to-Top****1301-10 Unlawful Harassment**

The Department is committed to providing its employees and customers with a safe and productive work environment, free from unlawful harassment based on race, color, religion, sex, national origin, age, disability, or protected activities. The purpose of this policy is to foster a working environment free from unlawful harassment and to comply with state and federal anti-discrimination laws.

1. The Department shall comply with all federal and state statutes, rules, policies and procedures that prohibit unlawful harassment in the work place. Any violation of those statutes or rules is also a violation of this policy on unlawful harassment. This policy is in compliance with DHRM Rule, **R477-15**.
2. The Department shall prevent, investigate, and correct such unlawful harassment in the workplace by:
  - a. Establishing these policies and procedures.
  - b. Training DWS employees and supervisors about how to prevent and respond appropriately to unlawful harassment.
  - c. Establishing and maintaining complaint procedures which are confidential and free from management bias, collusion, intimidation, or reprisal.
  - d. Investigating every complaint promptly, impartially and thoroughly, and using trained supervisors or investigators to conduct investigations.
  - e. Taking immediate and appropriate action, including disciplinary action or referral for criminal prosecution, against those who violate this policy.
3. Definitions.
  - a. Unlawful Harassment. Any unlawful behavior or conduct that:
    - i. Is based on race, color, religion, sex, national origin, age, disability, or protected activities under the anti-discrimination statutes.
    - ii. Is unwelcome and severe, pervasive, demeaning, derisive or coercive.
    - iii. Results in the creation of a hostile, abusive or intimidating work environment or tangible employment action.
    - iv. Involves a Department employee as the victim, or the alleged harasser.
  - b. Protected Activity. Any opposition to discrimination or unlawful harassment, or participation in proceedings covered by the federal or state anti-discrimination statutes.
  - c. Tangible Employment Action. Any action by Department management that results in a significant change in employment status such as hiring, firing, failure to promote, demotion, and undesirable assignments; or, a decision that causes a significant change in benefits, compensation decisions or work assignment. Tangible employment action does not include insignificant changes in employment status such as a change of job title without a change in salary, benefits, or duties.
4. Unlawful harassment prevention training.
  - a. New Employees. New employees shall attend New Employee Orientation and unlawful harassment prevention training within 90 days of hire. Supervisors shall ensure that new employees under their supervision receive the required training and take a refresher course at least every three years thereafter. A trainer who has been certified by the Department's Human Resources Division (HR) shall provide initial training.
  - b. Volunteers and Interns. At a minimum, the Department shall provide all volunteers and interns with the Department's Essential Policies packet. All volunteers and interns shall sign the page of the packet which indicates that they have been informed of, are aware of, and will comply with these policies and with the state and federal laws that prohibit unlawful harassment. Volunteers and interns may also attend training or take a refresher course.
  - c. Refresher Training Courses. Employees shall attend an unlawful harassment prevention refresher every three years. The refresher course may be a training session by an approved trainer or the Department of Human Resource Management approved video/workbook module, test and registration.
  - d. Documentation of Training Completion. Documentation of training completion shall be maintained in the permanent personnel file of each employee, volunteer, or intern.

- e. Training for Managers and Supervisors.
  - i. New Supervisors: All management staff that supervise employees shall attend a supervisor training course within six months of hire to include Supervisor Unlawful Harassment Prevention.
  - ii. Refresher Training Courses: All other administrators, managers and supervisors shall attend Supervisory Unlawful Harassment Prevention Training at least once every three years thereafter.
  - iii. Documentation of Training Attendance. Documentation of training completion shall be maintained in the administrators, managers or supervisors permanent personnel files.
- 5. Unlawful Harassment Prevention and Complaint Procedures.
  - a. Management's Responsibility. If a Department supervisor knows or suspects that a Department employee may be or is being subjected to unlawful harassment, on or off duty, and that the unlawful harassment may result in a tangible job action or the creation of a hostile work environment, the supervisor shall notify HR immediately for consultation and technical assistance. If the supervisor has a conflict of interest, the supervisor shall not interview the complainant or others about the allegation of harassment. (A conflict of interest may arise whenever the supervisor is the alleged harasser or whenever the supervisor has another special status with regard to the complainant or alleged harasser.) The supervisor shall not interview the alleged harasser unless HR has reviewed the allegation and authorized such an interview.
  - b. Human Resource Responsibility. HR investigators shall preserve the confidentiality of investigations, to the extent permitted by state and federal laws. During the investigation process, the investigators shall take appropriate measures to protect the confidentiality of information gathered.
  - c. Complainant's Responsibility. Any employee, volunteer or intern who feels he/she has been subjected to unlawful harassment is encouraged to:
    - i. Continue to report to work.
    - ii. Document the occurrence.
    - iii. Identify witnesses, and
    - iv. File an oral or written complaint with his/her supervisor, another person in agency management, HR, the Department of Human Resource Management, the Utah Anti-discrimination and Labor Division, or the Equal Employment Opportunity Commission.
    - v. It is also recommended (but not required) that the complainant expresses disapproval to the harasser and demand that the harasser stop the unlawful harassment.
  - d. If the complainant's supervisor is the alleged harasser, the complainant may notify another person in management, the alleged harasser's supervisor, and/or any of the people or agencies specified in number (iv) above.
- 6. Retaliation Prohibited. Any Department employee who retaliates against a complainant, witness, or others involved in an investigation shall be subject to disciplinary action. Specifically, Department employees shall not retaliate against an individual because she or he has:
  - a. Reported or opposed an unlawful employment practice or unlawful harassment; or
  - b. Made a charge, testified, assisted or participated in an investigation, proceeding or hearing under this policy; or
  - c. Otherwise engaged in a protected activity.
- 7. Unlawful Harassment Investigation Procedures.
  - a. Decision About Type of Investigation. Upon receiving an allegation of harassment, management shall consult with HR to determine whether the complainant's supervisor or another designated individual should conduct a preliminary review, or whether HR should proceed immediately with a formal investigation of the complaint.
  - b. Preliminary Review by Complainant's Supervisor. Before conducting any preliminary review, the supervisor shall consult with HR. Unless otherwise directed by HR or this policy, the complainant's supervisor shall conduct the preliminary review, which shall be limited to interviewing the complainant only. Witnesses and others shall not be interviewed during a preliminary review. If the complainant identifies witnesses the supervisor's preliminary review will end with the interview of the complainant only. When the complainant identifies witnesses, a formal investigation is required.
    - i. Based on the supervisor's interview of the complainant, the supervisor shall document the facts in writing. The supervisor should be careful to maintain the confidentiality of the preliminary review.
    - ii. Upon completion of the preliminary review, the supervisor shall:
      - 1. Consult with HR to determine, based on the documented facts, whether the harassment allegation should be substantiated; and
      - 2. Forward all notes and written materials about the preliminary review or the investigation to HR, making sure that nothing is filed in the personnel files of the individuals involved.
  - c. The supervisor shall report the findings of the investigation back to the complainant and the alleged harasser. However, the name of the complainant shall not be divulged to the alleged harasser.
- 8. Unsubstantiated Allegations and False Complaints. If an investigation finds that the allegation of unlawful harassment is unsubstantiated, the information shall be documented, the investigation terminated, and appropriate parties (i.e., management, the complainant, and the alleged harasser) shall be notified. If the investigation indicates that a Department employee's complaint was malicious, frivolous, knowingly false or made in bad faith, the employee who filed the complaint may be subject to disciplinary action.
- 9. Records.
  - a. HR shall maintain and store a separate record of all unlawful harassment complaints and investigations in accordance with State of Utah Department of Human Resource Management Rules. Supervisors shall not keep any additional separate files regarding complaints or investigations of unlawful harassment. Unlawful harassment complaints and investigation documents shall NOT be placed in any employee personnel files.
  - b. Records relating to reporting and investigation of unlawful harassment are classified as protected under the Utah Government Records Access and Management Act (GRAMA), Utah Code Annotated §63-2-101, et seq.
- 10. Interaction with Other Department Policies. Depending on the circumstances, unlawful harassment may also violate other Department policies, such as the Code of Ethics or the policy on Appropriate Use of Information Technology Resources. Management will also consider appropriate disciplinary action if these policies are violated.

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### **1301-11 Workplace Violence**

The Department is committed to providing a safe workplace for all employees, customers and the general public. This policy section implements policies and procedures to report workplace violence and risk reduction methods to reduce the risk of workplace violence.

1. The Department will not tolerate any type of workplace violence committed by or against employees, customers and the general public. Employees are prohibited from making threats or engaging in violent or threatening behavior or activities. Any employee who commits such acts may be subject to disciplinary action, up to and including termination.
2. Definitions:

- a. Agency Management means any Department official to include directors, associated managers and supervisor.
- b. Dangerous Items are defined in the Utah Code, section 76-1-601, as follows:
  - i. Any item capable of causing death or serious bodily injury; or
  - ii. A facsimile or representation of the item for which:
    - a. The perpetrators use or apparent intended use of the item leads the victim to reasonably believe the item is likely to cause death or serious bodily injury; or
    - b. The perpetrator represents to the victim verbally or in any other manner that he is in control of such an item.
- 3. Prohibited conduct includes, but is not limited to:
  - a. Causing physical injury to another person.
  - b. Making threatening remarks.
  - c. Aggressive or hostile behavior that creates a reasonable fear of injury to another person or unreasonably subjects another individual to emotional distress.
  - d. Intentionally damaging employer property or property of another employee.
  - e. Unlawful possession of dangerous items while on state-owned property or while on departmental business.
  - f. Committing acts motivated by, or related to, unlawful harassment or domestic violence.
- 3. Any potentially dangerous situations shall be reported immediately to agency management and the Department Risk Manager.
- 4. Notification shall be made by the most expedient means available at the moment then followed-up by submitting Administrative Services Form 485). Examples of actions to report include:
  - a. Threatening the use of a dangerous item or unlawfully bringing a dangerous item to the workplace.
  - b. Displaying an extreme level of hostility or anger.
  - c. Threatening violent behavior.
- 5. All reported incidents shall be reviewed by agency management in consultation with the risk manager. Agency management, as required by law, shall report allegations or suspicions of elderly abuse or child abuse to law enforcement agencies.
- 6. Employees encountering an armed or otherwise dangerous person should not attempt to challenge or disarm the individual.
  - a. Employees should remain calm, make constant eye contact, and talk to the individual.
  - b. If agency management or law enforcement can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given as soon as possible.
  - c. Otherwise, employees should cooperate and follow the instructions given by the dangerous person.
- 7. Risk reduction measures.
  - a. Hiring. Agency management shall take reasonable measures to contact references and former employers of potential employees to reduce the risk of hiring individuals with a history of violent behavior.
  - b. Safety. Agency management shall conduct annual inspections of the premises to evaluate and determine vulnerability to workplace violence or hazards. Agency management, while not required to remedy vulnerability to workplace violence or hazards, shall take action to that end where feasible and reasonably within the capability of the Department.
  - c. Training. Employees are required to participate in violence in the workplace training designed to prepare employees to protect themselves, the public and customers should a violent situation arise.

