

Attachment 2: Indian and Native American Programs

I. Introduction

This appendix describes the program-specific details of the performance accountability guidance for the Indian and Native American (INA) Program authorized under Workforce Innovation and Opportunity Act (WIOA) section 166. Please note that the Department of Labor (Department or DOL) has made a concerted effort to align the performance accountability guidance of its various workforce programs. In addition, WIOA section 166(h)(1)(A) states that the Secretary, in consultation with Native American Employment and Training Council (NAETC), shall develop a set of performance indicators and standards in addition to the primary indicators of performance described in WIOA section 116(b)(2)(A). This attachment describes the convergence of the INA program's performance accountability measures with the WIOA performance indicators, and also highlights areas where the INA program differs from the shared DOL performance guidance described in the main body and appendices of this Training and Employment Guidance Letter (TEGL). Note that references in this attachment to section numbers of this guidance refer readers to the main body of the TEGL.

II. Differences from Shared Guidance

1. Primary Indicators of Performance

- A. Employment Rate – 2nd Quarter After Exit: The percentage of participants who are in unsubsidized employment during the second quarter after exit from the program.

For Comprehensive Services Plan (CSP) participants, the INA program applies this indicator as it is described in Appendix I to this guidance, with the operating parameters and methodology described there.

- A-1. Youth Education and Employment Rate – 2nd Quarter After Exit: The percentage of youth program participants (or participants in non-core programs using the youth indicators) in education or training activities, or in unsubsidized employment, during the second quarter after exit from the program.

For Supplemental Youth Services (SYS) participants, the INA program applies this indicator as it is described in Appendix I to this guidance, with the operating parameters and methodology described there.

- B. Employment Rate – 4th Quarter After Exit: The percentage of participants who are in unsubsidized employment during the fourth quarter after exit from the program.

For CSP participants, the INA program applies this indicator as it is described in Appendix I to this guidance, with the operating parameters and methodology described there.

- B-1. Youth Education and Employment Rate – 4th Quarter After Exit:** The percentage of youth program participants (or participants in non-core programs using the youth indicators) in education or training activities, or in unsubsidized employment, during the fourth quarter after exit from the program.

For SYS participants, the INA program applies this indicator as it is described in Appendix I to this guidance, with the operating parameters and methodology described there.

- C. Median Earnings – 2nd Quarter After Exit:** The median earnings of participants who are in unsubsidized employment during the second quarter after exit from the program.

For both CSP and SYS participants, the INA program applies this indicator as it is described in Appendix I to this guidance, with the operating parameters and methodology described there.

- D. Credential Attainment:** The percentage of those participants enrolled in an education or training program (excluding those in on-the-job training (OJT) and customized training) who attain a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program. A participant who has attained a secondary school diploma or its recognized equivalent is included in the percentage of participants who have attained a secondary school diploma or its recognized equivalent only if the participant also is employed or is enrolled in an education or training program leading to a recognized postsecondary credential within one year after exit from the program.

For both CSP and SYS participants, the INA program applies this indicator as it is described in Appendix I to this guidance, with the operating parameters and methodology described there, including the description of who is considered to be “in education or training” for the WIOA title I Adult program.

- E. Measurable Skill Gains:** The percentage of program participants who, during a program year, are in an education or training program that leads to a recognized

postsecondary credential or employment and who are achieving measurable skill gains, defined as documented academic, technical, occupational, or other forms of progress, towards such a credential or employment.

For both CSP and SYS participants, the INA program applies this indicator as it is described in Appendix I to this guidance, with the operating parameters and methodology described there, including the description of who is considered to be “in education or training” for the WIOA title I Adult program. For additional details, including the acceptable types of documented progress, see Appendix I.

- F. Effectiveness in Serving Employers:** The percentage of program participants who exit and are employed with the same employer in the second and fourth quarters after exit.

For both CSP and SYS participants, the INA program applies this indicator as it is described in Appendix I to this guidance, with the operating parameters and methodology described there.

