

Workforce Innovation and Opportunity Act (WIOA)

I. BACKGROUND:

President Barack Obama signed the Workforce Innovation and Opportunity Act (WIOA) into law on July 22, 2014. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. The Workforce Innovation and Opportunity Act requires recipients of Title I funds to keep records that are sufficient to prepare reports and permit the tracking of expenditures to ensure funds have been spent appropriately. Guidance is provided from the Federal and State to apply this record keeping to electronic file storage and documentation imaging standards in the following Federal programs:

- Adult, Dislocated Worker, and Youth Activities (Title I)
- Adult Education and Literacy Activities (Title II)
- Wagner-Peyser (Title III)
- Vocational Rehabilitation Services (Title IV)

Special Grants, including but not limited to: Incumbent Worker Training, On-the-Job Training, Apprenticeship Training, skills shortage and discretionary grants.

II. PURPOSE:

This policy will establish guidelines consistent with WIOA Section 185 (a)(1); WIOA Section 308(c)(2)(F)(ii); 29 CFR 38.42, 34 CFR 99.31; E-Government Act of 2002; Family Educational Rights and Privacy Act (20 U.S.C. 1232g ; 34 CFR Part 990); Government Paperwork Elimination Act of 1998; HIPAA Act of 1996; Paper reduction Act of 1995; Paperwork Reduction and Simplification Act of 1976; Public Law 105-277 Title XVII Section 1707; Public Law 107-347 Title V Section 512(b)(1); Tennessee Electronic Records Policy; WIOA Section 185 (a)(1).

III. INSTRUCTIONS:

A. Electronic Records

All participant data for the programs listed above will be enter into Jobs4TN. This will ensure consistent data is entered in all Local AJCs, including affiliate and special providers, specifically the following data:

- Participant applications,
- All services provided,
- Supporting documentation to identify and verify eligibility, and
- Appropriate and timely case notes.

Electronic documentation for participants will also ease the burden of paper usage for monitoring participant activity both internally and externally, so long as it does not violate the Confidentiality Data described in section F.

B. Medical Records

Medical records are the only participant records that will not be kept electronically, as such information are protected under the HIPAA Act of 1996. This includes health status, provision of healthcare, or payment for healthcare. This information will be maintained in a locked, secure area in paper format.

C. Data Validation

The State has established the procedures for Data Validation through electronic viewing of all participant supporting documentation used to determine for eligibility, services, and case notes, outcomes and results. External and Internal monitoring will be conducted on participants files through electronic viewing. In the event that documentation is not present within electronic means, this will be counted as a negative. As of November 30, 2107 all files will be maintained electronically.

D. Deleting Images

Deleting Images by staff will be on a limited basis. Requests to delete files should be submitted to the Career Service Provider who will provide the request to the TDLWD Central Office staff for review and consideration.

E. Record Maintenance

Records will be kept that will permit sufficient preparation of reports and to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent on non-allowable activities. This guideline applies to both paper and electronic records. Although electronic files are intended to replace paper documents, records must be maintained in a manner that enables staff to produce a tangible, paper copy immediately upon request. TDLWD requires the maintenance of records for a period of five (5) years.

F. Confidentiality of Data/Information and Required Release Forms:

Data or information acquired from participant or for the participant, is confidential and to be used exclusively for statistical purposes. Data will not be

released in a manner that can identify a unique individual except for reporting and statistical purposes. Use of this information is prohibited except with the informed consent of the respondent.

1. Required Release Forms

Each participant is to sign a release of information form signed and dated by the participant and the case manager. This form states that the participant's information may be used for reporting purposes as a result of federal regulations associated with the benefit of federal funds, and that the participant's personal information will remain confidential. This form is incorporated into other release forms used by SMTLWDB. This form will be uploaded into the participant file in VOS to validate that the participant agrees to the release of information for reporting purposes.

G. Family Educational Rights and Privacy:

Educational records are covered under the Family Educational Rights and Privacy Act, enacted in 1974. This federal law protects the privacy of student education records. Under this law, students have the right to control disclosure of their education records. Student's education records may be disclosed only with the parent or student's prior written consent, unless (34 CFR 99.31):

1. The disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interest.
2. A contractor, consultant, volunteer, or other party to whom an agency or institution has outsourced institutional services or functions may be considered a school official under this paragraph provided that the outside party
 - a) Performs an institutional service or function for which the agency or institution would otherwise use employees;
 - b) Is under the direct control of the agency or institution with respect to the use and maintenance of education records; and
 - c) Is subject to the requirements of §99.33(a) governing the use and redisclosure of personally identifiable information from education records.
3. An educational agency or institution must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. An educational agency or institution that does not use physical or technological access controls must ensure that its administrative policy for controlling access to education records is effective and that it remains in compliance with the legitimate education interest requirement of this section.

4. The disclosure is, subject to the requirements of §99.34, to officials of another school, school system, or institution or postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.

Participants who attend training through WIOA funded programs should sign and date a form authorizing the release of educational records in order to obtain information or copies of certifications or diplomas from educational institutions for data validation and reporting purposes.

H. Legal Status of Electronic Documents:

Electronic records submitted or maintained in accordance with procedures develop under this title, or electronic signatures or other forms of electronic authentication used in accordance with such procedures, shall not be denied legal effect, validity, or enforceability because such records are in electronic form (Public Law 10 5-277 Title XVII Section 1707).

IV. Questions

Concerning the above may be addressed to the Executive Director of Staff to the SMTLWD Board.

V. EFFECTIVE DATE:

This policy is effective as of January 31, 2019 and will remain in effect until amended, modified, or set aside by the Southern Middle Tennessee Local Workforce Development Board.

Title: SMTLWDB Policy

Effective Date: January 31, 2019

Duration: Indefinite

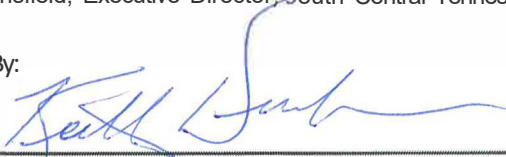
Authorized By:



Jerry Mansfield, Executive Director, South Central Tennessee Development District

Date

Approved By:



12/21/2018

Keith Durham, Board Chair, Southern Middle Tennessee Local Workforce Board

Date