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### **1301-12 - Domestic Violence in the Workplace**

The Department is committed to providing a workplace that is free from domestic and sexual violence for all employees. This policy section implements policies and procedures to report incidents of domestic violence and methods to reduce the risk of domestic violence occurring in the workplace.

1. The Department will not tolerate any type of domestic violence in the workplace committed by or against employees.
2. Definition: Domestic violence is an act of violent conduct or coercive tactics perpetrated by an individual against a cohabitant. Domestic violence may include stalking or various kinds of abuse including physical, psychological, sexual, economic, and emotional abuse.
3. Safety Procedures: The Department shall utilize the workplace safety procedures provided in the DWS Workplace Violence Policy.
  - a. Individuals who use state facilities or resources to facilitate or perpetrate an act of domestic violence may be subject to prosecution. An employee who commits an act of domestic violence at the workplace may also be subject to disciplinary action, up to and including discharge.
  - b. The Department shall take appropriate measures regarding the safety and security of the workplace and provide employees a referral for assistance to a domestic violence service provider, a victim advocate program and, if necessary, to a shelter.
  - c. If agency management becomes aware of a violation of a protective order in the workplace the violation shall be reported to law enforcement.
4. Counseling.
  - a. An employee who is the victim of domestic violence may request assistance from their supervisor, manager, or the Department's Employee Assistance Program (EAP) representative. Employees who have reason to believe they may be subject to future domestic violence may also seek assistance.
  - b. Employees who perpetrate acts of domestic violence are encouraged to seek assistance and contact the department's EAP representative.
  - c. It is the responsibility of the employee to pay all costs associated with participation in a treatment program.
5. Adjustment of work schedule.
  - a. Victim - If an employee is a victim of domestic violence and has a demonstrable need to be absent from work to obtain or arrange for medical care, counseling, legal consultation, criminal and/or civil court proceedings, or relocation, management may grant the employee flexibility to arrange the work schedule in order to prevent lost wages in accordance with DHRM rules.
  - b. Abuser - Management may adjust an employee's work schedule to allow the employee to attend a domestic violence perpetrator treatment program.
6. Confidentiality.
  - a. HR shall maintain and store a separate record of all domestic violence complaints and investigations. Supervisors shall not keep any files regarding complaints or investigations of domestic violence. Complaints and investigation documents shall NOT be placed in any employee personnel files.
  - b. Records relating to reporting and investigation of domestic violence are classified as controlled under the Utah Government Records Access and Management Act (GRAMA), Utah Code Annotated §63-2-101, et seq.

7. Training for Managers and Supervisors.

- a. New Supervisors: All management staff that supervise employees shall complete a department approved Domestic Violence training course within 6 months of hire.
- b. Refresher Training Courses: All administrators, managers and supervisors shall complete a department approved Domestic Violence training course at least once every three years.
- c. Documentation of Training. Documentation of training completion shall be maintained in the administrator's, manager's or supervisor's permanent personnel files.

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**1301-13 Department of Workforce Services – Random Drug Testing Policy**

- 1. All Department employees are subject to the Substance Abuse and Drug-free Workplace standards as established in the Department of Human Resource Management ("DHRM") Rule R477-14.
- 2. All Department employees who work in positions designated as highly sensitive are also subject to random drug or alcohol testing as established R477-14-1(8).

In addition to all management action allowed for under R477-14, the Department has adopted a zero-tolerance policy for the following violations:

- a. The Department will discharge employees who test positive for controlled substances or alcohol as provided for in R477-14-1(14).
- b. The Department will discharge employees who refuse to submit to drug or alcohol testing in accordance with R477-14-2(3)
- c. The Department will discharge employees who substitute, adulterate, or otherwise tamper with a drug or alcohol test or attempts to do so in accordance with R477-14-2(4).

**1301-14 - Employment Termination with DWS**

Security is of vital importance to DWS and it is essential that the necessary safeguards are in place throughout the organization. A key area in this process is to secure confidential information when an employee is transferred or terminates employment with DWS.

Each supervisor is responsible for ensuring that employees have the appropriate access only to those information systems and features required in the performance of their individual job assignment. When an employee is transferred within the organization, the receiving supervisor is responsible for:

Transfers

- 1. Completing the RACF form.
- 2. Obtaining authorized signatures.
- 3. Submitting the form via fax, email, or regular mail to DWS Data Security.

The DHRM/DWS Human Resources office does not terminate an employee's access to information systems. To guarantee the removal of system access in a timely manner, the terminating supervisor is responsible for sending an e-mail to [DWS\\_Data\\_Security@utah.gov](mailto:DWS_Data_Security@utah.gov) immediately upon termination, to include the following information:

Terminations

- 1. A request to remove access to include supervisor name and job title
- 2. Terminated employee's full name, WS login, and Employee ID #

# Attachment L

## Information Disclosure Policy

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**INFORMATION DISCLOSURE HANDBOOK**

Effective Date: January 1, 2005  
Replaces / Supersedes Policy dated: March 2, 1998

**PROCESS FOR DISCLOSURE**

1. Requestor, Recipient

2. No Authorization to Release Received

A. Do Not Disclose:

B. Qualified Disclosure:

C. Limited Disclosure:

D. Refer to Legal Division

E. Subpoenas or Court Orders

F. Documentation of Action Taken

3. Memorandums of Understanding (MOUs)/Inter-agency Disclosure Agreements

Our customers may be any individual or family, group or entity that applies for Food Stamps, Financial Assistance, child care, Medicaid, unemployment benefits, training assistance, employment exchange or other services. Additionally, it could be an employer applying for an unemployment account number, requesting information about employer accounts, employer rates, quarterly wage or new hire information. They may also be recipients of one or more of these benefits. For simplicity through the rest of this manual, "requestor" is the party requesting disclosure of information. This may be any number of different individuals representing either themselves or a private or public organization. "Recipient" hereafter refers to any individual receiving any program benefit administered by the Department.

This disclosure manual addresses circumstances where individuals or organizations that do not have a valid release of information or power of attorney request disclosure of information. Obviously this manual is not all-inclusive but it should give general guidance for several types of requests and requestors that may be encountered. This manual covers the programs for which this Department has administrative responsibility.

This may be the most common response to requests. If a correct interpretation has been made, the request need go no further. Inform the requestor that he/she is not authorized to receive information without a signed authorization release or power of attorney executed by all pertinent parties. If the requestor persists, refer him/her to the Legal Division.

The information may be disclosed on a qualified basis. The qualifications are as follows:

- 1) You have verified the identity of the requestor and
- 2) He/she is entitled to the information requested.

It is often difficult to verify identity when a request is made by telephone. However, there are various checks used by the Department to insure the requestor is properly identified. These include Social Security number, date of birth, mother's maiden name, Utah Employer Account Number (DWS account number), and Federal Employer Identification Number. If you are uncertain as to the identity of the caller, inform him/her to either visit the nearest Employment Center to personally obtain the information requested, or ask him/her to provide you with personal, identifying information.

There is some information that certain requestors have the right to receive.

- 1) A recipient has limited rights to information about his/her earnings with employers, information from employers as to the reason for separation and other matters concerning receipt of unemployment benefits, and information about an application for employment. The right to receive this information is limited in that a recipient does not have the right to all information the Department has on his/her employer(s), nor is a recipient entitled to an employer's communication with Department staff regarding why a recipient was not hired, unless the employer consents in writing to the release of that information.
- 2) Individuals who are part of the assistance household have a limited right to receive information concerning their benefits.
- 3) An employer would have limited access to information concerning an employee (recipient) who is receiving Workforce Investment Act (WIA) or On the Job Training (OJT) services. An employer has the right based on statute to access data specific to a former employee who has filed an unemployment insurance claim in which the employer is an interested party. Additionally, an employer may have the right to earnings information for a current or former employee, and limited access to skills and capabilities of job applicants.
- 4) Based on statutory authority, some State or federal governmental entities, such as the U.S. and State Departments of Labor and the Internal Revenue Service, have access to data the Department maintains based on statutory authority.
- 5) The Utah State Tax Commission and the Utah Department of Labor have limited access to certain employer contribution (tax) data based on MOUs.
- 6) Related governmental agencies:
  - a. Other state agencies administering UI programs,
  - b. Cities or counties and certain public organizations that have statutory or contractual authority to administer "means tested" federally funded programs similar in nature to those programs administered by this Department and that abide by the same rules, policies and procedures concerning the confidentiality of information.
- 7) Subsidized childcare providers have a right to limited information about a parent's or guardian's authorization for childcare subsidy and the amount of the subsidy, if they are the provider with whom the parent or guardian has contracted childcare services (for additional detail see [Childcare Providers](#) or [R986-700-703 \(11\)](#)).