2. Categories of Enrollment: Reportable Individual, Participant, & Date of Program Exit

a. Reportable Individual

The INA program applies the same definition of reportable individual in section 7 of this guidance. For the INA program this means a reportable individual is an individual who has taken action that demonstrates an intent to use program services and who meets specific reporting criteria of the program, including:

- 1) Individuals who provide identifying information;
- 2) Individuals who only use the self-service system; or
- 3) Individuals who only receive information-only services or activities.

b. Participant

The definition for participant for the INA program is similar to the definition described in section 7 of this guidance, differing only in its exclusion of section 7’s definition for the title I Youth program because that definition includes the completion of an objective assessment and an individual service strategy. DOL does not require any individual in the INA SYS program to complete an objective assessment or an individual service strategy in order to become a participant. Participants in the INA program are defined as follows:

For CSP: Individuals who meet the INA program eligibility criteria, and who have received at least one INA program service other than the services described in 20 CFR § 677.150(a)(3), after satisfying all applicable programmatic requirements for the provision of services.

For SYS: Individuals who meet the INA program eligibility criteria, and who have received at least 1 of the 14 WIOA Youth program elements in 20 CFR 684.310(f), or who have received an objective assessment or development of an individual service strategy.

For assistance in determining whether an individual is a reportable individual or a participant, see the chart in Appendix III, Table A, which list the types of CSP services an INA participant may receive; identify those services as basic career services, individualized career services, or training (for CSP); and state whether each type of service triggers inclusion in participation for the INA program.

c. Exit

The INA program applies the definition of and criteria for exit provided in section 7 of this guidance. The date of exit from the program is the last date of any service listed above.

Specifically, section 7 provides that:

- The date of exit cannot be determined until 90 days have elapsed since the participant last received services and the participant has no future services planned. At that point the date of exit is applied retroactively to the last date of service.
- When determining whether 90 days have elapsed since the participant last received services, do not include receipt by the participant of any supportive services, as supportive services do not delay, postpone, or affect the date of exit. Because the date of exit is retroactive to the last date of service, follow-up services may begin immediately following the last date of service if it is expected that the participant will not receive any future services other than follow-up services. Provision of follow-up services does not extend the date of exit.
- PIRL data element 901 (Date of Program Exit) is used to collect and report the date of exit. For exit-based performance measures, the quarter for collecting follow-up data is determined by the quarter in which the date of exit occurs. For

example, if the date of exit is between January 1st and March 31st, the first quarter after exit would be April 1st through June 30th.

d. Common Exit for DOL-Administered Programs Only

As stated in section 7 of this guidance, while the Department encourages States to implement common exit policies that include DOL-administered non-core programs within the scope of the State's common exit policy, that is ultimately left to the State and INA grantee, subject to the requirements for common exit provided in section 7 of this guidance. INA programs should be aware that States may have a common exit policy; in such cases, DOL encourages States and INA grantees to discuss and determine whether or not a common exit policy makes sense for both the State and the INA program, and whether they can share data to track the last date of qualifying service. Even if a common exit policy might not be appropriate for an INA grantee, the Department encourages INA grantees to consider co-enrollment. Grantees should be aware that co-enrollment without common exit may result in multiple exit dates, based on the individual programs' service end dates.

3. Self-Service and Information-Only Services and Activities

The INA program adopts the definitions of self-service and information-only service and activities as stated in section 8 of this guidance.

4. Period of Participation

The INA program adopts the definition of period of participation as stated in section 9 of this guidance.

Reporting Unique Participants

The INA Program will be reporting unique participants as stated in section 9 of this guidance.

5. Workforce Integrated Performance System (WIPS) and How to Functionally Report

A case management reporting system is being developed to support the WIOA performance reporting requirements for the INA Program. INA grantees are currently using the existing case management reporting system known as Bear Tracks to provide outcomes on the three WIA common measures (Entered Employment, Employment Retention and Average Earnings).

While the Bear Tracks system does not generate outcomes for the WIOA performance indicators, it does generate an individual participant record file (known as the SPIR file) that is uploaded to ETA and can be used to report on all performance indicators for CSP participants except the measurable skill gains indicator. For the SYS program, an individual participant record is not currently available and therefore none of the WIOA indicators will be collected for the INA youth participants until a new case management system is developed to collect the data that will be reported into WIPS.