All inquires from attorneys, law firms, or law enforcement officials whether they are made in person, by telephone, fax, email or mail, must be referred to the Department's Legal Division prior to disposition.

Subpoenas or court orders received by fax, mail, or in person need to be forwarded to the Department's Legal Division for review and action. Most subpoenas issued are not sufficient to authorize release of the information requested, and therefore the Department's Legal Division will notify the issuer that the Department will not honor the subpoena and will attempt to quash any further legal action to obtain the information.

In situations where we must comply with a subpoena, DWS legal staff will provide guidance to the person served.

In all cases where information is provided to someone outside the Department, the disclosures must be documented and filed appropriately, along with copies of written requests.

Many federal, state, and local governmental entities have MOUs in place with the Department of Workforce Services. Most agreements cover the exchange of Department program data on specified clients. Some agreements also pertain to the coordination of services (staffing) between agencies who have clients in common. The narrative that follows in the next two paragraphs relates primarily to the exchange of Department program data rather than staffing on common clients.

- A. MOUs specifically define the data these entities have a right to receive, who within the entity has the right to receive it, how it will be transmitted to the entity, and how the entity will protect confidential information. In some cases Department data is disclosed on a routine informal basis, often with other agency staff co-located in our employment centers. In such circumstances it is necessary to consult specific sections of disclosure rule, policy and/or procedure, as well as the MOU itself to determine if such disclosure is correct. If you still have questions, contact the Department's Legal Division.
- B. In situations where we have or will have frequent communications from an individual or entity requesting information, we



should create an MOU that will define the who, what, when, where and how of the disclosure process. These agreements must be generated by the DWS Finance Contracts Group and be reviewed by the Department's Legal Division prior to signing to insure that we are authorized to disclose the information requested.

## Attachment M Job Corp MOU

### **Background**

Weber Basin and Clearfield Jobs Corps (Job Corps) and Management Training Corporation (MTC) have requested access to ESHARE. The current MOU does not include verbiage that permits access.

### **Purpose**

DWS will allow designated Job Corps and MTC employees to access data relevant to their students using ESHARE.

### **Services**

Each entity named in the MOU will meet all data sharing security requirements. Data will be shared in a timely manner as stipulated in the MOU.

### **Contractor Responsibilities**

The contractor will provide the data elements specified in the MOU within the timeframes that are outlined. Access to ESHARE will be limited to only those Job Corps/MTC employees whose names have been submitted to Barbara Hollister. The contractor will provide the data elements outlined in the MOU so that DWS performance outcomes can be generated. Corps.

### **DWS Responsibilities**

DWS Staff will train Job Corps and MTC employees on how to access data using ESHARE. DWS Employment Counselors will refer students interested in Job Corps using a 360-referral form. Employment Counselors will enter data received from Job Corps into the UWORKS system. MIS will generate data downloads and output files.

### **Pathways**

Customers will be referred to Job Corps by generating a UWORKS 360-Referral Form, (*Attachment F*).

### **Eligibility Requirements**

Eligibility for Job Corps services will be determine by Job Corps and MTC employees.

**Deliverables/Outcomes** DWS MIS will receive bi-monthly data downloads from Job Corps. Job Corps will receive quarterly output reports from DWS. The outcomes will be included in the WIA Youth Outcomes report. Tracking will be done through the UWORKS system.

**Memorandum of Understanding  
Between  
State of Utah Department of Workforce Services  
And  
Clearfield Job Corps  
Weber Basin Job Corps  
Management & Training Corporation**

**E-SHARE INFORMATION SHARING**

March 1, 2010 to February 28, 2015

**Purpose**

This Agreement is made between the State of Utah Department of Workforce Services (hereafter referred to as "DWS") and the Clearfield Job Corps, Weber Basin Job Corps Management & Training Corporation (hereafter referred to as the "Agency"), to allow the Agency query access to the Utah eSHARE information system for the purpose of administration of Agency programs. DWS and Agency may herein be referred to collectively as the "Parties."

**A. Background**

It is the intent of the participating Parties that when more than one agency is involved in providing services to clients that a collaborative, coordinated service delivery system is a "best practice," serving the goal of improved service delivery and outcomes. Collaborative services may include all forms of appropriate communication, including the information sharing allowed under this Agreement. Historically, DWS has allowed community agencies query access to public assistance records stored in the PACMIS system. Currently, the PACMIS system is being phased out and replaced with the eREP/eSHARE system. This Agreement allows the Agency query access to designated information in the new system.

**B. Period of Performance**

This MOU is effective upon the signature of both parties and shall remain in effect until modified in writing by the mutual consent of both parties or terminated by either party upon 30 days prior written notice to the other party.

**D. Termination**

DWS may terminate this MOU without prior notice if deemed necessary because of a requirement of law or policy, upon determination by DWS that there has been a breach of system integrity or security by the Agency, or a failure of the Agency to comply with the terms of this agreement, established procedures, or legal requirements.

**E. Attachments Included as Part of this Agreement**

Attachment A: DWS 3<sup>rd</sup> Party Access Request Form & Computer Security Policy Statement

Attachment B: Disclosure of Information Certification

Attachment C: 20 CFR 603.7 Protection of Confidentiality

Attachment D: Unemployment Insurance Program Letter No. 21-99

Attachment E: Department of Workforce Services Code of Conduct

Attachment F: DWS Form 360 Utah's Partnership Referral for Services

Attachment G: Form 115 DWS Release of Referral

Attachment H: Work Statement

**F. Legal Authority**

DWS will enter into agreements concerning the exchange of private information with federal, state, and local agencies as required or permitted under provisions of the Deficit Reduction Act of 1984, 20CFR 630 – Income and Eligibility Verification System, the Utah Governmental Records Access and Management Act, the Utah Employment Security Act, or other applicable law and the rules adopted pursuant thereto.

**1. Legal Authority for Sharing Public Assistance Records with**

**Governmental Entities:** Government Records Access and Management Act (GRAMA) located in the Utah Code Annotated § 63G-2-206(2)(a) Sharing Records states: "A governmental entity may provide a private, controlled, or protected record or record series to another governmental entity, a political subdivision, a government-managed corporation, the federal government, or another state if the requesting entity provides written assurance : (a) that the record or record series is necessary to the performance of the governmental entity's duties and functions; (b) that the record or record series will be used for a purpose similar to the purpose for which the information in the record or record series was collected or obtained; and (c) that the use of the record or record series produces a public benefit that outweighs the individual privacy right that protects the record or record series." R986-100-110(4)(b), (c), (g).

**2. Wage Records:** The Wagner-Peyser Act, as amended (29 U.S.C 49 et seq.); the Workforce Investment Act of 1998, 29 U.S.C. 2801 et seq., P.L. 106-113 (WIA); the Utah Code Annotated Subsection 35A-4-312(5)(e), (i); Unemployment Insurance Program Letter (UIPL) No. 21-99, including Attachments A and B; and 20 CFR 666.150 definition of "quarterly wage record information" to be used for WIA performance measurement; 20 CFR 603.7 confidentiality protection provisions.

**3. Social Security Records:** The Privacy Act of 1974, (5 U.S.C. § 552a, as amended); the Social Security Administration Privacy Act Regulations (20 C.F.R. § 401.150, as amended); and the Social Security Act's Disclosure of Information in Possession of an Agency (42 U.S.C.1306, as amended).

**F. Disclosure and Confidentiality Requirements**

1. **Agency must agree to the terms of and sign the “State of Utah DWS Security Application Access Request Form”** (see Attachment A).
2. Information obtained under this Agreement shall only be used to support the valid administrative needs of the Agency and shall not be disclosed for any purpose other than those specifically authorized by this Agreement. **The Agency must sign the Department of Workforce Services Disclosure of Information Form** (see Attachment B).
3. Agency shall only request/query information for individuals who are applying for or participating in Agency’s programmed services.
4. Agency shall have sufficient safeguards in place to ensure the information obtained is used only for the purpose disclosed. Information in electronic format shall be stored and process in such a way that unauthorized persons cannot retrieve the information by computer, remote terminal, or any other means.
5. The information shall not be stored on any server accessible from the Internet or by unauthorized Agency personnel.
6. At the request of DWS, the Agency shall identify all Agency personnel, by position, authorized to request and receive information.
7. Agency shall instruct all authorized personnel regarding the private nature of the information and sanctions specified in Utah State law against unauthorized disclosure. Section 35A-4-105(4) of the Utah Employment Security Act provided penalties for unauthorized disclosure in the form of a fine, imprisonment or both.  
*Section 63-2-801 of the Government Records Access and Management Act provides that “A public employee or other person who has lawful access to any private, controlled, or protected record under this chapter, and who intentionally discloses or provides a copy of private, controlled or protected record to any person knowing that such disclosure is prohibited, is guilty of a Class B misdemeanor.”*  
Furthermore, Subsection (2) (a) of Section 63-2-801 provides penalties against any person who by false pretenses, bribery, or theft gains access to or obtains a copy of any private, controlled or protected record to which he is not legally entitled, and classifies such acts as Class B misdemeanors.
8. Agency shall permit DWS and other authorized state and federal officials to make on-site inspections to ensure that the requirements of this Agreement and state and federal statutes and regulations are being met.
9. Wage Record Confidentiality: Agency shall follow the confidentiality protections provisions of 20 CFR 603.7 (see Attachment C) until such time as the Secretary of Labor issues new confidentiality regulations. Thereafter, Agency shall follow the new regulations.

10. Re-disclosure of Wage Record Information is limited to public officials or their agents whose duties fall within the Wagner-Peyser Act, as amended (29 U.S.C. 49 et seq.); Workforce Investment Act of 1998 (WIA), (29 U.S.C. 2801 et seq.) P.L. 106-113; and Utah Code, Section 35A-4-312(5)(h), or to private entities on the basis of informed consent of the individual or the employer to whom the information pertains (*see Attachment D- Unemployment Insurance Program Letter No. 21-99*).
11. Wage record informed consent requirements: A signed release must contain the following: a) a specific statement indicating that the individual/employer's information will be released, b) a statement that indicates what the private entity needs the release for, c) a clear statement informing the individual that the private entity may use information from State governmental files, and d) a statement indicating all the parties who may receive the information released (UIPL 23-96 Disclosure of Confidential Employment Information to Private Entities).
12. Wage Records – Unlawful Access or Disclosure Penalties: Any person who knowingly and willfully requests or obtains wage records under false pretenses, or any person who knowingly and willfully discloses any such information in any manner to any individual not entitled under law to receive it shall be guilty of a misdemeanor and receive a fine of not more than \$5,000 under federal law (UIPL 11-89, Attachment III), and/or guilty of a class A misdemeanor sentence with a sentence of imprisonment not exceeding one year and/or fine not exceed \$2,500 under Utah law (Subsection 76-8-1301(4)). Any person whose information was negligently or knowingly disclosed without authorization may bring a civil action for damages or such other relief as may be appropriate against any officer or employee (UIPL 11-89, Attachment III).
13. Public Assistance Record Confidentiality: Agency shall follow the confidentiality protection provisions of Utah Code Title 63G-Chapter 02, Government Records Access Management Act, for public record confidentiality.
14. Re-disclosure of public assistance record information is limited to public officials who may receive the information under Utah Code, Subsection 63-2-206(2) or to private entities on the basis of informed consent of the individual to whom the information pertains.
15. Public Assistance Records – Unlawful Access or Disclosure Penalties: Utah Code Annotated, Section 63-2-801 provides criminal penalties as follows: Any person with lawful access to such record and who intentionally discloses or provides a copy to any person knowing that the disclosure is prohibited is guilty of a class B misdemeanor. Any person who by false pretenses, bribery, or theft, gains access to or obtains a copy of any such record to which he is not legally entitled is guilty of a class B misdemeanor. The penalty for a class B misdemeanor is imprisonment for a term not to exceed six (6) months and/or a fine not to exceed \$1,000.

16. Social Security Record Confidentiality: The confidentiality of social security records shall be maintained in accordance with 42 U.S.C. 1306; 5 U.S.C. 552a; and 20 CFR 401.150.
17. Re-disclosure of Social Security Record Information: Social security records may only be re-disclosed pursuant to the provisions of 42 U.S.C. 1306; 5 U.S.C. 552a; and 20 CFR 401.150.
18. Social Security – Unlawful Access or Disclosure Penalties: The penalties for unlawful access or disclosure of social security records shall be governed by the provisions of 42 U.S.C. 1306.
19. Unemployment Insurance Record Confidentiality: The confidentiality of unemployment insurance records shall be maintained pursuant to the provisions of Utah Code Ann. §35A-4-312; Utah Code Ann. §63-2-206; and 20 CFR 603.7.
20. Re-disclosure of Unemployment Insurance Record Information: Unemployment insurance records may only be re-disclosed pursuant to the provisions of Utah Code Ann. §35A-4-312; Utah Code Ann. §63-2-206 and 20 CFR 603.7.
21. Unemployment Insurance – Unlawful Access or Disclosure Penalties: The penalties for unlawful access or disclosure of unemployment insurance records shall be governed by the provisions of Utah Code Ann. §63-2-801.

#### **G. Data Security**

1. Agency will ensure that it has thoroughly investigated the employees who are given access to this data. Agency will not grant access to employees whose background suggests they will be unable to meet the data security requirements of this agreement.
2. **Access to Data**: Agency shall limit access to data in electronic or hardcopy format to authorized individuals only. DWS reserves the right to disapprove access to selected individuals or groups of individuals.
3. **Query Log**: DWS will create and maintain a query log containing the user identification, the date/time of each query, and the social security number used in each query.
4. **Unauthorized Access to Stored Data**: Information either in electronic format such as magnetic tapes or discs or in hardcopy paper format shall be stored and/or processed in such a manner that unauthorized access is avoided. Agency shall secure data in a manner to protect internal confidential files.
5. **User Training**: DWS and Agency agree to train users accessing, disclosing, or receiving information under this MOU, including contractors and contract providers, on relevant statutes prescribing confidentiality and safeguarding requirements, re-disclosure prohibitions, and penalties for unauthorized access or disclosure. Disclosure officers for each Party have the right to review disclosure-training programs for each Party and require any changes necessary to said programs.

6. **Security Plans:** DWS and Agency system security plans must include provisions warning of the potential statutory sanctions for individuals who violate access and disclosure provisions. Procedures governing sanctions and individual corrective actions under applicable statutory authority shall be pursued and taken against individuals who violate terms of this agreement.
7. **On-site Review:** Agency shall permit DWS the right of on-site inspection without prior notification to ensure that the requirements of this agreement are being met. Additionally, the Agency will allow on-site inspections by any other state and federal agencies with statutory oversight responsibility for the data being shared.
8. Agency shall report to DWS any breaches of access and disclosure requirements.
9. Agency shall develop a contingency plan for addressing access to any uniquely sensitive records e.g. public official, celebrities, etc.
10. Agency shall notify DWS of any major change in a system platform (hardware and/or software) procedure and or policy affecting transmission and/or distribution so that re-review of system safeguards can be initiated.
11. Agency must identify all Agency users, by position, who are authorized to access shared information. Requests shall be sent to DWS Data Security, where access will be granted through the use of the RACF request process (see Attachment A – DWS 3<sup>rd</sup> Party Access Request Form & Computer Security Policy Statement)
12. Agency shall notify DWS when previously authorized employees are terminated or otherwise deemed ineligible so such person’s future access can be discontinued.
13. Agency shall comply with the following measures to protect the data security and virus protection of DWS computer resources. Failure to meet the requirements will result in liability against the Agency. All updates must be maintained within 48 hours of their patch and software release dates including but not limited to the following:
  - a. Required to maintain the latest Operating System (OS) service pack
  - b. Required to maintain the latest OS security updates
  - c. Required to run and maintain virus scan software with latest signature

**H. Code of Conduct**

Agency agrees to follow and enforce the then current Utah Administrative Code R982-601-101 et seq. “Provider Code of Conduct.” Agency must agree to and sign the DWS Code of Conduct (see *Attachment E*) and agrees that each of its employees or volunteers will receive a copy of the DWS Code of Conduct. A signed statement by each employee or volunteer to this effect must be in employee’s/volunteer’s file subject to inspection and review by DWS.

**I. Job Corps will access eSHARE information**

Agency and its authorized representatives shall be granted access only to the specific information set forth in the following list:

1. Public Assistance Records
2. Wage Records
3. Social Security Records
4. Unemployment Insurance
5. Data Elements:
  1. SSN
  2. Last Name
  3. First Name
  4. Initial
  5. Relationship (to head of household)
  6. Gross Income for household

**J. Client Informed Consent This section will be included on a case-by-case basis, depending on the Agency and how they are using the information**

Agency may only request/query information for individuals who are applying for or participating in the Agency's program and who have signed an informed consent form that contains a specific statement: a) of what government records are to be released; b) what the information will be used for; and c) who may receive the information. This informed consent shall be retained by the Agency for any DWS access necessary to determine compliance with this agreement.

**L. Contacts**

**Agency**

Paul Otto  
Weber Basin Job Corps  
South Ogden, UT 84403  
801- 476- 5981  
[otto.paul@jobcorps.org](mailto:otto.paul@jobcorps.org)

Melissa Freigang  
Clearfield Job Corps  
Business Community Liaison  
Clearfield, UT 84016  
801-416-4690  
[freigang.Melissa@jobcorps.com](mailto:freigang.Melissa@jobcorps.com)

Robyn Wright  
Management and Training Corporation  
Project Director  
Centerville, UT 84014  
801.693.2901  
[wright.robyn@jobcorps.org](mailto:wright.robyn@jobcorps.org)

**DWS**

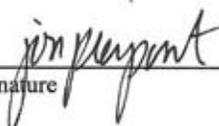
Kathleen Johnson  
DWS State Program Specialist  
140 East 300 South  
Salt Lake City, UT 84111  
801-526-9730  
[kathjohn@utah.gov](mailto:kathjohn@utah.gov)

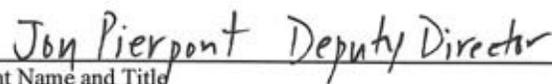
Barbara Hollister  
DWS Senior Business Analyst  
140 East 300 South  
Salt Lake City, UT 84111  
801-503-7577  
[barbarahollister@utah.gov](mailto:barbarahollister@utah.gov)

This MOU, its attachments, and all documents incorporated by reference constitute the entire agreement between the parties and supersede all prior negotiations, representations, or agreements, either written or oral between the parties relating to the subject matter of this MOU.

**SIGNATURE AND ACKNOWLEDGEMENT:**

By Signing below, the following officials acknowledge that they understand and agree to all of the terms and responsibilities set forth herein and cause this Agreement to be executed.