Accordingly, ETA will begin collecting baseline data for each CSP participant using the existing SPIR file generated by Bear Tracks for] only the following indicator: second quarter employment status, fourth quarter employment status, second quarter median earnings, and effectiveness in serving employers.

For reporting on the measurable skills indicator for CSP participants, ETA will provide a spreadsheet template and submission instructions for grantees to use until the transition to the new case management system is complete. For reporting on all indicators for SYS participants, ETA is using its transition authority under WIOA section 503(b) to delay the implementation of these indicators until the new case management system is fully implemented, as described in TEN 8-16 (https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=5317).

Once the new case management system is developed, INA grantees will use that system to generate and submit the required WIOA Quarterly Performance Report information, subject to each grantee's grant agreement and any applicable waivers.

6. State Annual Narrative Reports

This does not apply to INA Programs.

7. Eligible Training Provider (ETP) Performance Reporting

This does not apply to INA Programs.

8. Pay-for-Performance Reporting

This does not apply to INA Programs.

9. Quarterly Narrative Reports for Discretionary Programs

This does not apply to INA Programs.

10. Use of Social Security Numbers for Performance Reporting

In accordance with section 15 of this guidance, INA grantees are directed to request participants' social security numbers (SSNs) for participants in both the CSP and the SYS program. However, while INA grantees are required to request participants' SSNs, participants cannot be denied services if they choose to not disclose an SSN.

The Department will, as described in section 15 of this guidance, use state quarterly unemployment insurance (UI) wage records to obtain aggregate quarterly employment and earnings results for INA program participants, and provide those aggregate results to the relevant grantee. In particular, the Department will match wage records on behalf of grantees in order to capture exit-based performance outcomes (each of which have an employment component) for participants who have exited the program for following indicators only:

- A. Employment Rate – 2nd Quarter After Exit
- B. Employment Rate – 4th Quarter After Exit
- C. Median Earnings – 2nd Quarter After Exit
- D. Credential Attainment (Secondary School Diploma or Recognized Equivalent)
- F. Effectiveness in Serving Employers – Retention with the Same Employer

The Department will calculate these specific exit-based outcomes on behalf of grantees, using SSNs provided for each INA participant as part of the information included in each grantee's Workforce Integrated Performance System (WIPS) quarterly participant-level data file submission.

This facilitated matching of UI wage data has been the practice for the CSP program. The INA program will also now begin using SSNs for UI wage matching for the SYS program because the performance indicators for the SYS program under WIOA now include exit-based outcomes. The use of SSNs for the youth program will begin with the implementation of the case management and reporting system that is currently being developed for the INA program.

11. Supplemental Wage Information

As described in section 16 and Appendix VI of this guidance, INA grantees may collect and document supplemental wage information to calculate the exit-based primary indicators of performance. Supplemental wage information is the only means for grantees to report exit-based outcomes for those participants who do not provide SSNs, and frequently the only means to report such outcomes for participants for whom wage record data is not predicted

to be available. Additional details regarding circumstances for collecting supplemental wage information, and methods and procedures for doing so, is provided in Appendix VI of this guidance.

III. Unique Features of the Indian and Native American Program

Additional Performance Indicators. WIOA section 166(h) states that the Secretary, in consultation with the NAETC, shall develop a set of performance indicators and standards that is in addition to the primary indicators of performance described in WIOA section 116(b)(2)(A). Accordingly, ETA, on behalf of the Secretary, will be working with the NAETC to develop two additional measures (“Percent in Training” and “Employability Skills Enhancement”), which as of the issuance of this guidance have not been developed. Once these have been finalized ETA will provide additional information on these elements, including how they are calculated.

INA Youth Indicators. As the Department stated in the preamble of the WIOA Final Rule, it recognizes that there are significant challenges in implementing the youth performance indicators in WIOA section 116(b)(2)(A)(ii) for the INA youth program. While the Department cannot change statutory requirements such as performance indicators, consideration was given to how youth performance indicators can be implemented in a way that is realistic and feasible for INA program grantees while also maintaining the requirements in WIOA.