  
\_\_\_\_\_  
Signature 3-25-10  
Date

  
\_\_\_\_\_  
Print Name and Title

**ATTEST: UTAH DEPARTMENT OF WORKFORCE SERVICES**

  
\_\_\_\_\_  
Kevin Crandall  
Chair

Date 3-19-10

Kevin Crandall, Chair  
Print Name and Title

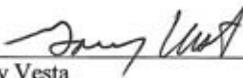
**ATTEST: STATE COUNCIL ON WORKFORCE SERVICES**

  
\_\_\_\_\_  
Robert Archer  
Center Director

Date 3-15-10

\_\_\_\_\_  
Print Name and Title

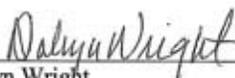
**ATTEST: WEBER BASIN JOB CORPS**

  
\_\_\_\_\_  
Gary Vesta  
Center Director

Date 3-16-10

Gary Vesta, Center Director  
Print Name and Title

**ATTEST: CLEARFIELD JOB CORPS CENTER**

  
\_\_\_\_\_  
Robyn Wright  
Director

Date March 11, 2010

Robyn Wright, Director MTC OR & CTG Utah & Montana  
Print Name and Title

**ATTEST: MANAGEMENT TRAINING CORPORATION OUTREACH  
ADMISSIONS AND CAREER TRANSITION SERVICES**

**Attachment A**  
**STATE OF UTAH**  
**Department of Workforce Services**  
**DWS 3<sup>RD</sup> PARTY ACCESS REQUEST FORM**

Revised. 2/23/09

(e-mail) DWS\_DATA\_SECURITY@utah.gov

(Fax) 801- 526-9288

USER INFORMATION

(print) **WORK**  
NAME \_\_\_\_\_ PHONE (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_ Last 4 digits of SSN \_\_\_\_\_

Current Mainframe Log-on ID: \_\_\_\_\_ Previous State Employment [ ] Previous Logon id: \_\_\_\_\_

\*\*Contract/Agreement: \_\_\_\_\_ Business Office/Location: \_\_\_\_\_

New/Re-instated [ ] Delete User [ ] Access Change [ ] E-MAIL ADDRESS: \_\_\_\_\_

Effective Date \_\_\_/\_\_\_/\_\_\_ (Default is date received) Until date \_\_\_/\_\_\_/\_\_\_ (Temporary use)

ACCESS REQUESTING

CONTENT MANAGER IMAGING VIEW: [ ]

CUBS UNEMPLOYMENT [ ] and/or WAGE DATA [ ]

ESHARE [ ]

PACMIS QUERY: [ ]

UTAH CARES (211 Access) [ ]

Security Role: \_\_\_\_\_ Home page: \_\_\_\_\_

Position: \_\_\_\_\_ Org Unit Team: \_\_\_\_\_ Parent Org: \_\_\_\_\_

UWORKS [ ]

Job Title: \_\_\_\_\_ Office: \_\_\_\_\_ Team: \_\_\_\_\_

LAN Logon ID: \_\_\_\_\_ LAN Context: \_\_\_\_\_

YODA/ACTUATE REPORTS [ ]

OTHER SPECIAL ACCESS: \_\_\_\_\_

For REFERENCE ONLY, please, indicate another similar 3<sup>rd</sup> party user with same requested access.

Special instructions/comments:

**Read and Sign the Security Agreement on the Back of This Form**

Security Only: GROUP: _____	Log id: _____
DWS Disclosure Officer Signature: _____	Date _____
DWS Security Officer Signature: _____	Date _____

**DWS COMPUTER SECURITY POLICY STATEMENT**

Computer system resources and information of the Department of Workforce Services are information technology assets of the State of Utah and must be protected. This includes protection from **unauthorized disclosure**, modification, or destruction, whether accidental or intentional.

Managers, employees, or users of information technology assets are subject to all requirements and sanctions of Federal and State statute, and administrative rules. Policies and procedures regarding proper use, ethics and conduct while using information technology assets either purchased or developed must also be followed.

Proper use is defined as employees, contractors, outside agencies and volunteers being responsible to see that State information technology assets are used in an effective, ethical and lawful manner.

Users of electronic mail, voice mail, and facsimile, as applicable, must be aware that they are non-confidential means of electronic Messaging and/or document exchange for government related use and are subject to monitoring. Brief personal messages will be allowed; as long as these messages are not too excessive, do not interfere with the normal conduct of business, do not involve solicitation, do not involve a for-profit personal business activity, or have the potential to embarrass the DWS. Users must be aware of the value and sensitivity of the information they are sending and may need to select a more conventional and secure method of delivery. Items such as chain letters are **not** to be forwarded via **any** State communication/distribution systems (electronic or otherwise).

DWS employees who maintain additional commercial software on their workstations, i.e., local disk drives or other write able media must do so in compliance with all licensing and copyright laws. The employee must also maintain documentation to identify inventory and ownership information. Prior to loading any software, you must contact your local LAN Administrator.

Each employee is encouraged to review the **State of Utah Information Technology Resources Acceptable Use Policy** for further information. This document can be found on the Internet at [https://dws.utah.gov/Infosource/DWSAdminPolicy/DWS\\_Administrative\\_Policy\\_Manual.htm](https://dws.utah.gov/Infosource/DWSAdminPolicy/DWS_Administrative_Policy_Manual.htm) under 1700 Information Technology; also, review Administrative Rules found at <http://www.rules.utah.gov/publicat/code/r895/r895.htm>; or copies can be obtained from the Office of Technology, Security Group.

Access to State IT resources is given on a need-to-know basis only. This is authorized only by certified owners of the specific resource. Any unauthorized or improper use of networks, files, software, or providing access to others by disclosing access codes, passwords, and/or leaving active workstations unattended, etc., may result in corrective action and discipline in accordance with Utah Administrative Rule R477-9-1, or Utah Administrative Code, R477-11 found at Internet address: <http://www.rules.utah.gov/publicat/code/r477/r477.htm> and may include prosecution under state and federal statues. Access, including queries, are logged and stored.

I understand there are confidentiality regulations including specific IRS, SSA, and NDNH data that govern DWS. I understand that I will be provided direction and/or training on various confidentiality and disclosure requirements and that my supervisor can provide information and direction. I will only use the information for purposes specifically authorized in the contract or agreement between my agency and the Department of Workforce Services. I agree to comply with program confidentiality requirements specified in that contract or agreement. I understand that failure to safeguard confidential data from may result in penalties, including fines, costs of prosecution, dismissal from employment, and imprisonment.

**I have read and understand the State of Utah Information Technology Resources Acceptable Use policy and agree to abide with all conditions contained within. I have also read and agree to all of the provisions outlined in this security policy statement.**

USER SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

USER NAME (print) \_\_\_\_\_

SUPERVISOR NAME (print) \_\_\_\_\_ PHONE \_\_\_\_\_

SUPERVISOR SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**\*\*SUPERVISOR'S SIGNATURE IS ACKNOWLEDGING THIS INDIVIDUAL HAS BEEN TRAINED IN DWS CONFIDENTIALITY AND NON-DISCLOSUER POLICIES. \*\***

APPROVING AUTHORITY NAME (print) \_\_\_\_\_ PHONE \_\_\_\_\_

APPROVING AUTHORITY SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**\*\*\*Supervisors or the Approving Authority must notify the Technical Support Specialist at their location and WIT Security when an employee's access to IT resources must be removed because of termination, transfer, or other reasons.**

ATTACHMENT B

DEPARTMENT OF WORKFORCE SERVICES DISCLOSURE OF INFORMATION CERTIFICATION

The **Agency** will comply with the following measures to protect the privacy of the information released under this agreement against unauthorized access or disclosure:

1. The information shall be used only to the extent necessary to assist in the purposes identified within this contract and shall not be re-disclosed for any purpose not specifically authorized in this contract.
2. The information shall be stored in a placed physically secure from access by unauthorized persons.
3. Information in electronic format, such as magnetic tapes or discs shall be stored and processed in such a way that unauthorized persons cannot retrieve the information by computer, remote terminal or any other means.
4. Precautions shall be taken to ensure that only authorized personnel are given access to on-line files.
5. The **Agency** shall instruct all authorized personnel regarding the private nature of the information and that State and Federal law provides sanctions for unauthorized disclosure to include up to six months imprisonment and fines up to \$1,000.
6. The **Agency** shall permit the **Utah Department of Workforce Services** or any other authorized State or Federal Agency to make on-site inspections to insure that the requirements of this contract and all applicable State and Federal laws, statutes and regulations are being met.

\_\_\_\_\_  
Grantee

\_\_\_\_\_  
Date

## Attachment C

### 20 CFR 603.7 - Protection of confidentiality.

- **Section Number:** 603.7
- **Section Name:** Protection of confidentiality.

---

(a) State unemployment compensation agencies shall require requesting agencies receiving information under this part to comply with

the following measures to protect the confidentiality of the information

against unauthorized access or disclosure:

(1) The information shall be used only to the extent necessary to assist in the valid administrative needs of the program receiving such information and shall be disclosed only for these purposes as defined in

this agreement;

(2) The requesting agency shall not use the information for any purposes not specifically authorized under an agreement that meets the requirements of Sec. 603.6;

(3) The information shall be stored in a place physically secure from access by unauthorized persons;

(4) Information in electronic format, such as magnetic tapes or discs, shall be stored and processed in such a way that unauthorized persons cannot retrieve the information by means of computer, remote terminal or other means;

(5) Precautions shall be taken to ensure that only authorized personnel are given access to on-line files;

(6) (i) The requesting agency shall instruct all personnel with access to the information regarding the confidential nature of the information, the requirements of this part, and the sanctions specified

in State unemployment compensation laws against unauthorized disclosure of information covered by this part, and any other relevant State statutes, and

(ii) The head of each State agency shall sign an acknowledgment on behalf of the entire agency attesting to the agency's policies and procedures regarding confidentiality.

(b) Any requesting agency is authorized to redisclose the information only as follows:

(1) Any wage or claim information may be given to the individual who

is the subject of the information;

(2) Information about an individual may be given to an attorney or other duly authorized agent representing the individual if the individual has given written consent and the information is needed in connection with a claim for

benefits against the requesting agency; and

(3) Any wage or claim information may be given to another requesting

agency as defined in this part or to any criminal or civil prosecuting authorities acting for or on behalf of the requesting agency if provision for such redisclosure is contained in the agreement between the requesting agency and the State unemployment compensation agency.

(c) The requesting agency shall permit the State unemployment compensation agency to make onsite inspections to ensure that the requirements of State unemployment compensation laws and Federal statutes and regulations are being met (section 1137(a)(5)(B)).

**Attachment D**  
**UNEMPLOYMENT INSURANCE PROGRAM LETTER (UIPL)**  
**No. 21-99**

<b>U.S. DEPARTMENT OF LABOR</b> Employment and Training Administration Washington, D. C. 20210	<b>CLASSIFICATION</b>
	UI
	<b>CORRESPONDENCE SYMBOL</b>
	TEUL
	<b>ISSUE DATE</b>
	March 23, 1999
<b>RESCISSIONS</b>	<b>EXPIRATION DATE</b>
None	Continuing

**DIRECTIVE : UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 21-99**

**TO : ALL STATE EMPLOYMENT SECURITY AGENCIES**

**FROM : GRACE A. KILBANE**  
 Director  
 Unemployment Insurance Service

**SUBJECT : *The Workforce Investment Act of 1998 - Affect on the Unemployment Insurance Program***

1. **Purpose.** To inform the States of provisions of the Workforce Investment Act of 1998, Pub. L. 105-220 (WIA), that affect the unemployment insurance (UI) program.
2. **References.** The WIA, the Wagner-Peyser Act, the Job Training Partnership Act (JTPA), the Social Security Act, and the Federal Unemployment Tax Act.
3. **Background.** The WIA is the first major legislation addressing the nation's job training system in more than 15 years. Under the WIA, the Federal government, States, and local communities are provided with an opportunity to develop a system that provides workers with the information, advice, job search assistance, and training they need to get and keep good jobs. The system established under the WIA will also provide employers with skilled workers.

Although the WIA does not amend Federal UI laws, it does require that programs authorized under State UI laws, in accordance with applicable Federal law, be mandatory partners. As a mandatory partner under WIA, State UI programs must make available applicable services to participants, through a One-Stop delivery system. Two related partners are those agencies operating the programs authorized under the Wagner-Peyser Act and title II of the Trade Act of 1974. Also, UI wage records must be made available under the WIA for evaluating performance and creating consumer reports that provide key information on the performance of training and education providers. These data exchanges will be facilitated across States through the electronic wage record interchange system (WRIS) overseen by the Interstate Conference of Employment Security Agencies (ICESA) on behalf of all States. See [Attachment B](#) for further information on WRIS.

Other provisions of WIA that affect the UI program include:

- o the authorized use of real property in which the Federal government has acquired equity through UI or Wagner-Peyser administrative grants, or through Reed Act funds;
- o the establishment of an employment statistics system;
- o the continued application of the approved training provisions of the JTPA for dislocated workers during the transition period to WIA; and
- o the UI role in a State's submission of a unified plan.

The specific WIA provisions that impact the UI program are described in the attached WIA-UI synopsis ([Attachment B](#)).

As expressed in the attached policy paper (Attachment A), the Department of Labor strongly encourages maximum involvement of the UI program in the WIA system, including participation in WRIS. As a mandatory partner and as a provider of critical information, the UI system has a significant role under the WIA.

4. **Effective Dates.** States may voluntarily implement WIA provisions beginning July 1, 1999; however, all States must implement the WIA in its entirety by July 1, 2000. The new Section 15 of the Wagner-Peyser Act, as added by Section 309, WIA, to create the employment statistics system, is effective July 1, 1999. The JTPA provisions terminate June 30, 2000.
5. **Action.** The Department encourages State UI agencies to participate as active partners in the WIA to the maximum possible extent, to amend UI laws as necessary to facilitate use of information for the purposes of the WIA, and to begin participating in WRIS.
6. **Inquiries.** Please direct inquiries to the appropriate Regional Office.
7. **Attachments.**
  - A. [Unemployment Insurance and the Workforce Investment Act, and](#)
  - B. [Synopsis of WIA Provisions with UI Relevance.](#)

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Attachment A

**UNEMPLOYMENT INSURANCE  
and the  
WORKFORCE INVESTMENT ACT**

(Policy Paper)

**INTRODUCTION**

Implementation of the Workforce Investment Act (WIA) offers an opportunity for States to forge closer linkages between programs including unemployment insurance (UI) claims services and reemployment services. With the evolution of One-Stop centers and telephone/internet UI claims systems, new ways are needed to ensure that UI beneficiaries are connected with reemployment services and that One-Stop centers have the information that unemployed workers need to be able to file UI claims.

In addition, UI wage records will be a critical resource for evaluating training and other services provided through the WIA. Each State is expected to have an agency that will compile UI wage record information about those who participate in WIA services and provide statistical information to the public about the post-participation labor market experiences of participants.

**ACCESS TO UI CLAIMS INFORMATION**

Providing information about filing claims for UI benefits is one of the core services that WIA requires for One-Stop centers. Anyone who goes into a One-Stop center should be able to easily learn how to file for UI benefits and ideally be able to file a claim on the spot. (The Employment and Training Administration required, as part of the One-Stop grants, that workers be able to file claims for benefits in One-Stop centers.) There are a variety of ways to provide these services, and States will employ different methods, using the approaches that best meet the needs of their customers. On-site telephone and

electronic access to claims services, brochures, posters, and other information are examples.

Many One-Stop centers will probably have telephones that can be used to access claims filing systems. Others may have electronic self-filing for those that are comfortable with using automated systems.

In addition to having telecommunications or electronic linkages to claims systems and information, One-Stop center staff should be available to assist those who have difficulty using those systems. It will not be feasible to have staff that are conversant in all the details of UI in every One-Stop center; however, One-Stop staff should be able to help customers access UI benefits and appropriate information. UI agencies and local One-Stop systems should determine how best to provide unemployed workers access to UI benefits.

In addition, One-Stop centers should be stocked with brochures that give basic information about eligibility for benefits, how to file claims, how new businesses register and pay UI taxes, how to file quarterly wage and tax information, employer and claimant appeal rights and how to file an appeal, and other pertinent topics.

#### **GATEWAY TO THE WORKFORCE DEVELOPMENT SYSTEM**

UI claims filing should be a gateway for unemployed workers into the workforce development system. Information collected as part of the claims process and used in Worker Profiling can help to identify beneficiaries who are likely to need reemployment services. Follow up eligibility interviews, held periodically during an individual's claim period, are also good opportunities to determine whether additional services are needed and to make workers aware of the kinds of services available and how to access them.

#### **LINKAGES WITH REEMPLOYMENT SERVICES**

There are a variety of ways that States might link UI claimants with reemployment services, including Worker Profiling. One possible linkage is an electronic connection between claims systems and the electronic labor exchange tools--America's Job Bank (AJB), America's Talent Bank (ATB), and Career InfoNet. Ideas that are being explored include development of an ATB r&#eacute;sum&#eacute; concurrent with filing an initial claim and access to AJB listings and labor market information by staff conducting eligibility interviews.

Other ideas include "cross marketing" of reemployment services in connection with telephone initial claims filing. Claims systems could be designed to provide telephone claims staff with the location of One-Stop centers convenient to claimants based on their zip codes. As part of the initial claim interview, claimants would be told the One-Stop location and which services are offered.

#### **USING UI WAGE RECORDS FOR EVALUATING PERFORMANCE**

UI wage record data provide a valuable tool for evaluating training providers and measuring State and local performance by examining the labor market experiences of those who have participated in WIA programs. The Congress has made clear that continued investment in training and reemployment services is contingent on data demonstrating that training and other services are of value to participants. Wage record data can also be used to determine which service providers' programs are the most successful--by looking at how many of those who participated in the services are working and how much they are earning. A State agency designated by the Governor will develop and distribute consumer reports that provide key information on the performance of the service providers.

The WIA requires that States use quarterly wage records (consistent with State laws) to measure State and local performance and to make those records available to other States to carry out the State plan or complete the annual report. An electronic wage record interchange system (WRIS) has been developed as a pilot system so States can easily find wage and employment information on individuals who are working in States other than the one where they participated in WIA programs. Central to the WRIS design is an index of the social security numbers reported on State quarterly wage records. Inquiries that match a social security number with one in the index will be routed to the State where the information is located. The information will be retrieved and forwarded to the State entity that made the inquiry and will be used in State performance measures or in consumer reports.

## **CONCLUSION**

The WIA establishes a platform for multiple programs to collaborate through a variety of mediums to better serve their customers and meet program goals. As WIA partners, UI agencies have the opportunity to become actively engaged in strengthening services for America's workers and employers.

---

Attachment B

## Synopsis of WIA Provisions with Unemployment Insurance (UI) Relevance

1. **One-Stop Service Delivery System:** Section 121, WIA. The WIA mandates a One-Stop service delivery system designed to link services across programs to provide easier access and better services to customers. One-Stop service centers will provide information to the public about jobs, labor market dynamics, available training and education opportunities, and links to other services.

Each local area is required to have at least one physical "full service" center at which customers can access services from each of the One-Stop partners. This center may be augmented by additional "full service" centers, by a network of affiliated sites, or by a network of One-Stop partners consisting of a combination of physical sites or electronic access points.

**Required One-Stop Partners: Section 121(b), WIA**--This section requires that State UI agencies participate as partners in the local One-Stop system. In addition to the UI agencies, government agencies that administer the following programs are also mandatory One-Stop partners:

- o Adult, Dislocated Worker, Youth, Native American, Migrant and Seasonal Farm Workers, Veterans', and Job Corps activities under Title I of the WIA;
- o Employment Service (Wagner-Peyser);
- o Adult Education and Literacy;
- o Postsecondary Vocational Education;
- o Vocational Rehabilitation;
- o Welfare-to-Work;
- o Title V of the Older Americans Act;
- o Title II of the Trade Act of 1974;
- o Veterans Employment and Training Programs;
- o Community Services Block Grant; and
- o Employment and training activities carried out by the U.S. Department of Housing and Urban Development.

**Core Services: Section 134(d)(2), WIA**--Each One-Stop system must provide, at a minimum, "core services" including the "provision of information regarding filing claims for unemployment compensation." UI services in One-Stop centers are not limited by the WIA to only providing information about how to file UI claims, however. UI agencies are encouraged to provide any other claimant (or employer) service through the One-Stop system that the agencies consider best for their customers. UI services may be provided in the One-Stop environment through on-site staff, telephones for claims filing, or other methods the State UI agency considers effective.

The One-Stop system will also provide available reemployment services to UI claimants, including those who have been determined under the worker profiling and reemployment services system required by Section 303(j), Social Security Act (SSA), as likely to exhaust UI benefits and need such services. The One-Stop system will also assist the UI program in verifying that UI claimants are satisfying availability requirements and any applicable work search requirements.

Other core services include skill level assessment, job search and placement assistance, labor market information, and performance and cost information on eligible training providers.

**Memorandum of Understanding: Section 121(c), WIA**--Each One-Stop partner is required to enter into a Memorandum of Understanding (MOU) with the local board that is responsible, in collaboration with the local elected official, for overseeing the One-Stop system in its local area. Each MOU will describe: (a) the services to be provided through the One-Stop system; (b) how the costs of the services and the operating costs of the system will be funded; (c) methods of referral of individuals between the One-Stop operator and the One-Stop partners; (d) the duration of the MOU and the procedures for amending the MOU during its duration; and (e) any other provisions consistent with the WIA that the parties determine are appropriate.

2. **Performance Measures: Section 136, WIA.** With respect to WIA-funded activities, each State will be required to meet performance measures negotiated with the Secretary of Labor based on core indicators established by the WIA. States will, in turn, negotiate performance measures with local areas. States will maintain a list of all eligible training providers that shows each provider's performance. The list will be available for public use, primarily for the benefit of training recipients when considering which provider's services to use.

The core indicators of performance include, among other things, entry into, retention in, and earnings from unsubsidized employment.

**Wage Record Information: Section 136(f)(2), WIA, and Section 15(e)(2)(I), Wagner-Peyser** (created by Section 309, WIA)--The WIA requires States to use quarterly wage records, consistent with State law, in measuring State progress on the WIA performance measures. States must also share wage record information, consistent with State law, with other States for performance measurement purposes. The State WIA plan must describe the strategy for using wage record data for performance and identify the entities that will have access to wage record data.

**Wage record interchange system:** The Secretary of Labor is charged with making arrangements, consistent with State law, to ensure that the wage records of any State are available to any other State for performance measurement purposes. To this end, an electronic wage record interchange system (WRIS) has

been developed as a pilot system, with plans for it to become an operational system during fiscal years 1999-2000. Central to WRIS will be an index of all social security numbers (SSNs) reported on the quarterly wage records of all States. The index will have three information items for each entry--an SSN, the quarter, and the State that holds the wage record. When an authorized State agency needs information for performance measurement purposes, the index will be searched via electronic request to determine where wage record information on an individual exists. If an SSN match occurs, a request for wage information will automatically be transmitted to the State where the wage record for the individual is located. The wage information will then be sent electronically to the requesting agency.

The UI Information Technology Support Center (ITSC) has developed and successfully tested the pilot WRIS in several States. The Interstate Conference of Employment Security Agencies (ICESA) has now agreed to govern and oversee the business operations of WRIS. Those business operations include developing data sharing agreements, monitoring WRIS, and collection of user charges associated with WRIS. The plan for implementing WRIS is to have the ITSC operate WRIS for an initial group of States (up to 16) while Lockheed Martin Corporation develops a full-scale operational WRIS. The operational system will be implemented as part of the overall ICON (interstate connection) system and is expected to be ready for testing in early 2000. After testing is successfully completed, the ITSC will transition the technical responsibility for WRIS operations to Lockheed Martin in accordance with a jointly agreed upon transition plan. Governance and oversight of business operations will remain with ICESA. The transition of responsibility will have minimal impact on the initial group of States participating in WRIS.

States that want to participate in WRIS should take the following actions:

- o contact Rich Hobbie at ICESA (202-434-8020) regarding ICESA's role;
- o contact Henry James, Executive Director, ITSC (301-982-1575) regarding technical participation procedures.

Participation in WRIS is voluntary, but it provides an efficient means for States to make possible the interstate use of wage record data. Without WRIS, a State's measure of the performance of its workforce investment system would be incomplete. Because of the importance of WRIS to the operations of the Workforce Investment System, States are encouraged to participate.

A series of documents pertaining to WRIS produced by the ITSC are available on the UI web site at [www.itsc.state.md.us](http://www.itsc.state.md.us). A more detailed technical and operational description of WRIS will be issued soon by the appropriate program office within the Department. Additional details on governance of WRIS will be included in that issuance, to the extent it is available.

**Confidentiality:** As noted above, the WIA requires States to use quarterly wage record information for performance measurement and to share the wage record information with other States for the same purpose. The WIA did not change the basic requirements concerning the confidentiality of UI data. Therefore, the Department of Labor's interpretation of Federal UI law concerning confidentiality applies.<sup>(1)</sup> Consequently, the wage record information may only be disclosed to public officials or their agents in the performance of public duties, or to private entities on the basis of the informed consent of the individual or the employer to whom the information pertains. Disclosure for WIA purposes must be consistent with one or more of these conditions. As currently envisioned, however, wage record use for consumer report and performance management purposes under WIA is consistent with these requirements. Therefore, States should not experience conflict between such uses and Federal UI law.

- 3. Real Property: Section 193, WIA.** The Governor of a State may authorize a public agency to make available, for One-Stop purposes, any property in which the Federal government has acquired equity through the use of funds provided under Titles III and IX of the Social Security Act and the Wagner-Peyser Act if the public agency is a One-Stop partner. This provision applies only to properties in which the Federal government had acquired equity as of August 7, 1998.

Although this provision does not specifically include Reed Act equity, which is State rather than Federal equity, Reed Act equity is subject to this provision through the specific reference to Section 903(c), SSA. Section 903(c), SSA, contains the authorization for Reed Act money to be used for UI and Employment Service administration, including the purchase of real property.

Therefore, the Department of Labor considers Section 193, WIA, to authorize the use of such real property for WIA purposes.

Once a property becomes a One-Stop service center, each partner must pay a fair share of the operating costs based on the use of the One-Stop delivery system by individuals attributable to the partner's program. Methods of cost allocation must be consistent with the requirements of the Office of Management and Budget circulars.

- 4. Employment Statistics System: Section 309, WIA** This section of the WIA adds a new Section 15, "Employment Statistics," to the Wagner-Peyser Act, establishing a nationwide employment statistics system. The Bureau of Labor Statistics has responsibility for the system which will be planned, administered, overseen, and evaluated through a cooperative governance structure involving the Federal government and the States. The statistics system will include, among other things, "employment and earnings information maintained in a longitudinal manner to be used for research and program evaluation" and will meet the information needs for the employment and training activities under WIA. Section

15(c), Wagner-Peyser, also requires the annual submission of a Federal-State cooperatively developed plan regarding the statistics system.

Section 15(e), Wagner-Peyser, requires each Governor to designate a single State agency to manage a statewide employment statistics system and participate in the development of the State's annual plan. Among the State agency's responsibilities are the collection and dissemination of labor market and job training information. The agency is also required to use wage record information to assist the State and other States in measuring progress on State performance measures.

5. **Unified Plans: Section 501, WIA.** This section allows States to develop and submit a unified plan for activities covered under WIA. If a State chooses to submit a unified plan, it must include at least one of the following activities:
  - o the 5-year strategic WIA and Wagner-Peyser plan;
  - o secondary or postsecondary vocational education programs authorized under the Carl Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et. seq.); or
  - o Adult education and literacy programs authorized under WIA.

States also have the option of including the following DOL programs in the unified plan:

- o programs authorized under State unemployment compensation laws;
- o trade adjustment assistance activities;
- o veterans' programs under 38 USC Chapter 41;
- o welfare-to-work programs; and
- o senior community service employment programs under title V of the Older Americans Act.

Further information will be forthcoming on how the unified plan provisions of the WIA relate to UI.

6. **Approved Training.** Section 3304(a)(8) of the Federal Unemployment Tax Act (FUTA) prohibits the denial of UI to a worker who is in training with the approval of the State UI agency. Section 314(f)(2) of the Job Training Partnership Act (JTPA) provides that an eligible dislocated worker participating in training (except for on-the-job training) under Title III, JTPA, "shall be deemed to be in training with the approval of the State agency for purposes of" the FUTA. The WIA contains no provisions requiring WIA training to be considered approved training for UI purposes. However, during the transition to WIA, the requirement of Section 314(f)(2), JTPA, will be maintained. The Department anticipates that State UI agencies will continue to treat such training as approved training for UI purposes.

***Footnote(s)***

1. UIPLs 23-96 and 34-97 discuss the confidentiality requirements. The Department plans to issue confidentiality regulations regarding UI information, including wage record information, soon. Because these UIPLs are broadly written, they could be read to apply to wage records collected and maintained by non-UI agencies for purposes of the Income Eligibility Verification System established by Section 1137, SSA. This is not the case. Only when information contained in these non-UI wage records is transmitted to the UI agency does the information become UI information and subject to UI confidentiality requirements. (This situation only exists in two States: Massachusetts and New York.)

**ATTACHMENT E**  
**CODE OF CONDUCT**

The Contractor agrees that it shall adhere to the following Code of Conduct when providing services and shall require all others authorized through or engaged by the Contractor to perform services to follow the same Code of Conduct. The Provider Code of Conduct is in addition to all other contract requirements, policies, rules and regulations governing delivery of services to clients. The purpose of the code is to protect vulnerable clients from abuse, neglect, maltreatment and exploitation. The Code of Conduct clarifies the expectation of conduct for providers of contracted, licensed and certified programs and their employees, which includes administrative staff, non direct care staff, direct care staff, support services staff and any others when interacting with clients. Nothing in this Code shall be interpreted to mean that clients should not be held accountable for misbehavior or inappropriate behavior on their part, or that providers are restricted from instituting suitable consequences for such behavior. As used in this clause "Contractor" shall include, the contractor, its employees, officers, agents, representative or those contracted through the Contractor to perform services authorized by the contract.

Contractor, its agents or representatives authorized through it shall not abuse, sexually abuse or sexually exploit, neglect, exploit or maltreat; any client. Furthermore, no person shall cause physical injury to any client. All injury to clients (explained or unexplained) shall be documented in writing and immediately reported to supervisory personnel.

The Contractor shall not by acting, failing to act, encouragement to engage in, or failure to deter from will cause any client to be subject to abuse, sexual abuse or sexual exploitation, neglect, exploitation, or maltreatment. The Contractor shall not engage any client as an observer or participant in sexual acts. The Contractor shall not make clearly improper use of a client or their resources for profit or advantage.

Contractor understands and acknowledges that failure to comply with this Code of Conduct may result in corrective action, probation, suspension, and/or termination of contract, license or certification.

Clients protected by this clause shall include any person under the age of 18 years; and any person 18 years of age or older who is impaired because of mental illness, mental deficiency, physical illness or disability, use of drugs, intoxication, or other cause, to the extent that he is unable to care for his own personal safety, health or medical care; and is a participant in, or a recipient of a program or service contracted with, or licensed or certified by the Department of Workforce Services.

Abuse shall include the following, but is not limited to:

1. Harm or threatened harm, meaning damage or threatened damage to the physical or emotional health and welfare of a client.
2. Unlawful confinement.
3. Deprivation of life-sustaining treatment.

4. Physical injury including, but not limited to, any contusion of the skin, laceration, malnutrition, burn, fracture of any bone, subdural hematoma, injury to any internal organ, any injury causing bleeding, or any physical condition which imperils a client's health or welfare.
5. Any type of physical hitting or corporal punishment inflicted in any manner upon the body.

Sexual abuse and sexual exploitation will include, but not be limited to:

1. Engaging in sexual intercourse with any client.
2. Touching the anus or any part of the genitals or otherwise taking indecent liberties with a client, or causing an individual to take indecent liberties with a client, with the intent to arouse or gratify the sexual desire of any person.
3. Employing, using, persuading, inducing, enticing, or coercing a client to pose in the nude.
4. Employing, using, persuading, inducing, enticing or coercing a client to engage in any sexual or simulated sexual conduct for the purpose of photographing, filming, recording, or displaying in any way the sexual or simulated sexual conduct. This includes displaying, distributing, possessing for the purpose of distribution, or selling material depicting nudity, or engaging in sexual or simulated sexual conduct with a client.
5. Committing or attempting to commit acts of sodomy or molestation with a client.
6. This definition is not to include therapeutic processes used in the treatment of sexual deviancy or dysfunction which have been outlined in the clients treatment plan and is in accordance with written agency policy.

Neglect may include but is not limited to:

1. Denial of sufficient nutrition.
2. Denial of sufficient sleep.
3. Denial of sufficient clothing, or bedding.
4. Failure to provide adequate supervision; including impairment of employee resulting in inadequate supervision. Impairment of an employee may include but is not limited to use of alcohol and drugs, illness, sleeping.
5. Failure to arrange for medical care and/or medical treatment as prescribed or instructed by a physician when not contraindicated by agency after consultation with agency physician.
6. Denial of sufficient shelter, except in accordance with the written agency policy.

Exploitation will include, but is not limited to:

1. Utilizing the labor of a client without giving just or equivalent return except as part of a written agency policy which is in accordance with reasonable therapeutic interventions and goals.
2. Using property belonging to clients.
3. Acceptance of gifts as a condition of receipt of program services.

Maltreatment will include, but is not limited to:

1. Physical exercises, such as running laps or performing pushups, except in accordance with an individual's service plan and written agency policy.
2. Chemical, mechanical or physical restraints except when authorized by individual's service plan and administered by appropriate personnel or when threat of injury to the client or other person exists.
3. Assignment of unduly physically strenuous or harsh work.
4. Requiring or forcing the individual to take an uncomfortable position, such as squatting or bending, or requiring or forcing the individual to repeat physical movements when used solely as a means of punishment.
5. Group punishments for misbehavior of individuals except in accordance with the written agency policy.
6. Verbal abuse by agency personnel: engaging in language whose intent or result is demeaning to the client except in accordance with written agency policy which is in accordance with reasonable therapeutic interventions and goals.
7. Denial of any essential program service solely for disciplinary purposes except in accordance with written agency policy.
8. Denial of visiting or communication privileges with family or significant others solely for disciplinary purposes except in accordance with written agency policy.
9. Requiring the individual to remain silent for long periods of time solely for the purpose of punishment.
10. Extensive withholding of emotional response or stimulation.
11. Exclusion of a client from entry to the residence except in accordance with the written agency policy.

Contractor agrees to document and report abuse, sexual abuse and sexual exploitation, neglect, maltreatment and exploitation as outlined in this Code and cooperate fully in any resulting investigation. Reports may be made by contacting the local Regional Office within 24 hours on the first available work day. All injury to clients (explained or unexplained) shall be documented in writing and immediately reported to the Department of Workforce Services. Contractor shall prominently display a poster, provided by the Department, notifying contractor employees of their responsibilities to report violations and giving appropriate phone numbers.

[Rev.12/02]

\_\_\_\_\_  
Contractor

\_\_\_\_\_  
Date



ATTACHMENT F  
UTAH'S PARTNERSHIP  
REFERRAL FOR SERVICES

Date: \_\_\_\_\_

Customer's Name: \_\_\_\_\_

Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Alternative Phone: \_\_\_\_\_

Referred To: \_\_\_\_\_

Organization Address City Zip Code

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_ Ext: \_\_\_\_\_

Referred For:

- Assessment
- Family Services
- Education/Training
- Counseling, Personal
- Veteran's Services
- Placement/Job Development
- SSI/SSDI
- Medical Services
- Financial Assistance
- Housing
- Abuse Advocate
- Vocational Rehabilitation
- Transportation
- Food Assistance
- Energy Assistance
- Legal Services
- Crisis Intervention
- Other

Specify: \_\_\_\_\_

List of other Agencies Referred To: \_\_\_\_\_

Referring From: \_\_\_\_\_

Organization Address City Zip Code

Referred By: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Response Requested:  Yes  No Comments: \_\_\_\_\_

Attachments (if applicable):

- Release of
- Payment
- Assessments
- Medical Records
- Intake/Eligibility
- Other: \_\_\_\_\_
- Employment Plan

Note to the Customer: **"THIS IS A REFERRAL ONLY!"** Services will be determined by the provider according to agency guidelines.

Distribution: Original: Referred Agency Yellow: Customer Pink: Customer File



**ATTACHMENT G**  
**State of Utah**  
**Department of Workforce Services**  
**EXCHANGE OF INFORMATION &**  
**CONSENT FOR COORDINATED SERVICES**

Date Received
---------------

PID#: \_\_\_\_\_

\_\_\_\_\_  
**Name (print)** **Case Number**

I understand that my records are protected under the State and Federal regulations as well as professional codes of ethics governing confidentiality and cannot be disclosed without my written consent, unless otherwise provided for in the State and Federal regulations.

I authorize the exchange of information only to the agencies listed below with the restriction that the information cannot be passed on to any other person or entity.....  Yes  No

Division of Child & Family Services	Division of Youth Corrections Juvenile Court	State\Local Health Dept. Substance Abuse
Division of Services for People with Disabilities	Local Mental Health Providers	Treatment Providers
Job Corps	School Districts	Vocational Rehabilitation
	Other _____	

The information is to be released for the following purpose only: to provide a variety of services to myself and/or my family. In order to provide these services, representatives of public and private agencies may be working together with a family advocate as a team and may need to share information about me/my family with each other.

Family Members	Social Security Number	Date of Birth

The above mentioned individuals require services from a number of agencies and providers to meet their medical, social, educational, and other needs. There is a reasonable indication that the above mentioned child(ren) will access needed services only if assisted by a qualified Case Manager who locates, coordinates, and regularly monitors the services in accordance with an *individualized employment plan*.....  Yes  No

\_\_\_\_\_  
**Signature of Customer** **Date**

\_\_\_\_\_  
**Signature of Parent or Guardian** **Date**

Distribution: Original: Customer file Copy 1: Customer Copy 2: Coordinating Agency

**Equal Opportunity Employer Program**  
 Auxiliary aids and services are available upon request to individuals with disabilities by calling (801) 526-9240. Individuals with speech and/or hearing impairments may call Relay Utah by dialing 711. Spanish Relay Utah: 1-888-346-3162

## ATTACHMENT G

### RECORD SHARING PROTOCOL FOR COOPERATING AGENCIES

#### **Customer Choice:**

Explain to the customer the process they may take if they need services outside DWS, (for example, DWS employees are able to facilitate those services, however the customer's permission is required prior to contacting other service providers on the customer's behalf). Explain to the customer the collaborative approach is available, but the customer may elect to secure services by contacting individual agencies.

#### **Use of Forms:**

Use the Exchange of Information & Consent for Coordinated Services form to begin the process of coordinating services for a customer or family. Do not use this form for families involved in CCS (Collaborative Coordinated Services). (For CCS families, use the statewide CCS Release of Information form issued through the Governor's office.)

#### **Coordination of Services:**

In an attempt to coordinate services for a family or individual, Employment Counselors will share information to reduce customer time spent completing general information forms or multiple assessment instruments.